

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



ISSUE DATE: June 05, 2020

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: May 27, 2020 by telephone conference call

APPEARANCES:

Parties

Counsel*/Representative

FCAM LP	David Bronskill*
City of Toronto	Mark Piel*
Duplex Holdings	Kristie Jennings* and Ira Kagan*
Eglinton Park Residents' Association	Thomas Cohen
Lytton Park Residents' Organization Inc.	Eli Aaron
Toronto Lands Corporation	Piper Morely*

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON
MAY 27, 2020 AND ORDER OF THE TRIBUNAL**

[1] The matter before the Tribunal is an appeal by FCAM LP (the "Applicant") formerly Roselawn and Main Urban Properties, 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 to permit a mixed use development on the property located at 2400, 2430, 2440 and 2444 Yonge Street (the "Subject Property"). The proposal would consist of two residential towers on a podium fronting on Yonge Street with row dwellings fronting on Roselawn Avenue.

[2] The hearing is a Case Management Conference ("CMC") conducted pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act, 2017* in respect of this matter. The hearing was scheduled as a status hearing to update the Tribunal on the progress of the matter and address any outstanding matters.

[3] The Tribunal received a request from the Toronto Lands Corporation ("TLC") requesting Party status in these proceedings. The Applicant, the City and the other Parties do not oppose granting Party status to TLC.

[4] David Bronskill advised the Tribunal that he has reviewed the issues identified by TLC and he summarized them as standard and appropriate matters to be addressed. Mr. Bronskill has had discussions with Piper Morley on behalf of TLC and he is working with Ms. Morley towards addressing the issues raised.

[5] Mr. Bronskill also advised that his client has filed a request with the Tribunal requesting that this matter be considered for Tribunal led mediation. He advised that the other Parties have indicated their consent to participate in mediation.

[6] Mr. Bronskill indicated that in light of the Tribunal not scheduling hearings at this time due to the Provincial Emergency Order, the request for mediation, and with the

Parties still discussing issues, he submitted that it was premature to file an Issues List at this time.

DECISION

[7] In respect to the request for party status received from TLC, the Tribunal has reviewed the submissions from Ms. Morley on behalf of TLC and is satisfied that TLC participated in the proceedings at the City prior to the decision of City Council and that there are reasonable grounds to add TLC as a party to these proceedings.

[8] The Tribunal grants Party status to TLC.

[9] In the event that the mediation efforts are not successful, a further CMC will be scheduled to set a date for a hearing of the merits of the appeal and to finalize the Procedural Order and Issues list.

[10] The member is not seized of this matter.

[11] This is the Order of the Tribunal.

“David Brown”

DAVID BROWN
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 Tribunals Ontario - Environment and Land Division
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