

ISSUE DATE:

**Dec. 14, 2010**



PL030412

Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the Minister of Municipal Affairs and Housing to approve in part, the new Official Plan for the City of Toronto, as adopted by By-law 1082-2002, to provide policy direction in the six municipalities of the former Metropolitan Toronto

MMAH File No. 20-OP-2002

OMB File Nos. See Attachment "1"

**APPEARANCES:**

<b>Parties</b>	<b>Counsel*/Agent</b>
City of Toronto	Bruce Ketcheson* Robert Balfour* R. Andrew Biggart*
Aga Khan Foundation Canada	Brad Teichman*
Cadillac Fairview Corporation Limited Canadian Tire Corporation Limited Canadian Tire Real Estate Limited (Lakeshore) Eminent Construction Limited Monarch Construction Limited Monarch Construction Limited and Water View Corporation Options for Homes Silvercore Inc. Greater Toronto Home Builders' Association and Urban Development Institute 1430649 Ontario Ltd. 2BRNOT2B Holdings 603613 N.B. Inc. (Malibu Investments Inc.) 640 Fleet Street Developments Limited, 650 Fleet Street Developments Limited, Fleet Boulevard Limited  Bedford and Bloor Realty and Lantower Yonge Bloor Capital Inc Daniels Midtown Corporation Mattamy Bayview Limited Mount Sinai Hospital	Steven Diamond* John Dawson* Cynthia MacDougall* Calvin Lantz*

Plazacorp Properties Limited Riva Glade Holdings Inc. Wellesley Residences Corp. Yonge Crescent Development Limited Yorkville (2001) Limited Hanfrow Holdings G.P. Inc. Talon International Developers Inc. Meridian Residences Inc. Centre for Addiction and Mental Health 534078 Ontario Limited, Weintraub Holdings Limited, Samper Developments Limited, Jassder Developments Limited, Judidon Holdings Inc., Cardon Holdings Inc., Dadadon Holdings Inc., Ruthdon Holdings Inc. Piagga Limited 1356071 Ontario Inc. Artlea Holding Limited, Siper Investments Limited, H & R Properties Limited, 1012502 Ontario Limited Rosalind Bradford (David Sadja) 1160963 Ontario (Spadina) 887343 Ontario Inc. and 567485 Ontario Inc. 1160963 Ontario (Rosehill) Herron Gardens Inc. Wellington Park Residences Corp. Marca Development Corporation Wittington Properties Limited First Ontario Realty Corporation York University 1098748 Ontario Limited National Ballet School Bellwoods Centres for Community Living Inc. Wittington Properties Inc. Hyde Park Partnership Centre for Addiction and Mental Health	
CN Railway	Michael Hackl*
Toronto Anglican Diocese Toronto Rehabilitation Institute	J. Pitman Patterson*
Owens Corning Canada Inc. Tom Katirai	Harold Elston*

Kraft Canada Inc.	Dennis Trinaistich*
The National Club Gerrard Clonmore Developments Limited Tap-Steeles Investments Ltd. Steeles Markham Developments Limited The Conservatory Group of Companies Ringley Construction Ltd. (formerly Workplace Safety and Insurance Board)	Susan Rosenthal* Mark Flowers*
685 Keele Street Limited Home Depot of Canada Inc. Lissard Holdings Morningard Developments Limited Thoroughbred Developments Limited	Cathy Biesma
Edithvale Yonge Residents' Association, Lansing Community Association Inc., Silverview Homeowners' Association, South of Sheppard Preservation Group Inc., Willowdale Central Ratepayers' Association	George Belza
Ripley Area Residents Group Ltd. And Swansea Area Ratepayers Group Confederation of Resident and Ratepayer Associations (CORRA)	William Roberts*
Harbour Remediation and Transfer Inc. Lafarge Canada Inc. Ontario Realty Corporation and Hydro One Ontario Realty Corporation (90 Harbour Street & West Donlands) Ontario Restaurant Hotel and Motel Association, et. al The Roehampton Corporation Yonge-St. Clair Inc.	Signe Leisk*
5795 Yonge Street (1984) Limited Ivaco Inc.	Craig Parkinson*
Ministry of Municipal Affairs and Housing	Peter Matheson Young* Bob Boxma*

Apco Industries Co. Limited Crompton Co./Cie Dow Chemical Canada Inc. Halltech Inc. Rohm and Haas Canada Inc. Valspar Canada Inc. Kolter Property Company	Andrew Jeanrie*
Urquhart Consortium Inc.	Art McIlwain
1255870 Ontario Limited	John Inglis*
1213763 Ontario Limited 18 Brownlow Holdings Ltd. 2BRNOT2B Holdings 940412 Ontario Limited, Adam Steiner et. al. Advent Health Care Corp. Avro Quay Limited Diamante Urban Corporation Duration Investments Ltd. Minto Urban Communities Inc. One City Hall Place Limited Pleasant View Holdings Ltd. Sun Life Assurance (Morningside Mall) Sun Life Assurance (Yonge) Sun Life Assurance Company of Canada(Lawrence and Morningside) Burnac Holdings Limited	Patrick Devine* Jason Park*
<b><u>Participant</u></b>	
Michael Rosenberg	

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. W. LEE ON  
OCTOBER 28, 2010 AND ORDER OF THE BOARD**

This proceeding was a pre-hearing conference with regards to the on-going disposition of outstanding appeals filed against the 2002 City of Toronto Official Plan, (“new Official Plan”).

The appeals and properties at issue in this Pre-hearing Conference are listed on Attachments to the Decision/Order dated March 30, 2010, respecting Case No. PL030412; namely, those properties not currently subject to the new Official Plan.

The City of Toronto ("City") sought Board approval for modifications to the new Official Plan for the properties at 3018 and 3020 Yonge Street. The new Official Plan modifications are required as a result of the Board Order respecting Case No. PL060944 dated July 3, 2008, which approved the development of a residential building to a maximum of 12 storeys in height and 15,807 square metres, for the Appellants 3018-3020 Yonge Street Limited. The subject properties are currently subject to the former City of Toronto Official Plan which remains in force for these lands. The Board was presented with the affidavit of Gerry Rogalski (marked as Exhibit 238), a City of Toronto planner, in support of approving modifications to the new Official Plan for the subject properties in order to recognize the Board's Order dated July 3, 2008, which required a site-specific modification to the new Official Plan. The Solicitor for the Appellant consented, by way of e-mail dated October 1, 2010, to Mr. Rogalski's affidavit being submitted to the Board. The Board Orders that the new Official Plan be modified as shown in Exhibit "B" to the affidavit of Mr. Rogalski filed as Exhibit 238. The Board also Orders that the appeal of 3018-3020 Yonge Street Limited (OMB File No. O030252) be deleted from Attachment 4 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject properties.

The City requested that the Board approve a modification to the new Official Plan for the properties at 53 to 67 Saulter Street. The Board had approved amendment No. 380 to the Official Plan of the former City of Toronto in its August 25, 2010 Order respecting Case No. PL060907 which permits proposed live-work units on a portion of the subject properties. The new Official Plan requires modifications to reflect the Board Order. The City filed the affidavit of Gerry Rogalski (marked as Exhibit 239) which details the proposed modifications to the new Official Plan in Exhibit "B" therein. The Solicitor for the Appellants, 940412 Ontario Ltd., Adam Steiner et al., consented to the affidavit of Mr. Rogalski being submitted to the Board. The Board approves the modifications to the new Official Plan as found in Exhibit "B" to the affidavit of Mr. Rogalski filed as Exhibit 239. The Board also Orders that the appeal of 940412 Ontario Ltd., Adam Steiner et al. (OMB File No. O030141) be deleted from Attachment 4 to the

Decision/Order dated March 30, 2010, respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject properties.

The Board was presented with the affidavit of Gerry Rogalski (marked as Exhibit 240) supporting modifications to the new Official Plan with respect to the property at 555 Finch Avenue West. The City approved amendment No. 585 to the Official Plan of the former City of North York (“OPA No. 585”) to permit a total of seven new buildings on the subject site for Advent Health Care Corporation. The City sought a modification to the new Official Plan to reflect the City’s approval of OPA No. 585. The Board was also presented with a copy of an e-mail dated September 2, 2010, from the Solicitor for Advent Health Care Corporation which indicated consent to Mr. Rogalski’s affidavit and the proposed Official Plan modifications therein. The Board hereby Orders that the new Official Plan be modified as outlined in Exhibit “B” to the affidavit of Mr. Rogalski filed as Exhibit 240. The Board further Orders that the appeal of Advent Health Care Corporation (OMB File No. O030161) be deleted from Attachment 4 to the Decision/Order of March 30, 2010, respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject property.

The Board was presented with the affidavit of Anna Czajkowski (marked as Exhibit 241), a planner with the City of Toronto, respecting the removal of a City-owned property at 4331 Lawrence Avenue East from Attachment 6 to the March 30, 2010, Decision/Order respecting Case No. PL030412. The Board hereby Orders the subject property be deleted from Attachment 6 to the March 30, 2010, Decision/Order respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject property.

The Board was presented with an affidavit from Anna Czajkowski (marked as Exhibit 242) in support of deleting the property at 3291 Kingston Road from Attachment 7 to the March 30, 2010, Decision/Order respecting Case No. PL030412. The Board was provided with the consent of the Agent for the owner, George Samonas, to submitting Ms Czajkowski’s affidavit to the Board. The Board hereby Orders that PL021014, O020170 – 3291 Kingston Road be deleted from Attachment 7 to the March 30, 2010, Decision/Order respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject property.

The Board was presented with an affidavit of Anna Czajkowski (marked as Exhibit 243) supporting the deletion of the property at 3195 Sheppard Avenue East from Attachment 6 to the March 30, 2010, Decision/Order respecting Case No. PL030412. The Board was provided with the consent of the Agent for the owner, Daniel Executive, to the subject property being brought under the new Official Plan. The Board hereby Orders that 3195 Sheppard Avenue East be deleted from Attachment 6 to the March 30, 2010 Decision/Order respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject property.

The City sought to remove the properties at 865, 867 and 869 Sheppard Avenue West from Attachment 6 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412. The affidavit of Gerry Rogalski (marked as Exhibit 244) in support of the relief sought by the City was filed with the Board. The consent of the Solicitor for the current owners, Larkwood Developments Inc., was provided in correspondence dated May 19, 2010, which was included as Exhibit "B" to Mr. Rogalski's affidavit. The Board Orders that 865, 867 and 869 Sheppard Avenue West be removed from Attachment 6 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject properties.

The Board was presented with a Motion Record containing the affidavit of Gerry Rogalski (marked as Exhibit 245) supporting the deletion of 4001, 4003 and 4005 Bayview Avenue from Attachment 7 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412. The Board was provided with the written consent of the Solicitor for the Applicant, Sterling Silver Development Corporation, for the relief sought by the City in an e-mail dated October 22, 2010. The Board Orders that PL021011, O020174 - 4001, 4003 and 4005 Bayview Avenue be removed from Attachment 7 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject properties.

The Board was presented with a Motion Record containing the affidavit of Anna Czajkowski (marked as Exhibit 246) in support of deleting the property at 1880 Eglinton Avenue East from Attachment 7 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412. The Board was also presented with correspondence dated October 26, 2010, from the Solicitor for the Applicant, Loblaw Properties Limited, which provided consent to the City's request on the understanding that the outstanding

zoning by-law amendment currently at the Board remains open. The Board Orders that PL980945, O980209 - 1880 Eglinton Avenue East be deleted from Attachment 7 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject properties.

The Board was presented with a Motion Record containing the affidavit of Gerry Rogalski (marked as Exhibit 247) concerning the property at 230 Finch Avenue East. The City sought to delete the property from Attachment 6 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412. The property owner, Yu-Min Zhang, did not attend this Pre-hearing Conference. After reviewing the Motion Record and the accompanying Affidavit of Service, the Board Orders that 230 Finch Avenue East be deleted from Attachment 6 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject property.

The Board was presented with a Motion Record containing the affidavit of Anna Czajkowski (marked as Exhibit 248) in support of the City's motion to delete the property at 555 Brimorton Drive from Attachment 7 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412. The Solicitor for the owner, PIC Property Management Ltd., did not attend this Pre-hearing Conference. After reviewing the Motion Record and the accompanying Affidavit of Service, the Board Orders that PL040745, O050013 - 555 Brimorton Drive be deleted from Attachment 7 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412, thereby bringing the new Official Plan into force for the property.

The Board was presented with a Motion Record containing the affidavit of Anna Czajkowski (marked as Exhibit 249) in support of the City's request to dismiss the appeal for an official plan amendment for the properties at 144, 146, 148 and 156 Rowntree Mill Road and deleting these properties from Attachment 6 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412. The Solicitor for the Applicant, Terranova Developments Ltd., was not in attendance at this Pre-hearing Conference. After reviewing the Motion Record and the accompanying Affidavit of Service, the Board Orders that the subject properties be deleted from Attachment 6 to the Decision/Order dated March 30, 2010, respecting Case No. PL030412, thereby bringing the new Official Plan into force for the subject properties.

Attachments "3" to "8" to Decision/Order dated March 30, 2010, respecting Case No. PL030412 have been updated pursuant to this Order and to the Decision/Order dated February 5, 2008, respecting Case No. PL060987, and are attached hereto.

The next Pre-hearing Conference will be convened at the Board chambers on March 7, 2011, commencing at 10:00 a.m.

The Board so Orders.

"S. W. LEE"

S. W. LEE  
ASSOCIATE CHAIR

**ATTACHMENT “3”**

**The following policies and land use designations of the Official Plan are not in effect as they pertain to the following appeals outstanding before the Ontario Municipal Board:**

1. Section 3.4, *The Natural Environment*, Policy 5;
2. Section 3.4, *The Natural Environment*, Policy 11 (b);
3. Section 3.4, *The Natural Environment*, Policies 9, 10, and 12 and Map 9 as they relate to 56-58 Sandringham Drive, with respect to the appeal by Rosalind Bradford (OMB File No. O040052);
4. Map 10, *Special Policy Areas Key Map* and Maps 11 and 12, *Special Policy Areas Specific Maps*;
5. Section 4.6, *Employment Areas*, Policy 3, as it relates to the appeal by TEDCO (OMB File No. O030278) and the lands south of New Toronto Street, west of Eighth Street, north of Birmingham Street and east of Thirteenth Street (excluding 124 Birmingham Street);
6. Maps 13 to 23, *Land Use Plans*, as they relate to:
  - 56-58 Sandringham Drive, with respect to the appeal by Rosalind Bradford (OMB File No. O040052);
  - the north sides of Gerrard Street East and Clonmore Drive, west of 168 Clon more Drive, with respect to the appeal by Gerard Clonmore Developments Limited (OMB File No. O030230);
7. Lafarge Canada Inc. 55 Commissioners St. & 54 Polson Street (OMB File No. O030167);

**Chapter 6 - Secondary Plans**

8. King-Parliament Secondary Plan, Policy 6.4, with respect to the appeal by the City of Toronto (OMB File No. O030173).

**ATTACHMENT "4"**

**The policies and land use designations of the Official Plan are not in effect as they pertain to the following appeals outstanding before the Ontario Municipal Board:**

1. Avro Quay Limited  
25 Queen's Quay West - OMB File No. O030146;
2. Cadillac Fairview Corporation Limited  
939 Lawrence Ave. E (Don Mills Centre) - OMB File No. O030180;
3. Castan Waterfront Developments  
20 Polson St., 176 Cherry St., 215 & 351-369 Lakeshore Blvd. E.  
– OMB File No. O030219;
4. Home Depot of Canada Inc.  
429 Lakeshore Blvd. E. - OMB File No. O030275;
5. Monarch Construction Limited  
2025-35-40-45 Sheppard Avenue East - OMB File No. O030176;
6. Mount Sinai Hospital  
217 & 235 McCaul Street and 60 Murray Street and 600 University Avenue -  
OMB File No. O030203;
7. Ontario Realty Corporation  
90 Harbour Street & West Donlands - OMB File No. O030258;
8. 1212763 Ontario Limited  
5555 Dundas Street West - OMB File No. O040074;
9. 806054 Ontario Limited, Issac & Harry Nash Limited, Harriet Bunting Weld  
and Harry Nash  
620 Avenue Road and 215-217 Lonsdale Road.

**ATTACHMENT "5"**

**The policies and land use designations of the Official Plan are not in effect as they pertain to the following Secondary Plan areas as shown on Map 1 attached hereto:**

1. Central Waterfront Secondary Plan . Adopted by By-law No.346-2003, OMB File No. PL030412 and OMB Case No. PL030514;

**ATTACHMENT “6”**

**The policies and land use designations of the Official Plan are not in effect as they pertain to the following properties that remain subject to development applications filed with the City of Toronto:**

1. 1030 McNicoll Avenue - St. John's McNicoll Centre;
2. 2242 Bloor Street, 1095909 Ontario Inc.;
3. 5559 Dundas Street West and 25 Vickers Road – The Great Atlantic and Pacific Company of Canada Limited;
4. 45 Lisgar Street, Drakestone Investments Ltd.

**ATTACHMENT “7”**

**The policies and land use designations of the Official Plan are not in effect as they pertain to the following properties that remain subject to appeals before the Ontario Municipal Board:**

1. PL030514, O030096 - Central Waterfront Secondary Plan Appeals;
2. PL040659, O040113 - 730 Dovercourt Road & 323, 257 Rusholme Road;
3. PL050662, O050101- 100,112,120,128 Howland Avenue;
4. PL051070, O050175 - 6-16 Church Street;
5. PL060046, O060040 - 1-11 Sylvan Avenue;
6. PL060121, O060036 - 955 to 969 Weston Road;
7. PL051301 - 1300-1 330 Castlefield Avenue;
8. PL060541 – 2130 Bayview Avenue.

**ATTACHMENT “8”**

The following policies, maps and schedules contained within the former municipal official plans within the City of Toronto remain in effect pending completion of the adjudication of the outstanding appeals to the new Official Plan for the City of Toronto:

**1. Former Municipality of Metropolitan Toronto**

- a) Special Policy Areas  
Policies 52 (b), 53 and 54
  
- b) Glossary of Terms
  - Special Policy Area
  - Valley, Stream and Waterfront Corridors
  - Metropolitan Green Space System
  - MTRCA
  - tablelands
  - regional storm
  - flood plain
  - one-zone concept
  - two-zone concept

**2. Former City of North York**

- a) Part C.2, Parks and Open Space Floodplain/SPAs  
Section 2, Definitions, Section 4.4.0, Special Policy Area, 4.4.1,  
Development Policies, 4.4.2, Hoggs Hollow Special Policy Area

**3. Former City of Scarborough**

- a) Special Policy Areas
  - General Policy 6, Agincourt Centre Secondary Plan (Figure 4.3.3 referred to in the policy apparently does not exist, the area is shown on the SPA maps in the new OP)

**4. Former City of Toronto**

- a) Special Policy Areas, Map 3, Policies 2.57 to 2.65 inclusive, Policies 2.68 to 2.73 inclusive
  
- b) Definitions, Chapter 17
  - *Regulatory Flood*
  - *One Zone*
  - *Special Policy Area*

5. **Former City of York**

- a) Special Policy Areas, Section 22.5, Schedule F
- b) Definitions
  - flood plain
  - two-zone concept