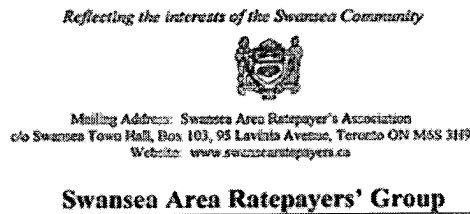


Etobicoke Community Council

From: Swansea Ratepayers <swansearatepayers@bell.net>
Sent: Sunday, June 12, 2016 9:02 PM
To: Councillor Doucette; Councillor Grimes; Etobicoke Community Council
Cc: Councillor Crisanti; Councillor Di Giorgio; Councillor Mammoliti; Councillor Nunziata; Councillor Palacio; Councillor Holyday; Councillor Di Ciano; Councillor Campbell; John Meijer
Subject: Letter from SARG re Agenda Item EY15.4 Final Report - 2265-2279 Bloor Street West and 116 and 240 Durie Street - Rental Housing Demolition and Conversion Application June 14, 2016
Attachments: 2265-79 Bloor Confidential City Motion Agreement Details April 1, 2015(2).pdf; OMB 2265 Bloor pl140435 Summary of Oral Decision-apr-17-2015 (2).pdf; Letter from SARG - EY15.4 Final Report - 2265-2279 Bloor Street West and 116 and 240 Durie Street - Demolition Application June 14, 2016.pdf



Councillor Mark Grimes (Chair)
councillor_grimes@toronto.ca
Rosemary MacKenzie, Secretary,
etcc@toronto.ca
Councillor Doucette, Ward 13,
councillor_doucette@toronto.ca
Etobicoke Civic Centre
Main floor, 399 The West Mall
Toronto, ON M9C 2Y2

June 12, 2016

Ref: EY15.4 Final Report - 2265-2279 Bloor Street West and 116 and 240 Durie Street - Rental Housing Demolition and Conversion Application June 14, 2016

On behalf of the Swansea Area Ratepayers Group, we are requesting a deferral of this demolition application until the withdrawal of the Site Plan Appeal and the Final Decision of the OMB PL140435 Appeal for the property at 2265-79 Bloor Street West. It would be premature to approve this application to demolish these buildings as a number of issues are outstanding that could compromise the decision of this Council and have a negative impact on the community interests.

1. The Unresolved Site Plan Appeal and OMB Appeal PL140435

The Site Plan Appeal and OMB Appeal PL140435 were presented as a unit during the OMB appeal with each dependant on the other for success. As noted in the extract from the OMB Oral decision below, if the Site Plan is not approved as per the plan presented, then the **'panel of the Board will remain seized of these matters'** (See extract copied below) The implications are that if the site plan is not approved as is, the OMB appeal goes back to square one. In this event, the building has to remain standing as a reference and the fact that it is still under appeal.

The Developer has tied this site into his newest project at 1908 Bloor Street West with the preliminary hearing mentioning the transfer of rental units. It should be noted that in this application the unit numbers

are referenced at 83 while the OMB Oral Decision references 80 units for 2265 Bloor West. A small discrepancy but in the light of this legal manoeuvre, the Site Plan Appeal could be compromised and under the threat of seizing the whole process.

2. The City Motion to involve the Four (4) Ratepayer Groups in the Site Plan Review

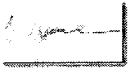
As referenced in both the OMB Oral Decision and the City Motion CC5.12 of April 20, 2015 (see extracts copied below), the involvement of the four ratepayers groups mentioned is a requirement of the process. To date we have not been allowed to review these Site Plans. With the implications of the Site Plan Appeal seizing the process if not approved, it is essential that the Ratepayers and Parties to the Appeal review the Site Plan documents to see that they comply with the OMB Oral Decision. Again there is greater assurance for the community if the building is still there in case that we have to go back to square one on the OMB Appeal in the event that the process might be seized.

3. The Bloor West Village is Approved for HCD and Avenue Studies

This site at 2265-79 Bloor West is located in the heart of the Bloor West Village which has been approved both for a Heritage Conservation Designation and an Avenue Study. A deferral to the final decision of the OMB and Site Plan appeals would provide confidence and comfort for our communities and leave standing a context and aesthetic for both of these studies. We all know that the wheels of bureaucracy move slowly so why leave an empty site for those many months (years?) before all the appeals are resolved.

We thank you in anticipation of a motion to defer this demolition application providing our community with confidence in a process that respects and delivers on the needs and decisions of our homes and neighbourhood.

Sincerely,



Veronica Wynne, V-P,
Swansea Area Ratepayers Group
swansearatepayers@bell.net

On behalf of the Swansea Area Ratepayers Group and Swansea Area Ratepayers Assoc.

Extracts: OMB Oral Decision PL140435 and City Council Motion CC5.12 –April 20 2015

MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON APRIL 7, 2015 AND ORDER OF THE BOARD - OMB PL140435

'Ian Flett, counsel for both ratepayers associations noted that the revised site plan drawings are to be circulated to the ratepayers associations for comment in accordance with the minutes of settlement.

[10] With respect to the site plan appeal, at the request of the proponent and consented to by the other parties, the Board adjourned that component of the hearing *sine die* pending the City's review of the revised site plan.

Ms. Kovar advised the Board that pending a favourable review by the City and the City's issuance of notice of approval of site plan conditions that the site plan appeal will be withdrawn.

[11] This panel of the Board will remain seized of these matters in the event that the site plan appeal is not resolved.'

CC5.12 - Confidential Instructions to staff in the confidential attachment to motion 1 by Councillor Doucette – made public on April 20, 2015

City Council direct staff to request that the Ontario Municipal Board delegate Final Site Plan Approval and clearance of Site Plan conditions back to the City.

6. City Council request the Director, Community Planning, Etobicoke York District, to receive and consider input from the Swansea Area Ratepayers' Association, Bloor West Village Residents' Association, High Park Residents' Association and Old Mill Humbercrest Neighbourhood Association as representatives of the community on the site plan control application for this development.

CC5.12 - Confidential Instructions to staff in the confidential attachment to motion 1 by Councillor Doucette – made public on April 20, 2015

1. City Council direct the City Solicitor to advise the parties to the mediation that the Current Proposal by the applicant that was developed through the mediation process is acceptable to the City.

2. City Council direct the City Solicitor to attend at the April 7, 2015 settlement hearing in support of the Current Proposal provided that the following additional condition is imposed by the Ontario Municipal Board:

"The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard".

3. City Council direct staff to advise the Ontario Municipal Board of City Council's position that any redevelopment of the lands must also include the full replacement of the existing 19 rental dwelling units and a Tenant Relocation and Assistance Plan, including the right of tenants to return to the new rental units in accordance with the Official Plan be secured, to the satisfaction of the Chief Planner and Executive Director, City Planning.

4. City Council direct staff to request that the Ontario Municipal Board withhold its order on the Official Plan and Zoning By-law Amendment application appeals for the subject lands until such time as:

a. the City submits to the Ontario Municipal Board a draft Zoning By-law Amendment that includes the provision and securing of the rental housing matters as outlined in Part 3 above, and a Section 37 Agreement incorporating these matters has been executed; and

b. the City confirms that it has agreed with the applicant the appropriate conditions of Site Plan Approval.

5. City Council direct staff to request that the Ontario Municipal Board delegate Final Site Plan Approval and clearance of Site Plan conditions back to the City.

6. City Council request the Director, Community Planning, Etobicoke York District, to receive and consider input from the Swansea Area Ratepayers' Association, Bloor West Village Residents' Association, High Park Residents' Association and Old Mill Humbercrest Neighbourhood Association as representatives of the community on the site plan control application for this development.

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 17, 2015

CASE NO(S): PL140435

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Harrington Developments Limited Partnership
Subject: Request to amend the Official Plan - Failure of the City of Toronto to announce a decision on the application
Existing Designation: Mixed Use Areas and Neighbourhoods
Proposed Designation: Site Specific (To be determined)
Purpose: To permit a 8-storey mixed-use building consisting of 83 residential dwelling units
Property Address/Description: 2265-2279 Bloor Street West and 116 & 240 Durie Street
Municipality: City of Toronto
Approval Authority File No.: 13 271048 WET 13 OZ
OMB Case No.: PL140435
OMB File No.: PL140768

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Harrington Developments Limited Partnership
Subject: Amendment to Zoning By-law No. 438-86 - Failure of the City of Toronto to announce a decision on the application
Existing Zoning: MCR T2.5 C2.0 R2.0 and R1S Z0.6
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit a 8-storey mixed-use building consisting of 83 residential dwelling units
Property Address/Description: 2265-2279 Bloor Street West and 116 & 240 Durie Street

Municipality: City of Toronto
 Municipal File No.: 13 271048 WET 13 OZ
 OMB Case No.: PL140435
 OMB File No.: PL140435

PROCEEDING COMMENCED UNDER subsection 114(15) of the *City of Toronto Act*, 2006, S.O. 2006, c. 11, Sched. A

Subject: Site Plan
 Referred by: Harrington Developments Limited Partnership
 Property Address/Description: 2265-2279 Bloor Street West and 116 & 240 Durie Street
 Municipality: City of Toronto
 OMB Case No.: PL140435
 OMB File No.: MM140077

Heard: April 7, 2015 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

Harrington Developments Limited Partnership

K. Kovar

City of Toronto

M. Crawford

Swansea Area Ratepayers Association

I. Flett
 B. Roberts

Bloor West Village Residents Association

I. Flett
 B. Roberts

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON
 APRIL 7, 2015 AND ORDER OF THE BOARD**

[1] At the commencement of these proceedings, the Board was advised that these matters have been settled among the Parties as a result of Board led mediations.

[2] By way of brief background, Harrington Developments Limited Partnership ("Applicant/Appellant", "Proponent") had appealed the lack of decision of the City of Toronto ("City") Council on its proposed Official Plan Amendment ("OPA"), Zoning By-law Amendment ("ZBA") and Site Plan applications for the subject property located at 2265-2279 Bloor Street West ("Bloor") and 116, 240 Durie Street ("Durie"). The proponent had proposed to demolish the existing buildings and redevelop the lands with a nine storey mixed use building comprising 83 residential dwelling units, 19 of which would be replacement rental units and 1,200 square metres ("sq m") of ground floor retail and office space.

[3] Kim Kovar, counsel for the proponent, advised that as a result of the settlement, her client's Official Plan Amendment ("OPA") appeal has been withdrawn. The Zoning By-law Amendment ("ZBA") and Site Plan appeals are still before the Board. With the consent of the other parties, Ms. Kovar requested that the hearing into the site plan appeal be adjourned *sine die* pending receipt of the notice of approval of site plan conditions from the City. She advised that once this is received that her client will also be withdrawing its appeal of the Site Plan.

[4] On consent of the parties, the Board heard planning evidence from Michael Bissett, a qualified planner on the revised proposal, minutes of settlement and the draft ZBAs.

[5] Mr. Bissett testified that the proposal had been revised and reduced in size to a seven storey (including the mechanical penthouse), terraced building consisting of 80 residential dwelling units with four levels of underground parking. The maximum height of the mixed-use building will be 25 metres which includes the mechanical penthouse. The existing single detached dwelling at 116 Durie would be demolished and replaced with a detached dwelling consisting of 4 residential units. There will be 19 replacement rental units as required by the City. The remaining units would be condominium. He testified that the revised proposal achieves a massing and scale, and materiality which are more in keeping with the built form character of Bloor at this location. The mixed use

building's upper floors are step backed from Bloor. 83 sq m of indoor amenity space is provided and there will be no outdoor amenity space. However, the units all have terraces which in his opinion compensates for the lack of outdoor amenity space. He testified that the area is well served by parks. The subject lands are in very close proximity to the Runnymede subway stop and bus service also exists on Bloor. Complete architectural drawings are found in Exhibit 5.

[6] Mr. Bissett testified that the proposed ZBAs to the in-force ZBL No. 438-86 and the new ZBL No. 569-2013 (currently under appeal) conformed to and are consistent with the Provincial Plans, and conformed to the City's OP (Exhibits 7A and B). It is his opinion that the revised proposal would be compatible with the existing physical character of the area and represented good planning.

[7] The Board accepted Mr. Bissett's planning evidence. The Board noted that this settlement was achieved with the full participation of the two ratepayers associations who were parties in these matters.

[8] The Board allowed in part the appeal of the ZBL and approved in principle the two proposed ZBAs which would facilitate the development of this revised proposal. The Board withheld its Order pending receipt of the following:

1. Final form of the ZBAs that are acceptable to the City;
2. An executed s. 37 Agreement which is registered on title; and
3. Confirmation by the City of its notice of approval of site plan conditions.

[9] Ian Flett, counsel for both ratepayers associations noted that the revised site plan drawings are to be circulated to the ratepayers associations for comment in accordance with the minutes of settlement.

[10] With respect to the site plan appeal, at the request of the proponent and consented to by the other parties, the Board adjourned that component of the hearing *sine die* pending the City's review of the revised site plan. Ms. Kovar advised the Board

that pending a favorable review by the City and the City's issuance of notice of approval of site plan conditions that the site plan appeal will be withdrawn.

[11] This panel of the Board will remain seized of these matters in the event that the site plan appeal is not resolved.

"Jason Chee-Hing"

JASON CHEE-HING
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248