

ISSUE DATE:

Nov. 16, 2007



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL051203
PL060087
PL060443

2059946 Ontario Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the former City of Toronto for the purpose of introducing site-specific policies to the current "Low Density Mixed Commercial Residential Area" designation on the northern portion of the site fronting onto Queen Street West, as well as to the current "Mixed Industrial-Residential Area" designation on the southern portion of the site, to permit the development of a 10-storey residential building, with retail at grade, on the northern portion of the site fronting onto Queen Street West as well as a 26-storey residential building on the southern portion of the site on lands located at 1171 and 1171R Queen Street West

Approval Authority File No. 05 133454 STE 18 OZ

O.M.B. Case No. PL051230

O.M.B. File No. O050191

2059946 Ontario Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 438-86, as amended, of the former City of Toronto for the purpose of amending the current MCR T3.0 C1.0 R2.5 zone on the northern portion of the site fronting onto Queen Street West, as well as to amend the current I1 D3 zone on the southern portion of the site, to permit the development of a 10-storey residential building, with retail at grade, on the northern portion of the site fronting onto Queen Street West as well as a 26-storey residential building on the southern portion of the site on lands located at 1171 and 1171R Queen Street West

O.M.B. Case No. PL051203

O.M.B. File No. Z050191

Verdiroc Development Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the former City of Toronto by introducing a site-specific policy to the current "Mixed Industrial-Residential Area B" designation in the Garrison Common North Part 2 Plan for the purpose of permitting the proposed development of a 3-storey building containing 5 live-work units, a 19-storey residential building on the southern portion of the subject lands and a 25-storey residential building containing live-work units at grade on the eastern portion of the subject lands on property municipally known as 48 Abell Street

Approval Authority File No. 99 036168 SHY 18 OZ

O.M.B. File No. O060039

Verdiroc Development Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 438-86, as amended, of the former City of Toronto to permit, as an exception to the current "I1 D3" zone, a proposed development on lands municipally known as 48 Abell Street to consist of a 3-storey building containing 5 live-work units, a 19-storey residential building on the southern portion of the

subject lands, and a 25-storey residential building containing live-work units at grade on the eastern portion of the subject lands

O.M.B. File No. Z060009

Landmark Developments Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the former City of Toronto by introducing a site-specific policy to the current "Mixed Industrial-Residential Area B" designation in the Garrison Common North Part 2 Plan for the purpose of permitting the proposed development of a 16-storey residential building and 3 rows of 5 ½-storey residential buildings in stacked townhouse form, which now has been revised to a proposal to consist of 2 residential buildings, ranging in height from 6 to 13 storeys, to frame a central landscaped open space with the west building at 6 storeys at the street edge (18 metres), stepping back an additional 2 storeys for a total height of 24 metres and the east building at 6 storeys at the street edge, stepping back to 8 storeys and again to 10 storeys for a total height at the south end of the building of 36 metres on lands municipally known as 150 Sudbury Street

Approval Authority File No. 05 199171 STE 18 OZ

O.M.B. Case No. PL060443

O.M.B. File No. O060093

Landmark Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 438-86, as amended, of the former City of Toronto to permit, as an exception to the current "I1 D3" zone, a proposed development on lands municipally known as 150 Sudbury Street to consist of a 16-storey residential building and 3 rows of 5 ½-storey residential buildings in stacked townhouse form, which now has been revised to a proposal to consist of 2 residential buildings, ranging in height from 6 to 13 storeys, to frame a central landscaped open space with the west building at 6 storeys at the street edge (18 metres), stepping back an additional 2 storeys for a total height of 24 metres and the east building at 6 storeys at the street edge, stepping back to 8 storeys and again to 10 storeys for a total height at the south end of the building of 36 metres

O.M.B. Case No. PL060443

O.M.B. File No. Z060066

Westside Lofts and Towns Inc. has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, determination and settlement of details of a site plan for lands composed of Part 1, Plan 66R-17443, Part of Ordnance Reserve and Part of Abell Street, municipally known as 150 Sudbury Street, in the City of Toronto

O.M.B. Case No. PL060443

O.M.B. File No. M060056

APPEARANCES:

Parties

2059946 Ontario Limited and Bohemian
Embassy Residences Inc.

Counsel

R. Kanter

City of Toronto	D. Jubb
Active 18 Community Association	Charles Campbell
Verdiroc Development Corporation and Abell Investments Limited	D. J. Bronskill
Landmark Developments Inc.	A. Paton
Canadian National Railway Company and Greater Toronto Transit Authority	M. Hackl

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER
ON NOVEMBER 14, 2007**

This concludes a series of pre-hearing conferences held by telephone conference call on October 24, November 1 and November 14, 2007 with the above noted parties connected.

These pre hearing conferences follow from Board Decision/Order Nos. 0052, 0053 and 0054 issued January 10, 2007 in an effort to finalize the requisite Official Plan Amendments, Zoning By-law Amendments, Section 37 Agreements and Site plan approvals.

As a result of the submissions arising from these proceedings, the Board directs the following with the consent of the parties:

1. The Board hearing will reconvene on **Monday, November 26, 2007 at 10:00 a.m. at Hearing Room, Ontario Municipal Board, 655 Bay Street, 16th Floor, Toronto**. The agenda for the first day will include the presentation of the final form of the appropriate Official Plan and Zoning By-law amendments and draft Section 37 agreements. The parties agree to make every effort to have these documents finalized on consent. The parties will confirm matters fully resolved, matters still under discussion and matters that cannot be resolved at the commencement of this reconvening.
2. The City has agreed to convene a meeting of appropriate staff to review the

site plans for 1171 Queen Street West and 48 Abell Street on November 27 and/or 28, 2007. The applicants will endeavour to have all plans in the hands of the City on or before November 21, 2007. Experts for the parties will be available through the week of November 26, 2007 to facilitate efforts to settle outstanding matters.

3. The Board will reconvene on November 29, 2007 to address site planning matters. The parties will confirm matters fully resolved, matters still under discussion and matters that cannot be resolved at the commencement of this reconvening.
4. The Board has reserved November 30 and December 17 through 21, 2007 to hear evidence on matters requiring final adjudication.
5. The parties have agreed to engage in a Board conducted mediation meeting before Executive Vice-Chair Lee on December 3, 4, 5 and 6, 2007 at 10:00 a.m. at the Board office. The agenda for this mediation includes resolution of the quantum for compensation related to the provision of the new Sudbury Street and parkland.
6. The parties agree that matters related to the finalization of the site plan for 150 Sudbury Street will be scheduled for some time in April 2008 if necessary. While the City acknowledges that a by-law holding provision may not be relevant to the acquisition of Sudbury and Abell Streets as it affects Landmark, the issue of approximately 0.1 hectare of park land may be. The Board encourages Landmark and the City to resolve an approach to addressing this issue acknowledging that the City is in the active process of securing an appropriate area. The Board may hear submissions in that regard at the reconvening on November 26, 2007.
7. No further notice is required.
8. This Board Member is seized of the hearing.

The Board commends the efforts of all parties as they now engage in the implementation of the settlements achieved between the applicants and the City.

"D.R. Granger"

D. R. GRANGER
VICE-CHAIR