

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 22, 2021

CASE NO(S): PL171510

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

Applicant and Appellant: 738489 Ontario Limited
Subject: Application to amend Zoning By-law No. 438-86 - Refusal or neglect of the City of Toronto to make a decision
Existing Zoning: Reinvestment Area (RA)
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit a mixed-use development with retail and commercial uses
Property Address/Description: 582-590 King Street West, 471 and 473 Adelaide Street West and 115 Portland Street
Municipality: City of Toronto
Municipality File No.: 17 215103 STE 20 OZ
OLT Case No.: PL171510
OLT File No.: PL171510
OLT Case Name: 738489 Ontario Limited v. Toronto (City)

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

Referred by: 738489 Ontario Limited
Subject: Site Plan
Property Address/Description: 582-590 King Street West, 471 and 473 Adelaide Street West and 115 Portland Street
Municipality: City of Toronto
OLT Case No: PL171510
OLT File No: MM180018

Heard: September 10, 2021 by Video Hearing

APPEARANCES:

| <u>Parties</u> | <u>Counsel/Representative*</u> |
|---|---|
| 738489 Ontario Limited | M. Bassani |
| City of Toronto | M. Crawford |
| Toronto Standard Condominium Corporation 2376 | D. Donnelly |
| C Squared Properties 580 King Inc. | D. Bronskill and M. Laskin (in <i>absentia</i>) |
| 1572653 Ontario Inc. | A. Biggart (in <i>absentia</i>) |
| Grange Community Association | M. Allen* (in <i>absentia</i>) |

**MEMORANDUM OF ORAL DECISION DELIVERED BY R.G.M. MAKUCH ON
SEPTEMBER 10, 2021 AND ORDER OF THE TRIBUNAL**

[1] The Tribunal had been advised by counsel that the parties had reached a settlement of these matters and therefore scheduled today's hearing event to consider the settlement. The Tribunal was advised on the day prior that the parties had been unable to reach a full settlement of the appeals and that the only party who remains in opposition is Toronto Condominium Corporation 2376.

[2] The settlement hearing was converted to a Case Management Conference ("CMC"), with Counsel for 738489 Ontario Limited (the "Applicant/Appellant") requesting that a further CMC be scheduled within two weeks or as soon as possible thereafter to consider any settlement and that if settlement was not achieved that a date for a hearing could be scheduled.

[3] The parties were advised that the Tribunal's schedule would not permit the early scheduling of a further CMC and did not schedule a further CMC but rather, directed counsel to advise the Tribunal if and when a final settlement is reached and to provide the necessary documentation to support the settlement including an affidavit by a

qualified land use planner. The Tribunal would then schedule a one-day hearing to consider the evidence in support of the settlement.

[4] In the event that a settlement cannot be reached, counsel are directed to advise the Tribunal. A hearing on the merits will then be scheduled. Counsel advised that they currently estimate such a hearing to require up to three days.

[5] The matter is otherwise adjourned.

[6] It is so ordered.

“R.G.M. Makuch”

R.G.M. MAKUCH
VICE-CHAIR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.