

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 05, 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: August 4, 2021 by video hearing

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

1140 Yonge Inc.

M. Laskin

City of Toronto

A. Suriano

BRL Realty Limited

M. Flynn-Guglietti

ABC Residents' Association

C. Kapelos

Frank Copping

Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN COOKE ON
AUGUST 4, 2021 AND ORDER OF THE TRIBUNAL**

[1] This was the second Case Management Conference (“CMC”) for the appeals by 1140 Yonge Inc. (“Applicant”) under s. 22(7) and s. 34(11) of the *Planning Act*, for the Council of the City of Toronto (“City”) failure to make a decision on an official plan amendment (“OPA”) and zoning by-law amendment (“ZBA”) application for the lands municipally known as 1134-1140 Yonge Street (“Subject Lands”).

[2] The purpose of this CMC was to review the draft Procedural Order (“PO”), and to review the status requests to these proceedings for Messrs. Frank Copping and Tony Grant.

REQUEST OF PARTY STATUS

[3] The Tribunal deferred the decision on whether it was appropriate to grant Participant or Party status to Mr. Copping to this CMC.

[4] Counsel for the Applicant expressed concerns to the Tribunal that with self-represented status, it would not be appropriate for Mr. Copping to be able to give testimony as a witness while having the rights to question other expert witnesses.

[5] Mr. Copping stated that he understood the concerns of the Parties and informed the Tribunal that it was his intentions to bring forward to the proceeding a land-use planning witness.

[6] Based on the clarification that Mr. Copping intends to put forward a case with expert witnesses, the Parties indicated to the Tribunal that they would have no issues with the Party status requested.

[7] The Tribunal has granted Party status to Mr. Copping on the condition that he meets the requirement of s. 9 of the PO that states:

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, curriculum vitae, and the intended order in which they are intended to be called. This list must be delivered on or before **May 10, 2022** (55 days before the hearing date).

REQUEST OF PARTICIPANT STATUS

[8] Mr. Grant's request for Participant status was also deferred to this CMC. Mr. Grant is a local resident that lives in the immediate area of the Subject Site. The Parties had informed the Tribunal that they have no concerns or objection to the request of Mr. Grant.

[9] The Tribunal is satisfied that the requirements have been met and grants Participant status to Mr. Grant.

DRAFT PROCEDURAL ORDER

[10] Mr. Laskin presented to the Tribunal a draft PO that included various scenario's depending on what status was to be granted to Messrs. Copping and Grant. The

Tribunal was satisfied that the draft PO is in order and is approved. Mr. Laskin was tasked with updating the PO to distribute to the Tribunal and Parties.

[11] This is the Order of the Tribunal.

“Steven Cooke”

STEVEN COOKE
MEMBER

Ontario Land Tribunal

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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 (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.