

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



**ISSUE DATE:** April 10, 2018

**CASE NO(S):** PL170914

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:	Stewart and Main Urban Properties Inc.
Subject:	Application to amend Zoning By-law No. 438-86 – Refusal or neglect of the City of Toronto to make a decision
Existing Zoning:	Regeneration Area (RA) Zone
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the construction of a 19 storey, 247 unit residential rental building with retail at grade
Property Address/Description:	663-647 King Street West and 60 Stewart Street
Municipality:	City of Toronto
Municipality File No.:	16 270239 STE 20 OZ
OMB Case No.:	PL170914
OMB File No.:	PL170914
OMB Case Name:	Stewart and Main Urban Properties Inc. v. Toronto

**Heard:** March 26, 2018 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Stewart and Main Urban Properties Inc. ("Applicant")

T. Halinski

City of Toronto ("City")

A. Suriano

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON  
MARCH 26, 2018 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] The Tribunal held a Pre-hearing Conference (“PHC”) to organize for the hearing on the merits of this matter.

**BACKGROUND**

[2] The Applicant owns the lands known municipally as 663-647 King Street West and 60 Stewart Street (“Subject Lands”) and had made application to the City proposing the construction of a 19 storey and 247 unit residential rental building with retail at grade. The Subject Lands are designated Mixed-Use Areas and the development proposal conforms to the Official Plan. However, a Zoning By-law Amendment (“ZBA”) is required to implement the development proposal. City Council failed to make a decision within the statutory time frame and the Applicant appealed to the Tribunal.

**PHC**

[3] Attending at the PHC were only the Applicant and the City.

[4] Counsel for the City advised that no staff report had yet been taken to City Council, but that one was scheduled for the City Committee meetings of May 2, 2018 and for the City Council agenda of May 22-24, at which time instructions will be given to staff. Counsel for the City requested that a further PHC be set for early June of 2018.

[5] Counsel for the Applicant recommended that a hearing date be set, and that a further PHC by telephone conference call (“TCC”) also be set for the finalization of the City issues for the Procedural Order and Issues List. He suggested that a 10 day hearing would be required, and that it be set now so as to not further delay the processing of this matter. Counsel also advised that there would be, soon, a new owner of the Subject Lands, and that he would advise the City and the Tribunal when that

transaction had closed.

[6] Counsel for the City did not object to the request by counsel for the Applicant for a second PHC by TCC, and the setting of a hearing date.

[7] As set out below, the Tribunal set a second PHC, set a hearing date, and gave directions with regard to the preparation of the Procedural Order.

## **DECISION**

[8] The Tribunal, based on the submissions of counsel, set a second PHC by TCC for **Friday, June 29, 2018 at 9 a.m.** Individuals are directed to call **416-212-8012** or Toll Free **1-866-633-0848** on the assigned date at the correct time. When prompted, enter the code **4779874#** to be connected to the call. If assistance is required at any time, press '0' for the operator. Cellular telephones are not permitted to be used for the call. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to Tamara Zwarycz, the Tribunal's Case Coordinator, at 416-326-6790.

[9] There will be no further notice of the PHC.

[10] I am not seized of the PHC.

[11] Secondly the Tribunal set a nine day hearing to commence on **Tuesday, February 5, 2019 at 10 a.m.** at:

**Local Planning Appeal Tribunal  
655 Bay Street, 16<sup>th</sup> Floor  
Toronto, ON**

[12] There will be no further notice of the hearing on the merits.

[13] I am not seized of the hearing on the merits.

[14] The Tribunal also provided direction that the draft Procedural Order to be considered at the second PHC shall include the mandatory meetings of like experts and the preparation of agreed statements of fact. The meetings of like experts shall take place after the preparation and exchange of expert witness statements. It is the hope of the Tribunal that the meetings of the experts will enable the parties to further refine and scope the issues for consideration by the Tribunal.

[15] This is the Order of the Tribunal.

*“Blair S. Taylor”*

BLAIR S. TAYLOR  
MEMBER

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**Local Planning Appeal Tribunal**

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