

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 08, 2017

CASE NO(S): PL170622

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
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OMB Case Name:	28 River Street Holdings Limited v. Toronto (City)

Heard: November 2, 2017 in Toronto, Ontario

APPEARANCES:

Parties

2594481 Ontario Limited (“4481”)

City of Toronto (“City”)

Queen East Centre Inc.

Counsel

M. Bassani

M. Longo

K. Oksenberg

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON
NOVEMBER 2, 2017 AND ORDER OF THE BOARD**

INTRODUCTION

[1] The Board held a Pre-hearing Conference (“PHC”) with regard to the lands known municipally as 28 River Street (“Subject Lands”).

[2] In late 2016, 28 River Street Holdings Limited had applied to the City to rezone the Subject Lands to permit a 15-storey mixed-use building with 162 dwelling units and ground floor retail space.

[3] The development application was denied by the City and appealed by 28 River Street Holdings Limited.

[4] The Board had set a PHC for November 2, 2017.

[5] In the lead up to the PHC, the Subject Lands were purchased by 4481, whose counsel had advised the Board that 4481 would be seeking party status in order to carry on with the existing appeal and assume all responsibilities of the former owner.

[6] Also in the lead up to the PHC, the Board was advised that Queen East Centre Inc., the owner of the property at 550 Queen Street (immediately south of the Subject Lands), would be requesting party status.

[7] At the PHC were a number of other representatives of nearby properties, some of whom sought party status and some of whom sought participant status.

[8] Counsel for 4481 requested the Board to set an eight or nine day hearing on the merits in 2018. Counsel for the City suggested that a second PHC would be in order.

[9] The Board dealt with the change of ownership, the requests for party and participant status, and set a new PHC for early 2018 all for the reasons set out below.

DECISION

[10] With regard to the change in ownership of the Subject Lands, the Board recognized the new owner of the Subject Lands and granted party status to 4481, and dismissed 28 River Street Holdings Limited as a party to the hearing.

[11] As per the request of Queen East Centre Inc. by its counsel dated October 24, 2017 and Exhibit 2 at the PHC, the Board granted party status to Queen East Centre Inc.

[12] At the request of Ron Palmer, the Board granted party status to Condominium Corporation No. 1990.

[13] At the request of Colin Biggin, the Board granted party status to Condominium Corporation No. 1778.

[14] The Board granted participant status to Corktown Residents & Business Association. The Board was advised by Larry Webb (Chair of the Development Committee) that the Corktown Residents & Business Association was incorporated, and he was directed to confirm the incorporation status by providing the Articles of Incorporation or Letters Patent to the Case Coordinator.

[15] The Board granted participant status to Judith Coghill in her personal capacity.

[16] The Board granted participant status to Condominium Corporation No. 1185 at the request of Robert Ven.

[17] With regard to the establishment of an eight or nine day hearing in 2018, the Board heard submissions from the City that it would be premature to do so, and recommended a second PHC in January or February of 2018.

[18] The Board, in light of the change in ownership and the new parties and participants, was of the view that it would be premature to set down a lengthy hearing at this time, and ordered that a second PHC be held on **Monday, February 26, 2018 at 10 a.m. at:**

**Ontario Municipal Board
655 Bay Street, 16th Floor
Toronto, Ontario**

[19] There will be no further notice.

[20] I am not seized.

"Blair S. Taylor"

BLAIR S. TAYLOR
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board
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