

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** March 18, 2020

**CASE NO(S):** PL170622

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	28 River Street Holdings Limited
Subject:	Application to amend Zoning By-law No. 438-86 – Refusal of Application by the City of Toronto
Existing Zoning:	Industrial (IC D3 N2)
Proposed Zoning:	Site Specific
Purpose:	To permit a 15-storey mixed-use building with 162 dwelling units and ground floor retail space
Property Address/Description:	28 River Street
Municipality:	City of Toronto
Municipality File No.:	16 268409STE 28 OZ
OMB Case No.:	PL170622
OMB File No.:	PL170622
OMB Case Name:	28 River Street Holdings Limited v. Toronto (City)

**Heard:** January 14, 2020 by telephone conference call  
("TCC")

**APPEARANCES:**

**Parties**

**Counsel**

2594481 Ontario Inc. (“Applicant”)

Jonathan Cheng\*

City of Toronto (“City”)

Ray Kallio\*  
Michael Mahoney

Toronto Standard Condominium  
Corporation No. 1990 (“TSCC 1990”)

Ron Palmer

Toronto Standard Condominium  
Corporation No. 1778 (“TSCC 1778”)

Colin Biggin

## **MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID LANTHIER ON JANUARY 14, 2020 AND ORDER OF THE TRIBUNAL**

---

### **INTRODUCTION**

[1] This is the most recent of a series of Pre-hearing Conferences/Case Management Conferences (“CMC”) conducted by the Tribunal in this Appeal.

[2] As a result of prior ongoing discussions between the parties it was anticipated that the hearing event for this date was to be conducted as a Settlement Hearing. That anticipated settlement was not achieved, and the hearing event was accordingly converted to a CMC, conducted by TCC.

[3] In addition to the parties, and other staff/planners, Mr. Robert Ven, on behalf of the Participant Condominium Corporation No. 1185 was also in attendance on the call.

### **STATUS AND SCHEDULED HEARING**

[4] Notwithstanding the absence of a settlement at this point, counsel for the Appellant and the City advised the Tribunal that ongoing confidential without prejudice discussions continue regarding the Appeal that might very well allow for a resolution of the issues. However due to the status of those discussions, as the parties were awaiting preparation/production of further reports and plans, and the necessity of securing the approval of City Council, the parties would not be prepared to address the Tribunal until early June if that is the case. Based on the submissions provided the Tribunal is prepared to permit the Parties further time to pursue a consensual resolution of the issues.

[5] The Tribunal will accordingly conduct a Settlement Hearing for **two days** commencing at **10 a.m.** on **Monday, June 15, 2020** at:

**Local Planning Appeal Tribunal  
655 Bay Street  
16th Floor  
Toronto, Ontario**

[6] There will be no further notice and the Panel is not seized.

[7] On or before **Friday, May 29, 2020**, counsel for the City, on behalf of the parties shall confirm to the Case Coordinator that the Settlement Hearing will be proceeding, or whether, it will be necessary to convert the Settlement hearing to a final CMC, conducted as a TCC, for the purposes of scheduling a hearing date and addressing any other pre-hearing matters relative to the prior Procedural Order issued by the Tribunal under the Decision of the Tribunal dated August 10, 2018.

[8] If the matter is not resolved the Parties are to be prepared to speak to the scheduling of the hearing and any procedural matters that required attention due to the dated nature of the prior Procedural Order.

[9] If the Settlement Hearing is to proceed, to the extent that it is possible without prejudice to the Parties, and to assist in the consideration of any such settlement by the Tribunal, the Parties may provide the Case Coordinator, one week prior to the hearing event electronic (and if possible, paper) copies of: a brief summary of the proposed settlement; any resolution of Council approving the settlement, if any; a copy of the draft zoning by-law amendment that may be submitted to the Tribunal for consideration; and a copy of any affidavits or planning reports that the parties propose to submit at the Settlement Hearing in support of the resolution of the appeal.

*“David Lanthier”*

DAVID LANTHIER  
VICE-CHAIR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248