

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



**ISSUE DATE:** July 31, 2019

**CASE NO(S):**

PL171335

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 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by: 2161 Yonge Street Limited  
Subject: Site Plan  
Property Address/Description: 2161 Yonge Street  
Municipality: City of Toronto  
LPAT Case No.: PL171355  
LPAT File No.: PL171355  
LPAT Case Name: 2161 Yonge Street Limited v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 114(15) of the *City of Toronto Act*, 2006, S.O. 2006, c. 11, Sched. A

Referred by: 2161 Yonge Street Limited  
Subject: Site Plan  
Property Address/Description: 2161 Yonge Street  
Municipality: City of Toronto  
LPAT Case No.: PL171355  
LPAT File No.: MM170092

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

Applicant and Appellant: Tribute (Soudan Ave) Limited  
Subject: Application to amend Zoning By-law No. 438-86 - Refusal or neglect of the City of Toronto to make a decision  
Existing Zoning: (CR) Commercial Residential  
Proposed Zoning: Site Specific (To be determined)  
Purpose: To permit a mixed use building

Property Address/Description: 2161 Yonge Street  
 Municipality: City of Toronto  
 Municipality File No.: 17 186503 STE 22 OZ  
 LPAT Case No.: PL171355  
 LPAT File No.: PL171513

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

Applicant and Appellant: Tribute (Soudan Ave) Limited  
 Subject: Application to amend Zoning By-law No. 569-2013 - Refusal or neglect of the City of Toronto to make a decision  
 Existing Zoning: (CR) Commercial Residential  
 Proposed Zoning: Site Specific (To be determined)  
 Purpose: To permit a mixed use building  
 Property Address/Description: 2161 Yonge Street  
 Municipality: City of Toronto  
 Municipality File No.: 17 186503 STE 22 OZ  
 LPAT Case No.: PL171355  
 LPAT File No.: PL171512

**Heard:** July 11, 2019 by telephone conference call

**APPEARANCES:**

**Parties**

Tribute (Soudan Ave) Limited  
 City of Toronto  
 Toronto District School Board  
 VHA Home HealthCare

**Counsel**

John Dawson  
 Daniel Elmadany  
 Piper Morley  
 Meaghan McDermid

**INTERIM DECISION OF THE TRIBUNAL DELIVERED BY SHARYN VINCENT**

**INTRODUCTION**

[1] This matter comes before the Tribunal for consideration of a settlement of

appeals by Tribute (Soudan Ave) Limited ("Tribute") against Council's failure to make decisions with respect to applications to amend the zoning by-law, and for site plan approval to permit a mixed-use redevelopment of lands located at 2161 Yonge Street in the City of Toronto ("City").

[2] The settlement proposal, ratified by Toronto Council on July 23, 2018, permits a 35 storey mixed use building incorporating street related retail, office and residential uses in approximately 29,829 square metres ("sq m") of which 523 sq m is devoted to retail uses and 8,094 sq m of office space.

[3] In considering the settlement, the Tribunal was provided sworn affidavit evidence of Louis Tinker, whose qualifications to assist the Tribunal with expert opinion evidence in the area of land use planning was unchallenged, as was his sworn evidence.

[4] In support of the proposed built form, the Affiant advises that the height is appropriate in the broader context, as well as citing the adjacent 2181 and 2191 Yonge Street. The six storey base building is similarly designed to fit its context and is articulated to appropriately address the visibility of the corner location.

[5] The site is situate approximately 210 metres south of Eglinton Avenue and is currently occupied by an eight storey office building constructed in the late 1970s, with a below grade parking structure accessed from Soudan Avenue.

### **Policy Framework**

[6] The site is located in the Yonge-Eglinton Urban Growth Centre within the meaning of A Place to Grow Plan, 2019, an area designated for intensification as supported by the high level of transit accessibility at the nexus of the Yonge Street subway and the Eglinton Crosstown light rail transit.

[7] The site is within the Yonge-Eglinton Centre, is designated *Mixed Use*, and also falls within the Yonge-Eglinton Secondary Plan area, as amended by Official Plan

Amendment 289 which prescribes policies relating to parks, open spaces, urban form and the public realm.

[8] It is the opinion of the Affiant that the settlement proposal is consistent with the growth management policies of the Provincial Policy Statement, 2014, the Growth Plan for the Greater Golden Horseshoe, 2019, the Toronto Official Plan and the Yonge-Eglinton Secondary Plan, all of which promote intensification on sites, such as the subject site, which are well served by existing and planned higher order public transit.

[9] The uncontested evidence of the Affiant commends the built form and setbacks as being in general accord with the Tall Buildings Design Guidelines and the overarching principle of gradual stepping down of heights moving southward from the height peak at the Yonge and Eglinton intersection.

[10] The tower component is sited east/west thereby presenting the slender edge towards the residential neighbourhood to the east, and similarly toward Yonge Street to the west. The Affiant advises that orientation, in combination with the spatial separation satisfactorily addresses the light, view and privacy standards of an MCR zone.

[11] Shadow studies demonstrate that there will be an insignificant 15 minute shadow impact in early morning March/September to the west of Yonge Street, and a brief impact on Dunfield Park, (which is not in fact designated as Parks in the Official Plan), after 5 p.m. in March/September. The Affiant characterizes the impacts as being adequately limited, and of no affect to the utility of the park given the limited duration and the late hour of the incremental shadow. The Tribunal finds this assessment to be in accordance with the applicable Official Plan policies.

[12] The concerns and issues of all of the original Parties to the appeal have been addressed, and the settlement is before the Tribunal on full consent.

**DECISION**

[13] The Tribunal finds that the proposal as set out in the settlement and as detailed in Council's decision dated July 23, 2018, is consistent with provincial policy, conforms to the Growth Plan and represents good planning.

[14] The final form of the zoning by-law amendments and the Section 37 agreement are yet to be resolved, and Tribute is working through the final circulation of the revised site plan with the view to withdrawing the referral of the site plan upon resolution in the late fall.

[15] The Tribunal will therefore withhold the order until such time as advised by the City Solicitor that the necessary agreements have been executed.

[16] In the interim, the appeal of the zoning by-law amendment is allowed in part.

*"Sharyn Vincent"*

SHARYN VINCENT  
MEMBER

If there is an attachment referred to in this document,  
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**Local Planning Appeal Tribunal**

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