

**Environment and Land Tribunals  
Ontario**

Local Planning Appeal Tribunal

655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: (416) 212-6349  
Toll Free: 1-866-448-2248  
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de  
l'aménagement du territoire Ontario**

Tribunal d'appel de l'aménagement  
local

655 rue Bay, suite 1500  
Toronto ON M5G 1E5  
Téléphone: (416) 212-6349  
Sans Frais: 1-866-448-2248  
Site Web: www.elto.gov.on.ca



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

Applicant and Appellant:	C Squared Properties
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 the redevelopment of a 15-storey office building with commercial uses
Property Address/Description:	578-580 King Street West
Municipality:	City of Toronto
Municipality File No.:	18 225642 STE 20 OZ
LPAT Case No.:	PL190124
LPAT File No.:	PL190124
LPAT Case Name.:	C Squared Properties v. Toronto (City)

**NOTICE OF CASE MANAGEMENT CONFERENCE**

The Local Planning Appeal Tribunal ("Tribunal") will conduct a case management conference for this matter.

This case management conference will be held:

**AT: 10:00 AM**

**ON: Monday, September 30, 2019**

**AT: Local Planning Appeal Tribunal  
655 Bay Street, Toronto, M5G 1E5, 16<sup>th</sup> Hearing Room**

The Tribunal has set aside **1 day** for this conference.



## **THE CASE MANAGEMENT CONFERENCE**

The *Local Planning Appeal Tribunal Act, 2017* requires the Tribunal to conduct a case management conference after it has received a valid notice of appeal of the matter identified in the title of proceedings (above). The Appellant(s) and either the municipality or the approval authority, depending upon whose decision or non-decision has been appealed to the Tribunal, are the statutory parties in this proceeding. Persons other than the statutory parties, who wish to participate in the case management conference, are required, by section 40 and 41 of the *Local Planning Appeal Tribunal Act, 2017*, to pre-file a written submission.

IF YOU ARE NOT THE APPELLANT(S) OR EITHER THE MUNICIPALITY OR THE APPROVAL AUTHORITY (DEPENDING UPON WHOSE DECISION OR NON-DECISION HAS BEEN APPEALED TO THE TRIBUNAL) IN THIS PROCEEDING, YOU MAY ONLY PARTICIPATE IN THE CASE MANAGEMENT CONFERENCE IF YOU FILE A WRITTEN SUBMISSION WITH THE TRIBUNAL REGISTRAR. THE WRITTEN SUBMISSION MUST BE SENT TO THE ATTENTION OF THE CASE COORDINATOR, **SANDRA CHAN** AT [Sandra.chan@ontario.ca](mailto:Sandra.chan@ontario.ca) AND FILED IN PAPER COPY WITH THE REGISTRAR. YOUR SUBMISSION MUST BE RECEIVED **NO LATER THAN FRIDAY, AUGUST 30, 2019** WHICH IS 30 DAYS BEFORE THE DATE OF THE CASE MANAGEMENT CONFERENCE.

A COPY OF YOUR WRITTEN SUBMISSION IS TO BE PROVIDED TO THE APPELLANT(S) AND EITHER THE MUNICIPALITY OR THE APPROVAL AUTHORITY (DEPENDING UPON WHOSE DECISION OR NON-DECISION HAS BEEN APPEALED TO THE TRIBUNAL) (SEE CONTACT INFORMATION: ADDRESS, EMAIL IN SCHEDULE A ATTACHED).

## **THE PRE-FILING REQUIREMENTS FOR PERSONS WHO WISH TO PARTICIPATE IN THE CASE MANAGEMENT CONFERENCE**

### **A) THE CONTENT OF THE WRITTEN SUBMISSION**

A person other than the appellant(s), the municipality or approval authority who wishes to participate in an appeal initiated under subsections 17(24), 17(36), 17(40), 22(7), 34(11), 34(19) or 51(34) of the *Planning Act* must file a written submission with the Tribunal Registrar. The submission must explain the nature of their interest in the matter and how their participation will assist the Tribunal in resolving the issues raised in the appeal. The submission is to explain whether any decision or non-decision of the municipality or approval authority, which is the subject of the appeal before the Tribunal:

- Is inconsistent with a Provincial Policy Statement,
- Fails to conform with a provincial plan, or



- Fails to conform with an applicable official plan.

Please note that a Case Management Conference Submission Form is available on the Tribunal's website.

## **B) FILING REQUIREMENTS FOR THE WRITTEN SUBMISSION**

- The written submission (containing the content above) must be emailed to the assigned Tribunal Case Coordinator, **SANDRA CHAN** at **Sandra.chan@ontario.ca** **at least 30 days** before the date of the case management conference. A paper copy of the document must also be filed with the Tribunal Registrar.
- A copy of the written submission shall be provided to either the municipality or to the approval authority, depending upon whose decision or failure to make a decision is appealed, on the same day as it is emailed to the Tribunal: **at least 30 days** before the date of the case management conference.
- A copy of the written submission must also be provided to the Appellant(s) on the same day as it is emailed to the Tribunal: **at least 30 days** before the date of the case management conference.
- A certificate of service, in the form available on the Tribunal's website, shall be filed with the Tribunal Case Coordinator to confirm service of the written submission on the appellant(s) and either the municipality or the approval authority.

### **NOTE: THE TRIBUNAL MAY NOT EXTEND THE TIME PERIOD TO FILE THE WRITTEN SUBMISSION**

### **THE CASE MANAGEMENT CONFERENCE**

The Tribunal shall determine, from among the persons that have provided written submissions, whether that person may participate in the case management conference, and the terms upon which a person is allowed to participate.

A Tribunal may also appoint one person, who filed a written submission to represent a class of persons, as either a party or participant at the case management conference and at any hearing, or any other hearing event, that may be directed by the Tribunal.

At the case management conference, the Tribunal shall discuss opportunities for settlement, including the possible use of mediation or other dispute resolution techniques.

Please see the extract of Rule 26.20 of the LPAT Rules of Practice and Procedure attached to this notice for further details of the matters the Tribunal will discuss at the Case Management Conference.

### **FURTHER DIRECTIONS**

The Tribunal shall issue a disposition following the Case Management Conference that will set out the directions of the Tribunal. A copy of this decision can be obtained from the Tribunal's website by reference to the above case number.

A person who is not granted party or participant status by the Tribunal at the case management conference is not permitted to participate in any further hearing event that is convened by the Tribunal for this appeal.

*Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au (416) 212-6349, au moins 20 jours civils avant la date fixée pour l'audience.*

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance. Please also identify any assistance you may require in the event of an emergency evacuation.

DATED at Toronto, this 20th day of June, 2019.

Mary Ann Hunwicks  
Registrar



**SCHEDULE A**

**CONTACT INFORMATION:**

**APPELLANT REPRESENTATIVE**

**DAVID BRONSKILL  
GOODMANS  
BAY ADELAIDE CENTRE – WEST TOWER  
333 BAY STREET, SUITE 3400  
TORONTO, ON M5H 2S7  
DBRONSKILL@GOODMANS.CA**

**MUNICIPALITY OR APPROVAL AUTHORITY [OR REPRESENTATIVE]**

**MARK CRAWFORD  
CITY SOLICITOR  
CITY OF TORONTO LEGAL SERVICES  
PLANNING AND ADMINISTRATIVE TRIBUNAL LAW SECTION  
55 JOHN STREET, 26<sup>TH</sup> FLOOR METRO HALL  
TORONTO, ON M5V 3C6  
MARK.CRAWFORD@TORONTO.CA**



## SCHEDULE B

### EXTRACTS OF LOCAL PLANNING APPEALS TRIBUNAL RULES ON DOCUMENTS, EXHIBITS, FILING, SERVICE

**7.01 Form of Documents** Unless otherwise directed by the Tribunal, every document filed or introduced by a party or participant in a proceeding shall be legible and prepared on letter size paper (8 1/2" x 11"), except for large documents such as plans or surveys, and, where bound together with other documents, shall have each page numbered consecutively, throughout the entire text or within tabs, including any graphic content. Wherever possible, an electronic copy of the document must also be filed with the Tribunal, identically numbered as the paper document.

**7.03 Copies of Documents for Parties and the Municipal Clerk** A party who intends to introduce a document as evidence at a hearing event shall provide a copy of the document to all the parties at the beginning of the proceeding or by an earlier date if that is required by the terms of a procedural order or otherwise directed by the Tribunal. If the document is an official plan, those parts of the plan to be referred to at the hearing event should be distributed to the parties, and a copy of the entire plan must be made available to the Tribunal Member(s). If the Tribunal orders that the clerk of the municipality keep copies of documents for public inspection, they do not need to be certified copies, unless a party objects that they are not authentic copies.

**7.10 Service by Personal Service or Electronic Service** Where any document is required to be served or filed, including the one commencing a proceeding or a motion or providing notice, it shall be served by personal service, registered mail or electronically (unless a statute or the Tribunal requires another method of service) and shall be sent to:

- (a) the party's representative, if any;
- (b) where the party is an individual and is not represented, to that party directly, where that party has provided an address for service and/or an e-mail address;
- (c) where that party is a corporation and is not represented, to the corporation directly, to the attention of an individual with apparent authority to receive the document;
- (d) where served on or filed with a local board or commission, or any department, ministry or agency of the federal, provincial or municipal government, to an individual with apparent authority to receive the document; or
- (e) where served on or filed with the Tribunal, to the Registrar.

Subject to Rule 7.11, if a document is served by e-mail, then service is effective on the date of service.

**7.11 If Served Electronically After 4:30 p.m.** Any document served electronically after 4:30 p.m. is deemed to have been served on the next business day.

**7.12 Proof of Electronic Service** A confirmation printout received by the sender is proof of the full transmission and receipt of the electronic service.

**7.13 No Hard Copy Needed** A hard copy of an electronic document need not be sent by another means of transmission unless requested, and may then be sent by regular mail.



## **EXTRACTS OF LOCAL PLANNING APPEAL TRIBUNAL RULES ON ADJOURNMENTS**

**17.01 Hearing Dates Fixed** Hearing events will take place on the date set unless the Tribunal agrees to an adjournment. Adjournments will not be allowed that may prevent the Tribunal from completing and disposing of its proceedings within any applicable prescribed time period.

**17.02 Requests for Adjournment if All Parties Consent** If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the written consents of all parties. However, the Tribunal may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent. The consenting parties are expected to present submissions to the Tribunal on the application of any prescribed time period to dispose of the proceeding.

**17.03 Requests for Adjournment without Consent** If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 15 days before the date set for the hearing event. If the reason for an adjournment arises less than 15 days before the date set for the hearing event, the party must give notice of the request to the Tribunal and to the other parties and serve their motion materials as soon as possible. If the Tribunal refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.

**17.04 Emergencies Only** The Tribunal will grant last minute adjournments only for unavoidable emergencies, such as illnesses so close to the hearing date that another representative or witness cannot be obtained. The Tribunal must be informed of these emergencies as soon as possible.

**17.05 Powers of the Tribunal upon Adjournment Request** The Tribunal may,

- (a) grant the request;
- (b) grant the request and fix a new date or, where appropriate, the Tribunal will schedule a prehearing or case management conference on the status of the matter;
- (c) grant a shorter adjournment than requested;
- (d) deny the request, even if all parties have consented;
- (e) direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
- (f) grant an indefinite adjournment, if the request is made by a party and is accepted by the Tribunal as reasonable and the Tribunal finds no substantial prejudice to the other parties or to the Tribunal's schedule. In this case a party must make a request, or the Tribunal on its own initiative may direct, that the hearing be rescheduled or resumed as the case may be;
- (g) convert the scheduled date to a mediation or prehearing or case management conference;
- (h) issue a Notice of Postponement or a Notice of Resumption; or
- (i) make any other appropriate order.



## EXTRACTS OF LOCAL PLANNING APPEAL TRIBUNAL RULES ON A CASE MANAGEMENT CONFERENCE

**26.03 Additional Definitions** The following definitions are applicable to proceedings under Part II:

“*case management conference*” is a hearing event which is directed by the Tribunal in an appeal initiated pursuant to and authorized by subsections 17(24), 17(36) and 17(40), 22(7), 34(11), 34(19) and 51(34) of the *Planning Act*;

“*certificate of service*” is the form approved by the Tribunal that must be submitted at least 30 days before the date of the case management conference by a person other than an appellant, municipality or approval authority who wishes to participate in an appeal under subsections 17(24), 17(36), 17(40), 22(7), 34(11), 34(19) or 51(34) of the *Planning Act*;

**26.17 Determination to Hold a Case Management Conference** The Tribunal shall direct the Appellant, municipality or approval authority to participate in a case management conference when the screening has made a preliminary determination that a notice of appeal is valid.

**26.18 Notice Period and Directions for the Case Management Conference** The notice period for the case management conference shall be 75 days unless otherwise directed by the Tribunal. The Tribunal will also direct the Appellant, municipality or approval authority to provide notice of the time and place of the case management conference, and to file an affidavit as directed by the Tribunal to confirm service of the notice.

**26.19 Participation in the Case Management Conference** A person other than the Appellant, the municipality or approval authority who wishes to participate in an appeal initiated under subsections 17(24), 17(36), 17(40) 22(7), 34 (11), 34(19) or 51(34) of the *Planning Act* must file a written submission with the Registrar, at least 30 days before the date of the case management conference, and that submission shall explain the nature of their interest in the matter and how their participation will assist the Tribunal in determining the issues in the proceeding. In addition, a person shall explain whether the decision or non-decision of the municipality or approval authority was inconsistent with a policy statement under subsection 3(1) of the *Planning Act*, fails to conform with or conflicts with a provincial plan, or fails to conform with an applicable official plan. Any submission shall also be provided to the municipality or to the approval authority whose decision or failure to make a decision is appealed and a certificate of service shall be filed with the Registrar to confirm service of any submission.

**26.20 Case Management Conference** The Tribunal may direct the Appellant, municipality or approval authority whose decision or failure to make a decision is being appealed to participate in a case management conference conducted by a Member. A case management conference may include settlement conferences, motions or preliminary hearing matters. At a case management conference the Tribunal shall:

- (a) identify persons other than the Appellant, the municipality or approval authority, who wish to participate in the appeal, based on written submissions provided by these persons to the Tribunal;



- (b) determine, from the written submissions provided, whether a person may participate in the appeal as an additional party, or participant, on such terms as the Tribunal may determine;
- (c) identify facts or evidence the parties may agree upon or on which the Tribunal may make a binding decision;
- (d) identify, define or narrow the issues raised in the appeal;
- (e) obtain admissions that may simplify the hearing, which may include the examination of persons by the Tribunal as part of the case management conference;
- (f) provide directions for disclosure of information among the parties or persons who may participate in the appeal;
- (g) provide directions that a person or persons attend the hearing for examination by the Tribunal, including persons to provide expert opinion evidence;
- (h) discuss opportunities for settlement, including the possible use of mediation or other dispute resolution processes;
- (i) fix a date and place for the hearing and estimate its length;
- (j) determine the format of a hearing, including whether a hearing be conducted in writing and any applicable dates to exchange documentation or submissions;
- (k) discuss issues of confidentiality, including any need to hold a part of the hearing in the absence of the public or to seal documents;
- (l) address the production and cost sharing of joint document books; and
- (m) deal with any other matter that may assist in a fair, just, and expeditious resolution of the issues or proceeding.

**26.21 Result of a Failure to Attend a Case Management Conference** The Tribunal may proceed to conduct a case management conference if the Appellant, municipality, approval authority, a party, person or their authorized representative(s) fail to attend.

**26.22 Tribunal Order** The Member conducting the case management conference will issue an order that may decide any of the matters considered at the conference and will provide procedural directions for any subsequent hearing event, including whether the hearing will be held in writing, electronically, or in person as an oral hearing. The Member conducting any subsequent hearing event, or the hearing, is bound by the order resulting from the case management conference unless the Member is satisfied that there is good reason to vary the order.

**26.23 Further Directions following a Determination to hold a Hearing** At any time at or after the case management conference, the Tribunal may give such further directions or impose such terms that are necessary for a fair, just and expeditious resolution of the proceeding, including directions that:

- a) a party deliver within a specific time, evidence of a witness by affidavit to address the issues in dispute;
- b) expert witnesses engaged by or on behalf of the parties identify areas of evidence to which they agree and areas of evidence to which they disagree, and the rationale for their opinions;
- c) each expert witness file an executed acknowledgement of expert's duty form;
- d) a concise summary of submissions be prepared, based on the supporting case summary and affidavit evidence, to be presented at the hearing; and
- e) a person whose evidence may be relevant to determination of the issues in the hearing, to attend the hearing, to enable the Tribunal to ask that person questions.

DATE: April 3, 2018



## EXPLANATORY NOTE

---

### **Application to Amend the City of Toronto Official Plan and former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013**

**578 – 580 King Street West**

**Applicant: C Squared Properties**

**City of Toronto File No. 18 225642 STE 20 OZ**

**LPAT Case No. PL190124**

**LPAT File No. PL190124**

---

C Squared Properties (the “**Applicant**”) has applied, through its agent, to amend the former City of Toronto Zoning By-law 438-86 and Zoning By-law 569-2013 with respect to the lands known municipally as 578-580 King Street West (the “**Site**”). The Site is shown on a key map below.

The Council of the City of Toronto issued a refusal report on January 29<sup>th</sup>, 2019 with respect to the Zoning By-law Amendment application. The Applicant has appealed the application to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) under subsection 34(11) of the *Planning Act*.

#### Description of the Site

The Site is located within the King-Spadina area, at the northeast corner of King Street West and Portland Street. The Site is rectangular in shape, and is currently occupied by a 2 and ½ storey building, which houses a night club and fitness studio. The Site has a total area of approximately 893.20 square metres, and has a frontage of approximately 15.5 metres onto King Street. The property is listed on the City of Toronto’s Heritage Register and has been identified as a “contributing property” by the proposed King Spadina Heritage Conservation District Plan (By-law 1186-2016).

#### Purpose and Effect of the Zoning By-law Amendments

Pursuant to City of Toronto Zoning By-law 569-2013, the Site is zoned as CRE (x77) – Commercial Residential Employment. The CRE zone permits a variety of non-residential uses such as offices, hotels, retail stores, financial institutions and eating establishments. Residential uses are also permitted in a range of building types. The existing development standards for the Site include a maximum height of 23.0 metres (7 storeys). The CRE zone also requires a minimum side yard and rear yard setback of 7.5 metres for any portion of a building, and a maximum building depth of 50.0 metres from a lot line that abuts a street. The Site is subject to Exception 77, which refers to Section 12(2) 270 in former City of Toronto By-law 438-86. This exception is further described below.



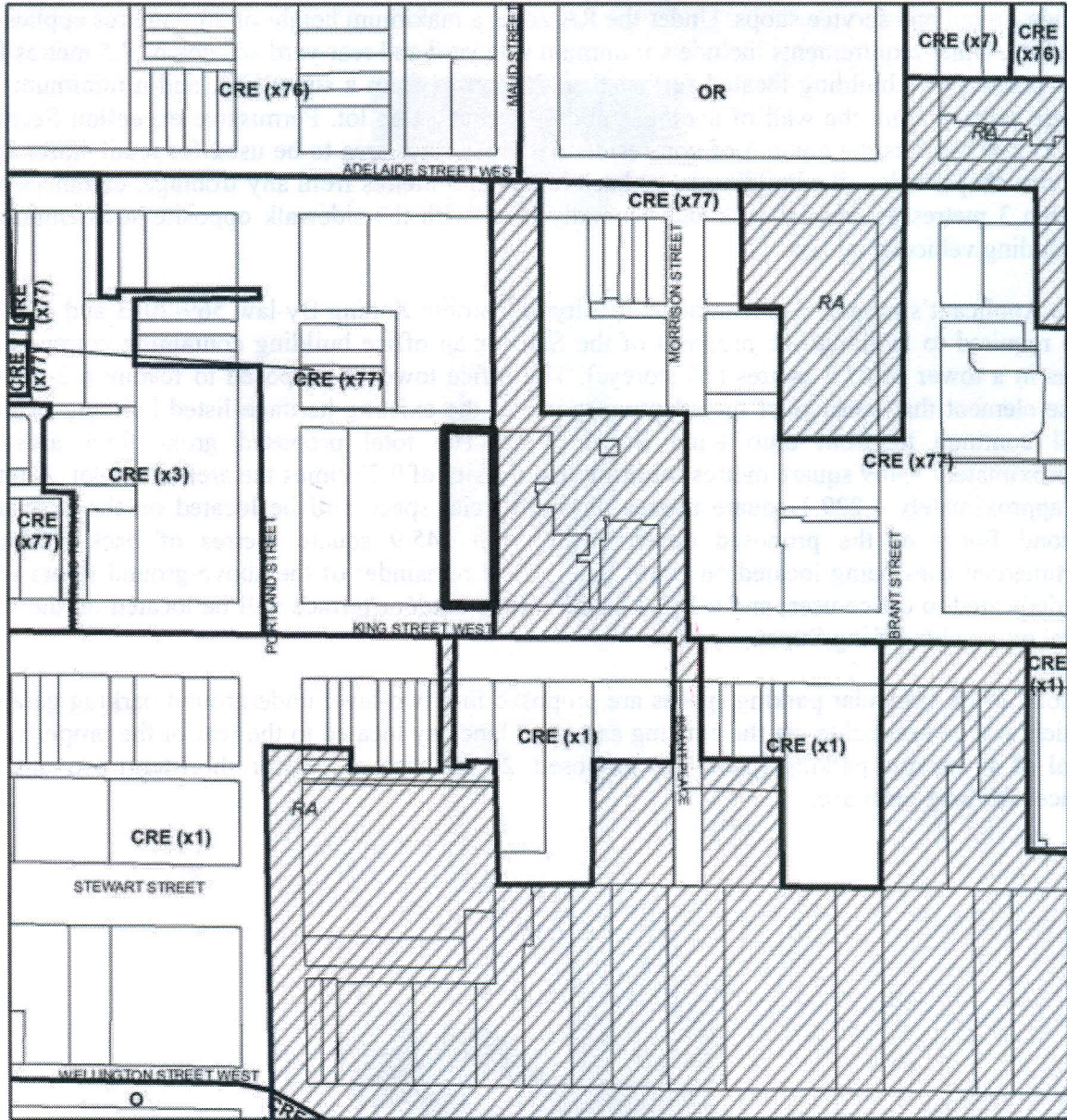
Pursuant to former City of Toronto Zoning By-law 438-86, the Site is zoned RA – Reinvestment Area. The RA zone permits a wide range of residential and non-residential uses, including offices, retail and service shops. Under the RA zone, a maximum height of 23.0 metres applies to the Site. Other requirements include a minimum side yard and rear yard setback of 7.5 metres for any portion of a building located further than 25 metres from a street line, and a minimum 11 metre setback from the wall of another building on the same lot. Permissive exception Section 12(2) 270 restricts the amount of non-residential gross floor area to be used for retail stores and service shops, unless the building is set back less than 3 metres from any frontage, entrances are within 3 metres of any frontage and generally level with the sidewalk opposite such entrance, excluding vehicular access.

The Applicant's proposed amendments to City of Toronto Zoning By-law 569-2013 and 438-86 are required to facilitate the proposal of the Site for an office building containing commercial uses in a tower of 63.3 metres (15 storeys). The office tower is proposed to feature a 2-storey base element that consists of the adaptive re-use of the existing heritage-listed building, which will continue to front onto King Street West. The total proposed gross floor area is approximately 8,469 square metres resulting in a density of 9.57 times the area of the lot. A total of approximately 1,229.1 square metres of commercial space will be located on the first and second floors of the proposed development, with 145.9 square metres of back-of-house commercial uses being located on Level U/G 1. The remainder of the above-ground floors will be dedicated to office uses, and a 123.2 square metre outdoor terrace will be located on the 15<sup>th</sup> level overlooking King Street.

A total of 28 vehicular parking spaces are proposed in a two-level underground parking garage, which will be accessible via the existing east-west laneway located to the rear of the property. A total of 41 bicycle parking spaces are proposed, 24 of those spaces for short-term use and 17 spaces for long-term use.



KEY MAP SHOWING THE SITE



Zoning By-law 569-2013

578-580 King Street West

File # 18 225642 STE 20 OZ

Location of Application

CRE Commercial Residential Employment

Open Space  
 Open Space Recreation

See Former City of Toronto By-Law No. 438-86  
 RA Mixed-Use District



Not to Scale  
 Extracted: 01/07/2019