

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



ISSUE DATE: June 03, 2020

CASE NO(S): PL180387

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:	Charlotte King Residences Corp.
Subject:	Application to amend Zoning By-law No. 438-86 - Refusal or neglect of the City of Toronto to make a decision
Existing Zoning:	Reinvestment Area (RA)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the development of a 47-storey residential mixed use building with an 11-storey podium
Property Address/Description:	400-420 King Street West
Municipality:	City of Toronto
Municipality File No.:	17 190839 STE 20 OZ
OMB Case No.:	PL180387
OMB File No.:	PL180387
OMB Case Name:	Charlotte King Residences Corp v. Toronto (City)

Heard: May 28, 2020 by telephone conference call

APPEARANCES:

Parties

Charlotte King Residences Corp.

City of Toronto

Counsel

David Bronskill

Laura Bisset and Cigdem Iltan

**MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN ON
MAY 28, 2020**

[1] This hearing session of the Local Planning Appeal Tribunal (the “Tribunal”) took place by telephone conference call (“TCC”). It emanated from an appearance before Member Ballagh on October 29, 2019, which session was scheduled for the purposes of a settlement hearing. Due to certain anticipated preceding events not having occurred, counsel for the Appellant advised the Tribunal that it was premature to proceed with the settlement hearing. Additional time was requested and Member Ballagh put the settlement hearing over to March 23, 2020 to proceed as an in person hearing.

[2] With the advent of the Provincial Emergency Order in mid-March, which had the effect of suspending all in person hearings before the Tribunal, and based upon advice from counsel that the preceding events to the settlement had still not been resolved, that settlement hearing was rescheduled before the Tribunal as a TCC session and recast as a status hearing.

[3] David Bronskill, counsel to the Appellant, advised the Tribunal at this session that the Parties were still dealing with the outstanding matter. As this involves a purchase by the City of certain property rights in the underground of the structure for vehicle parking purposes, and as this then engages the need for the involvement of the Toronto Parking Authority, the Tribunal was advised that there is expected to be a meeting of the board of the Toronto Parking Authority in July where the necessary disposition of the matter could be concluded.

[4] If the Toronto Parking Authority provides the requested endorsement, the Tribunal is advised that the matter should then progress to a stage where the Appellant and the City can come forward with a consent proposal to be considered by the Tribunal. If the requested endorsement is not forthcoming, then counsel will have to ascertain how the matter should properly proceed before the Tribunal.

[5] Counsel for the Parties initially requested a further status hearing by TCC in early

July, however this panel suggested that it may be more appropriate and efficient to simply have counsel provide written advice to the Tribunal on where the matter stands as of the end of June.

[6] Consequently, it is the direction of the Tribunal that counsel for the Appellant shall provide written advice to the Tribunal, in consultation with counsel for the City, which shall be forwarded to the Case Co-ordinator for this case and copied to the representatives of the recognized Participant, Toronto Standard Condominium Corporation 2546 ("TSCC 2546"), by no later than June 30, 2020. The advice should comment upon the status of the dealings with the Toronto Parking Authority, whether the appeal is continuing to proceed on the basis of a settlement with the City or, if not, the positions of the Parties in terms of the procedure to be followed henceforth in dealing with the appeal.

[7] The advice communication should also propose dates for the fixing of further sessions, which for the time being will have to take the form of a TCC hearing, making proper allowance for the filing of material in advance of any such sessions.

[8] The Tribunal will here also acknowledge its receipt of two bound volumes of material from TSCC 2546 as its submission material. Mr. Bronskill has acknowledged receipt of this material and has provided an undertaking to address these matters by way of evidence filed in the future. In addition, prior to this TCC hearing, TSCC 2546 further communicated with the Tribunal Case Co-ordinator, copied to counsel for the Parties, regarding concerns with respect to construction on the site and certain overhead wiring. Mr. Bronskill also acknowledged receiving that communication and again undertook that it was a matter that would be fully addressed in the final evidence.

[9] Accordingly, the Tribunal will await the further report from counsel as referred to above and after review of same, will advise the Parties of its direction for the progress of the appeal and any procedures to be followed in that regard.

[10] Subject to the exigencies of the calendar, this Member shall remain seized of

case management of this appeal.

“Gerald S. Swinkin”

GERALD S. SWINKIN
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
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248