

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



ISSUE DATE: January 16, 2019

CASE NO(S): PL171510

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:	738489 Ontario Limited
Subject:	Application to amend Zoning By-law No. 438-86 - Refusal or neglect of City of Toronto to make a decision
Existing Zoning:	Reinvestment Area (RA)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a mixed-use development with retail and commercial uses
Property Address/Description:	582-590 King Street West, 471 and 473 Adelaide Street West and 115 Portland Street
Municipality:	City of Toronto
Municipality File No.:	17 215103 STE 20 OZ
LPAT Case No.:	PL171510
LPAT File No.:	PL171510
LPAT Case Name:	738489 Ontario 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:	738489 Ontario Limited
Subject:	Site Plan
Property Address/Description:	582-590 King Street West, 471 and 473 Adelaide Street West and 115 Portland Street
Municipality:	City of Toronto
LPAT Case No.:	PL171510
LPAT File No.:	MM180018
Heard:	December 18, 2018 in Toronto, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Representative</u>
738489 Ontario Limited	M. Bassani*
City of Toronto	C. Iltan*
Toronto Standard Condo Corp. 2376	D. Donnelly*, S. Gray (student-at-law)
C Squared Properties 580 King Inc. 578-580 King Street West	M. Laskin*
1572654 Ontario Inc. 600 King West	A. Biggart*
Grange Community Association	M. Allen

DECISION DELIVERED BY C. CONTI AND ORDER OF THE TRIBUNAL**INTRODUCTION**

[1] This is the decision from a Pre-hearing Conference (“PHC”) regarding an appeal by 738489 Ontario Limited (“Appellant”) against the failure of the City of Toronto (“City”) to make a decision for an application for a Zoning By-law Amendment to permit a mixed-use development on a property at 582-590 King Street West, 471 and 473 Adelaide Street West and 115 Portland Street in Toronto.

[2] Cigdem Iltan noted that she was attending the PHC for Mark Crawford and Max Laskin indicated that he was attending for David Bronskill.

[3] The Tribunal heard requests for party status from Toronto Standard Condo. Corp. 2376, C Squared Properties 580 King Inc. - 578-580 King Street W., 1572654 Ontario Inc. - 600 King W. and the Grange Community Association. There was no objection to the requests for party status. The Tribunal concluded that all had an interest in the appeal and granted the requests on consent.

[4] The Tribunal heard requests for participant status from Valerie Eggertson, Ann Marie Strapp and Patricia Aquino on behalf of the Garment District Neighbourhood

Association, from Dieter Riedel, Robert Hickman, Irene Hickman, Martin Kicinski, Kelvin Lo, and Dana Radojevic. The Tribunal understands that the Garment District Neighbourhood Association (“Neighbourhood Association”) is an incorporated body. Its representatives indicated that if mediation were undertaken for the appeal, the Neighbourhood Association would want party status if it was necessary in order to participate. The Tribunal indicated that the Neighbourhood Association may be able to maintain participant status for the hearing but be given party status for mediation. However, this would be determined at a later time through a mediation assessment.

[5] The Tribunal granted participant status to the Neighbourhood Association and all others who requested it on consent.

[6] Maggie Bassani indicated that she had prepared a draft Procedural Order and Issues List and had received responses from some of the other parties. She requested that the Tribunal schedule a four week hearing for the appeal.

[7] After hearing from the parties, the Tribunal concluded that it would be premature to set hearing dates since not all parties had the opportunity to provide issues. Given the constraints of the Tribunal’s calendar it has been the practice not to schedule hearings until the issues list has been finalized. The Tribunal concluded that some additional discussion among the parties could clarify issues and potentially reduce hearing time.

[8] In addition, Mr. Donnelly indicated a concern that some residents were not aware of or able to attend the PHC and there may be need to add more participants through another proceeding.

[9] The Tribunal concluded that another PHC was required at which time hearing dates could be scheduled if there was a finalized issues list. Furthermore, consideration could be given to adding participants. Mr. Donnelly indicated that he would advise the Tribunal if he was aware of more individuals seeking participant status. For the sake of efficiency and recognizing the Appellant’s desire to set hearing dates, the Tribunal

determined that the next PHC could be through a telephone conference call (“TCC”).

[10] The Tribunal scheduled a TCC for **Thursday, January 24, 2019 at 9 a.m.** Call in numbers are **416-212-8012 and 1-866-633-0848, and at the prompt enter code 4779874#.**

[11] Further notice is not required.

[12] The Member is seized of the above-noted TCC, but not of the appeal.

“C. Conti”

C. CONTI
VICE-CHAIR

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Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario

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