

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



**ISSUE DATE:** February 04, 2019

**CASE NO(S):**

PL171367

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:	Church Welldun Developments 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 T3.0 C2.0 R3.0 Mixed Commercial-Residential Zone
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the development of a 16-storey mixed-use building
Property Address/Description:	572 Church Street
Municipality:	City of Toronto
Municipality File No.:	17 179441 STE 27 OZ
LPAT Case No.:	PL171367
LPAT File No.:	PL171367
LPAT Case Name:	Church Welldun Developments Limited v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Church Welldun Developments Limited
Subject:	Failure of the City of Toronto to announce a decision respecting Proposed Official Plan Amendment
	17 179441STE 27 OZ
Municipality:	City of Toronto
LPAT Case No.:	PL171367
LPAT File No.:	PL180113

**Heard:** January 7, 2019 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Church Welldun Developments  
Limited

Eileen Costello

City of Toronto

Daniel Elmadany

**DECISION DELIVERED BY K.J. HUSSEY AND ORDER OF THE TRIBUNAL**

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[1] This is a Pre-hearing Conference (“PHC”) for the appeals brought by Church Welldun Developments Limited from failure by the City of Toronto to make a decision within the time frame prescribed by the *Planning Act*, on applications for Official Plan and Zoning By-law Amendments, regarding lands municipally known as 572 Church Street (the “Subject Property”). The Tribunal is satisfied that notice in accordance with its direction, was given of this PHC (Exhibit 1).

[2] The application of November 23, 2017 for the re-zoning, and the official plan amendment filed on January 22, 2018, initially proposed a development of a 16 storey mixed-use building containing 98 dwelling units, 7,204 square metres (“sq m”) of residential gross floor area, and 285 sq m of non-residential gross square area. Since then the Applicant and the City engaged in discussions, which resulted in the Applicant submitting a settlement offer to the City. That offer included a 12 storey mixed-use building with 79 residential units and 297 sq m of grade related commercial space. The parties informed the Tribunal that the City’s objection to the previous proposal included the lack of parking spaces, non-conformity with the angular plane requirements, and the shadows that would be cast on Barbara Hall Park. Those issues have been abated with the settlement offer.

[3] On July 23, 2018 City Council resolved to support the settlement offer.

[4] This new information was circulated as directed by the Tribunal to persons owning lands within 120 metres of the subject property, and to persons, corporations and/or public agencies.

### **Party and Participant Status**

[5] No one in attendance sought party or participant status, nor was there any request for status received by the Tribunal prior to the PHC.

### **Future Proceedings**

[6] At the parties' request, the Tribunal has fixed on its calendar **Monday, June 10, 2019 at 10 a.m.** to hold a settlement hearing of these appeals. This event will be at:

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

[7] There will be no further notice.

[8] The Tribunal so orders.

*"K.J. Hussey"*

K.J. HUSSEY  
VICE-CHAIR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

### **Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248