

ISSUE DATE:

**September 21, 2007**

DECISION/ORDER NO:

**2572**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL030412

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:**

### **Parties**

City of Toronto

Aga Khan Foundation Canada

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

### **Counsel\*/Agent**

Bruce Ketcheson\*

Robert Balfour\*

R. Andrew Biggart\*

Brad Teichman\*

Steven Diamond\*

John Dawson\*

Cynthia MacDougall\*

Calvin Lantz\*

Daniels Midtown Corporation  
Mattamy Bayview Limited  
Mount Sinai Hospital  
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	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  
Catherine Cosentino

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.  
MintoUrban 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

Michael Kovacevic\*

**Participant**

Michael Rosenberg

**MEMORANDUM OF ORAL DECISION DELIVERED BY S.W. LEE ON JULY 10, 2007 AND ORDER OF THE BOARD**

This decision addresses the following matters that were considered by the Board at a prehearing conference held on July 10th, 2007.

During this conference the Board was presented on consent with six planning affidavits filed in support of requests by the City for approval of policies or modifications, and in one case, a correction to the Toronto Official Plan. The planning opinions proffered by the affidavits were undisputed and the Board found that approval of the modifications and correction was appropriate and supported as good planning.

The particulars related to the affidavits which contain the modifications and correction are detailed below:

Exhibit 189 - Affidavit of Eros Fiacconi, a planning consultant retained by the City of Toronto. Mr. Fiacconi supported a modification to the Plan endorsed by City Council in December, 2004, whereby the policies of the former North York Sheppard Avenue Commercial Area Secondary Plan would be incorporated as part of the new Official Plan. The area affected by this modification is located along sections of Sheppard Avenue to the west and east of the North York City Centre. The policies of the former North York Plan, which have remained in force pending the Board's consideration of this modification, provide for intensification of a variety of residential, commercial and institutional uses subject to policies that protect adjacent residential areas. The modification carries forward these existing policies into the new Official Plan.

Exhibit 190 - Affidavit of Victor Gottwald, planner with the City of Toronto, in support of the incorporation of a new Secondary Plan established by the City for the Regent Park area. This modification carried forward a Secondary Plan previously processed by the City for this area under the former City of Toronto Official Plan.

Exhibit 191 - Affidavit of Victor Gottwald, planner, in support of a site specific modification to the new Official Plan required to recognize the approval of a development application processed under the former City of Toronto Official Plan permitting the construction of five semi-detached homes on a former industrial property known as 147 Brandon Avenue.

Exhibit 192 - This affidavit from Mr. Gottwald was presented by the City in support of the Municipality's request for the Board to exercise its powers under Section 43 of the *Ontario Municipal Board Act* to correct a mapping error involving Map 8-8b, Maximum Height Limit, to the North York Centre Secondary Plan. As noted in paragraph 4 of the affidavit, the modification moves the Height Limit line north of Park Home Avenue west of Yonge Street approximately 11 metres eastward from its present location. The location of the height limit line at this location was originally established by the former North York Centre Secondary Plan and was intended by the City to be maintained in the same location under the Secondary Plan included as part of the new Official Plan. However, due to a technical error the location of the line was changed when the new map was drawn. This error was not identified by the City, or by Mr. Belza acting on behalf of a number of residents associations in North York, until after the issuance of the Board's July 6<sup>th</sup>, 2006 Decision/Order No. 1928, approving portions of the new Official Plan, including this map. Having considered the circumstances as set out in Mr. Gottwald's affidavit, the Board is satisfied that it is appropriate to grant the City's request and the Board's previous Decision/Order is hereby revised by substituting the corrected Map 8-8b, in the form attached to the affidavit as Exhibit "B".

Exhibit 193 - By this affidavit, Mr. Gerry Rogalski, a planner employed with the City, supported a modification to the Plan whereby a site specific policy affecting 224 Lytton Boulevard was introduced. This policy is required to recognize the approval by a separate panel of the Board of appeals of a provisional consent and minor variance applications launched under the former City of Toronto Official Plan. In granting this request for modification, the Board notes that this would resolve the appeal by B.

Moran of the new Official Plan (File No. O040175), listed as Appeal No. 166 on the Board's appeals chart.

Exhibit 194 - This affidavit of Mr. Paul Bain, a City planner, supported a modification to Section 3.1.2.5(g) of the new Plan. Pursuant to the modified wording of this policy, which was presented as the result of a settlement reached between the City and GTHBA/UDI, the securing of public art was confirmed to be subject to the agreement of the developer to provide same. This settlement resolved the final issue outstanding between the City and these parties arising from the appeals of UDI and GTHBA.

The appropriate adjustments to the attachments to the Board's previous Decisions/Orders approving portions of the new Official Plan will be made as a result of this disposition.

The next prehearing conference will be convened at the Board's chambers on the morning of November 2<sup>nd</sup>, 2007. At that time, the Board, if necessary, will deal with the request by Chilocco Building Corporation for a revision to Attachment 6 to the Board's Decision/Order No. 1928, as amended, to include 260 Brimley Avenue. That request was to have been dealt with at the July 10<sup>th</sup>, 2007 prehearing conference but was adjourned at the request of the parties to allow further processing of the Chilocco development application by the City. Ms Kim Beckman appeared before the Board as counsel for Chilocco and confirmed her client's support for the adjournment proposed by the City.

The Board was also advised that a settlement of the appeal by Hyde Park Partnership (Appeal 70F/OMB File No. O030182) will be reported to a meeting of City Council to be held in September of this year. It is anticipated that if the settlement is endorsed by the City, that a further modification will be presented to the Board to implement same at the next prehearing. As a result of the anticipated settlement, the City and Hyde Park have requested the release of the hearing time scheduled to deal with this matter during the weeks of September 17<sup>th</sup> and 24<sup>th</sup>, 2007. Accordingly, this hearing time will be removed from the Board's calendar.

Finally, an update from the City is expected at the next prehearing conference concerning the status of the efforts to resolve the remaining issues pertaining to the incorporation of Special Policy Areas within the new Official Plan.

The Board so Orders.

“S.W. LEE”

S.W. LEE  
EXECUTIVE VICE-CHAIR

**ATTACHMENT 1**

**APPEALS TO THE CITY OF TORONTO NEW OFFICIAL PLAN**

<b>No.</b>	<b>Sched</b>	<b>APPELLANT NAME</b>	<b>O.M.B. FILE No.</b>
1	B	2BRNOT2B Holdings Inc.	O030212
2	B	26 Wellington Capital and Lombard Insurance Company	O030122
3	A	125 QW-1 Inc & 125 QW-2 Inc.	O030143
4	B	464 Avenue Road Holdings Inc.	O030253
5	A	600 Fleet Street Developments Limited	O030202
6	B	640 Fleet Street Developments Limited, 650 Fleet Street Developments Limited, Fleet Boulevard Limited	O030201
7	B	1430 Yonge-St.Clair Inc.	O030261
8	B	3018-3020 Yonge Street Limited	O030252
9	D	3685 Keele Street Limited	O030224
10	B	5795 Yonge Street (1984) Limited	O030074
11	B&C	1051023 Ontario Limited ( <i>and Point of View Developments Inc.</i> )	O030281
12	F	1098748 Ontario Limited	O030193
13	B	1160963 Ontario Inc. (Spadina)	O030183
14	B	1160963 Ontario Inc. (Rosehill)	O030185
15	B	1213763 Ontario Limited	O030158
16	E	1255870 Ontario Limited	O030213
17	A	1299089 Ontario Ltd.	O030123
18	C	1322105 Ontario Limited	O030250
19	B	1430649 Ontario Limited	O030199
20	B	1503342 Ontario Limited	O030254
21	B	887343 Ontario Inc. and 567485 Ontario Inc.	O030184
22	B	940412 Ontario Ltd., Adam Steiner, 572550 Ontario Ltd., Captiva Investments Limited	O030141
23	B	Advent Health Care Corp.	O030161
24	D	Aga Khan Foundation Canada	O030169
25	B	Amexon Holdings Inc.	O030220
26	D	Apco Industries Co. Limited	O030267
27	B	Avro Quay Limited	O030146
28	B	BBT Devgroup Inc.	O030241
29	B	Bank of Nova Scotia	O030229
30	B	Bedford and Bloor Realty Inc. and Lantower Yonge Bloor Capital Inc	O030200
31	B	Bellwoods Centres for Community Living Inc ( <i>Participant – Sept 14/04</i> )	O030195
32	B	Sheppard Valley Holdings ( <i>formerly Bloorview MacMillan Children’s Ctr</i> )	O030240
33	A	Brimley Birch Properties Inc.	O030236
34	F	Brownlow Holdings Limited	O030154

35	A	Burnac Holdings Limited	O030157
36	B	Cadillac Fairview Corporation Limited	O030180
37	A	Canadian Automobile Association (Central Ontario)	O030279
38	A	Canadian Tire Corporation Limited (Yonge Street)	O030171
39	B	Canadian Tire Real Estate Limited (Lakeshore Boulevard)	O030181
40	A	Canadian Tire Real Estate Limited (Dundas Street)	O030231
41	B	Canderel Stoneridge Equity Group	O030218
42	B	Castan Waterfront Developments Inc.	O030219
43	A	CIC Millwork Limited (101 Portland Street)	O030244
44	A	CIC Millwork Limited (39 Newcastle Street)	O030251
45	E	City of Toronto	O030173
46	E	CN Railway	O030237
47	E	Confederation of Resident and Ratepayer Association	O030124
48	D	Crompton Co./Cie	O030265
49	D	David Redwolf, B. Michelle Bedard-Hyland, Tona Mason, Deanna Fry and O'Bert Puck	O030166
50	B	Diamante Urban Corporation	O030159
51	D	Donald Kerr	O030126
52	D	Doreen Mount	O030136
53	A	Dorothea Knitting Mills Limited	O030276
54	F	Dow Chemical Canada Inc.	O030268
55	B	Duration Investments Limited	O030147
56	E	Edithvale Yonge Residents' Association, Lansing Community Association Inc., Silverview Homeowners' Association, South of Sheppard Preservation Group Inc. and Willowdale Central Ratepayers' Association	O030132
57	B	Elderbrook Developments Limited	O030232
58	B	Eminent Construction Limited	O030179
59	B	First Ontario Realty Corporation Limited	O030191
60	A	Frank Sarraino	O030235
61	A	G.C. Jain Investments	O030243
62	A	Georgian Bond Ave. Inc.	O030242
63	C	Gerrard Clonmore Developments Limited	O030230
64	E	Greater Toronto Home Builder's Association	O030174
65	D	Halltech Inc	O030266
66	E	Harbour Remediation and Transfer Inc.	O030138
67	B	Herron Gardens Inc.	O030186
68	B	Home Depot of Canada Inc. (Lakeshore Boulevard)	O030275
69	E	Home Depot of Canada Inc.	O030226
70	C&F	Hyde Park Limited Partnership	O030182
71	B	Interval Development Corporation Limited	O030130
72	F	TEDCO (City of Toronto Economic Development Corp) (was Ivaco Inc)	O030278
73	B	Jayeff Investments Limited	O030168
74	B	John Weldon/Crown Regal Developments	O030282

75	A	Kolter Property Company	O030270
76	E	Kraft Canada Inc.	O030120
77	E	Lafarge Canada Inc.	O030167
78	A	Lanterra Bay Street Limited	O030204
79	D	Lissard Holdings Limited	O030223
80	F	M. & L. Quarrington, K. O'Brien, S. & B. Paine, P.& H. Caldwell, Mary Ann Gosling, M. Mossman & M.J. Asselstine, 843344 Ontario Limited, Term Capital Ltd., T.&M. Hurdman, Accurate Management Ltd., Bangor Construction Ltd. and Kinsale Investment Ltd.,	O030133
81	B	Malibu Investments Inc.	O030215
82	B	Marca Development Corporation	O030188
83	A	Martin Grove Mall Limited	O030221
84	E	Mattamy (Bayview) Limited	O030206
85	A	Menkes Development Inc.	O030248
86	B	Met Cap Living Management Inc.	O030135
87	B	Metrontario Group and Kenneth-Sheppard Limited	O030129
88	F	Milton and Florence Winberg	O030271
89	E	MintoUrban Communities Inc.	O030216
90	B	Monarch Construction Limited (Sheppard Avenue)	O030176
91	E	Monarch Construction Limited and Water View Corporation (Lakeshore)	O030177
92	D	Morningard Developments Limited	O030225
93	C	Mount Sinai Hospital	O030203
94	A	Mutual Life Assurance (Yonge Street)	O030148
95	D	National Ballet School	O030194
96	A	NEXXT Development Corporation	O030155
97	C	One City Hall Place Limited	O030160
98	A	Ontario College of Art and Design	O030273
99	D	Ontario Power Generation	O030121
100	B	Ontario Realty Corporation	O030258
101	E	Ontario Realty Corporation and Hydro One	O030238
102	E	Ontario Restaurant Hotel & Motel Association, TDL Group Ltd., Cara Operations Limited, Burger King Restaurants of Canada Inc., McDonald's Restaurants of Canada Limited	O030259
103	E	Options for Homes Non-Profit Corporation	O030170
104	A	Plaza Works Overlea Inc.	O030156
105	A	Plazacorp Properties Limited (Mount Pleasant Road)	O030190
106	B	Plazacorp Properties Limited (620 Fleet Street)	O030209
107	B	Pleasant View Holdings Ltd.	O030142
108	F	Premium Properties Limited	O030272
109	B	Quebex Development Corporation	O030247
110	A	Revenue Properties Canada Limited	O030262
111	D	Ripley Area Residents Group Ltd.	O030125
112	B	Riva Glade Holdings Inc.	O030207
113	D	Rohm and Haas Canada Inc.	O030269

114	F	Samuel Sarick Limited	O030150
115	A	Silvercore Inc.	O030172
116	B	St. Clements School	O030119
117	A	St. Jude Community Homes	O030197
118	B	St. Marys Cement Inc.	O030137
119	B	Steeles Markham Developments	O030217
120	B	Menkes Lakeshore Ltd. (formerly Stockton & Bush CL Limited)	O030208
121	A	Studio Court Limited	O030127
122	B	Sun Life Assurance Company of Canada (Morningside Mall)	O030234
123	A	Sun Life Assurance Company of Canada (5145 Dundas Street)	O030164
124	A	Sun Life Assurance Company of Canada (Eglinton Avenue)	O030152
125	B	Sun Life Assurance Company of Canada (Lawrence and Morningside)	O030139
126	A	Sun Life Assurance Company of Canada (University Avenue)	O030144
127	F	Sun Life Assurance Company of Canada (Yonge Street)	O030145
128	A	Sun Life Assurance Company of Canada (St. Clair Avenue)	O030151
129	D	Tap-Steeles Investments Limited	O030134
130	B	Terra Gold Development Limited	O030255
131	E	The Conservatory Group	O030257
132	B	The National Club	O030256
133	B	The Roehampton Corporation	O030260
134	D	Thoroughbred Developments Limited	O030227
135	D	Toronto Anglican Diocese Incorporated	O030274
136	E&F	Toronto Rehabilitation Institute	O030239
137	B	Transmetro Properties Limited	O030131
138	A	Univar Canada Ltd.	O030263
139	E	Urban Development Institute/Ontario	O030175
140	F	Urquhart Consortium Inc.	O030280
141	D	Valspar Canada Inc	O030264
142	B	Wellesley Residences Corp.	O030205
143	B	Wellington Park Residences Corp. (Participant status – Dec.7/04)	O030187
144	B	Wittington Properties Limited (Burnhamthorpe) / now St. Andrew on the Green Inc. (Participant status as of Sept. 14/04)	O030189
145	C	Wittington Properties Limited (Yonge & St. Clair)	O030196
146	B	Wittington Properties Limited (Bathurst Street)	O030228
147	D	Workplace Safety & Insurance Board / now Ringley Construction Ltd.	O030165
148	B	Yonge Crescent Development Limited	O030214
149	C&F	York University	O030192
150	B	Yorkville (2001) Limited	O030211

**APPEALS ADDED AT PREHEARING CONFERENCE OF APRIL 19-20, 2004**

151	B	1463290 Ontario Limited	O030249
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152	B	1356071 Ontario Inc.	O040049
153	C	154150 Ontario Limited	O040053
154	B	426898 Ontario Limited	O040046
155	B	534078 Ontario Limited, Weintraub Holdings Limited, Samper Developments Limited, Jassder Developments Limited, Judidon Holdings Inc., Cardon Holdings Inc., Dadadon Holdings Inc., Ruthdon Holdings Inc.	O040047
156	E	Centre for Addiction and Mental Health (Donwoods)	O040060
157	B	Hanfrow Holdings G.P. Inc.	O040057
158	B	Meridian Residences Inc.	O040059
159	D	Owens Corning Canada Inc	O040061
160	B	Piagga Limited	O040048
161	D	Red Carpets Inn Ltd.	O040050
162	C	Rosalind Bradford	O040052
163	B	Talon International Developers Inc.	O040058
164	F	Tom Katirai	O040062

**APPEAL ADDED BY TELEPHONE CONFERENCE CALL ON MAY 11, 2004**

165	B	1212763 Ontario Limited	O040074
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**APPEALS ADDED AT PREHEARING CONFERENCE OF SEPT. 14, 2004**

166	B	B. Moran	O040175
167	B	Berkley Homes (Botham) Inc.	O040176
168	B	Centre for Addiction & Mental Health (Queen St. W.)	O040174
169	B	Daniels (Midtown) Corporation	O040180

**PERSONS GRANTED PARTY STATUS AT PREHEARING OF APRIL 19-20, 2004,  
IN RELATION TO AN EXISTING APPEAL – NO OMB NUMBER ASSIGNED**

<b>Name of Party</b>	<b>Appeal in which Party has an Interest</b>	<b>Lawyer/Agent</b>
Burnac Holdings Limited	E47 – CORRA	Devine
Global Ventures Western Limited	F114 – Samuel Sarick (75-95 Barber Greene Rd)	Golden
Ministry of Municipal Affairs & Housing	C11 – 1051023 Ontario Ltd (Highland Creek) E45 – City of Toronto D49 – David Redwolf et al E76 – Kraft Canada Inc. E77 – Lafarge Canada Inc. E89 – Minto Urban Communities Inc. E101 – Ontario Realty Corp & Hydro One E131 – Conservatory Group C153 – 154150 Ontario Ltd (2133 Islington)	Linington
Point of View Developments Inc.	C11 – 1051023 Ontario Ltd (1625 Military Trail)	Brown

**PERSONS GRANTED PARTICIPANT STATUS - PREHEARING CONFERENCE**  
**APRIL 19/20, 2004**

<b>Name of Party</b>	<b>Location</b>	<b>Lawyer/Agent</b>
534078 Ontario Ltd, Samper Developments Ltd, Jassder Developments Ltd, Woodshaft Developments Ltd.	41 & 53 Warrender Avenue – Princess Apartments	Dawson
Artlea Holding Limited, Siper Investments Limited, H & R Properties Limited, 1012502 Ontario Limited	45 La Rose Avenue	Dawson
Artlea Holdings Inc., Siper Investments Inc., H & R Properties Ltd, Carldon Holdings Inc., Ruthdon Holdings Inc., Dadadon Holdings Inc.	Princess Gardens 25, 35	Dawson
Two-Twenty Apartments Limited	2 Triburnham Place	Dawson

**PERSONS GRANTED PARTICIPANT STATUS - PREHEARING CONFERENCE**  
**SEPT. 14, 2004**

<b>Name of Party</b>	<b>Area of Interest</b>	<b>Lawyer/Agent</b>
Michael Rosenberg	City-wide	Michael Rosenberg
Pedestrian Planning Network	City-wide	Rhona Swarbrick

**PERSONS GRANTED PARTICIPANT STATUS - PREHEARING CONFERENCE**  
**DEC. 7-8, 2004**

<b>Name of Party</b>	<b>Area of Interest</b>	<b>Lawyer/Agent</b>
Kazuko Investments	North Midtown Sec Plan Appeal E47 - CORRA	Williams

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