

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



**ISSUE DATE:** December 20, 2018

**CASE NO(S):**

PL171386

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:	Roselawn & Main Urban Properties
Subject:	Application to amend Zoning By-law No. 438-86 and Zoning By-law No. 569-2013 - Neglect of the City of Toronto to make a decision
Existing Zoning:	Mixed Use (MCR) Zone under Zoning By-law 438-86 and Commercial Residential (CR) Zone under Zoning By-law 569-2013 (not in full force)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a 27-storey mixed-use building
Property Address/Description:	2400, 2430, 2440 and 2444 Yonge Street
Municipality:	City of Toronto
Municipality File No.:	17 190823 NNY 16 OZ
LPAT Case No.:	PL171386
LPAT File No.:	PL171386
LPAT Case Name:	Roselawn & Main Urban Properties vs. Toronto (City)

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

Applicant and Appellant:	Roselawn & Main Urban Properties
Subject:	Application to amend Zoning By-law No. 438-86 and Zoning By-law No. 569-2013 - Refusal of request by the City of Toronto
Existing Zoning:	Mixed Use (MCR) Zone under Zoning By-law 438-86 and Commercial Residential (CR) Zone under Zoning By-law 569-2013 (not in full

Proposed Zoning:	force)
Purpose:	Site Specific (To be determined)
Property Address/Description:	To permit a 27-storey mixed-use building
Municipality:	2400, 2430, 2440 and 2444 Yonge Street
Municipality File No.:	City of Toronto
LPAT Case No.:	17 190823 NNY 16 OZ
LPAT File No.:	PL171386
	PL180045

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

Applicant and Appellant:	Roselawn & Main Urban Properties
Subject:	Request to amend the Official Plan - Refusal of request by the City of Toronto
Existing Designation:	Mixed Use Areas and Neighbourhoods
Proposed Designated:	Site Specific (To be determined)
Purpose:	To permit a 27-storey mixed-use building
Property Address/Description:	2400, 2430, 2440 and 2444 Yonge Street
Municipality:	City of Toronto
Approval Authority File No.:	17 190823 NNY 16 OZ
LPAT Case No.:	PL171386
LPAT File No.:	PL180013

**Heard:** November 30, 2018 in Toronto, Ontario

## **APPEARANCES:**

### **Parties**

FCAM LP (previously Roselawn and Main Urban Properties)

City of Toronto

Duplex Holdings

Eglinton Park Residents' Association

Lytton Park Residents' Organization Inc.

### **Counsel\*/Representative**

D. Bronskill\*

M. Piel\*

K. Jennings\* and I. Kagan\* (not present)

T. Cohen

H. Smith

**MEMORANDUM OF ORAL DECISION DELIVERED BY HELEN JACKSON ON  
NOVEMBER 30, 2018 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This was the first Pre-hearing Conference (“PHC”) in the matter of an appeal to the Ontario Municipal Board, now continued as the Local Planning Appeal Tribunal (the “Tribunal”) by Roselawn and Main Urban Properties, now taken over by the new owners, FCAM LP (the “Applicant”), from the failure of the City of Toronto (the “City”) to make a decision on an application for a zoning by-law amendment and from the subsequent refusal of the City on the application for an Official Plan Amendment and zoning by-law amendment that would permit a mixed use redevelopment consisting of two residential towers, a base building and townhomes on the lands described above.

[2] There were three requests for party status. The first was from an adjacent landowner to the west, Duplex Holdings, who wishes to ensure that the development potential of its property is not impacted by the proposed development. Two residents’ associations, noted above, representing residents in the direct vicinity of the proposal also requested party status. The Applicant consented to the three requests and the City had no concerns. The Tribunal is satisfied that these three entities have a legitimate concern and granted party status as requested.

[3] Numerous residents also attended to request participant status, which was granted by the Tribunal. The list of those granted participant status is appended to this decision as Appendix 1.

[4] The Applicant indicated that the new owner of the property intends to enter into discussions with the City and may adjust the proposal, and therefore wishes to set a subsequent PHC at which time the issues would be more clearly identified and at which time it would be more appropriate to set hearing dates. The City agreed with this approach.

[5] The Tribunal has scheduled a PHC in this matter for **Wednesday, March 27, 2019 at 10 a.m.** The PHC will be held at:

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

[6] No further notice will be given.

[7] This Member is not seized.

*"Helen Jackson"*

HELEN JACKSON  
MEMBER

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

## APPENDIX 1

LPAT Case No. PL171386

### PARTICIPANT/NOTICE LIST

<b>Name</b>	<b>Status</b>
Martina Bargis	Notice Only
Annalisa Longo	Notice Only
Xiaoda Wang	Notice Only
Jamie Dimitra Bargis	Participant
Katina Bargis	Participant
Chris Childs	Participant
Chaing LiLi Chou	Participant
Chen Lu Chou	Participant
Courtyard Co-op c/o Savoy Howe	Participant
Chou Yu Hsiu	Participant
Miria Ioannou	Participant
Maureen Kapgral	Participant
Wendy Kearns	Participant

Denis McGowan	Participant
Afzal Meghji	Participant
Clive Rayman	Participant
Republic Residents' Assn c/o Geri Berholz	Participant
Glenn Robinson	Participant
Sarah Scott	Participant
Erwin Sniedzins	Participant
Timothy Swift	Participant