

ISSUE DATE:

Mar. 30, 2010



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

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Agent</u>
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	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	Andrew Jeanrie*

Crompton Co./Cie Dow Chemical Canada Inc. Halltech Inc. Rohm and Haas Canada Inc. Valspar Canada Inc. Kolter Property Company	
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	Patrick Devine* Jason Park*
<u>Participant</u>	
Michael Rosenberg	

MEMORANDUM OF ORAL DECISION FROM A PREHEARING CONFERENCE HELD ON NOVEMBER 6, 2009 DELIVERED BY S. W. LEE AND ORDER OF THE BOARD

This Decision addresses matters that were considered by the Board at the Prehearing Conference held on November 6, 2009 and is to be read in concert with the Board's Decision issued on February 18, 2010.

At the Prehearing Conference held on November 6, 2009, the Board requested that the City update the Attachments that list the status of various appeals. The Attachments have been included as part of earlier Board Orders arising from previous Prehearing Conferences. The Board's decision of February 18, 2010 included Attachments "1" and "2". This Order of the Board, for the benefit of the Parties and the public, contains Attachments "3" to "8", inclusive, which will allow the Parties and the public to determine the status of the various appeals, and the status of Official Plan policies on particular properties.

The Board so Orders.

"S. W. LEE"

S. W. LEE
EXECUTIVE VICE-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. The policies of the Plan as they relate to the lands located at 310 and 320 Tweedsmuir Avenue with respect to the appeal by the City of Toronto (OMB File No. O030173);
8. Lafarge Canada Inc. 55 Commissioners St. & 54 Polson Street (OMB File No. O030167);
9. Site and Area Specific Policy 211 as it pertains to 36, 38-48 Yorkville Ave., 51 and 55 Scollard St., and 1263-1 275 Bay St.;

Chapter 6 - Secondary Plans

10. 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:

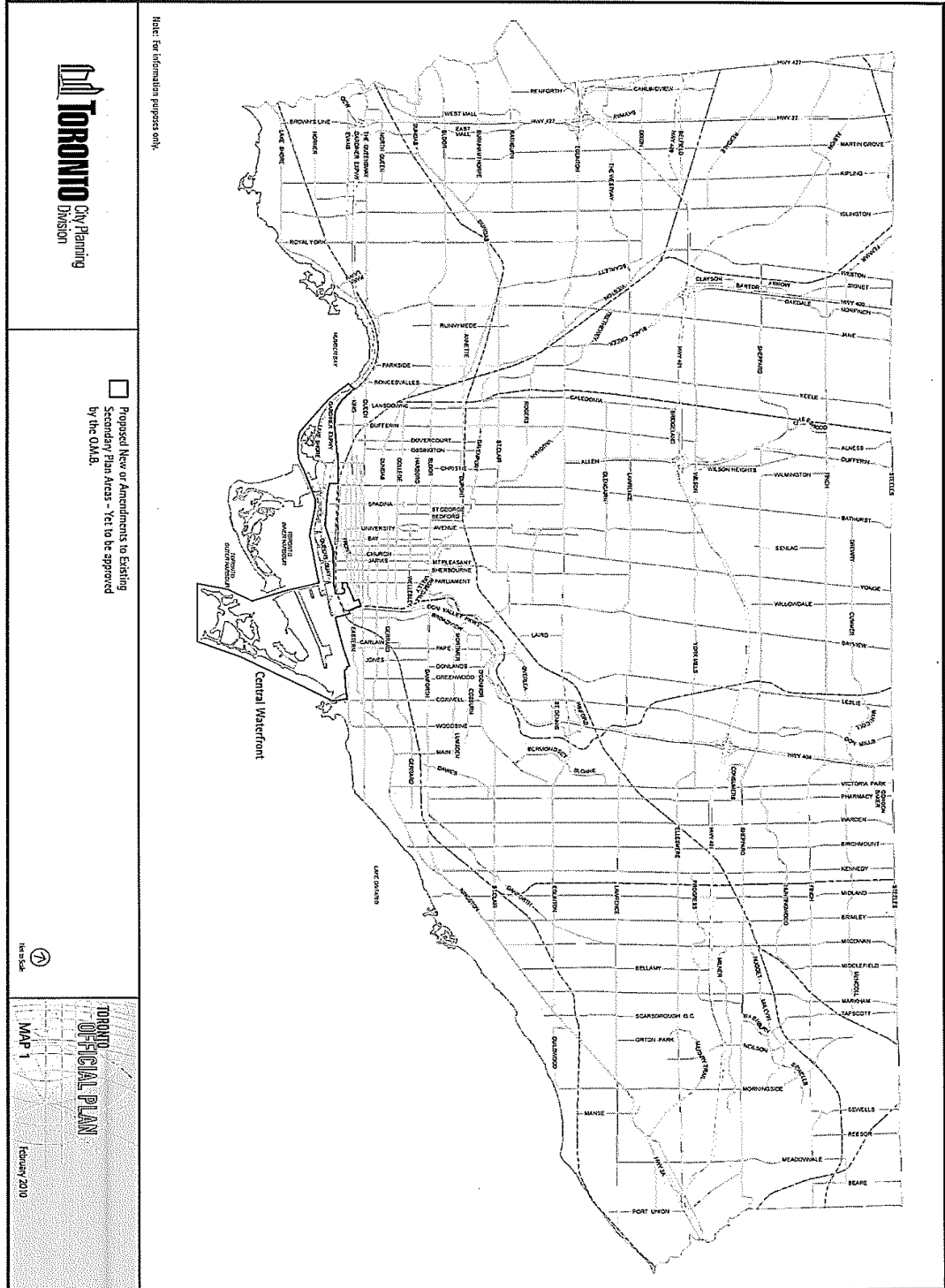
1. 26 Wellington Capital & Lombard Insurance Company
2277 Sheppard Ave. W. - OMB File No. O030122;
2. 3018-3020 Yonge Street Limited
3018-3020 Yonge Street - OMB File No. O030252;
3. 940412 Ontario Ltd, Adam Steiner et al
53 Saulter Street, & Strange Street -OMB File No. O030141;
4. Advent Health Care Corporation
555 Finch Ave. W., North York Branson Hospital - OMB File No.O030161;
5. Avro Quay Limited
25 Queen's Quay West - OMB File No. O030146;
6. Cadillac Fairview Corporation Limited
939 Lawrence Ave. E (Don Mills Centre) - OMB File No. O030180;
7. Castan Waterfront Developments
20 Polson St., 176 Cherry St., 215 & 351-369 Lakeshore Blvd. E.
– OMB File No. O030219;
8. Home Depot of Canada Inc.
429 Lakeshore Blvd. E. - OMB File No. O030275;
9. Monarch Construction Limited
2025-35-40-45 Sheppard Avenue East - OMB File No. O030176;
10. Mount Sinai Hospital
217 & 235 McCaul Street and 60 Murray Street and 600 University Avenue -
OMB File No. O030203;
11. Ontario Realty Corporation
90 Harbour Street & West Donlands - OMB File No. O030258;
12. 1212763 Ontario Limited
5555 Dundas Street West - OMB File No. O040074;

13. Yonge Woodlawn Developments Limited
1233 Yonge Street & 9 Woodlawn Avenue
– as it relates to Section 3.2.1, Housing ;
14. 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. 156 Rowntree Mill Road;
2. 1030 McNicoll Avenue - St. John's McNicoll Centre;
3. 865, 867 & 869 Sheppard Avenue West, K. Akvan;
4. 230 Finch Avenue East, Yu Min Zhang;
5. 2973 & 3035 Weston Road, Lindvest Properties (Mainshep) Limited;
6. 2242 Bloor Street, 1095909 Ontario Inc.;
7. 4331 Lawrence Avenue East, City of Toronto;
8. 3195 Sheppard Avenue East, Daniel Executive;
9. 5559 Dundas Street West and 25 Vickers Road – The Great Atlantic and Pacific Company of Canada Limited.

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. PL021011, O020174 - 4001, 4003, 4005 Bayview Avenue;
2. PL021014, O020170 - 3291 Kingston Road;
3. PL030514, O030096 - Central Waterfront Secondary Plan Appeals;
4. PL040139, O040022 - 4383 Bathurst Street & 569 Sheppard Avenue West;
5. PL040659, O040113 - 730 Dovercourt Road & 323, 257 Rusholme Road;
6. PL040745, O050013 - 555 Brimorton Road;
7. PL050227, O050036 - 32-50, 65-80 Forest Manor Road;
8. PL050662, O050101- 100,112,120,128 Howland Avenue;
9. PL051070, O050175 - 6-16 Church Street;
10. PL060046, O060040 - 1-11 Sylvan Avenue;
11. PL060084, O060027 - 1500 Weston Road;
12. PL060121, O060036 - 955 to 969 Weston Road;
13. PL897152, O940186 - OPA No. 480, Yonge/Eglinton TTC Terminal lands;
14. PL980945, O980209 - 1880 Eglinton Avenue E. ;
15. PL051301 - 1300-1 330 Castlefield Avenue;
16. 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*

- c) - *Special Policy Area*
Secondary Plans

North Midtown Part II Plan as it relates to 36, 38-48 Yorkville Avenue, 51 and 55 Scollard Street, 1263 and 1275 Bay Street

5. Former City of York

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