

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 02, 2021

CASE NO(S): PL200492

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

Applicant and Appellant: The Governing Council of the University of Toronto

Subject: Application to amend Zoning By-law No. 438-86 - Refusal or neglect of City of Toronto to make a decision

Existing Zoning: Institutional

Proposed Zoning: Site Specific (To be determined)

Purpose: To permit a nine (9) storey institutional building

Property Address/Description: 78-90 Queen's Park

Municipality: City of Toronto

Municipality File No.: 19 118245 STE 11 OZ

LPAT Case No.: PL200492

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LPAT Case Name: University of Toronto v. Toronto (City)

Heard: July 30th, and August 13, 2021 by Video Hearing ("VH")

APPEARANCES:

Parties

Counsel

The Governing Council of the University of Toronto ("University")_

S. Leisk

City of Toronto ("City")

D. Elmadany

Queen's Park Heritage Precinct Coalition ("Coalition")

C. Kapelos

MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR AND N. P. ROBISONSON ON AUGUST 13, 2021 AND INTERIM ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The University had applied for a Zoning By-law Amendment (“ZBA”) for the lands known municipally as 78-90 Queen’s Park (“Subject Lands”).

[2] The Tribunal had previously held a Case Management Conference (“CMC”) at which the Tribunal was advised that the parties were seeking to participate in Tribunal-led mediation.

[3] The Tribunal set this CMC for a status update on the Tribunal-led mediation with the notation that if the mediation were successful, the CMC might be converted to a settlement hearing.

[4] In the leadup to the July 30, 2021 hearing, the Tribunal was advised that a settlement had been reached and, in the evening preceding the CMC, a 175 page land use planning affidavit was sent to the Tribunal.

[5] As the Tribunal had not had the opportunity to consider the affidavit, the Tribunal adjourned the CMC to August 13, 2021.

[6] At the August 13, 2021 continuation of the CMC, the Tribunal heard the *viva voce* evidence of the University’s land use planner, heard the submissions of counsel, and gave an interim oral decision allowing the appeal in part, approving in principle the draft ZBA, and adjourning the site Plan appeal sine die, all for the reasons set out below.

DECISION

[7] There are two matters before the Tribunal: first the ZBA appeal, and secondly the Site Plan appeal.

[8] The parties have, through Tribunal-led mediation, been able to reach a settlement on the ZBA based on some reduction in height, revised massing, and with heritage considerations.

[9] The Tribunal had before it the land use planning affidavit of Louis Tinker (Exhibit 1) who was qualified as an expert in land use planning. The Tribunal also heard his oral evidence in support of the settlement proposal in which he opined that the settlement proposal satisfies the matters of Provincial Interest in s. 2 of the *Planning Act* (“PA”), is consistent with the Provincial Policy Statement, 2020 (“PPS”), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”), conforms to the City’s Official Plan, the University of Toronto Secondary Plan, the Downtown Plan, Site and Area Specific Policy No. 334 (“SASP 334”) and Site and Area Specific Policy No. 398 (“SASP 398”), and represents good planning.

[10] Exhibit 1 also contained the Minutes of City Council supporting the settlement.

[11] Counsel for the parties unanimously supported the settlement and recommended that the Tribunal approve in principle the draft ZBA found at Exhibit 1 Tab M, withhold its Final Order pending satisfaction of the conditions of approval adopted by City Council as found at Exhibit 1 Tab L, and adjourn the Site Plan appeal *sine die*.

[12] The Tribunal having considered the land use planning affidavit of Mr. Tinker, having heard his *viva voce* evidence, having considered the submissions of counsel, and having considered s. 2.1(1) of the PA, finds that all the matters of Provincial Interest have been adequately addressed, that the revised ZBA is consistent with the PPS, conforms to the Growth Plan, conforms to the City’s Official Plan, the University of Toronto Secondary Plan, the Downtown Plan, SASP 334 and SASP 398, and represents good planning.

[13] Accordingly, the Tribunal will allow the appeal in part, approve the revised ZBA in principle as found at Exhibit 1 Tab M, withhold its Final Order pending completion of the conditions of approval found in Exhibit 1 Tab L, and adjourn the Site Plan appeal sine

die.

[14] The Tribunal directs that counsel for the University will provide a written status update on both the ZBA and the Site Plan to the Tribunal's Case Coordinator on or before six months from the issuance date of this Decision, with copies to all parties. The Tribunal also requests the co-operation of the City to post the University's status update on the City's website, so all the participants to this hearing can be apprised of the on-going status of the ZBA and Site Plan.

[15] Finally, the Tribunal congratulates the parties for their willingness to participate in Tribunal-led mediation that has resulted in a settlement that is far more timely and certainly less expensive than a lengthy, contested hearing.

[16] We remain seized of both the ZBA and the Site Plan appeals.

[17] Scheduling permitting, we may be spoken to for case management purposes.

[18] This is the Interim Order of the Tribunal.

"Blair S. Taylor"

BLAIR S. TAYLOR
MEMBER

"N. P. Robinson"

N.P. ROBINSON
MEMBER

Ontario Land Tribunal

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