

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



ISSUE DATE: July 12, 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: June 29, 2018 by telephone conference call
("TCC")

APPEARANCES:

Parties

Timbercreek 4Q Urban
Redevelopment LP (Toronto)
("Applicant")

Counsel

T. Halinski

City of Toronto (“City”)

A. Suriano

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON
JUNE 29, 2018 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was the second Prehearing Conference (“PHC”) with regard to this matter, and it was intended to deal with a draft Procedural Order and Issues List for the hearing on the merits which has been set for nine days commencing February 5, 2019.

[2] In the lead up to this PHC, the Tribunal was advised that there was a new owner (Timbercreek 4Q Urban Redevelopment LP (Toronto)) which would be carrying on the appeal.

[3] Also shortly before this PHC, the City provided its draft Issues List to the counsel for the Applicant, and a draft Procedural Order and draft Issues List was forwarded to the Tribunal, and marked as Exhibit 1 at the PHC.

[4] At the PHC, the Tribunal refused to approve the draft Issues List, gave the parties additional time for the refinement of the Issues List, and gave direction for the submission of a refined Issues List, all for the reasons set out below.

DECISION

[5] Firstly, the Tribunal acknowledged the new owner, and authorized it to carry on the appeal.

[6] Secondly, the Tribunal reviewed Exhibit 1 being the draft Procedural Order and Issues List and had no concerns with regard to the procedural portion of Exhibit 1 dealing with the timing and exchange of witness statements etc.

[7] The Tribunal had concerns with regard to the draft Issues List, which it found in part to be simply generic, ambiguous, and lacking in specificity. Draft issues such as: “Is the Proposal consistent with the Provincial Policy Statement?” and “Does the Proposal conform with, and not conflict with, the Growth Plan for the Greater Golden Horseshoe (2017)?” do not assist in clearly setting out what is at issue for the forthcoming hearing.

[8] The purpose of a Procedural Order and Issues List is to enable the Tribunal to conduct a hearing on the merits that is procedurally fair, transparent in terms of what is at issue, and efficiently uses the time and resources of the parties and the Tribunal. Generic and ambiguous issues do not assist the parties and the Tribunal in achieving those goals.

[9] Accordingly, the Tribunal allowed the City until July 13, 2018, to provide a refined draft Issues List to the counsel for the Applicant.

[10] The Tribunal allowed the Applicant until July 20, 2018, to review the City’s refined draft Issues List.

[11] The draft Procedural Order with the refined draft Issues List will forthwith be forwarded to the Tribunal’s Case Coordinator for issuance by the Tribunal.

[12] Failing which I may be spoken to.

[13] This is the Order of the Tribunal.

“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.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248