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

ISSUE DATE: March 26, 2021 **CASE NO(S).:** PL180431

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:	Wells Gordon Limited
Subject:	Application to amend Zoning By-law No. 438-86 and 569-2013, - Refusal or neglect of City of Toronto to make a decision
Existing Zoning:	Pleasant Road is zoned CR 3.0 (c2.0; r2.5) SS2 (x2417) and Brownlow Avenue, is zoned R (do.6) (x218) and R (do.6) (x914).
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the expansion of the existing Briton House Retirement Centre
Property Address/Description:	Various Addresses
Municipality:	City of Toronto
Municipality File No.:	17 257139 STE 22 OZ
LPAT Case No.:	PL180431
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LPAT Case Name:	Wells Gordon Limited v. Toronto (City)

Heard: March 22, 2021 by video hearing

APPEARANCES:

Parties	**Counsel*/Representative**
Wells Gordon Limited	Bruce Engell*
City of Toronto	Ben Baena*

South Eglinton Ratepayers' and Residents' Association	Andy Gort
Royalwood Developments Limited	Calvin Lantz*
Toronto District School Board	Julie Lesage* and Pitman Patterson* (in absentia)

MEMORANDUM OF ORAL DECISION DELIVERED BY MARGOT BALLAGH ON MARCH 22, 2021 AND ORDER OF THE TRIBUNAL

[1] This Decision and Order results from the first Case Management Conference ("CMC") by video hearing ("VH") on the appeal by Wells Gordon Limited (the "Applicant/Appellant"), pursuant to s. 34(11) of the *Planning Act* (the "Act"), from the City of Toronto's ("City") failure to make a decision on the requested Zoning By-law amendment ("ZBA") within the timeframe prescribed under the Act.

[2] The purpose of the requested ZBA is to permit the Applicant/Appellant to proceed with its development at the lands known municipally as 700-730 Mount Pleasant Road; 214-226 Soudan Avenue; and 19-21 Brownlow Avenue, in the City (collectively "the subject lands"), including a proposed expansion of the existing Briton House Retirement Centre and proposed seniors ownership housing (i.e. condominium apartments) with access to support services. The proposed development continues to evolve through ongoing discussions amongst the Parties.

[3] Counsel for the original parties, the Applicant/Appellant and the City, participated in the VH as noted. The Tribunal received three requests for party status, all of which were unopposed. The Tribunal was satisfied after hearing submissions, and reviewing the Party Status Request Forms on file, that there are reasonable grounds to add the following new parties to the Appeal: South Eglinton Ratepayers' and Residents' Association ("SERRA"); Royalwood Developments Limited ("Royalwood"); and the Toronto District School Board ("TDSB").

[4] There was also a new request at the CMC by Adam Brown and Jessica Smuskowitz, counsel to related companies MTB Group and 2797716 Ontario Inc., for participant status in the Appeal. Hearing no objection, and satisfied that the companies have an interest in the proceedings, the Tribunal granted them status as a participant.

[5] There were no other requests for party or participant status.

[6] Proper notice of the CMC was confirmed by the Affidavit of Service sworn by Brittany Tovstiga on March 3, 2021, indicating service on February 19, 2021, which Affidavit was marked Exhibit 1.

[7] Counsel confirmed for the Tribunal that there was no longer any issue with respect to whether the Application was complete or whether the Appeal was valid. Accordingly, Mr. Engell further confirmed that the Applicant/Appellant was withdrawing its motion in that regard.

[8] Further to the latest draft Procedural Order (“PO”) filed with the Tribunal, Counsel advised that they anticipate continued productive discussions and refining of the Issues List. Mr. Gort told the Tribunal that SERRA needs to learn more about the revised development proposal in order to determine its issues for the Appeal.

[9] The Parties requested that the Tribunal schedule a second CMC in late July or August 2021 in order to allow time for review of the Issues List and for City Council to provide instructions. If settlement is achieved, the Parties may request that the CMC be converted to a Settlement Hearing.

[10] The Parties also requested that the Tribunal schedule a hearing of five days duration in late 2021 or early 2022.

ORDER

[11] The Tribunal orders that the following are added as new parties to the Appeal: South Eglinton Ratepayers' and Residents' Association; Royalwood Developments Limited; and the Toronto District School Board.

[12] The Tribunal grants participant status to MTB Group and 2797716 Ontario Inc. in the proceedings.

[13] The Tribunal schedules a second CMC on **Thursday, July 22, 2021 at 10 a.m.** by VH.

Thursday, July 22, 2021 at 10 a.m.
GoTo Meeting: https://global.gotomeeting.com/join/918501333
Access code: 918-501-333
Audio-only line: Canada (Toll Free): 1 888 299 1889 or +1 (647) 497-9373
Audio-only access code: 918-501-333

[14] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[15] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at **GoToMeeting** or a web application is available: https://app.gotomeeting.com/home.html

[16] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line.

[17] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the

hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[18] Unless settlement is achieved, the Parties are directed to file with the Tribunal's Case Coordinator an updated draft Procedural Order with the revised Issues List no later than **Thursday, July 8, 2021**, for consideration and approval by the Tribunal at the second CMC. If Settlement is achieved, the Parties may request through the Case Coordinator that the second CMC be converted to a Settlement Hearing and that the five-day hearing be cancelled.

[19] The Tribunal scheduled the hearing for five days commencing **Monday, January 10, 2022 at 10 a.m.** by VH.

> **Monday, January 10, 2022 at 10 a.m.**
> **GoTo Meeting:** https://global.gotomeeting.com/join/320642925
> **Access code:** 320-642-925
> **Audio-only line:** Canada (Toll Free): 1 888 299 1889 or +1 (647) 497-9373
> **Audio-only access code:** 320-642-925

[20] Please refer to paragraphs [14] to [17] for the hearing instructions.

[21] No further notice will be provided.

[22] The Member is not seized.

“Margot Ballagh”

MARGOT BALLAGH
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.