

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



ISSUE DATE: October 28, 2020

CASE NO(S): PL200212

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 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Maitland Residences Corp.
Subject: Request to amend the Official Plan - Failure of City of Toronto to adopt the requested amendment
Existing Designation: Mixed Use Areas
Proposed Designated: Site Specific (To be determined)
Purpose: To permit a 45-storey mixed use building
Property Address/Description: 20-26 Maitland Street
Municipality: City of Toronto
Approval Authority File No.: 19 240160 STE 13 OZ; 19 240163 STE SA
LPAT Case No.: PL200212
LPAT File No.: PL200212
LPAT Case Name: Maitland Residences Corp. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Maitland Residences Corp.
Subject: Application to amend Zoning By-law No. 438-86 - Refusal or neglect of City of Toronto to make a decision
Existing Zoning: R3 Z 2.0
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit a 45-storey mixed use building
Property Address/Description: 20-26 Maitland Street
Municipality: City of Toronto
Municipality File No.: 19 240160 STE 13 OZ; 19 240163 STE SA
LPAT Case No.: PL200212
LPAT File No.: PL200213

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Site Plan
 Property Address/Description: 20-26 Maitland Street
 Municipality: City of Toronto
 LPAT Case No.: PL200212
 LPAT File No.: PL200214

Heard: October 21, 2020 by Video Hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
Maitland Residences Corp.	M. Flowers Z. Fleisher
City of Toronto	A. Suriano
Centrecourt (Wellesley East Limited Partnership)	M. Gascoyne*

MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN COOKE AND M. RUSSO ON OCTOBER 21, 2020 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Tribunal held this first Case Management Conference (“CMC”) as required by s. 33.1 of the *Local Planning Appeal Tribunal Act, 2017*, S.O. 2017, c. 23, Sched. 1, as amended. Counsel for the Maitland Residences Corp. (the “Applicant”) provided notice of the CMC in accordance with the Tribunal’s direction, and the Tribunal marked the Affidavit of Service as Exhibit 1.

[2] The Applicant intends to redevelop its property located at 20-26 Maitland Street (the “Subject Site”), City of Toronto (the “City”) with a 45-storey mixed-use building containing 527 residential units and retail uses. To facilitate its proposed development, the Applicant applied for an amendment to the Zoning By-law No. 438-86 (the “ZBA”),

an amendment to the Official Plan (the “OP”) and a Site Plan application. The City failed to make a decision on the applications within the time period specified in the *Planning Act*, R.S.O. 1990, c . P. 13, as amended, and Applicant has appealed to the Tribunal pursuant to s. 22(7), s. 34(11) and s. 41(12) of that statute.

[3] Counsel for the Applicant indicated that they do not believe an amendment to the OP is in fact necessary as the Subject Site falls within the “Downtown Secondary Plan” for the City (OPA 406 – Mixed Use Area 1- Growth). However, Counsel explained that its appeal was made “in the abundance of caution” as there is an appeal of OPA 231 that addresses the City’s employment lands that is currently before the Tribunal that may result in a need for an amendment to the OP.

REQUESTS FOR PARTY STATUS

[4] The Tribunal received one (1) request for additional party status (beyond applicant/appellant and statutory party status of the City) by an immediate neighbour to the north of the proposal, Centrecourt (Wellesley East Limited Partnership) (the “Centrecourt”) owners of 27 Wellesley East, in the City. Speaking on behalf of Centrecourt, Mitch Gascoyne, indicated that Centrecourt has no objections to the current proposal as that has been submitted to the City but have sought Party Status to protect themselves should there be any changes to the proposal that would negatively impact their property.

[5] After canvassing the Parties, Counsel stated they understood the precautionary request Party Status by Centrecourt and raised no concerns. The Tribunal is satisfied that the request is appropriate and grants Party Status to Centrecourt.

REQUESTS FOR PARTICIPANT STATUS

[6] The Church/Wellesley Village BIA represented by Stephanie McCracken requested to have Participant Status siting concerns to the impacts of the development

that could be felt by their members. Hearing no concerns after canvassing the Parties, the Tribunal is satisfied that Church/Wellesley Village BIA have met the criteria and grants them Participant Status to these proceedings.

[7] Participants have been instructed that they may submit a Participant Statement of up to five pages to the Tribunal and all Parties on or before **January 15, 2021**.

MEDIATION

[8] The Counsel for the Applicant made note and indicated that they are encouraged by the ongoing dialogue with the City and now additional Party Centrecourt, and that they would like those discussions to continue. The Parties acknowledged and understood Tribunal-assisted mediation is available to them.

Draft Procedural Order

[9] The Statutory Parties presented to the Tribunal a Draft Procedural Order (the "DPO"). Counsel for the Applicant indicated that discussions with City counsel had occurred and that although not confirmed, collaboratively they anticipated three to four expert witnesses may be called by both sides. The Parties requested that the Tribunal schedule an eight to ten day hearing to hear the merits.

[10] The Tribunal was informed by the City that a staff report regarding this matter would be going to Council soon for direction. As direction has not been given to the Counsel for the City and the Issues List was not available.

[11] The Parties have agreed that to submit in writing a joint DPO with a defined Issues List to this panel of the Tribunal for approval on or before **November 13, 2020**.

Hearing Date

[12] The Tribunal orders that the hearing is scheduled to proceed by video and will commence at **10 a.m. on Tuesday, April 13, 2021** for eight days.

[13] Parties and Participants are to participate with video and audio enabled. Join the event from a computer, tablet or smartphone by using this link:

<https://global.gotomeeting.com/join/744348797>. When prompted, **enter the code 744-348-797** to be connected to the hearing by video.

[14] Observers are to participate with audio only enabled. Join the event via telephone conference by calling: **+1 (647) 497-9373** or Toll Free **1-888-299-1889**.

When prompted, **enter the code 744-348-797** to be connected to the call.

[15] 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.

[16] No further notice of the hearing is required.

[17] The Members are not seized for the hearing.

[18] So orders the Tribunal.

“Steven Cooke”

STEVEN COOKE
MEMBER

“M. Russo”

M. RUSSO
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.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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