

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** December 17, 2021

**CASE NO(S):**

PL171162

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 10033626 Canada Inc.  
Subject: Request to amend the Official Plan - Failure of the City of Toronto to adopt the requested amendment  
Existing Designation: Regeneration Areas  
Proposed Designated: Site Specific (To be determined)  
Purpose: To permit the development of a 38-storey residential building  
Property Address/Description: 83-97 River Street and 2-4 Labatt Avenue  
Municipality: City of Toronto  
Approval Authority File No.: 17 162754 STE 28 OZ  
OLT Case No.: PL171162  
OLT File No.: PL171162  
OLT Case Name: 10033626 Canada Inc. v. Toronto (City)

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

Applicant and Appellant: 10033626 Canada Inc.  
Subject: Application to amend Zoning By-law No. 569-2013 - Refusal or neglect of the City of Toronto to make a decision  
Existing Zoning: Commercial-Residential (CR2.5 (c2.0;r1.5) SS2 (x1864))  
Proposed Zoning: Site Specific (To be determined)  
Purpose: To permit the development of a 38-storey residential building  
Property Address/Description: 83-97 River Street and 2-4 Labatt Avenue  
Municipality: City of Toronto  
Municipality File No.: 17 162754 STE 28 OZ  
OLT Case No.: PL171162  
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**Heard:** December 8, 2021 by telephone conference call

**APPEARANCES:**

**Parties**

Broccolini River Street LP

City of Toronto

**Counsel**

D. Bronskill

S. Amini

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON  
DECEMBER 8, 2021 AND INTERIM ORDER OF THE TRIBUNAL**

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[1] Broccolini River Street LP (“Applicant”) is the current owner and proponent for a residential tower at the northeast corner of River Street and Labatt Avenue (“site”) in the City of Toronto (“City”). The Applicant pursued the appeals filed by the previous owner to the absence of a decision by the City on applications for Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) affecting this site.

[2] With the recent coming into force of the Queen-River Secondary Plan (“QRSP”), the OPA is no longer required and will be withdrawn. The Parties arrived at a settlement for the ZBA, in conformity with the QRSP, and subject to related conditions for the development. This hearing addressed the Parties’ settlement.

[3] The two added Parties and the five Participants in this proceeding neither appeared nor filed written submissions following the circulation of Notice for this settlement hearing.

[4] For the reasons set out below, the Tribunal granted the appeal in part, and will withhold its Final Order until the City’s preconditions are satisfied.

[5] The Tribunal received thorough written evidence and summary oral evidence from Mike Dror, a Registered Professional Planner, whom the Tribunal qualified to provide opinion evidence in land use planning.

[6] Mr. Dror described the site, area context and proposed development. A 34-storey mixed-use building is planned for this site, consisting of below-grade parking, retail units at grade level, and 388 apartment units above, including seven replacement rental housing units. A five-storey podium will be topped with a 29-storey tower. Setbacks from both streets provide for public space and plantings, including a privately owned but public space (known as “POPS”) along Labatt Avenue.

[7] The area comprises a mix of uses, including commercial and industrial uses in lower buildings, and a mix of residential buildings from older low-rise to newer high-rise in scale. In the City’s Official Plan (“OP”), the site is located near the eastern edge of the Downtown and Central Waterfront on Map 2 – Urban Structure, and is designated as Regeneration Areas on Map 18 – Land Use. In keeping with the designation, the QRSP, now approved and in force following various appeals, designates the site as Mixed Use Areas on Map 34-1 – Land Use, and subject to the policy requirements for Area “E” and associated public realm policies.

[8] Mr. Dror opines that the development and its necessary ZBA satisfy all statutory tests under the *Planning Act* (“Act”). The proposed tall building reflects the location, height, setbacks, building separations, and stepbacks as required by the detailed QRSP, while also constituting an architectural design of significance for the area. The development plan and recommended ZBA conform with the OP. Similarly, Mr. Dror considers the proposal consistent with the Provincial Policy Statement, 2020 (“PPS”) and conforming with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“GP”) regarding efficient land use patterns, a range and mix of housing, support for transit, intensification and density of land use, active public streets, and energy conservation.

[9] With consent of the City on the proposed settlement, and on the unchallenged evidence of Mr. Dror, the Tribunal finds that the ZBA to enable this development plan has regard for the provincial interests in s. 2 of the Act, is consistent with the PPS, conforms with the GP, and conforms with the OP, including its detailed and prescriptive QRSP.

[10] As requested by the Parties, the Tribunal granted provisional approval as set out in the Interim Order below. The Tribunal congratulated the Parties on their achievement of settlement that is anticipated to result in a suitable, attractive and needed intensification of use with positive results in the gradual redevelopment of this desirable area.

### **INTERIM ORDER**

[11] The Tribunal Orders that:

- The appeal is allowed in part;
- Amendments to the City of Toronto Zoning By-law No. 569-2013 are approved in principle to give effect to the development plan for the site as set out in Exhibit 1B, being the attachments to Mike Dror's affidavit; and
- Final Order is withheld pending written confirmation from the Parties that:
  - the final form of the Zoning By-law Amendment is satisfactory; and
  - confirmation that the conditions, as set out in paragraph 110 of Exhibit 1A, being Mike Dror's affidavit, have been fulfilled.

[12] The Applicant is directed to report to the Tribunal, within four months of issuance of this Interim Order, on the Parties' progress and timeline to requesting a Final Order.

[13] The Tribunal may be spoken to should issues arise during the implementation of this Interim Order.

*“S. Tousaw”*

S. TOUSAW  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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