

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 26, 2021

CASE NO(S): PL200441

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

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|-------------------------------|--|
| Applicant and Appellant: | Yonge Park Plaza Inc. |
| Subject: | Request to amend the Official Plan - Failure of City of Toronto to adopt the requested amendment |
| Existing Designation: | Mixed Use Areas & Parks and Open Spaces – Natural Areas |
| Proposed Designated: | Site Specific (To be determined) |
| Purpose: | To permit 2 towers comprised of residential, office, retail, restaurants, and hotel uses. |
| Property Address/Description: | 4050 Yonge Street |
| Municipality: | City of Toronto |
| Approval Authority File No.: | 20 115845 NNY 08 OZ |
| OLT Case No.: | PL200441 |
| OLT File No.: | PL200441 |
| OLT Case Name: | Yonge Park Plaza Inc. v. Toronto (City) |

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

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|-------------------------------|--|
| Applicant and Appellant: | Yonge Park Plaza Inc. |
| Subject: | Application to amend Zoning By-law No. 7625 - Refusal or neglect of City of Toronto to make a decision |
| Existing Zoning: | C1(132) and O1(45) |
| Proposed Zoning: | Site Specific (To be determined) |
| Purpose: | To permit 2 towers comprised of residential, office, retail, restaurants, and hotel uses. |
| Property Address/Description: | 4050 Yonge Street |
| Municipality: | City of Toronto |
| Municipality File No.: | 20 115845 NNY 08 OZ |
| OLT Case No.: | PL200441 |
| OLT File No.: | PL200442 |

PROCEEDING COMMENCED UNDER subsection 114(15) of the *City of Toronto Act*, 2006 S.O. 2006, c. 11, Sched. A

| | |
|-------------------------------|-------------------|
| Subject: | Site Plan |
| Property Address/Description: | 4050 Yonge Street |
| Municipality: | City of Toronto |
| OLT Case No.: | PL200441 |
| OLT File No.: | PL200443 |

Heard: June 24, 2021 by video hearing

APPEARANCES:

Parties

Yonge Park Plaza Inc.

City of Toronto

Cadillac Fairview Corporation Limited

York Mills Valley Association and York Mills Residents Association

Counsel

Jason Park appearing for Patrick Devine and Michael Cook

Mark Piel

Max Laskin

Ian Flett

MEMORANDUM OF ORAL DECISION DELIVERED BY SHARYN VINCENT ON JUNE 24, 2021 AND ORDER OF THE TRIBUNAL

[1] This is the second Case Management Conference (“CMC”) to organize the hearing of merit of appeals brought by Yonge Park Plaza Inc. with respect to applications seeking to amend the Official Plan, the Zoning By-law, and to receive site plan approval for a proposed mixed use development of lands located at the northwest corner of Yonge Street and York Mills Road, and known municipally as 4050 Yonge Street.

[2] At the first CMC the Tribunal, differently constituted, granted Party status to the South Armour Heights Residents Association and the Upper Avenue Community Association. The Tribunal subsequently received correspondence from both

associations vacating the Party Status granted, requesting instead Participant Status which was conferred at this proceeding.

[3] The Tribunal heard submissions from all Parties with respect to house keeping suggestions with respect to the draft procedural order and more substantive submissions from Counsels for the City of Toronto ("City") and the Appellant, Yonge Park Plaza Inc. with respect to the ownership and related appellant rights under s. 114(15) of the *City of Toronto Act*.

[4] In response to the position of the City that it is premature to establish hearing dates for the site plan appeal as filed, which includes lands not owned by the Appellant and which accommodate the existing Toronto Transit Commission access to the York Mills Subway station, Counsel for the Appellant undertook to make a determination within four months of this proceeding through ongoing discussions with the City, including the status of acquiring the lands in question, in order to clarify which version of the site plan appeal would be subject of the ultimate hearing of merit.

[5] It was acknowledged by the Parties that establishing a determination date subsequent to the November Council meeting date would afford the City Solicitor the necessary time to seek Council direction and for all Parties to be apprised prior to the formulation and exchange of witness statements.. The date is to be incorporated into the draft Procedural Order, together with the standard 60-day requirement for resubmission of revisions prior to the date for the exchange of witness statements.

[6] The Parties were directed by the Tribunal to revise the exchange date for witness statements to 90 days prior to the commencement of the hearing in order to provide sufficient time for the Tribunal to make productive use of any of the requested 15 hearing days determined to be surplus should the issues scope subsequent to the exchange of evidence.

ORDER

[7] The matter has been set down and a hearing of 15 days to commence on **Monday, May 9, 2022 at 10 a.m.** by video conference, concluding on May 31, 2022, has been scheduled. The Parties were advised, and the Procedural Order shall reflect that the Tribunal will not sit on May 16 or 23 and were further directed to revise the draft Procedural Order and Issues list in accordance with the directions arising out of the hearing. The Procedural Order is attached hereto as Schedule 1 and forms part of this order.

[8] Parties 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:

<https://global.gotomeeting.com/join/334562821>

Access code: 334 562 821

[9] 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>.

[10] 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: (Toll Free): [1 888 455 1389](tel:18884551389) or [+1 \(647\) 497-9391](tel:+16474979391).

The access code is **334 562 821**.

[11] 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.

[8] No further notice is required and the Member is not seized but may be called upon to assist should the implementation of the Procedural Order require the assistance of the Tribunal.

“Sharyn Vincent”

SHARYN VINCENT
VICE-CHAIR

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal.

SCHEDULE 1

ONTARIO LAND TRIBUNAL

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

| | |
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| Municipality: | City of Toronto |
| Approval Authority File No.: | 20 115845 NNY 08 OZ |
| LPAT Case No.: | PL200441 |
| LPAT File No.: | PL200442 |

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: | 4050 Yonge Street |
| Municipality: | City of Toronto |
| LPAT Case No.: | PL200441 |
| LPAT File No.: | PL200443 |

PROCEDURAL ORDER

The Tribunal orders that:

1. The Tribunal may vary or add to this Order at any time, either on request or as it sees fit. It may amend this Order by an oral ruling or by another written Order.

Organization of the Hearing

2. The hearing, if required, will commence on **May 9, 2022 at 10:00 a.m.**, at the Ontario Land Tribunal, 655 Bay Street, 16th Floor, Toronto, ON M5G 1E5 in the City of Toronto, or virtually by video hearing.
3. The parties' estimation for the length of the hearing is **15 days**. **The Tribunal will not be sitting on May 16 or 23, 2022.** The parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues where possible. The length of the hearing may be shortened as issues are resolved or settlement is achieved.
4. The parties and participants (see **Attachment "1"** for the meaning of certain terms used in this Order) identified at the Case Management Conference are listed in **Attachment "2"** to this Order. All parties and participants shall attend the first day of the hearing. Only parties may call witnesses.
5. The Issues are set out in the Issues List referred to below and included as **Attachment "3"** to this Order. There will be no changes to this list unless the Tribunal permits it, unless such changes reflect the narrowing or elimination of issues, or such changes arise from the submission of revised plans. A party who asks for changes to this list may have costs awarded against it.
6. The order of evidence at the hearing shall be as set out in **Attachment "4"** to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Tribunal.
7. All parties and participants (or their representatives) shall provide a mailing address, email address, and a telephone number to the Tribunal as soon as possible. Any such person who retains a representative (legal counsel or agent) subsequent to the first Case Management Conference must advise the other parties and the Tribunal of the representative's name, mailing address, email address and phone number as soon as possible.
8. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's Video Hearing Guide, available on the Tribunal's website (<https://olt.gov.on.ca/tribunals/lpat/>).
9. A summary of the various filing dates is contained in **Attachment "5"** to this Order.

Requirements Before the Hearing

10. In the event the applicant has not reached an agreement to purchase certain lands owned by the City of Toronto and forming part of the proposal, then the applicant shall provide copies of a revised proposal, including all revised plans, drawings, proposed instruments, updated supporting documents and reports, that is not located within the City's lands to the other parties on or before **November 12, 2021**.
11. If the applicant intends to seek approval of a further revised proposal at the hearing, the applicant shall provide copies of the further revised proposal, including all revised plans, drawings, proposed instruments, updated supporting documents and reports, to the other parties on or before **December 10, 2021**. The applicant acknowledges that any revisions to the proposal after that date without the consent of the parties may be grounds for a request to adjourn the hearing by written motion to the Tribunal in accordance with the Tribunal's Rules (Rule 17).
12. Expert witnesses in the same discipline(s) shall have at least one meeting before the hearing to try to resolve or reduce the issues for the hearing. The experts shall prepare a list of any agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all of the parties and the Tribunal on or before **January 24, 2022**, if agreement is reached. Any discussions held at a meeting of expert witnesses shall be considered confidential and without prejudice, and shall not be raised in evidence or otherwise shared at a hearing, with the exception of the list of agreed facts and the remaining issues to be addressed at the hearing resulting from any such meeting, if any.
13. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before **January 10, 2022**. For expert witnesses, a party is to include a copy of the curriculum vitae and the area of expertise in which the witness is proposed to be qualified. Any challenges to the witness, including qualifications of a witness to give opinion evidence in the area of expertise proposed shall be made by motion in accordance with the Tribunal's Rules and notice of same must be served on the other parties on or before **January 29, 2022**.
14. An expert witness shall prepare an expert witness statement that shall include: an acknowledgement of expert's duty form, the area(s) of expertise, any reports prepared by the expert, and any other reports or documents to be relied on at the hearing. Copies of this must be provided as in paragraph 17. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony.
15. On or before **February 8, 2022**, a participant shall provide copies of their written participant statement to the other parties. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
16. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence and his or her area of expertise, as in paragraph 17.

17. On or before **February 8, 2022**, the parties shall provide copies of their expert reports and expert witness statements to the other parties.
18. Any party may reply to an expert report, witness statement, outline of expert's evidence or participant statement, provided that such reply is provided to all other parties on or before **February 23, 2022**.
19. The parties shall prepare and file a preliminary hearing plan with the Tribunal on or before **April 25, 2022** with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the hearing plan. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.
20. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal in accordance with the Tribunal's Rules (Rule 10).
21. On or before **April 25, 2022**, the parties shall provide copies of their visual evidence to all of the other parties. If a model is proposed to be used, the Tribunal must be notified before the hearing. All parties must have a reasonable opportunity to view it before the hearing.
22. The parties shall cooperate to prepare a joint document book that shall be filed with the OLT case co-ordinator in accordance with paragraph 24 on or before **April 25, 2022**. All parties must be served with the joint document book in paper and an accessible electronic format that is searchable in accordance with paragraph 24 unless the party receiving the joint document book requests otherwise.
23. A party who provides the written evidence of a witness to the other parties must have that witness attend the hearing to give oral evidence, unless the Tribunal and the parties are notified on or before **May 2, 2022**, that the written evidence will not form part of their record.
24. All filing shall be electronic with a paper copy to the Tribunal unless otherwise directed by the Tribunal. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by the Rule 7.
25. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. Tribunal Rule 17 applies to such requests.

This Member is not seized.

So orders the Tribunal.

BEFORE:

Name of Member: Sharyn Vincent

Date: July 26, 2021

TRIBUNAL REGISTRAR

ATTACHMENT 1

MEANING OF TERMS USED IN THIS ORDER

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.

NOTE that a person who wishes to become a party before or at the hearing, and who did not request this at the case management conference (CMC), must ask the Tribunal to permit this.

A **participant** is an individual, group or corporation, whether represented by a lawyer or not, who may make a written submission to the Tribunal. A participant cannot make an oral submission to the Tribunal or present oral evidence (testify in-person) at the hearing (only a party may do so). Subsection 33.2 of the *Local Planning Appeal Tribunal Act* states that a person who is not a party to a proceeding may only make a submission to the Tribunal in writing. The Tribunal may direct a participant to attend a hearing to answer questions from the Tribunal on the content of their written submission, should that be found necessary by the Tribunal. A participant may also be asked questions by the parties should the Tribunal direct a participant to attend a hearing to answer questions on the content of their written submission.

A participant must be identified and be accorded participant status by the Tribunal at the CMC. A participant will not receive notice of conference calls on procedural issues that may be scheduled prior to the hearing, nor receive notice of mediation. A participant cannot ask for costs, or review of a decision, as a participant does not have the rights of a party to make such requests of the Tribunal.

Written evidence includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.

Visual evidence includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing.

An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing.

A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant wishes to address

and the submission of the participant on those issues; and a list of reports, if any, which the participant wishes to refer to in their statement.

Additional Information

Summons: A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties. (See Rule 13 on the summons procedure.) If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Tribunal;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Tribunal.

ATTACHMENT 2**PARTIES AND PARTICIPANTS****PARTIES****YONGE PARK PLAZA INC.**

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ATTACHMENT 3

ISSUES LIST

Note: The identification of an issue does not mean that all parties agree that such issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Tribunal at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Tribunal at the hearing will be a matter of evidence and argument at the hearing.

YONGE PARK PLAZA INC.

1. Is the location of the proposed development within a major transit station area as defined by the A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2019)?
2. Should the existing TTC entrance be modified during construction of the proposed development to make it accessible to people with disabilities and seniors, as contemplated by policy 1.1.1(f) of the Provincial Policy Statement (2020), policy 2.4.15 of the City of Toronto Official Plan, and the *Accessibility for Ontarians with Disabilities Act*, 2005?

CITY OF TORONTO

Note: Subject to the appellant acquiring City-owned lands which form a part of the subject development applications, the City of Toronto reserves the right to change its issues to account for a hearing of a changed proposal that would be located solely within on appellant's lands.

Provincial Statutory & Policy Requirements

Planning Act

1. Are the proposed development, the Official Plan Amendments, the Zoning By-law Amendment, and the Site Plan Control Application consistent with the purposes of the Planning Act as set out in Section 1.1, in particular paragraphs (e) and (f)?
2. Does the proposed development, the Official Plan Amendments, the Zoning By-law Amendments and the Site Plan Control Application have regard for the matters of provincial interest as set out in Section 2 of the Planning Act, in particular Section 2 (h), (n), (p), (q), and (r)?
3. Would the approval of the proposed development, the Official Plan Amendments, the Zoning By-law Amendments and the Site Plan Control applications have regard for the decisions of City Council as required by Section 2.1 of the Planning Act?

Provincial Policy Statement (2020)

4. Are the proposed development, the Official Plan Amendments, the Zoning By-law Amendments, and the Site Plan Control application consistent with the Provincial Policy Statement (2020) as required by Section 3 of the Planning Act, in particular Sections

1.1.3 (Settlement Areas), 1.5 (Public Spaces, Recreation, Parks, Trails and Open Space), 1.6.7 (Transportation Systems), 1.6.8 (Transportation and Infrastructure Corridors), 1.7.1 (Long-term Economic Prosperity), and 4.0 (Implementation)?

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended

5. Do the proposed development, the Official Plan Amendments, the Zoning By-law Amendments, and the Site Plan Control application conform with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), as amended, as required by Section 3 of the Planning Act, in particular Sections 1.2.1 (Guiding Principles), 1.2.3 (How to Read this Plan), 2.2.1 (Managing Growth), 2.2.2 (Delineated Built-Up Areas), 2.2.4.10 (Transit Corridors and Station Areas), 3.2.1, 3.2.2, 3.2.3 (Policies for Infrastructure to Support Growth), 4.2.10(b) (Climate Change), and 5.2 (Policies for Implementation and Interpretation)?

City of Toronto Official Plan

6. Does the proposed development, the Zoning By-law Amendments, and the Site Plan Control application conform to the City of Toronto Official Plan with respect to Shaping the City (2.2), Healthy Neighbourhoods (2.3.1), The Public Realm (3.1.1), Built Form (3.1.2 & 3.1.3), Public Art (3.1.4), Parks and Open Spaces (3.2.3), The Natural Environment (3.4), Mixed Use Areas (4.5), Implementation (5.1.1, 5.1.3, 5.3.1, & 5.3.2)?
7. Are the requested Official Plan Amendments consistent with the general intent of the City's Official Plan?
8. Is the proposed development compatible with its physical context and does it affect nearby Neighbourhoods or Apartment Neighbourhoods in a manner contrary to the neighbourhood protection policies of the Plan?
9. Is the requested Official Plan Amendment appropriate?

Official Plan Amendment (OPA) 479 and OPA 480

10. Does the proposed development, the Zoning By-law Amendments, and the Site Plan Control application have appropriate regard to the City of Toronto Official Plan, section 3.1.1 – Public Realm, as amended by OPA 479, including the following amended policies: 3.1.1.1; 3.1.1.2; 3.1.1.6; 3.1.1.13; 3.1.1.16; 3.1.1.17; 3.1.1.19; 3.1.1.20; and 3.1.1.21?
11. Does the proposed development, the Zoning By-law Amendments, and the Site Plan Control application have appropriate regard to the City of Toronto Official Plan, section 3.1.2 – Built Form, as amended by OPA 480, including the following amended policies 3.1.2.1; 3.1.2.2; 3.1.2.4; 3.1.2.5; 3.1.2.6; 3.1.2.7; 3.1.2.8; 3.1.2.10; 3.1.2.11; and 3.1.2.13?
12. Does the proposed development, the Zoning By-law Amendments, and the Site Plan Control application have appropriate regard to the City of Toronto Official Plan, section 3.1.3 – Built Form Tall Buildings, as amended by OPA 480, including the following

amended policies: 3.1.3; 3.1.3.4; 3.1.3.5; 3.1.3.6; 3.1.3.7, 3.1.3.8; 3.1.3.9, 3.1.3.10; and 3.1.3.11?

Guidelines and Other Implementation Documents

13. Does the proposed development meet the intent and purpose of the Tall Building Design Guidelines (2013), particularly the following guidelines: 1.1; 1.3; 1.4; 2.1; 2.2; 2.3; 2.4; 2.7; 3.1.1; 3.1.4; 3.2.1; 3.2.2; 3.2.5; 4.1; 4.2; 4.3; and 4.4?
14. Does the proposed development meet the intent and purpose of the consolidated Mid-Rise Building Performance Standards (inclusive of the Addendum), particularly Performance Standard 1 and Performance Standard 4a of the "Standards" and Performance Standard 1 and Performance Standard 4a of the "Addendum"?
15. Does the proposed development meet the intent and purpose of the Growing Up: Planning for Children in New Vertical Communities Guidelines, particularly guidelines 2.1 and 2.3?
16. Does the proposed development meet the intent and purpose of the City's Pet-Friendly Design Guidelines, particularly guidelines 4.1 and 4.2?
17. Does the proposed development meet the intent and purpose of the City's Engineering Design Standards and Specifications for municipal servicing infrastructure and transportation?
18. Does the proposed development meet the intent and purpose of the Toronto Green Standard, including best practices for bird-friendly glass, best practices for effective lighting, and the provision of an acceptable transportation demand management plan?

Zoning By-law

19. Are the proposed maximum heights for the tall buildings on the site appropriate?
20. Is the proposed maximum density (floor space index) for the site appropriate?
21. Is it appropriate for the zoning by-law amendments to permit projections and encroachments associated with the proposed development within the minimum 10 metre buffer area adjacent to the long-term stable top of slope?
22. Are the proposed amounts of indoor and outdoor amenity space appropriate?
23. Do the zoning by-law amendments require and permit, as the case may be, the appropriate provision of on-site parking spaces having regard to the minimum and maximum number of parking spaces for the proposed uses?
24. Do the zoning by-law amendments require the appropriate provision of loading spaces on the site?

25. Is the provision of affordable housing on-site appropriate, having regard to the number of, size, location, number of bedrooms per unit, and type of tenure of the units?
26. Are the community benefits proposed to be secured by the zoning by-law amendments appropriate, and if not, what are the appropriate community benefits to be provided in connection with the proposed development?

Urban Design

27. Does the proposed development fit appropriately within the existing and planned context, with regard to its setbacks, height, density, base building massing, angular plane, floorplate size, stepbacks, and exterior design?
28. Does the proposed development establish appropriate setbacks having regard to the pedestrian realm, streetscaping and contributions to public space?
29. Does the proposed development create appropriate transitions in scale to neighbouring existing and/or planned buildings?
30. Does the height and mass of the proposed development ensure adequate light or, as the case may be, adequately limit resulting shadowing of neighbouring streets, properties, and open spaces?
31. Does the height and mass of the proposed development minimize any additional shadowing on neighbouring parks as necessary to preserve their utility?
32. Does the height and mass of the proposed development adequately limit uncomfortable wind conditions on-site and neighbouring streets, properties, and open spaces?
33. Do the main building entrances to the proposed development appropriately frame and support adjacent streets in order to improve pedestrian interest and casual views to these spaces from the development?
34. Does the proposed development represent good urban design?

Site Servicing

35. Is the proposed development supported by a satisfactory Functional Servicing and Stormwater Management Report and Hydrogeological Report that demonstrates that any capacity and servicing concerns respecting the proposed development are addressed in a manner consistent with the procedures set out by the Province and the City such as:
 - (a) Design Criteria for Sewers and Water Mains (2009) prepared by the City of Toronto;
 - (b) Water Supply for Public Fire Protection (1999) prepared by Fire Underwriters Survey;

- (c) Wet Weather Flow Management Guidelines (2006) prepared by the City of Toronto; and
 - (d) Toronto Municipal Code, Chapter 681, Sewers?
36. Is the proposed development supported by a satisfactory Hydrogeological Report that demonstrates the potential groundwater issues, such as, but not limited to, dewatering, long-term discharge, water levels, storm water and ground water infiltration impacts, wet weather conditions have been considered and addressed in accordance with applicable guidelines, the Toronto Municipal Code and applicable provincial regulations or statutes?
 37. Is the proposed development supported by a satisfactory Functional Servicing and Stormwater Management Report that demonstrates that the subject site can be adequately serviced by existing City municipal infrastructure?
 38. If no in answer to the immediately preceding issue, has the appellant demonstrated what upgrades and/or improvements are required to the City's municipal infrastructure to accommodate the proposed development and addressed payment for, design and construction of, such upgrades and improvements, including providing financial securities, entering into and registering an agreement with the City?

Site Plan

39. Does the proposed site plan represent an appropriate streetscape and pedestrian realm, including the appropriate provision of new tree and vegetation planting?
40. Does the proposed site plan represent an appropriate organization of the site and its functions, having regard to matters of vehicular circulation on-site, the location of main building entrances, the location of vehicular access to the site, and matters of traffic and pedestrian safety?
41. Are the elevation drawings for the proposed development appropriate having regard to matters of exterior design, including the character, scale, appearance and design features of the proposed buildings?
42. Does the proposed site plan for the development produce acceptable wind impacts on-site including the pedestrian environment, amenity areas and public realm?
43. Does the proposed site plan and associated landscape plan minimize adverse impacts on, and restore and enhance, the natural heritage system inclusive of buffer areas adjacent to the top of bank?
44. Is it appropriate and in the public interest for drainage works that service only the proposed development to be located within lands proposed to be placed in public ownership as a condition of site plan approval?
45. Does the proposed site plan represent an appropriate design in respect of pedestrian pick-up and drop-off areas, driveways, sidewalks, and access to and egress from

loading spaces by service vehicles having regard to matters of pedestrian safety, pedestrian and vehicular conflicts, and vehicular queuing on site?

46. What are appropriate conditions of approval for the Site Plan Control application?

Good Planning and Public Interest

47. In light of the foregoing issues, are the proposed Official Plan Amendments good planning and would their approval be in the public interest?
48. In light of the foregoing issues, are the proposed Zoning By-law Amendments good planning and would their approval be in the public interest?
49. In light of the foregoing issues, are the proposed plans and drawings in support of the Site Plan Control application good planning and would their approval be in the public interest?

Matters to Be Completed Prior to Tribunal Orders

50. If the proposed development is approved in whole or in part, should the Tribunal Order(s) on the Official Plan amendments and the Zoning By-law amendments be withheld until the following conditions are satisfied and the Tribunal receive confirmation from the City Solicitor that:
- (a) the amending zoning by-laws and official plan amendments be finalized, in a form and content acceptable to the City Solicitor and Chief Planner and Executive Director, City Planning, that implement the proposed development;
 - (b) the owner has submitted a revised Functional Servicing, Stormwater Management Report, Hydrogeological Report, and Groundwater Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (c) the owner has addressed all outstanding issues in relation to site servicing that may be identified in the above-mentioned revised reports, including the design of site services, the provision of financial securities for any upgrades or requirement improvements to existing infrastructure to support the development, and entering into an agreement(s) with the City to design, financially secure, construct, and make operational all improvements and upgrades prior to the first above-grade building permit for the development, at no cost to the City and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - (d) the owner and the City have agreed upon community benefits to be provided in accordance with Section 37 of the Planning Act, and the owner has entered into an agreement with the City to secure appropriate services, facilities, and/or matters pursuant to Section 37 of the Planning Act as may be required to the satisfaction of the Chief Planning and Executive Director, City Planning in

consultation with the Ward Councillor, and registered said agreement on title to the site, to the satisfaction of the City Solicitor?

51. If the Site Plan Control application is approved in whole or in part, should the Tribunal Order on said application be withheld:
- (a) pending the release of the Orders in respect of the Official Plan amendments and the Zoning By-law amendments on the basis described in Issue 50(a) hereof; and
 - (b) the applicant has completed all revisions to the plans and reports, to the satisfaction of the appropriate City official and satisfied all pre-approval conditions that may be imposed by the Tribunal?

YORK MILLS HEIGHTS RESIDENTS ASSOCIATION AND YORK MILLS VALLEY ASSOCIATION

Reference to "Application" refers to the zoning, official plan and site plan application appeals as applicable to the text of the issue.

Planning Act

52. Is the Application consistent with the purposes of the *Planning Act*, in particular, those set out at section 1.1 (e) and (f)?

Provincial Policy Statement

53. Is the Application consistent with the Provincial Policy Statement 2020, and specifically Policies 1.2.1, 2.2.1, 4.2 and 4.7?

Growth Plan

54. Does the Application conform to, and not conflict with, the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2020 consolidation), and specifically Policy 1.2.1, 1.2.3, 1.6.7, 2.2.1, 2.2.4, 2.2.6 and 4.2.10(b)?

Official Plan

55. Does the Application conform to the policies of the City of Toronto Official Plan, as amended and specifically Sections 3.1.1 (The Public Realm) 3.1.2 (Built Form) and 3.1.3 (Built Form - Tall Buildings), 3.2.3 (Parks and Open Spaces), 3.4 (The Natural Environment), 4.5 (Mixed Use Areas), 5.1.3, 5.3.1, 5.3.2, 5.3.3 (Implementation)?

Guidelines

56. Does the Application meet the intent and purpose of the Tall Building Design Guidelines (2013)?

57. Does the Application meet the intent and purpose of the consolidated Mid-Rise Building Performance Standards (inclusive of the Addendum)?

General

58. Is the site appropriate for a tall building/tower, as proposed? In particular, is the site organization and built form of the proposed development appropriate, including building height, mass, scale, setbacks, separation distances, access location and servicing/loading?
59. Is the proposed building height appropriate given the natural, existing and planned contexts?
60. Does the proposed height respect the natural form of the surrounding area?
61. Does the proposed development represent good land use planning and urban design having regard to:
- (a) the provincial and municipal policy framework identified in this issues list:
 - (b) the height, mass, tower setbacks, separation distance, scale and density of the Proposal, including the impact of the height and tower setbacks on the following matters, without limiting the generality of the foregoing:
 - (i) Will the Application result in negative shadow impacts, sky view and reduced sunlight penetration on open spaces and the public realm, including the streetscape?
 - (ii) Will the proposal result in negative shadow impacts on the nearby Neighbourhood areas?
 - (iii) Do the Appellant's shadow studies comply with the requirements of the City's terms of reference for Sun/Shadow Study?
 - (c) Does the proposal provide for adequate affordable housing?
62. Is the proposed parking supply appropriate given the site's direct connection to the York Mills subway/GO Transit station?
63. Is the proposed Floor Space Index appropriate?
64. Is it appropriate for the zoning by-law amendments to permit projections and encroachments associated with the proposed development within the minimum 10 metre buffer area adjacent to the long-term stable top of slope?
65. Are the community benefits proposed to be secured by the zoning by-law amendments appropriate, and if not, what are the appropriate community benefits to be provided in connection with the proposed development?

- 66. Is the proposed development supported by a satisfactory hydrogeological report that demonstrates the potential groundwater issues, such as, but not limited to, dewatering, long-term discharge, water levels, storm water, ground water infiltration impacts, 100 year flood, heavy rain and wet weather conditions have been considered and addressed in accordance with applicable guidelines, the Toronto Municipal Code and applicable provincial regulations or statutes?
- 67. Is sufficient parkland proposed on the site?
- 68. Should the parkland dedication requirement be included in any official plan and zoning bylaw amendment approving development for the Site?

Site Plan and Climate Change

- 69. Does the Application have appropriate regard for Toronto Green Standards for Mid to High-Rise Residential & all Non-Residential, Version 3?
- 70. Are the elevation drawings for the Application appropriate having regard to matters of exterior design, including the character, scale, appearance and design features of the proposed buildings?

CADILLAC FAIRVIEW CORPORATION LIMITED

- 71. Does it represent good planning and is it appropriate to close or disrupt a pedestrian access to the York Mills TTC station and GO bus terminal in conjunction with the proposed development?
- 72. Is it appropriate to approve plans and drawings that cannot be implemented without the consent of The Cadillac Fairview Corporation Limited, which has a property interest over a portion of the lands proposed for development?
- 73. Is the proposed development consistent with the Provincial Policy Statement, 2020, and in particular policies 1.1.1(e), 1.1.3.2(f), 1.2.1(a), 1.6.3, 1.6.7.2, 1.6.7.4, 1.6.8.3 and 1.8.1(b)?
- 74. Does the proposed development conform with the Growth Plan for the Greater Golden Horseshoe 2020, and in particular sections 1.2, 2.1 and 3.1, and policies 2.2.1.4(d)(i), 2.2.1.4(f), 2.2.4.8, 2.2.4.10, 2.2.5.1(c) and (d), 2.2.5.16(a), 3.2.1.1, 3.2.2.2 and 3.2.3.2?
- 75. Does the proposed development conform with the City of Toronto Official Plan, and in particular policies 2.1.1, 2.2.1, 2.2.4, 2.4.3, 2.4.4, 2.4.14, 2.4.17(c) and 4.5.2(a)?

ATTACHMENT 4
ORDER OF EVIDENCE

1. Yonge Park Plaza Inc.
2. City of Toronto
3. York Mills Valley Association & York Mills Heights Residents Association
4. Cadillac Fairview Corporation Limited
5. Reply by Yonge Park Plaza Inc.

ATTACHMENT 5
SUMMARY OF KEY DATES

| <u>Date</u> | <u>Event</u> |
|-------------------|---|
| November 12, 2021 | Deadline for submission of a revised proposal dealing with City-owned lands pursuant to paragraph 10 of the Order. |
| December 10, 2021 | Deadline for submission of a revised proposal pursuant to paragraph 11 of the Order. |
| January 10, 2022 | List of witnesses and the order in which they will be called |
| January 24, 2022 | Submission of Statement of Agreed Facts |
| January 29, 2022 | Deadline to challenge witnesses |
| February 8, 2022 | Exchange of expert reports/witness statements, evidence outlines for witnesses under summons, and participants statements |
| February 23, 2022 | Exchange of reply evidence/statements |
| April 25, 2022 | Exchange visual evidence and submission of Joint Document Book and hearing plan |
| May 2, 2022 | Notification to Tribunal and Parties if witness not to provide oral evidence |
| May 9, 2022 | Hearing |