

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



ISSUE DATE: March 26, 2021

CASE NO(S): PL200441

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:	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
LPAT Case No.:	PL200441
LPAT File No.:	PL200441
LPAT 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

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
 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

Heard: March 12, 2021 by video hearing

APPEARANCES:

Parties

Counsel*/Representative

Yonge Park Plaza Inc.

Patrick Devine* and Michael Cook*

City of Toronto

Mark Piel*

Cadillac Fairview Corporation Limited

Roslyn Houser*
 Max Laskin* (not in attendance)

York Mills Valley Association and
 York Mills Heights Residents
 Association

Ian Flett*

South Armour Heights Residents
 Association

Sheila Dunlop

Upper Avenue Community Association France Rochette and Pamela Main

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON
 MARCH 12, 2021 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] Yonge Park Plaza Inc. (the "Applicant") filed applications with the City of Toronto (the "City") to amend the Official Plan ("OPA"), amend the Zoning By-law ("ZBA") and an application for Site Plan Approval ("SPA") to facilitate the redevelopment of the lands located at 4050 Yonge Street (the "Subject Lands") with a mixed use development. The Applicant filed appeals against the City's failure to make a decision on the applications within the time frames prescribed by the *Planning Act*.

[2] This hearing is the first Case Management Conference ("CMC") conducted in respect of the Appeals pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act*, and Rule 19 of the Tribunal's *Rules of Practice and Procedure* (the "Rules").

[3] The Tribunal received an Affidavit of Service sworn on February 16, 2021 filed by the Applicant confirming that notice of the proceedings was completed in accordance with the Tribunal's direction. The Affidavit is marked as Exhibit 1.

CASE MANAGEMENT CONFERENCE

[4] Mr. Devine explained that the Applicant acquired the lands at the Subject Lands which are currently utilized as a surface parking lot for the Toronto Transit Commission ("TTC") and are zoned to permit an office use development. The proposed development will provide for two towers, one proposed for a hotel use and the second proposed for residential uses with a podium providing office and retail uses. Mr. Devine requested the Tribunal to schedule a hearing of the merits of the appeal. He explained that City Staff prepared a request for direction report dated February 5, 2021 which was considered by City Council on March 10, 2021. Based on the content of the Staff Report, an Issues List was prepared and circulated to the Parties in preparation for the CMC. A draft Procedural Order ("PO") has also been circulated.

[5] Mr. Piel responded that City Council provided direction on March 10, 2021 to oppose the application.

[6] In advance of the CMC, the Tribunal received requests for Party Status from the following:

- 1) York Mills Valley Association (“YMVA”),
- 2) York Mills Heights Residents Association (“YMHRA”),
- 3) Yonge Ridge Homeowners Association (“YRHA”),
- 4) St. Andrews Resident Association (“STARA”),
- 5) South Armour Heights Residents Association (“SAHRA”),
- 6) Upper Avenue Community Association (“UACA”), and
- 7) Cadillac Fairview Corporation Limited (“CFC”).

The Tribunal also received a request for Participant status from Bill Prouten, a resident of 4000 Yonge Street.

[7] The Tribunal reviewed the difference between a Party and a Participant in respect to the status in a Tribunal proceeding. It was noted that the six Party Request Forms filed with the Tribunal were very similar in terms of their form and content. The Tribunal explained that Party status before the Tribunal brings certain expectations and responsibilities. A Party is expected to “call a case” which will involve participating in the proceedings and providing evidence to the Tribunal in support of the position taken by the Party.

[8] Mr. Flett attended on behalf of YMVA and YMHRA. He explained that YMVA represents the residents living south-east of the Subject Lands and YMHRA represents the residents living west of the Subject Lands. He advised that both organizations are incorporated ratepayers associations and they have been in communication with the City in respect to the applications filed by the Applicant. Both YMVA and YMHRA will

have an impact as a result of their proximity to the proposed development to their respective communities.

[9] Ms. Houser attended on behalf of CFC advising that they own the lands to the north of the Subject Lands, which are currently occupied with an office development. Their concerns with the proposed redevelopment include the preservation of a subterranean tunnel that they constructed to access the York Mills TTC Subway station which crosses the Subject Lands.

[10] Pete Little on behalf of YRHA requested that his request for Party status be amended to a request for Participant status.

[11] Cindy Weiner on behalf of STARA requested that her request for Party status be amended to a request for Participant status. She advised the Tribunal that she will coordinate her organization's concerns with the other ratepayer groups.

[12] There were no objections raised to the above requests and the Tribunal granted Party status to YMVA, YMHRA, and CFC as there are reasonable grounds to add each of them in these proceedings. The Tribunal also granted Participant status to Bill Prouten, YRHA, and STARA.

[13] Sheila Dunlop on behalf of SAHRA and France Rochette on behalf of UACA attended requesting Party status. The groups represent residents living west of the Subject Lands and they explained that the potential impacts of the proposed development will extend across the broader community and the cumulative impact of redevelopment needs to be considered.

[14] Mr. Devine opposed the requests for Party status as the SAHRA and UACA have not identified how they intend to make their case. Mr. Devine submitted that the issues of the broader community are typically a consideration that the City contemplates in

their issues and he contends that the requestors have not met the threshold of to be granted Party status.

[15] No other parties raised concerns with the requests.

[16] The Tribunal granted Party status to SAHRA and UACA. The Tribunal noted that SAHRA and UACA, in consideration of the Issues List and the obligations of a Party, may determine that they wish to change their status in these proceedings and the Tribunal will consider any such requests at the next CMC.

[17] In consideration of an Issues List, The Tribunal was advised that City Council considered a report on March 10, 2021, two days in advance of this CMC, and Mr. Piel explained that he has not had sufficient time to coordinate with City staff to create a list of issues for these proceedings. Mr. Piel requested clarification of whether the Applicant intends to proceed with the SPA appeal together with the OPA and ZBA appeals or if the Applicant intends to deal with the SPA appeal subsequent to the other appeals.

[18] Mr. Devine submitted that City Council considered a report dated February 5, 2021 which outlined the issues and Council adopted the report with no changes. The issues have been identified and the draft Issues List submitted to the Tribunal was based on the issues identified in the report. In respect to the three appeals, Mr. Devine advised that his client wishes to proceed to have the three appeals considered together.

[19] Ms. Houser advised that her client and the Applicant have been in discussion and are narrowing their issues.

[20] The Parties advised that 15 days will be required for a hearing of the merits.

[21] In response to whether the Parties have engaged in discussions in respect to a possible settlement, Mr. Devine advised that a significant issue in respect to the proposed development is the height of the proposed buildings and the Parties seem very far apart in that regard. He suggested that a settlement is not likely.

[22] Mr. Piel raised a concern that an issue identified in respect to drainage may result in a change in the building footprint and configuration.

[23] Mr. Devine responded that the Toronto and Region Conservation Authority have been consulted and revisions addressing the concern have been included in the plans filed with the City.

[24] The Tribunal schedules a further CMC for **Thursday, June 24, 2021**. The CMC will address the Issues List and Procedural Order and consider any requests for change in Party status. The Parties are directed to provide a draft Issues List and Procedural Order to the Tribunal on or before **Friday, April 9, 2021**. The Tribunal directs any Parties interested in requesting a change of their status to notify the Tribunal of their intentions by **Friday, April 9, 2021**.

ORDER

[25] The Tribunal adds the following as a Party to the proceedings:

- 1) York Mills Valley Association;
- 2) York Mills Heights Residents Association;
- 3) South Armour Heights Residents Association;
- 4) Upper Avenue Community Association; and
- 5) Cadillac Fairview Corporation Limited.

[26] The Tribunal grants Participant Status to the following:

- 1) Yonge Ridge Homeowners Association;
- 2) St. Andrews Resident Association; and
- 3) Bill Prouten

[27] The Tribunal schedules a further CMC to be held on **Thursday, June 24, 2021**, by video conference commencing at **10 a.m.** The 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/664758237>
Access Code: 664-758-237

[28] 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](https://gotomeeting.com) or a web application is available:

<https://app.gotomeeting.com/home.html>

[29] 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 or +1 (647) 497-9391**. The **access code** is **664-758-237**.

[30] 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 CMC 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.

[31] The Tribunal Orders that any Party wishing to change their status in these proceedings to notify the Tribunal of their intention on or before **Friday, April 9, 2021**.

[32] The Tribunal Orders that the Parties submit a draft Procedural Order and Issues List to the Tribunal on or before **Friday, April 9, 2021**.

[33] There will be no further notice provided.

[34] This Member is not seized of the matter.

“David Brown”

DAVID BROWN
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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