

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



ISSUE DATE: October 09, 2020

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: Morguard Investments Limited
Appellant: Hydin Limited & Fontmil Investments Limited
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)

PROCEEDING COMMENCED UNDER subsection 31(2) of the *Local Planning Appeal Tribunal Act*, 2017, S.O. 2017, c. 23, Sched. 1

Motion By: City of Toronto
Purpose of Motion: Request for Determination
Appellant: 2450 Victoria Park Inc.
Appellant: Armenian Community Centre
Appellant: Elad Canada Inc.
Appellant: Morguard Investments Limited
Appellant: Hydin Limited & Fontmil Investments Limited
Subject: Directions
Municipality: City of Toronto
LPAT Case No.: PL180544
LPAT File No.: PL180544
LPAT Case Name: Armenian Community Centre v. Toronto (City)

Heard: September 29, 2020 by video hearing

APPEARANCES:

Parties

Counsel

City of Toronto

A. Hill
G. Szobel

2450 Victoria Park Inc.

D. Bronskill

Armenian Community Centre

M. Flynn-Guglietti

Elad Canada Inc.

J. Cheng

Hydin Limited & Fontmil
Investments Limited

J. Farber
M. Reedijk

Nuyork Investments Limited, Jarel
Investments Limited and Nuber &
Dale Construction Limited

A. Margaritas

Morguard Investments Limited

J. Shapira

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

[1] This was the third Case Management Conference (“CMC”).

[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 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”).

Motion for Partial Approval

[4] The City has brought a motion for partial approval to bring into full force and effect OPA 393 save and except for those parts of OPA 393 that remain under appeal on a plan-wide basis and subject to any site-specific appeals.

[5] The City’s motion comes on consent or no objection from all parties and no response to the motion was filed.

[6] The motion included an affidavit by Guy Matthew, sworn September 11, 2020. Mr. Matthew is a full Member of the Canadian Institute of Planners and a Registered Professional Planner in Ontario. Mr. Matthew has executed the Tribunal’s Acknowledgment of Expert’s Duty form. The Tribunal qualifies Mr. Matthew to provide independent expert opinion evidence in land use planning matters.

[7] The Tribunal accepts and relies upon the evidence of Mr. Matthew. Mr. Matthew identified those portions of OPA 393 that are not the subject of appeals on a plan-wide basis. He also identified site-specific appeals that remain before the Tribunal.

[8] Pursuant to s. 17(43) and s. 17(50), and on the evidence of Mr. Matthew, the Tribunal finds that those portions of OPA 393 to be brought into full force and effect are consistent with the Provincial Policy Statement 2020, conform to the Growth Plan 2019 and are appropriate. The Tribunal grants the relief sought in the City’s motion.

Status of Appeals

2450 Victoria Park Inc.

[9] The City and 2450 have reached a site-specific settlement, subject to certain

conditions. 2450 will retain its appeal, needed for matters regarding implementation of the settlement, but will withdraw all its issues except for a single issue dealing with the site-specific settlement.

Elad Canada Inc.

[10] Discussions continue between the City and Elad. While the parties are hopeful of a settlement, no settlement has been reached. To enable those discussions to continue, neither the City nor Elad wish to see a hearing scheduled at this time. The Tribunal supports providing time for such discussions, as long as discussions are active and matters are moving along.

Armenian Community Centre

[11] ACC had an interest in the 2450 appeal, now settled, but has identified recently another matter of concern. ACC and the City will engage in further discussions to refine the ACC's concern and determine if matters may settle. Like the case with Elad, ACC and the City are seeking time to engage in those discussions and are not asking the Tribunal to schedule a hearing at this time.

Hydin Limited & Fontmil Investments Limited

[12] Hydin does not have a specific development proposal before the City at this time but does continue to have concerns about the impact of OPA 393 on possible development of its site. Hydin and the City have indicated their intention to engage in discussions and may wish to pursue Tribunal-led mediation.

[13] Based on the advice to the Tribunal at this CMC, matters between Hydin and the City do not appear to have progressed sufficiently for the Tribunal to make any mediation assessment. The Tribunal notes the possible interest in Tribunal-led mediation and directs the parties to make a request for such mediation in the usual manner at such time as they are clear about their interest in participating in a mediation

process.

Future Hearing Event

[14] The City asked the Tribunal to schedule a further CMC to occur after a February 2021 meeting of City Council. There are no reports to Council on track now to seek further instruction regarding possible settlement of these remaining appeals. No February 2021 meeting of Council has been scheduled since the 2021 meeting schedule for Council has not yet been set.

[15] Under these circumstances, the Tribunal declined to set a further date on the calendar. Instead, the Tribunal has directed the City to co-ordinate with the parties to provide a report to the Tribunal on the status of these matters once a clear track and timing to deal with these appeals has been identified.

[16] The Tribunal directs that status report to be filed by **Friday, December 4, 2020**.

[17] Subject to scheduling, I will continue to assist with the management of this case.

ORDER

[18] The Tribunal orders that the relief sought in the motion brought by the City of Toronto is granted and, pursuant to Subsections 17(43) and 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, Official Plan Amendment 393 is brought into full force and effect, save and except for those portions of the Plan that remain under appeal on a Plan-wide basis as set out in paragraph 20 of the affidavit of Guy Matthew, sworn September 11, 2020 and subject to any site specific appeals as described in paragraph 19 of that affidavit.

“Susan de Avellar Schiller”

SUSAN de AVELLAR SCHILLER
VICE-CHAIR

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Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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