

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



**ISSUE DATE:** November 14, 2019

**CASE NO(S):** PL180544

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 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 2450 Victoria Park Inc.  
Appellant: Armenian Community Centre  
Appellant: Elad Canada Inc.  
Appellant: Hydin Limited & Fontmil Investments Limited;  
and others  
Subject: Proposed Official Plan Amendment No. 393  
Municipality: City of Toronto  
OMB Case No.: PL180544  
OMB File No.: PL180544  
OMB Case Name: Armenian Community Centre v. Toronto (City)

**Heard:** May 7, 2019, in Toronto, Ontario

**APPEARANCES:**

**Parties**

City of Toronto

2450 Victoria Park Inc.

Armenian Community Centre

Elad Canada Inc.

**Counsel**

A. Hill  
G. Szobel

D. Bronskill

M. Flynn-Guglietti  
K. Sutton

C. Lantz

Hydin Limited & Fontmil Investments Limited	J. Farber
Nuyork Investments Limited, Jarel Investments Limited and Nuber & Dale Construction Limited	A. Platt
Morguard Investments Limited	J. Shapira R. Kehar

### **DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE TRIBUNAL**

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[1] This was the second Case Management Conference (“CMC”). The background in this matter was set out in the decision from the first CMC and is repeated here for ease of reference.

[2] In 2015, the City of Toronto (“City”) began a planning study of an area slightly larger than the Consumers Road Business Park. The study is known as ConsumersNext and covered an area approximately bounded by Sheppard Avenue East, Victoria Park Avenue, Highway 401 and Highway 404. The study was intended to guide the management of growth in this area. The final phase of the study was the preparation of a Secondary Plan that became Official Plan Amendment No. 393 (“OPA 393”). The City enacted By-law No. 494-2018 on March 26, 2018, which adopted OPA 393.

[3] OPA 393 was appealed to this Tribunal by 2450 Victoria Park Inc. (“2450”), Armenian Community Centre (“ACC”), Elad Canada Inc. (“Elad”) and by Hydin Limited & Fontmil Investments Limited (“Hydin”). Each of these Appellants assert that OPA 393 is inconsistent with the Provincial Policy Statement, 2014 (“PPS”) and fails to conform with the Growth Plan for the Greater Golden Horseshoe, 2017 (“Growth Plan”)

[4] This CMC was conducted pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act, 2017*, S.O. 2017, Chapter 23, Schedule 1 (“LPAT Act”) as it read on April 3, 2018 and Rules 26.17 to 26.26 of the Local Planning Appeal Tribunal (“Tribunal”)

*Rules of Practice and Procedure* (“Tribunal Rules”) as they read on April 3, 2018.

[5] At this second CMC, the Tribunal was advised that the Parties agreed generally on the list of issues for the hearing except for the second issue set out by Elad. This issue dealt with Policy 7.2, also engaged by 2450 but phrased differently. The City has challenged this issue as not complying with the requirements of the iteration of the *Planning Act* in effect at the time of this second CMC. The Tribunal reserved its decision on this question.

[6] No hearing date was scheduled at this CMC.

[7] On September 3, 2019, amendments to the LPAT Act and to the *Planning Act* came into effect, as did the transition regulation for matters in progress. In summary form, the hearing procedures under the LPAT Act and the appeal requirements of the *Planning Act* changed considerably.

[8] Ontario Regulation 296/19 set out the transition requirements for a matter to be heard under these two Acts as they read on September 3, 2019 rather than as they read on April 3, 2018. Of relevance to these proceedings are the requirement that no hearing was scheduled prior to September 3, 2019 and that Appellants were given the opportunity to provide a new Notice of Appeal to the Tribunal in accordance with subsection 17(25) of the *Planning Act* as it reads on and after September 3, 2019.

[9] These proceedings met these requirements. The Appellants were all given the opportunity to provide new Notices of Appeal, and they did so.

[10] The scope of an appeal forms the frame for the issues to be decided at the hearing of the merits. With the legislative changes and transition requirements, the basis for the City’s challenge of Elad’s stated issue no longer applied. Under these circumstances, it is unnecessary for the Tribunal to make any more specific finding on the City’s challenge that was made under the earlier statutory regime.

[11] The Tribunal will schedule a further CMC to organize the hearing of the merits of these appeals, now to be heard under the LPAT Act and the *Planning Act* as they read on September 3, 2019.

[12] This is the Order of the Tribunal.

*“Susan de Avellar Schiller”*

SUSAN de AVELLAR SCHILLER  
VICE-CHAIR

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**Local Planning Appeal Tribunal**

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