

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** October 05, 2021

**CASE NO(S):** PL200082  
MM200029

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant: Manga Hotels (Richmond) Inc.  
Subject: Application to amend Zoning By-law No. 438-86 - Refusal or neglect of City of Toronto to make a decision

Existing Zoning: Reinvestment Area (RA)  
Proposed Zoning: Site Specific (To be determined)  
Purpose: To permit two (2) multi-storey hotel buildings with a shared lobby at grade.

Property Address/Description: 465-471 Richmond Street West and 38 Camden Street

Municipality: City of Toronto  
Municipality File No.: 19 182800 STE 10 OZ  
OLT Case No.: PL200082  
OLT File No.: PL200082  
OLT Case Name: Manga Hotels (Richmond) Inc. v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 34.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Applicant and Appellant: Manga Hotels (Camden) Inc.  
Subject: Appeal of the Decision of Council on an application to demolish or remove a building or structure

Property Address/Description: 38 Camden Street  
Municipality: City of Toronto  
OLT Case No.: MM200029  
OLT File No.: MM200029

**Heard:** June 9, 2021 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Manga Hotels (Richmond) Inc.

P. Devine

Michael Cook

City of Toronto

Daniel Elmadany

**MEMORANDUM OF ORAL DECISION DELIVERED BY JATINDER  
BHULLAR ON JUNE 9, 2021 AND INTERIM ORDER OF THE TRIBUNAL**

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[1] This was a settlement video hearing regarding an application filed by Manga Hotels (Richmond) Inc. (“Manga”) to redevelop its property located at 465-471 Richmond Street West and 38 Camden Street (the “Subject Site”) in the City of Toronto (“City”) with two multi-storey hotel buildings that would share a lobby at grade. To facilitate its proposed development, Manga applied for an amendment to City Zoning By-law No. 438-86 (the “ZBA”). The appeal arose out of City’s failure to make a decision on Manga’s application within the time period specified in the *Planning Act*, R.S.O. 1990, c. P. 13, (“Act”) as amended, and Manga appealed to the Tribunal pursuant to s. 34(11) of that statute.

[2] The second associated matter is MM200029 which relates to the denial of a demolition permit for 38 Camden Street for the overall development of the two properties as an integrated project.

**PRELIMINARY**

[3] Counsel for Manga informed the Tribunal at the start of the hearing that they plan to withdraw their appeal under MM200029 if the Tribunal were to allow their appeal as per the settlement with the City for file number PL200082. The City provided consent to this stipulation.

## EVIDENCE AND ANALYSIS

[4] Manga called Lindsay Dale-Harris to provide expert opinion evidence in the area of land use planning. A sworn affidavit of Ms. Dale-Harris was marked as Exhibit 1 for this hearing. Ms. Dale-Harris informed the Tribunal that she adopts the affidavit in full.

[5] Ms. Dale-Harris informed that redevelopment of the Subject Site will consist of a 383-room hotel made up of two buildings above a shared 2-storey base and will incorporate a restaurant on the top floor of the Richmond Building. On the Camden Property, the south elevation of the existing two storey building will be preserved as part of the base of the building. The proposed development will have a gross floor area of about 14,471 square metres.

[6] Ms. Dale-Harris opined that the proposed redevelopment is consistent with the policy framework expressed in the Provincial Policy Statement, 2020 (the “PPS”), conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”), and implements the Regeneration Areas and Mixed Use Areas designations in the Official Plan, all of which promote economic development and intensification of underutilized sites within built-up urban areas, particularly in locations which are well-served by municipal infrastructure and public transit. In this regard, the Settlement Proposal responds appropriately to the location of the Subject Site in the Downtown Toronto Urban Growth Centre and within 170 metres of the 510 Spadina streetcar (an approximate 2-minute walk) and within 260 metres of the 501 Queen streetcar (an approximate 3-minute walk). The Subject Site is also close to major employment, shopping and cultural opportunities located throughout the Financial District and the Entertainment District.

[7] Ms. Dale-Harris further opined based on her affidavit that from a land use perspective, the proposed hotel use will contribute to a broader mix of non-residential uses in the King-Spadina neighbourhood and will directly support the function of the nearby Financial and Entertainment Districts. In this regard, the addition of an employment generating use is considered desirable as recently most of the new buildings in King-Spadina have been residential or predominantly residential. She added that from a built form perspective, the Subject Site is a contextually appropriate location for the proposed

buildings, given its location within the Downtown, its proximity to transit service and its relation to other existing and approved tall- and mid-rise buildings in the area. The taller Richmond Building (19 storeys) has been sited along Richmond Street West, and the shorter Camden Building (15 storeys) has been sited fronting the Camden Street frontage in order to address the existing urban structure, which consists of existing and emerging taller building forms along Richmond Street West and lower heights along Camden Street. She stated that the revised plans will result in appropriate built form relationships and light, view and privacy (LVP) conditions, having regard for the Subject Site's urban downtown context within the King-Spadina West Precinct. The design of the Richmond Building has been revised to incorporate a 4.1 metre setback from the west lot line to address light, view and privacy concerns related to the residential windows in the existing mixed-use building at 477 Richmond Street West.

[8] In conclusion Ms. Dale-Harris opined that the proposed rezoning has regard for the provincial interest per s. 2 of the Act as it will conserve heritage features, contribute towards safe and healthy communities, provide for employment opportunities and will be built where easy access to transit is available. Ms. Dale-Harris further opined that the proposal is consistent with the PPS with special consideration for policy 1.1.1 to sustain land use patterns supportive of healthy, livable and safe communities. Ms. Dale-Harris opined that the proposal conforms to the Growth Plan for Greater Golden Horseshoe as amended in 2020 (the Growth Plan). Of many supportive considerations for conformity, Ms. Dale-Harris highlighted the achievement of complete communities, transit supportive development and contribution to economic development. Ms. Dale-Harris similarly opined that the proposal conforms to the City's Official Plan being part of a designated "Regeneration Area". In summarizing her extensive evidence on file (Exhibit 1), Ms. Dale-Harris opined that the proposal conforms with the planning instruments and guidelines applicable to the area for proposed development.

[9] In review of City Zoning By-laws No. 438-86 and No. 569-2013, Ms. Dale-Harris opined that the requested ZBA maintains the intent and purpose of the underlying zoning by-laws.

[10] Having considered the comprehensive sworn affidavit of Ms. Dale-Harris, and her uncontroverted expert opinion evidence at the hearing, the Tribunal finds that the requested

ZBA has regard for the provincial interest per s. 2 of the Act, is consistent with the PPS, conforms with the Growth Plan, conforms with the City's Official Plan as well as secondary plans, and has regard for the applicable guidelines including for heritage conservation. The Tribunal further finds that the ZBA maintains the intent and purpose of underlying zoning by-laws for the City and represents good land use planning and is in public interest.

## **ORDER**

[11] The Tribunal allows the appeal in part, subject to the conditions set in Attachment 1 being satisfied. The parties shall inform and update the Tribunal regarding the satisfaction of the prescribed conditions within six months of the order.

[12] Should any difficulties arise in implementing this order, the Tribunal may be approached.

*"Jatinder Bhullar"*

JATINDER BHULLAR  
MEMBER

### **Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://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.

## ATTACHMENT 1

### Draft Order

#### 465-471 Richmond Street West and 38 Camden Street

In accordance with the City of Toronto Council decision of March 10, 2021, the Tribunal will withhold its Order on the Zoning By-law Amendment appeal until the following conditions have been met to the satisfaction of the City Solicitor, and the Tribunal is advised that:

1. the proposed Zoning By-law Amendments are in a final form and content of the Zoning By-law Amendment are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, in consultation with the Senior Manager, Heritage Planning;
2. the Owner has entered into a Heritage Easement Agreement, pursuant to Section 37 of the Ontario Heritage Act, with the City for the property at 38 Camden Street;
3. the Owner has provided a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Revised Heritage Impact Assessment;
4. the Owner has withdrawn their appeal(s) of:
  - (a) the request to demolish the designated heritage property at 38 Camden Street pursuant to Section 34 of the Ontario Heritage Act (MM200029);
  - (b) the King-Spadina Secondary Plan (Official Plan Amendment 486); and
  - (c) the King-Spadina Heritage Conservation District Plan;
5. the Owner has, at its sole expense:
  - (a) submitted a revised Functional Servicing Report, including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water, and confirmation that the amending by-laws do not require any modifications to address the accepted Engineering Reports, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;
  - (b) secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development;
  - (c) submitted a revised Loading Study and Transportation Impact Study acceptable to, and to the satisfaction of, the General Manager, Transportation Services; and

6. the Owner has entered into an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor with such Agreement to be registered on title to the lands at 465-471 Richmond Street West and 38 Camden Street in a manner satisfactory to the City Solicitor.