

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



**ISSUE DATE:** June 12, 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:** January 24, 2019 by telephone conference call

**APPEARANCES:**

<u>Parties</u>	<u>Counsel*/Representative</u>
738489 Ontario Limited	M. Bassani*
City of Toronto	M. Crawford*
Toronto Standard Condominium Corp. 2376	D. Donnelly*, S. Gray (student-at-law)
C Squared Properties 580 King Inc. 578-580 King Street W.	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**

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**INTRODUCTION**

[1] This is the decision from a Pre-hearing Conference (“PHC”) held by Telephone Conference Call (“TCC”) 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] At the previous PHC for this appeal the Tribunal determined that it was premature to set dates for the hearing since not all parties had the opportunity to provide issues for the Issues List. The Tribunal concluded that more time should be allowed for the parties to identify issues and to refine the provisions of the Procedural Order. For those reasons this TCC was scheduled.

[3] At the TCC, Ms. Bassani indicated that all parties have provided their issues and that an updated Procedural Order was circulated to the parties. The Tribunal heard that the hearing will require testimony from 16 witnesses and it is anticipated that four weeks of hearing time is required. No concerns were raised by the parties about the proposed length of the hearing or the provisions of the draft Procedural Order.

[4] Based upon the above, the Tribunal determined that it would be appropriate to schedule the hearing for the appeal and advised the parties that the Tribunal's Planner/Case Coordinator Sandra Chan would contact them with the scheduled dates. The Tribunal scheduled a four week hearing to commence on **Tuesday, May 5, 2020 at 10 a.m. at:**

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

[5] The parties were encouraged to continue discussions so that if some issues are resolved the hearing time may be reduced.

[6] Subsequent to the hearing the parties provided a final Procedural Order with a request that it be issued by the Tribunal.

[7] Two matters have arisen recently with regard to the Tribunal's practice when scheduling multi-week hearings that were not raised at the TCC. First, the Tribunal is regularly requiring that the parties prepare work plans which set out the schedule for the examination and cross-examination of witnesses, for submissions, and other aspects of hearings. Second the Tribunal is requiring that the Procedural Order include provisions for meetings of like experts and the preparation of agreed statements of fact as may be appropriate.

[8] The purpose of these requirements is to encourage efficiency in the hearing

process and the Tribunal has determined that they would provide some benefit to the process for this hearing. Therefore through this decision the Tribunal is directing the parties to provide a work plan which will form the basis for the time allowed for witnesses, submissions and other aspects of the hearing. In addition the Tribunal is directing the parties to amend the Procedural Order for the hearing to include provisions for meetings of like experts and filing of agreed statements of facts. Recognising the substantial lead time before the hearing, the Tribunal requires that the above matters should be addressed by not later than **October 1, 2019**. If there are difficulties regarding these matters the parties should contact the Tribunal's Planner/Case Coordinator Sandra Chan to schedule a TCC.

[9] After the Procedural Order has been revised as noted above, it will be issued through separate order.

[10] Further notice is not required.

[11] The Member is not seized and can be spoken to if necessary.

[12] The above is the direction and order of the Tribunal.

*"C. Conti"*

C. CONTI  
VICE-CHAIR

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**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
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