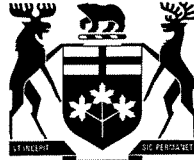


ISSUE DATE:

July 31, 2006

DECISION/ORDER NO:

2153



Ontario

PL030412

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 Files No. See Attachment 1

B E F O R E:

M. HUBBARD, CHAIR

) Friday, the 28th
) day of July, 2006
)
)

THIS MATTER having come on for a public hearing;

AND THE BOARD having reviewed and approved the draft procedural order presented at the pre-hearing of July 7, 2006;

THE BOARD ORDERS that the procedural order for the next hearing phases as attached as Attachment 2, is in full force and effect.

A handwritten signature in black ink, appearing to read 'J. L. ...', written over the printed name 'SECRETARY'.

SECRETARY

ATTACHMENT 1**APPEALS TO THE CITY OF TORONTO NEW OFFICIAL PLAN**

No.	Sched	APPELLANT NAME	O.M.B. FILE No.
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	G	640 Fleet Street Developments Limited, 650 Fleet Street Developments Limited, Fleet Boulevard Limited	O030201
7	A	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	1051023 Ontario Limited (<i>and Point of View Developments Inc.</i>)	O030281
12	D	1098748 Ontario Limited	O030193
13	B	1160963 Ontario Inc. (Spadina)	O030183
14	B	1160963 Ontario Inc. (Rosehill)	O030185
15	A	1213763 Ontario Limited	O030158
16	G	1255870 Ontario Limited	O030213
17	A	1299089 Ontario Ltd.	O030123
18	B	1322105 Ontario Limited	O030250
19	A	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	G	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	A	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	B	Brownlow Holdings Limited	O030154
35	A	Burnac Holdings Limited (<i>Party status re Appeal E47/CORRA</i>)	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	G	Canadian Tire Real Estate Limited (Lakeshore Boulevard)	O030181
40	A	Canadian Tire Real Estate Limited (Dundas Street)	O030231
41	D	Canderel Stoneridge Equity Group	O030218
42	G	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	A	Dow Chemical Canada Inc.	O030268
55	A	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	D	Elderbrook Developments Limited	O030232
58	B	Eminent Construction Limited	O030179
59	B	First Ontario Realty Corporation Limited	O030191
60	A	Frank Sarraino	O030235
61	B	G.C. Jain Investments	O030243
62	A	Georgian Bond Ave. Inc.	O030242
63	F	Gerrard Clonmore Developments Limited	O030230
64	E	Greater Toronto Home Builders' Association	O030174
65	D	Halltech Inc	O030266
66	G	Harbour Remediation and Transfer Inc.	O030138
67	B	Herron Gardens Inc.	O030186
68	G	Home Depot of Canada Inc. (Lakeshore Boulevard)	O030275
69	D	Home Depot of Canada Inc.	O030226
70	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	D	Jayeff Investments Limited	O030168
74	D	John Weldon/Crown Regal Developments	O030282
75	A	Kolter Property Company	O030270
76	E	Kraft Canada Inc.	O030120
77	E&G	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	G	Malibu Investments Inc.	O030215
82	B	Marca Development Corporation	O030188
83	A	Martin Grove Mall Limited	O030221
84	B	Mattamy (Bayview) Limited	O030206
85	A	Menkes Development Inc.	O030248
86	A	Met Cap Living Management Inc.	O030135

87	B	Metrontario Group and Kenneth-Sheppard Limited	O030129
88	F	Milton and Florence Winberg	O030271
89	B	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	B	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	B	One City Hall Place Limited	O030160
98	A	Ontario College of Art and Design	O030273
99	A&G	Ontario Power Generation	O030121
100	G	Ontario Realty Corporation	O030258
101	D	Ontario Realty Corporation and Hydro One	O030238
102	A	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	G	Plazacorp Properties Limited (620 Fleet Street)	O030209
107	A	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	D	Riva Glade Holdings Inc.	O030207
113	D	Rohm and Haas Canada Inc.	O030269
114	A	Samuel Sarick Limited	O030150
115	A	Silvercore Inc.	O030172
116	D	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	D	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	D	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	A	Terra Gold Development Limited	O030255
131	E	The Conservatory Group	O030257
132	B	The National Club	O030256
133	A	The Roehampton Corporation	O030260

134	D	Thoroughbred Developments Limited	O030227
135	D	Toronto Anglican Diocese Incorporated	O030274
136	D	Toronto Rehabilitation Institute	O030239
137	B	Transmetro Properties Limited	O030131
138	A	Univar Canada Ltd.	O030263
139	E	Urban Development Institute/Ontario	O030175
140	A	Urquhart Consortium Inc.	O030280
141	D	Valspar Canada Inc	O030264
142	B	Wellesley Residences Corp.	O030205
143	A	Wellington Park Residences Corp.	O030187
144	B	Wittington Properties Limited (Burnhamthorpe) / now St. Andrew on the Green Inc. (<i>Participant status as of Sept. 14/04</i>)	O030189
145	F	Wittington Properties Limited (Yonge & St. Clair)	O030196
146	G	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	A	Yorkville (2001) Limited	O030211

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

151	D	1463290 Ontario Limited	O030249
152	B	1356071 Ontario Inc.	O040049
153	F	154150 Ontario Limited	O040053
154	D	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	F	Centre for Addiction and Mental Health (Donwoods)	O040060
157	B	Hanfrow Holdings G.P. Inc.	O040057
158	D	Meridian Residences Inc.	O040059
159	D	Owens Corning Canada Inc	O040061
160	B	Piagga Limited	O040048
161	D	Red Carpets Inn Ltd.	O040050
162	F	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	D	Centre for Addiction & Mental Health (Queen St. W.)	O040174
169	D	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**

Name of Party	Appeal in which Party has an Interest	Lawyer/Agent
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)	Linnington
Point of View Developments Inc.	C11 – 1051023 Ontario Ltd (1625 Military Trail)	Brown

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

Name of Party	Location	Lawyer/Agent
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

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

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

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

ONTARIO MUNICIPAL BOARD

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

PROCEDURAL ORDER

1. The Board may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearings

2. The next phases of the hearing will begin as follows:
 - On **August 28th, 2006, at 10:00 am** the Board will commence to hear the appeal of Premium Properties Limited (Appeal F108 / OMB File No. O030272). The length of this hearing will be about **four (4)** days and is scheduled from **Monday August 28th, 2006 to Thursday August 31st, 2006**.
 - On **Monday, September 18th, 2006, at 10:00 am**, the Board will commence to hear the appeals of the issues related to the Housing and Section 37 policies of the new Official Plan. The length of the hearing will be about **six (6)** weeks duration and is scheduled from **Monday, September 18th, 2006 to Thursday October 26th, 2006**. The Board will normally sit for four days a week, Monday to Thursday. The hearing will be conducted in three phases. The first phase, (Housing appeal by University of Toronto), will commence on **Monday September 18th, 2006** and will continue thereafter for a period of about **three (3)** weeks. The second phase (Housing appeals by GTHBA/UDI and The Conservatory Group and Options for Homes) will commence on or about **October 10th, 2006** and will continue thereafter until completed. Following completion of the second phase, the hearing of the third phase (Section 37) will then commence. A period of about **three (3)** weeks has been set aside for phases two and three.
3. The parties and participants for each hearing identified at the Pre-hearing Conference are as listed in Attachment 1 to this Order.
4. The Order in which the parties will tender evidence within each hearing phase is as set out in Attachment 2 to this Order.

5. The Issues are as set out in the Issues List attached as Attachment 3. There will be no changes to this list unless the Board permits and a party who asks for changes may have costs awarded against it.
6. Any person intending to participate in the hearing should provide a telephone number to the Board as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Board of the representative's name, address and phone number as soon as possible.

Requirements Before the Hearings

7. Expert witnesses in the same field to be called in connection with the hearing involving the Housing and Section 37 issues shall have a meeting before the hearing to try to resolve or reduce the issues for the hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the hearing, and shall provide this list to all of the parties and the municipal Clerk.
8. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this statement must be provided as in Sections [11] and [16]. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.
9. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence.

(i) Delivery of Witness statements for Premium Properties Limited Hearing

10. A party who intends to call witnesses, whether by summons or not, related to the appeal involving Premium Properties Limited, shall provide to the Board, the other properties and the Clerk, a list of their witnesses and the order in which they will be called on or before **August 4th, 2006**.
11. On or before **August 15th, 2006**, the parties shall provide copies of their witness and expert witness statements to the other parties and to the Clerk of the City of Toronto.
12. On or before **August 21st, 2006**, the parties may provide to all other parties and file with the Clerk a written response to any written evidence for the hearing.
13. On or before **August 25th, 2006**, the parties shall make available copies of their visual evidence to all of the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.

(ii) Delivery of Witness Statements for Housing and Section 37 Hearing

14. A party who intends to call witnesses, whether by summons or not, related to the Housing and Section 37 issues, shall provide to the Board, the other parties and the Clerk, a list of their witnesses and the order in which they are proposed to be called. For Phase 1 this list must be delivered on or before **August 11th, 2006** and for Phases 2 and 3 this list must be delivered on or before **September 1st, 2006**.
15. On or before **August 21st, 2006**, participants involved with Phase 1 must provide to the Board and the parties a participant statement or the participant may not give oral evidence at the hearing. Participants involved with Phases 2 and 3 must provide to the Board and the parties a participant statement on or before **September 15th, 2006**, or the participant may not give oral evidence at the hearing.
16. On or before **August 21st, 2006**, the parties shall provide copies of their witness and expert witness statements for Phase 1 to the other parties and to the Clerk of the City of Toronto. On or before **September 15th, 2006**, the parties shall provide copies of their witness and expert witness statements for Phases 2 and 3 to the other parties and to the Clerk of the City of Toronto.
17. On or before **September 8th, 2006**, the parties may provide to all other parties and file with the Clerk a written response to any written evidence for Phase 1. On or before **September 29th, 2006**, the parties may provide to all other parties and file with the Clerk a written response to any written evidence for Phases 2 and 3.
18. On or before **September 13th, 2006**, the parties shall make available copies of their visual evidence for Phase 1 to all of the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing. The production of visual evidence for Phases 2 and 3 shall occur on or before **October 4th, 2006**.

Miscellaneous

19. A person wishing to change written evidence, including witness statements, must make a written Motion to the Board. *[See Rules 34 and 25 of the Board's Rules, which require that the Moving Party provide copies of the Motion to all other parties ten (10) days before the Board hears the Motion]*
20. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Board at least **seven (7) days** before the hearing that the written evidence is not part of their record.

21. Documents may be delivered by personal delivery, facsimile or registered or certified mail or otherwise as the Board may direct. Documents may also be delivered via e-mail subject to the requirement of each party to forthwith, upon the request of any other party, provide a hard copy of any document that was delivered via e-mail. The delivery of documents by facsimile shall be governed by the Board's Rules [26-31] on this subject. Material delivered by mail shall be deemed to have been received five (5) business days after the date of registered or certification.
22. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

So orders the Board.

ATTACHMENT 1

1. PARTIES TO PREMIUM PROPERTIES LIMITED APPEAL

City of Toronto

Represented by Bruce C. Ketcheson and R. Andrew Biggart of Ritchie Ketcheson Hart & Biggart LLP and by Rob Balfour of the City of Toronto, Legal Department

Premium Properties Limited

Represented by B. H. Engell of Weir Foulds LLP

2. PARTIES AND PARTICIPANTS TO HOUSING AND SECTION 37 APPEALS

(i) Parties

City of Toronto (Phases 1, 2 and 3)

Represented by Bruce C. Ketcheson and R. Andrew Biggart of Ritchie Ketcheson Hart & Biggart LLP and by Rob Balfour of the City of Toronto, Legal Department

University of Toronto (Phase 1)

Represented by Stan Makuch of Cassels Brock LLP

Urban Development Institute and Greater Toronto Home Builders' Association (Phases 2 and 3)

Collectively Represented by Stephen H. Diamond and John Dawson of McCarthy Tétrault LLP

Options for Homes (Phase 2)

Represented by John Dawson of McCarthy Tétrault LLP

The Conservatory Group (Phases 2 and 3)

Represented by Susan Rosenthal and Mark Flowers of Davies Howe Partners

Ministry of Municipal Affairs & Housing ("MMAH") (Phases 2 and 3)

Represented by Catherine Cosentino of Legal Services, MMAH

Confederation of Resident & Ratepayer Associations in Toronto ("CORRA") (Phases 2 and 3)

Represented by William Roberts, Barrister & Solicitor

Edithvale Ratepayers of Toronto et al ("Edithvale") (Phase 3)

Represented by George Belza, agent

Harbord Village Residents' Association (Phase 1)

Represented by Susan Dexter, Agent

Huron Sussex Residents' Association (Phase 1)

Represented by David Powell and Julie Mathien, Agents

(ii) Participants

Annex Residents' Association (Phase 1)

Represented by Diane Brooke Brown, Agent

Advocacy Centre for Tenants Ontario ("ACTO") (Phases 1 and 2)

Represented by Grace Vaccarelli, Barrister & Solicitor

ATTACHMENT 2

1. ORDER OF PROCEEDINGS IN PREMIUM PROPERTIES LIMITED HEARING

Proponent

City of Toronto

Opponent

Premium Properties Limited

Reply

City of Toronto

2. ORDER OF PROCEEDINGS IN HOUSING AND SECTION 37 HEARING

The order of proceeding within each Phase shall be as follows:

Proponents

City of Toronto (Phases 1, 2 and 3)

MMAH (Phases 2 and 3)

CORRA (Phase 2)

Harbord Village Residents' Association (Phase 1)

Huron Sussex Residents' Association (Phase 1)

Participants in support of the City of Toronto:
Annex Residents' Association (Phase 1)
ACTO (Phases 1 and 2)

Opponents

University of Toronto (Phase 1)

Urban Development Institute and
Greater Toronto Home Builders' Association (Phases 2 and 3)

Options for Homes (Phase 2)

CORRA (Phase 3)

The Conservatory Group (Phases 2 and 3)

Edithvale Ratepayers of Toronto (Phase 3)

Participants in support of opponents each phase

Reply

1. City of Toronto (Phases 1, 2 and 3)

ATTACHMENT 3

ISSUES LIST

PREMIUM PROPERTIES LIMITED HEARING / 115 Commander Boulevard

1. Are places of worship appropriately located within the interior of employment areas?
2. Is it appropriate for places of worship to locate at the periphery of employment areas?
3. Should the locational limitations applying to places of worship in employment areas permit places of worship to locate on major streets, regardless of whether such major streets are located within the heart of employment areas?
4. Should the locational limitations applying to places of worship in employment areas permit places of worship to locate at the periphery of employment areas, regardless of whether they are located on major streets?
5. Are there other locational criteria (eg. proximity to major industries that may cause adverse effects or impact on local traffic movement) that should be identified in determining whether a place of worship may be permitted on a particular site?
6. In light of the resolution of the issues above, would a place of worship be an appropriate use at 115 Commander Blvd.?

HOUSING AND SECTION 37 HEARING

Phase 1 / Housing – University of Toronto

1. Do the policies addressing protection of rental housing, as proposed to be modified by the City of Toronto, represent good planning as applied to properties owned by the University of Toronto? This issue pertains to policies 3.2.1.5, 3.2.1.6, 3.2.1.8 and the definitions of Rental Housing and Social Housing.

Phase 2 / Housing – GTHBA, UDI, The Conservatory Group and Options for Homes

2. Does policy 3.2.1.9 of the Plan adequately recognize the desirability of and promote the production of private sector ownership housing to address the housing needs engendered by the growth targets?

3. Is it appropriate to mandate the tenure or any other form of price control of residential units on large sites, or otherwise, pursuant to policy 3.2.1.9?
4. Instead of price controls, should the Plan provide that the provision of a range of unit sizes be available to address policies directed towards a mix of housing types or the provision of affordable housing otherwise, pursuant to policy 3.2.1.9?
5. Should policies 3.2.1.5(b) and 4.2.3(c) of the Plan seek to mandate the automatic provision of additional benefits for tenants whose units are retained in new development?
6. Are the Plan's definitions of "affordable housing" unduly restrictive? If so, what modifications are appropriate?

Appeal E139 and E64 - UDI/GTHBA (Diamond/Dawson)

Appeal E131 - The Conservatory Group (Flowers)

7. Is it appropriate and lawful to dictate in policy 3.2.1.9(a) of the Plan the form of housing that is to be developed on large sites (i.e. through the use of specific percentages regarding housing types and affordability)?

Appeal E131 - The Conservatory Group (Flowers)

8. Is affordable ownership housing provided by non-profit organizations (e.g. "the Options for Homes model") a desirable means of providing affordable housing in the City of Toronto?
9. Should the "Options for Homes" model or an equivalent be explicitly recognized as a desirable means of producing affordable housing in the Plan's housing policies?
10. Should the policies applying to the redevelopment of social housing properties allow for the replacement of social housing units by affordable ownership housing based on "the Options for Homes model" or an equivalent?
11. Should the policies respecting height and density incentives include a provision exempting affordable ownership housing projects based on "the Options for Homes model" or an equivalent from the application of Section 37?
12. Should the provision of affordable ownership housing projects based on the "Options for Homes model" or an equivalent be explicitly identified as a community benefit that may be secured through the use of Section 37?

Appeal E103 - Options for Homes Non-Profit Corp. (Dawson)

13. Should the Housing Definitions contained within Chapter Three of the Official Plan be incorporated into the Policy Section of the Plan immediately after Section 3.2.1.9?

Appeal E45 - City of Toronto (Ketcheson)
Appeal E139 and E64 - UDI/GTHBA (Diamond/Dawson)
Appeal E131 - The Conservatory Group (Flowers)

Phase 3 / Section 37

14. Are the policies set out in the Plan sufficiently transparent and objective to ensure fairness and consistency in application and certainty?

Appeal E47 - CORRA (Roberts)
Appeal E56 - Edithvale et al (Belza)
Appeal E131 - The Conservatory Group (Flowers)

15. Do the policies appropriately weigh impacts and costs related to intensification?

Appeal E47 - CORRA (Roberts)
Appeal E56 - Edithvale et al (Belza)

16. Should increases in height and/or density be measured from the higher of the maximum height and/or density for the use in the zoning by-law or prevailing Secondary Plan or area specific policy, whichever is the greatest, or the maximum height and/or density for the use in the predecessor municipal Official Plan as a transition measure?

17. Should increases in height and/or density be permitted only where specifically contemplated, as provided for, and to the extent permitted, in a prevailing Secondary Plan or area specific policy?

18. Do the Section 37 provisions represent good public policy?

Appeal E56 - Edithvale et al (Belza)

19. Should Section 37 of the Planning Act be used in the context of the Plan where only an increase in height is requested?

Appeal E139, E64 - UDI, GTHBA (Diamond)

20. Does the Plan include an appropriate mechanism to ensure that Section 37 of the Planning Act is used as a proper and appropriate planning tool and/or is not used as a tax? For example, does it provide adequately for the circumstance where an increase in density is justified without resort to the provision of facilities, services or matters as might be provided for under an agreement pursuant to Section 37?

Appeal E131 - The Conservatory Group (Flowers)

Appeal E139, E64 - UDI, GTHBA (Diamond)

21. Is there statutory authority under Section 37 or otherwise to implement policy 3.1.2.5 of the Plan?

Appeal E139 and E64 - UDI/GTHBA (Diamond/Dawson)