

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



ISSUE DATE: November 07, 2019

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
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OMB Case Name:	Charlotte King Residences Corp v. Toronto (City)

Heard: October 29, 2019 in Toronto, Ontario

APPEARANCES:

Parties

Charlotte King Residences Corp.

City of Toronto

Counsel

D. Bronskill

C. Iltan

**MEMORANDUM OF ORAL DECISION DELIVERED BY MARGOT BALLAGH ON
OCTOBER 29, 2019 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was a settlement conference concerning an appeal to Ontario's Local Planning Appeal Tribunal ("Tribunal") by Charlotte King Residences Corp. ("the Appellant") of the failure of the Council of the City of Toronto (the "City") to make a decision in the prescribed time frame pursuant to s. 34(11) of the *Planning Act*. The Appellant requires zoning by-law amendments to permit redevelopment of the lands located at 400-420 King Street West to support a 47-storey mixed use residential building with retail uses at grade.

[2] At the start of the settlement conference, the Tribunal received a request for participant status and an opportunity to provide an oral submission from Shalinder Sian for the Toronto Standard Condominium Corporation No. 2546 ("TSCC 2546"). Mr. Sian told the Tribunal that he is the President of the Board of Directors for TSCC 2546 and represents the interests of the residents at 11 Charlotte Street, a neighbouring property to the proposed development.

[3] Accompanying Mr. Sian was Dr. Robert Banks, a resident of 11 Charlotte Street who told the Tribunal that he gave an oral submission in December 2017 at the public meeting regarding the proposed development and subsequently submitted a report and has followed the progress of the proposed development closely. He said he was unable to attend the Pre-hearing Conference for this matter on December 19, 2018 because he had professional commitments. He compiled a Brief on behalf of TSCC 2546 setting out concerns with the proposed development, which brief was received by the Tribunal on September 20, 2019. Dr. Banks supported the request for TSCC 2546 to be granted participant status in order to represent the residents' concerns to the Tribunal.

[4] Counsel for the Appellant and Counsel for the City acknowledged receipt of a copy of the Brief on behalf of TSCC 2546 in late September 2019 and told the Tribunal

that they had had an opportunity to review the said Brief.

[5] Neither Counsel objecting, the Tribunal granted the request for participant status to TSCC 2546 and canvassed Counsel further for submissions on the extent of such participation permitted in light of the new provisions in the *Local Planning Appeal Tribunal Act* (“LPATA”). Counsel concurred, and the Tribunal decided, that s. 33.2 of LPATA applies in this case, and allows a participant to “make submissions to the Tribunal with respect to the proceeding in writing only.” (emphasis added)

[6] The Brief on behalf of TSCC 2546, received by the Tribunal on September 20, 2019, served as the written submission and was marked Exhibit 1. Counsel committed to address the concerns raised in Exhibit 1 through the evidence of their expert witness(es).

[7] Counsel for the Appellant confirmed that the correct name of the Appellant is Charlotte King Residences Corp. and not King Charlotte Residences Corp. as indicated in the Application on file.

[8] It was at this stage in the settlement conference that Counsel for the Appellant told the Tribunal that the parties were not ready to proceed. He requested the matter be put over to another settlement conference date. He explained that the settlement offer was accepted by City Council on July 16, 2019 in principle, subject to some conditions. The City Council Resolution dated July 16, 2019 was marked as Exhibit 2. At a Board meeting scheduled for October 22, 2019, the Toronto Parking Authority Board (“TPAB”) was anticipated to consider Condition 3, Part 2. f in Exhibit 2, which condition related to the sale of public parking spaces within the proposed development. However, this meeting was cancelled. Counsel advised that the TPAB approval will impact the site plan which in turn will help inform the draft by-law. Counsel plans to have that instrument in its final form for the next settlement conference date.

[9] Counsel for the City agreed that the settlement conference was now premature.

She told the Tribunal that Condition 3, Part 2, .h in Exhibit 2 (acceptance of the Settlement Offer) was also conditional on the approval of the TPAB of 3. Part 2 F.

[10] The Tribunal expressed disappointment at the late notice of the adjournment request in light of pressures on Tribunal resources.

[11] Mr. Sian then requested an opportunity to file supplementary written submissions on behalf of TSCC 2546 in addition to Exhibit 1. Neither Counsel objected but asked to reserve their right to object to the admission of supplementary written submissions depending on their nature.

ORDER

[12] The Tribunal ordered as follows:

- i) That the settlement conference is adjourned to **Monday, March 23, 2020 at 10 a.m. at:**

**Local Planning Appeal Tribunal
655 Bay Street,
16th Floor
Toronto, ON**

- ii) That the parties will notify the Tribunal no later than **Monday, March 9, 2020** if they are not ready to proceed;
- iii) That TSCC 2546 is granted participant status and is permitted to file written submissions only;
- iv) That TSCC 2546 may file supplementary written submissions provided they do so no later than **4 p.m. on Thursday, November 28, 2019;**
- v) The Member is not seized.

- vi) No further notice is required.

"Margot Ballagh"

MARGOT BALLAGH
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

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