

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 21, 2021

CASE NO(S): PL210045

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

Applicant and Appellant: 1140 Yonge Inc.
Subject: Request to amend the Official Plan - Failure of the City of Toronto to adopt the requested amendment
Existing Designation: Mixed Use Areas and Neighbourhoods
Purpose: To permit a 13-storey mixed-use building
Property Address/Description: 1134-1140 Yonge Street
Municipality: City of Toronto
Approval Authority File No.: 20 189124 STE 11 OZ
OLT Case No.: PL210045
OLT File No.: PL210045
OLT Case Name: 1140 Yonge 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: 1140 Yonge Inc.
Subject: Application to amend Zoning By-law Nos. 438-86 and 569-2013 - Refusal or neglect of the City of Toronto to make a decision
Existing Zoning: CR Zone
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit a 13-storey mixed-use building
Property Address/Description: 1134-1140 Yonge Street
Municipality: City of Toronto
Municipality File No.: 20 189124 STE 11 OZ
OLT Case No.: PL210045
OLT File No.: PL210046

Heard: June 17, 2021 by video hearing

APPEARANCES:**Parties****Counsel**

1140 Yonge Inc.

M. Laskin and D. Bronskill

City of Toronto

A. Suriano

BRL Realty Limited

M. Flynn-Guglietti

ABC Residents' Association

C. Kapelos and A. Biggart

MEMORANDUM OF ORAL DECISION DELIVERED BY N.P. ROBINSON ON JUNE 17, 2021 AND ORDER OF THE TRIBUNAL

[1] These appeals relate to the failure of municipal council to make a decision on applications for an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) lodged by 1140 Yonge Inc. (“Appellant”) for lands described as 1134-1140 Yonge Street in Toronto (the “Subject Lands”).

[2] In advance of this first Case Management Conference (“CMC”), the Tribunal received numerous party and participant requests and was presented with a draft Procedural Order (“PO”).

[3] The Tribunal entered an Affidavit of Service demonstrating timely notice of the CMC as Exhibit 1 to the CMC.

[4] After reviewing the participant requests and with the consent of the extant parties, the Tribunal granted participant status to several local residents with an interest in the development:

1. David Swail
2. Deborah Mitchell

3. Alana Richman
4. Irina Farb
5. Scrivener Square Nominee Inc. and Summerhill Shops Nominee Inc.
6. David Harel

[5] Tony Grant, a local resident wishing to have participant status at the hearing, appeared at the CMC. The Tribunal did not have a copy of this individual's participant request so he was instructed to re-file his participant request and was informed that the Tribunal would address his request at a subsequent CMC.

[6] The Tribunal also received party status requests from ABC Residents' Association ("ABC") and BRL Realty Ltd. The Tribunal finds that both have a genuine direct interest in the within matter and will assist the Tribunal in effectively adjudicating the matter. Both were added as parties with the consent of the statutory parties.

[7] The Tribunal also deferred its decision on whether to grant participant or party status to Frank Copping until the next CMC. Some of the parties expressed concerns that Mr. Copping's issues were subsumed by the issues of the other parties. Counsel for the Applicant also expressed concerns that Mr. Copping could find himself playing both lawyer and witness given his self-represented status. Mr. Copping was informed that the Tribunal was willing to grant, at the minimum, participant status but suggested that he should consult legal counsel about the implications of being a party and have further discussions with the other parties before the Tribunal rules on this issue.

[8] The statutory parties informed the Tribunal that potential exists to resolve many of the issues before the Tribunal and indicated that they were in discussions to do so. The parties indicated that it would be premature to proceed to formal mediation and requested time to continue their discussions.

[9] The parties also raised concerns about the lack of available hearing dates and asked the Tribunal to tentatively schedule hearing dates despite the fact that further revisions would be made to the PO. The non-statutory Appellant parties were encouraged to shelter their issues under the issues of the statutory parties insofar as possible and all the parties were directed to work together to narrow the issues to be adjudicated by the Tribunal.

[10] The Tribunal ordered ABC to provide an Issues List to the other parties on or before **Friday, July 2, 2021**. The Tribunal further ordered that the matter be set for a 12-day hearing commencing on **Monday, July 4, 2022 to Tuesday, July 19, 2022**.

[11] The parties were instructed to file a revised PO on or before **Friday, July 30, 2021** in advance of a second CMC set on August 4, 2021. It is anticipated that the PO will be finalized and rulings will be made with respect to the status of Tony Grant and Frank Copping on the August 4, 2021 CMC date.

[12] The next CMC is scheduled to proceed by video on **Wednesday, August 4, 2021 at 10 a.m.**

[13] Parties and participants 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/310049997>

Access code: 310 049 997

[14] 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://app.gotomeeting.com/home.html) or a web application is available:

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

[15] 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 **310 049 997**.

[16] 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.

[17] The Member is not seized with this matter.

[18] There will be no further notice.

[19] The Tribunal so Orders.

"N.P. Robinson"

N.P. ROBINSON
MEMBER

Ontario Land Tribunal

Website: 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.