

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: January 15, 2016

CASE NO(S): PL140860

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 10 QEW Inc. et al
Subject: Proposed Official Plan Amendment No. 231
Municipality: City of Toronto
OMB Case No.: PL140860
OMB File No.: PL140860
OMB Case Name: A. Mantella & Sons Limited v. Toronto (City)

Heard: October 22, 2015 in Toronto, Ontario

APPEARANCES:

Parties

See Attachment 1

Participants

See Attachment 2

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. G. M. MAKUCH ON
OCTOBER 22, 2015 AND ORDER OF THE BOARD**

[1] This is the third prehearing conference respecting appeals against Official Plan Amendment No. 231 "Employment Areas Lands" adopted by City of Toronto (the "City") Council.

[2] 2210288 Ontario Inc. and 2317682 Ontario Inc. (collectively "Q Developments") are hereby granted party status limited to the policies identified in the last page of Tab G

of Exhibit 1 (being Q Developments Motion Record) as marked at the October 22, 2015 prehearing conference, as these relate to the lands known municipally as 1542, 1548 and 1550 The Queensway, 65 and 69 North Queen Street and 15 Atomic Avenue more particularly described as a letter from Barry Horosko, counsel for Q Developments, to Andrew Biggart dated October 8, 2015 being Attachment 3 hereto.

[3] Northam Realty Advisors Ltd., specifically as it relates to the properties known as 2 Carlton Street, 135 St. Clair Avenue West, 254-266 King Street West, 427/435 Adelaide Street, 157 Princess Street, 82 Bloor Street West and 483 Bay Street, is granted party status limited to the policies and appeals identified in the letter from Adam Brown, counsel for Northam Realty Advisors Ltd., to Mr. Biggart dated July 7, 2015 being Attachment 4 hereto.

[4] The South Etobicoke Industrial Employers Association ("SEIEA") is hereby granted party status limited to the policies and sites identified in the letter from Effie Lidakis, counsel for SEIEA, to Mr. Biggart and Mr. Matsumoto dated July 10, 2015 being Attachment 5 hereto.

[5] 258 Atwell Drive Limited is granted party status limited to the policies and appeals identified in the letter from David White, counsel for 258 Atwell Drive Limited, to Mr. Biggart and Mr. Matsumoto dated July 17, 2015 being Attachment 6 hereto.

[6] 1940181 Ontario Inc., operating as the Mimico Lakeshore Community Network, is granted participant status limited to the Mondelez Canada Inc. appeals, being appeals 127 and 128.

City Motion for Partial Approval of OPA 231

[7] The Board is satisfied based on the evidence of Gerry Rogalski as set out in his Affidavit sworn October 9, 2015 related to Site and Area Specific Policies 392 and 393, filed, as well as the submissions of counsel for the City regarding Site and Area Specific Policy 441, and no opposition from any of the parties, that the following Site and Area

Specific Policies of City of Toronto By-law 1714-2013 are approved and are in full force and effect:

- Item 18, Chapter 7, Site and Area Specific Policy 392 for 1002 and 1020 Lawrence Avenue West, 109-135 Cartwright Avenue (odd numbers) and 120-132 Cartwright Avenue (even numbers);
- Item 18, Chapter 7, Site and Area Specific Policy 393 for 105-109 Vanderhoof Avenue and 10 Brentcliffe Road; and
- Item 18, Chapter 7, Site and Area Specific Policy 441 for 290 Old Weston Road.

Phase 1A Hearing

[8] The hearing for Phase 1A (Core Employment Areas and General Employment Areas), Preamble to Chapter 4 and Policies 4.6.1, 4.6.2, 4.6.3, 4.6.4 and 2.2.4.1 Map is scheduled to commence on **Monday, June 20, 2016 at 10 a.m.** The hearing will take place at:

**Ontario Municipal Board
655 Bay Street, 16th floor
Toronto, Ontario**

[9] Fifteen days have been set aside.

[10] The parties will agree on an issues list and the form of a procedural order for Phase 1A (Core Employment Areas and General Employment Areas), Preamble to Chapter 4 and Policies 4.6.1, 4.6.2, 4.6.3, 4.6.4 and 2.2.4.1 (Maps). This matter will be spoken to at the February 9, 2016 pre-hearing conference.

Next Pre-Hearing Conference

[11] The next prehearing conference will take place commencing at 10 a.m. on **Tuesday, February 9, 2016 at the same venue as above.**

[12] No further notice will be given.

"R. G. M. Makuch"

**R. G. M. MAKUCH
MEMBER**

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

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

ATTACHMENT 1

SIGN-IN SHEET

Prehearing Conference June 22, 2015 Re City of Toronto Official Plan Amendment No. 231 | PL140860

Counsel / Agent	Appellant	Signature
<p>Stewart, Amber Amber Stewart Law 5600 - 100 King Street West Toronto, ON M5X 1C9 Tel: 416.479.5452 Fax: 416.644.8801 Email: amber@amberstewartlaw.com</p>	<p>#44 855 Oxford Street Investments Ltd.</p>	<p>PRESENT</p>
<p>Vaughan, Michael B. Barrister and Solicitor 328 - 100 Richmond Street West Toronto, ON M5H 3K6 Tel: 416.363.9821 Fax: 416.363.9821 Email: michael@mbvaughan.com</p>	<p>#52 Inter Arch Inc.</p>	<p>PRESENT</p>
<p>Tang, David C. K. Gowlings 1600 - 100 King Street West Toronto, ON M5X 1G5 Tel: 416.862.3547 Fax: 416.863.3547 Email: david.tang@gowlings.com</p>	<p>#107 Kingdom Covenant International #173 Toronto Faith Coalition Inc.</p>	<p>PRESENT</p>

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Prehearing Conference June 22, 2015 Re City of Toronto Official Plan Amendment No. 231 | PL140860

Counsel / Agent	Appellant	Signature
<p>Horosko, Barry Horosko Planning Law 101 - 300 North Queen Street Toronto, ON M9C 5K4 Tel: 416.551.8534 Fax: 416.551.1278 Email: bhorosko@horoskoplanninglaw.com</p>	<p>#1 10 QEW Inc. #19 1742875 Ontario Inc. and 1720194 Ontario Inc. #21 2000 Images Inc. #28 2141805 Ontario Inc. #53 A. Mantelía & Sons Limited #58 Antonisa Investments Ltd. #66 Candykott Limited #75 David H. Green Investments #82 Dunpar Development Holdings Inc. Wickman Street #85 Firma Developments #93 Gennaro Investments Limited and Lanzarotta Investments Limited #120 Lucmar Holdings Inc. #130 Neamsby Investments Inc. #145 Remington Group Inc. #151 Ronsen Corporation #175 <u>Ukrainian National Federation of Canada</u></p>	<p style="text-align: center;"><i>PRESENT w/ AND BRENDAN SMITH</i></p>
<p>Costello, Eileen Aird & Berlis LLP 1800 - 181 Bay Street Toronto, ON M5J 2T9 Tel: 416.865.4740 Fax: 416.863.1515 Email: ecosleifo@airdberlis.com</p>	<p>#25 2122498 Ontario Limited #72 CP REIT Ontario Properties Limited and Loblaw Properties Limited #87-1 First Capital Holdings Trust (Ontario) Limited #87-2 First Capital Holdings Trust (Ontario) Limited #119 Loblaw Properties Limited #176 Urbancorp</p>	<p style="text-align: center;"><i>PRESENT</i></p>
<p>Foran, Patricia Aird & Berlis LLP 1800 - 181 Bay Street Toronto, ON M5J 2T9 Tel: 416.865.3425 Fax: 416.883.1515 Email: pforan@airdberlis.com</p>	<p>#115 Leslie-Lakeshore Developments Inc.</p>	<p style="text-align: center;"><i>PRESENT</i></p>

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Counsel / Agent	Appellant	Signature
Artenosi, Daniel B. Overland LLP 1101 - 5255 Yonge Street Toronto ON M2N 6P4 Tel: 416.730.0337 Fax: 416.730.9087 Email: dartenosi@overlandlp.ca	#23 2053785 Ontario Inc. #79 Dream Asset Management Corporation #170 The Symington Holdings Ltd.	PRESENT
Flynn-Guglietti, Mary McMillan LLP Brookfield Place 4400 - 181 Bay Street Toronto, ON M5J 2T3 Tel: 416.865.7256 Fax: 416.865.7048 Email: mary.flynn@mcmillan.ca	#5 1109345 Ontario Ltd. #35 3000 Lawrence Property Inc. #56 Amexon Property Management Corp. #57 Amexon Realty Inc. #74 Crown Realty Partners #78 Down 2 Earth #100 The Humberview Group #125 Metro Zen (Canada) Inc.	PRESENT
Page, Janice and Young, Claire Ministry of Municipal Affairs and Housing 18th floor, 777 Bay Street Toronto, ON M5G 2E5 Tel: 416.585.6546 Fax: 416.585.4003 Email: janice.page@ontario.ca / claire.young@ontario.ca	Ministry of Municipal Affairs and Housing	PRESENT
Jeanrie, Andrew Bennett Jones 3400 One First Canadian Place P.O. Box 130 Toronto, Ontario M5X 1A4 Canada Tel: 416.777.4814 Fax: 416.863.1716 Email: jeanriea@bennettjones.com	Tam Holdings Inc.	PRESENT

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Counsel / Agent	Appellant	Signature
<p>Piel, Mark Dentons Canada LLP 400 - 77 King Street West Toronto, ON M5K 0A1 Tel: 416.863.4744 Fax: 416.863.4592 Email: mark.piel@dentons.com</p>	<p>#154 The Salvation Army in Canada #155-1 Samuel Sarick Limited and Midland Corporate Centre Ltd. #155-2 Samuel Sarick Limited and Midland Corporate Centre Ltd.</p>	<p style="text-align: center;">PRESENT</p>
<p>Harrington, Patrick Aird & Berlis LLP 1800 - 181 Bay Street Toronto, ON M5J 2T9 Tel: 416.865.3424 Fax: 416.863.1515 Email: pharrington@airdberlis.com</p>	<p>#30 2219103 Ontario Inc. #73 CR Islington Inc. #121 M & S Investments #157 Satin Finish Hardwood Flooring Limited</p>	<p style="text-align: center;">PRESENT</p>
<p>Gosnell, Sean and Luong, May Borden Ladner Gervais LLP 40 King Street West Toronto, ON M5H 3Y4 Tel: 416.367.8120 Fax: 416.361.2711 Email: sgosnell@big.com / mluong@big.com</p>	<p>Krugarand Corporation</p>	<p style="text-align: center;">PRESENT</p>
<p>Pepino, N. Jane Aird & Berlis LLP 1800 - 181 Bay Street Toronto, ON M5J 2T9 Tel: 416.865.7727 Fax: 416.863.1515 Email: jpepino@airdberlis.com</p>	<p>#166 STC Investments Nominee Inc.</p>	<p style="text-align: center;">PRESENT</p>

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Counsel / Agent	Appellant	Signature
<p>Nunziata, John Barrister and Solicitor 18 Kings Lynn Road Toronto, ON M6X 2N1 Tel: 416.908.1476 Email: john@johnnuziata.com</p>	<p>#143 Red Eagle Enterprises Inc.</p>	<p><i>PRESENT</i></p>
<p>Bowen, Bryan Tel: 416.583.1562 Email: bbowen@planningalliance.ca</p>		<p><i>PRESENT</i></p>
<p>Bowman, Michael Osler Hoskin & Harcourt LLP 100 King Street West Suite 6200, P.O. Box 50 Tel: 416.862.6834 Fax: 416.862.6866 Email: mbowman@osler.com</p>		<p><i>PRESENT</i></p>
<p>Lantz, Calvin Silkeman Elliott LLP 199 Bay Street Toronto, ON M5L 1B9 Tel: 416.869.5869 Fax: 416.847.0866 Email: clantz@silkeman.com</p>	<p>#4 1107051 Ontario Ltd. and Cabo Three Investments Inc. #59 Atlantic Packaging Products Ltd. #61 Berry Plastics Corporation #64 Campbell Company of Canada #65 Canadian Propane Association #99 House of Praise #103 The International Group Inc. #104 Inving Tissue Corporation #144 Redpath Sugar Ltd. #161 Sisters of St. Joseph #172 Titan Sr. Plaza Nominee Inc. #178 Westmont Hospitality Group</p>	<p><i>PRESENT</i></p>
<p>Demerson, Terry Tel: 416.985.7994 Email: libertywilliveworktenantassoc@gmail.com</p>		<p><i>PRESENT</i></p>

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Prehearing Conference June 22, 2015 Re City of Toronto Official Plan Amendment No. 231 | PL140850

Counsel / Agent	Appellant	Signature
<p>Schwartz, Jared B. Fogler Rubinfeld LLP 3000 - 77 King Street West Toronto, ON M5K 1G8 Tel: 416.864.9700 Fax: 416.941.8852 Email: jschwartz@foglers.com</p>		<p align="center">PRESENT</p>
<p>Aru, Mai Tel: 416.504.9298 Email: maiarudesign@gmail.com</p>		<p align="center">PRESENT</p>
<p>Bonanni, Carlo / Flume, David Build Toronto Tel: 416.881.1907 / 416.981.3765 Email: cbonanni@builddtoronto.ca / dflume@builddtoronto.ca</p>		<p align="center">PRESENT</p>
<p>Blazevski, Bob / Hatoum, Kate DiamondCorp Tel: 416.324.5402 / 416.324.5437 Email: bblazevski@diamondcorp.ca / khatoum@diamondcorp.ca</p>		<p align="center">PRESENT</p>
<p>Flowers, Mark Davies Howe Partners LLP The Fifth Floor 99 Spadina Avenue Toronto, ON M5V 3P8 Tel: 416.977.7088 Fax: 416.977.8931 Email: markf@davieshowe.com</p>	<p>#3 1095809 Ontario Limited #18 1895 Eglinton Avenue East Inc. #27 2130254 Ontario Inc. #135 Parkway Automotive Investments Limited #158 Scarborough Chinese Baptist Church</p>	<p align="center">PRESENT</p>

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Prehearing Conference June 22, 2015 Re City of Toronto Official Plan Amendment No. 231 | PL140960

Counsel / Agent	Appellant	Signature
<p>Lidakis, Effie Ritchie Keitcheson Hart & Biggart LLP 206 - 1 Eva Road Tel: 416.622.8601 Fax: 416.622.4713 Email: elidakis@ritchiekeitcheson.com</p>		<i>PRESENT</i>
<p>Chronis, Paul Weir Foulds LLP 4100 - 66 Wellington Street West Toronto, ON M5K 1B7 Tel: 416.460.0038 Email: pchronis@weirfoulds.com</p>		<i>PRESENT</i>
<p>Smiley, Neil M. Fasken Martineau 2400 - 333 Bay Street Toronto, ON M5H 2T6 Tel: 416.965.5122 Fax: 416.364.7813 Email: nsmiley@fasken.com</p>	<p>#33 2401 Eglinton Avenue West Ltd. #159 Seneca College of Applied Arts and Technology</p>	<i>PRESENT</i>
<p>Davis, Eric Miller Thomson LLP 300 - 295 Hagey Blvd Waterloo, ON N2L 6R5 Tel: 519.579.3282 Email: edavis@millerthomson.com</p>		<i>PRESENT</i>
<p>McDermid, Meaghan Davies Howe Partners LLP The Fifth Floor 98 Spadina Avenue Toronto, ON M5V 3P8 Tel: 416.977.7088 Fax: 416.977.8831 Email: meaghanm@davieshowe.com / michaelm@davieshowe.com</p>	<p>#106 Kevric Real Estate Corporation Inc.</p>	<i>PRESENT</i>

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Counsel / Agent	Appellant	Signature
<p>Brown, Adam J. Sherman Brown 900 - 5075 Yonge Street Toronto, ON M2N 6C8 Tel: 416.222.0344 Fax: 416.222.3091 Email: adam@shermanbrown.com</p>	<p>#14 Various #15 #17 #22 #37 #41 #43 #45 #46 #48 900 Caledonia Road Limited, Deacon Investments Limited, 460 Richmond St. West Limited and Melrose Park Investments Limited #50 939GP Inc. (also see #14) #51 #55 #60 #83 #86 #89 #116 #117 #124 #126 #131 Novi Corporation #137 #153 #164 #165</p>	<p align="center">PRESENT</p>
<p>MacDonald, Patrick Cassels Brock 2100 - 40 King Street West Toronto, ON M5H 3C2 Tel: 416.860 6735 Email: pmacdonald@casselsbrock.com</p>		<p align="center">PRESENT</p>

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Counsel / Agent	Appellant	Signature
<p>Kemerer, Marc Devry Smith Frank LLP 100 - 95 Barber Greene Road Toronto, ON M3C 3E9 Tel: 416.446.3329 Fax: 416.449.7071 Email: marc.kemerer@devrylaw.ca</p>	<p>#6 1118661 Ontario Inc. #12 1228567 Ontario Inc. #81 Dundas Real Estate Investments #122 Matipaks Developments Limited #129 Nashdene Court Ltd.</p>	<p align="center">PRESENT</p>
<p>White, David Devry Smith Frank LLP 100 - 95 Barber Greene Road Toronto, ON M3C 3E9 Tel: 416.446.3330 Fax: 416.449.7071 Email: david.white@devrylaw.ca</p>	<p>#8 1182929 Ontario Inc. #9 1182929 Ontario Inc. #11 1217861 Ontario Ltd. #16 1585168 Ontario Inc. #34 258 Atwell Drive Limited #54 Al Reisman Ltd. #142 Red Banner Developments Limited</p>	<p align="center">PRESENT</p>
<p>Shapira, Johanna Wood Bull LLP 1400 - 65 Queen Street West Toronto, ON M5H 2M5 Tel: 416.203.5831 Email: jshapira@woodbull.ca</p>		<p align="center">PRESENT</p>
<p>Wood, Dennis H. Wood Bull LLP 1400 - 65 Queen Street West Toronto, ON M5H 2M5 Tel: 416.203.7718 Fax: 416.203.8324 Email: dwood@woodbull.ca</p>	<p>#28 2129152 Ontario Inc. #146 Revenue Properties Company Limited and Morguard Investments Limited</p>	<p align="center">PRESENT</p>

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Prehearing Conference June 22, 2015 Re City of Toronto Official Plan Amendment No. 231 | PL140860

Counsel / Agent	Appellant	Signature
Longo, Leo Aird & Berlis 1800 - 181 Bay Street Toronto, ON M5J 2T9 Tel: 416.885.7778 Fax: 416.863.1515 Email: llongo@airdberlis.com	#67 Carlaw Industrial Centre	PRESENT
Frank, Adrian Devine Park LLP 2302 - 250 Yonge Street Toronto, ON M5B 2L7 Tel: 416.645.4582 Email: adrian.frank@devinepark.com		PRESENT
Park, Jason Devine Park LLP 2302 - 250 Yonge Street Toronto, Ontario, M5B 2L7 Tel: 416.645.4572 Fax: 416.645.4569 Email: jason.park@devinepark.com	#94 Goldman Group, Zahavish Downtown Developments Ltd. and Zahavish Downtown Commercial Ltd. #95 The Goldman Group and Goldman Ellesmers 2 Developments Inc. #138 Parkway Place Holdings Ltd. and 2200191 Ontario Limited	PRESENT
Devine, Patrick J. Devine Park LLP 2302 - 250 Yonge Street Toronto, Ontario, M5B 2L7 Tel: 416.645.4570 Fax: 416.645.4568 Email: patrick.devine@devinepark.com	#2 100 Metropolitan Road #167 Sun Life Assurance Company of Canada	PRESENT

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Counsel / Agent	Appellant	Signature
<p>Flett, Ian Eric K. Gillespie Professional Corporation 10 King Street East, suite 600 Toronto, ON M5C 1C3 Tel: 416.703.7034 Fax: 416.703.9111 Email: iflett@gillespielaw.ca</p>	<p>#168 The Sweet Potato Inc.</p>	<p style="text-align: center;"><i>PRESENT</i></p>
<p>Dawson, John A. R. McCarthy Tétrauit LLP 5300 - 66 Wellington Street West Toronto ON M5K 1E6 Tel: 416.601.8300 Fax: 416.382.1812 Email: jdawson@mccarthy.ca</p>	<p>#7 1147390 Ontario Limited and Queen's Quay Avante Limited #62 Building and Land Development Association (BILD) #69 Concert Properties Ltd. #76 Delleria Inc. #88 Hillin Hills Developments Inc. #141 Queen Quay Avante Limited and 1147390 Ontario Limited #160 Silvercore Inc.</p>	<p style="text-align: center;"><i>PRESENT</i></p>
<p>Toumanians, Anna Turksira Mazza Associates 15 Bold Street Hamilton, ON L8P 1T3 Tel: 905.529.3476 Email: atoumanians@imalaw.ca</p>		<p style="text-align: center;"><i>PRESENT</i></p>

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Counsel / Agent	Appellant	Signature

ATTACHMENT 2

Canadian Fuels Association

Kennedy Road Hospitality Operations Ltd.

299 Campbell Avenue Developments Inc.

Toronto Industry Network

Metrogate Inc.

First Gulf Don Valley Limited

Paletta International Corp.

Toronto Research Chemicals Inc.

2006199 Ontario Inc.

1079744 Ontario Ltd.

Eldonview Investments et al.

1234655 Ontario Inc.

Krugerand Corporation

ATTACHMENT 3



*Please refer to Barrs Number(Est 339)
Email horosko@horosko.com*

October 8, 2015

**Ritchie Ketcheson Hart & Biggart LLP
1 Eva Road, Suite 206
Etobicoke ON M9C 4Z5**

Attention: Andrew Biggart

Dear Mr. Biggart,

**Re: 1542, 1548, & 1550 The Queensway, 65 North Queen Street, 69 North Queen Street, and 15 Atomic Avenue, Toronto (collectively "Q Developments")
Request for Party Status, PL140860, OPA 231**

As you know we are the solicitors for 2210288 Ontario Inc.. By letter of September 16, 2015 we did request the City of Toronto to consent to a request for party status for our client. You have indicated that before taking a position that you wish to know what policies our client wants to be involved in for the Ontario Municipal Board Hearing.

Please see attached hereto a list of policies currently under appeal that we would shelter under as requested. You will note these policies are similar to and almost identical to policies to which other parties have been added by Decision by the Ontario Municipal Board and later by the City of Toronto upon consent in light of the Board's ruling on such requests.

As you know the test for party status relates to whether the party has a direct interest in the proceedings. Our client's property is adversely effected by the proposed new policies in Official Plan No. 231. Further, we have now provided a list of policies and appeals for which we would shelter under and accordingly would anticipate consent for this party request.

Please note that we have been retained by a neighbour (1542 The Queensway and 15 Atomic Avenue) as well, namely 2317682 Ontario Inc. (collectively "Q Developments"). Our request for party status extends to this neighbour who will abide by the same terms and conditions.

Kindly provide your position in this regard.

Yours very truly,
HOROSKO PLANNING LAW

A handwritten signature in black ink, appearing to read "Barry Horosko", written over the printed name below.

Barry A. Horosko

cc: Client
K. Masumoto

encl.

Attachment: Q Developments

a) Policy 2.2.4.9 is under appeal by the following City-wide appeals:

- 44 (855 Oxford Street Investments)
- 62 (BILD)
- 64 (Campbell)
- 65 (CPA)
- 102 (Intercell Machinery)
- 103 (International Group)
- 104 (Irving Tissue)
- 144 (Redpath)
- 149 (FloCan REIT)
- 173 (Toronto Faith Coalition)

It is also under appeal by the following site-specific appeals: 31, 38, 74, 85, 99, 119, and 125.

b) Policy 4.6 is under appeal by the following City-wide appeals:

- 44 (855 Oxford Street Investments)
- 62 (BILD)
- 64 (Campbell)
- 65(CPI)
- 102 (Intercell Machinery)
- 103 (International Group)
- 104 (Irving Tissue)
- 144 (Redpath)
- 146 (Revenue Properties Company Limited)
- 173 (Toronto Faith Coalition)

They are also under appeal by the following site-specific appeals. 31, 38, 56, 57, 78, 85, 99, 119, and 125

c) The maps of OPA 231 are under appeal by appellant 173 (Toronto Faith Coalition).

ATTACHMENT 4

Sherman  Brown
BARRISTERS & SOLICITORS

July 7, 2015

Ritchie Ketchenson Hart & Biggart LLP
1 Eva Road, Suite 206
Toronto, Ontario M9C 4Z5

Attention: Mr. Andrew Biggart

-and-

Metro Hall
44 John Street, 26th Floor
Toronto, Ontario M5V 3C6

Attention: Ms. Kelly Matsumoto, City Legal

Dear Sir / Madame:

**Re: Official Plan Amendment No. 231 – Request for Party Status and Sheltering of Appeal
2 Carlton Street, 135 St Clair Avenue West, 254-266 King Street West, 427/435
Adelaide Street, 157 Princess Street, 82 Bloor Street West, and 483 Bay Street in the
City of Toronto
OMB File No.: PL140860
MMAH File No.: 20-OP-146732-231**

We are the solicitors for Northam Realty Advisors Limited, who own a number of properties within the City of Toronto (see list attached hereto as Schedule "A"), which properties are specifically within the boundaries of the Employment Lands Official Plan Amendment No. 231 ("OPA 231") and contain a significant amount of office space.

In reviewing the proposed policies brought forth by OPA 231, our client has found concern in the "Office Replacement Policy" (#9 on pgs. 11-12 of the Official Plan Amendment) which requires any building with 1000 m² of existing gross floor area used for "office purposes" in "Mixed Use Areas" or "Regeneration Areas" within the "Downtown and Central Waterfront", a "Centre", or within 500 m of an existing, planned or approved transit station (subway, LRT and GO Transit), to "increase" the gross floor area used for office purposes in any future redevelopment of the property.

Upon review, our client has brought forth concerns relating to the effects this policy will have on their various properties. More specifically, our client is concerned that the requirement to merely "increase" office uses without any "grandfathering" or "transition" clauses whatsoever will place undue restrictions on the ability for our client to respond effectively to changing market conditions as well as the development landscape in the future and will essentially lock

SHERMAN • BROWN • DRYER • GOLD
PRACTICING IN ASSOCIATION

5075 YONGE STREET • SUITE 900 • TORONTO ONTARIO • M2N 6C6 • TELEPHONE: (416) 222-0344 • FACSIMILE: (416) 222-3091
The individual lawyers named above practice in association with Adams | Brown Professional Corporation

**Proposed Part 1B of OPA 231 Hearing
Dates yet to be identified**

Part 1B – Employment Policies for all Employment Lands and Conversion
Policies subject to determination at the hearing will be:

- 4.6.5
- 4.6.6 (misidentified in By-law as second policy 4.5.5)
- 2.2.4 Preamble
- 2.2.4.2
- 2.2.4.3
- 2.2.4.4
- 2.2.4.6
- 2.2.4.7
- 2.2.4.8
- 2.2.4.9
- 2.2.4.10
- 2.2.4.11
- 2.2.4.12

our client's properties into office uses in perpetuity. The application of such policy to our client's lands will also affect the ability of such properties to operate as intended as flexible and viable "Mixed Use Areas" and "Regeneration Areas" with a variety of commercial uses including retail, personal services, as well as office, as outlined in the City of Toronto's own Official Plan.

In addition, while no "formal" application has been filed with the City, a land value has been placed on our client's properties "prior to acquisition," which land values would be significantly reduced by the imposition of a requirement to maintain office uses which may not be financially viable.

As a result of these concerns, we respectfully request that the aforementioned properties listed in Schedule "A" be given party status under currently existing appeals of OPA 231. More specifically, the existing appeals relating to the Office Replacement Policy (City File No. 14 and OMB Appeal No. 162) would be able to fully shelter such request, and allow our client to fully utilize their properties in "Mixed Use Areas" and "Regeneration Areas" as intended by the City of Toronto Official Plan.

We trust that the enclosed clarification of both the request for party status and sheltering of appeal as well as the appeals under which this appeal will shelter is satisfactory. Should you have any questions, please do not hesitate to contact the writer, or Charles Arbez, a planner in our office.

Yours very truly,



Adam J. Brown

Cc: Northam Realty Advisors Limited
Mrs. Sandra Chan, Caseworker and Planner, Ontario Municipal Board
All parties listed in Schedule "B"

Schedule "A"

Site Address	Contact Information
2 Carlton Street	Northam Realty Advisors Limited Attention: Mr. Patrick W.A. Handreke 2 Carlton Street, Suite 909 Toronto ON M5B 1J3
135 St Clair Avenue West	
254-266 King Street West, 427/435 Adelaide Street, 157 Princess Street	
82 Bloor Street West	
483 Bay Street	

ATTACHMENT 5

Ritchie Ketcheson
Hart &
Biggart

Ritchie Ketcheson Hart & Biggart LLP
Barristers, Solicitors, Notaries
1 Eva Road, Suite 206
Toronto, Ontario
M9C 4Z5
Tel: (416) 622-6601
Fax: (416) 622-4713
e-mail: mail@ritchieketcheson.com

Bruce C. Ketcheson
Tel 416-622-6601, Ext.238
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VIA EMAIL

July 10, 2015

Ritchie Ketcheson Hart & Biggart LLP
Barristers and Solicitors
1 Eva Road, Suite 206
Toronto, Ontario M9C 4Z5

Attention: Andrew Biggart

City of Toronto
Legal Division – Planning and Administrative Tribunal Law
55 John Street, 26th Floor
Toronto, Ontario M5V 3C6

Attention: Kelly Matsumoto

Dear Mr. Biggart and Ms. Matsumoto:

**Re: Request for party status by South Etobicoke Industrial Employers
Association ("SEIEA") to City of Toronto Official Plan Amendment No. 231
("OPA 231")
OMB Case No. PL140860**

We are writing to you further to SEIEA's Motion for Party Status heard at the second Pre-hearing Conference on June 22, 2015, and the directions provided by the Board at that time to provide correspondence to the City of Toronto and to all appellants identifying the policies and appeals under which parties wish to be sheltered.

We advise that SEIEA's scope of interest for party status in these proceedings is for the policies of OPA 231 listed in Attachment "1" attached hereto. For each policy of interest, we also provide a list of all appellants that have identified these policies in their respective appeal; these are the appeals under which SEIEA will be sheltering its party status for each policy of interest.

Please note that SEIEA wishes to reserve its right to revise this list upon the receipt of additional scoping and sheltering letters from appellants and parties, including but not limited to, the sheltering of party status by the owners of 225 Birmingham Street (appeal

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#61, formerly Berry Plastics Corporation) and Dunpar Development Holdings Inc.
Wickman Street (2 Wickman Road, appeal #82).

We trust that this is satisfactory. Please contact the writer if you have any questions
with respect to the foregoing.

Yours truly,
RITCHIE KETCHESON
HART & BIGGART LLP
Per:



Effie Lidakis
EL/

cc: Sandra Chan, Case Coordinator, Ontario Municipal Board
(sandra.chan@ontario.ca)

Counsel/Agent for parties to appeals of City of Toronto OPA No. 231 as listed in
Attachment "2"

Client

Attachment "1"

1. Map 40

Under appeal by the following City-wide appeals:

- o #173: Toronto Faith Coalition

Under appeal by the following site-specific appeals:

- o # 85: Fima Developments (all lands south of the Gardiner Expressway and north of Horner Avenue including 302 and 320-324 Horner Avenue, as identified on Mr. Horosko's April 13, 2015 scoping letter.)

2. Map 41

Under appeal by the following City-wide appeals:

- o #173: Toronto Faith Coalition

3. Map 46

Under appeal by the following City-wide appeals:

- o #173: Toronto Faith Coalition

4. Map 47

Under appeal by the following City-wide appeals:

- o #173: Toronto Faith Coalition

5. Preamble to Policy 2.2.4

Under appeal by the following City-wide appeals:

- o # 85: Fima Developments (302 and 320-324 Horner Avenue)

6. Policy 2.2.4.2

Under appeal by the following City-wide appeals:

- o # 85: Fima Developments (302 and 320-324 Horner Avenue)

7. Policy 2.2.4.5

Under appeal by the following City-wide appeals:

- o # 85: Fima Developments (302 and 320-324 Horner Avenue)

8. Policy 2.2.4.6

Under appeal by the following City-wide appeals:

- o # 85: Fima Developments (302 and 320-324 Horner Avenue)

9. Policy 2.2.4.9

Under appeal by the following City-wide appeals:

- o # 85: Fima Developments (302 and 320-324 Horner Avenue)

10. Policy 2.2.4.11

Under appeal by the following City-wide appeals:

- o # 85: Fima Developments (302 and 320-324 Horner Avenue)

11. Preamble to Policy 4.6

Under appeal by the following City-wide appeals:

- o #27: 2130254 Ontario Inc. (51 Manstor Road)
- o #31: 2224484 Ontario Inc. (2 Champagne Dr. and 1107 Finch Ave. W.)
- o #38: 39 Wynford Inc. (39 Wynford Dr.)
- o #44: 855 Oxford Street Investments Ltd. (855 Oxford St.)
- o #59: Atlantic Packaging Products Ltd.
- o #64: Campbell Company of Canada (60 Birmingham St.)
- o #99: House of Praise
- o #102: Intercell Machinery Limited (30 Bertrand Avenue)
- o #103: The International Group Inc. (33, 35, 50 and 80 Salome Drive)
- o #104: Irving Tissue Corporation (1551, 1435, 1425, 1415 Weston Rd. and 1339 and 1320 Jane St.)
- o #128: Mondelez Canada Inc.
- o #144: Redpath Sugar Ltd.
- o #146: Revenue Properties Company Limited
- o #154: The Salvation Army
- o #173: Toronto Faith Coalition

Under appeal by the following site-specific appeals:

- o # 85: Fima Developments (all lands south of the Gardiner Expressway and north of Horner Avenue including 302 and 320-324 Horner Avenue, as identified on Mr. Horosko's April 13, 2015 scoping letter.)

12. Policy 4.6.1

Under appeal by the following City-wide appeals:

- o #27: 2130254 Ontario Inc. (51 Manstor Road)
- o #31: 2224484 Ontario Inc. (2 Champagne Dr. and 1107 Finch Ave. W.)
- o #38: 39 Wynford Inc. (39 Wynford Dr.)
- o #44: 855 Oxford Street Investments Ltd. (855 Oxford St.)
- o #59: Atlantic Packaging Products Ltd.
- o #64: Campbell Company of Canada (60 Birmingham St.)
- o #65: Canadian Propane Association

- #99: House of Praise
- #102: Intercell Machinery Limited (30 Bertrand Avenue)
- #103: The International Group Inc. (33, 35, 50 and 80 Salome Drive)
- #104: Irving Tissue Corporation (1551, 1435, 1425, 1415 Weston Rd. and 1339 and 1320 Jane St.)
- #128: Mondelez Canada Inc.
- #133: Pamlimar Investments
- #144: Redpath Sugar Ltd.
- #146: Revenue Properties Company Limited
- #154: The Salvation Army
- #173: Toronto Faith Coalition

Under appeal by the following site-specific appeal:

- # 85: Fima Developments (all lands south of the Gardiner Expressway and north of Horner Avenue including 302 and 320-324 Horner Avenue, as identified on Mr. Horosko's April 13, 2015 scoping letter.)

13. Policy 4.6.2

Under appeal by the following City-wide appeals:

- #27: 2130254 Ontario Inc. (51 Manstor Road)
- #31: 2224484 Ontario Inc. (2 Champagne Dr. and 1107 Finch Ave. W.)
- #38: 39 Wynford Inc. (39 Wynford Dr.)
- #44: 855 Oxford Street Investments Ltd. (855 Oxford St.)
- #59: Atlantic Packaging Products Ltd.
- #64: Campbell Company of Canada (60 Birmingham St.)
- #87: First Capital Holdings Trust (Ontario) Limited
- #99: House of Praise
- #102: Intercell Machinery Limited (30 Bertrand Avenue)
- #103: The International Group Inc. (33, 35, 50 and 80 Salome Drive)
- #104: Irving Tissue Corporation (1551, 1435, 1425, 1415 Weston Rd. and 1339 and 1320 Jane St.)
- #119: Loblaw Properties Limited
- #128: Mondelez Canada Inc.
- #133: Pamlimar Investments
- #144: Redpath Sugar Ltd.
- #146: Revenue Properties Company Limited
- #154: The Salvation Army
- #173: Toronto Faith Coalition

Under appeal by the following site-specific appeal:

- o # 85: Fima Developments (all lands south of the Gardiner Expressway and north of Horner Avenue including 302 and 320-324 Horner Avenue, as identified on Mr. Horosko's April 13, 2015 scoping letter.)

14. Policy 4.6.3

Under appeal by the following City-wide appeals:

- o #27: 2130254 Ontario Inc. (51 Manstor Road)
- o #31: 2224484 Ontario Inc. (2 Champagne Dr. and 1107 Finch Ave. W.)
- o #38: 39 Wynford Inc. (39 Wynford Dr.)
- o #44: 855 Oxford Street Investments Ltd. (855 Oxford St.)
- o #59: Atlantic Packaging Products Ltd.
- o #64: Campbell Company of Canada (60 Birmingham St.)
- o #99: House of Praise
- o #102: Intercell Machinery Limited (30 Bertrand Avenue)
- o #103: The International Group Inc. (33, 35, 50 and 80 Salome Drive)
- o #104: Irving Tissue Corporation (1551, 1435, 1425, 1415 Weston Rd. and 1339 and 1320 Jane St.)
- o #128: Mondelez Canada Inc.
- o #144: Redpath Sugar Ltd.
- o #146: Revenue Properties Company Limited
- o #154: The Salvation Army
- o #173: Toronto Faith Coalition

Under appeal by the following site-specific appeal:

- o # 85: Fima Developments (all lands south of the Gardiner Expressway and north of Homer Avenue including 302 and 320-324 Homer Avenue, as identified on Mr. Horosko's April 13, 2015 scoping letter.)

15. Policy 4.6.6

Under appeal by the following site-specific appeals:

- o # 85: Fima Developments (all lands south of the Gardiner Expressway and north of Homer Avenue including 302 and 320-324 Homer Avenue, as identified on Mr. Horosko's April 13, 2015 scoping letter.)

16. Sidebar to Policy 4.6

Under appeal by the following City-wide appeals:

- o #31: 2224484 Ontario Inc. (2 Champagne Dr. and 1107 Finch Ave. W.)
- o #38: 39 Wynford Inc. (39 Wynford Dr.)
- o #59: Atlantic Packaging Products Ltd.

- o #64: Campbell Company of Canada (60 Birmingham St.)
- o #65: Canadian Propane Association
- o #85: Fima Developments (302 and 320-324 Horner Avenue)
- o #99: House of Praise
- o #102: Intercell Machinery Limited (30 Bertrand Avenue)
- o #103: The International Group Inc. (33, 35, 50 and 80 Salome Drive)
- o #104: Irving Tissue Corporation (1551, 1435, 1425, 1415 Weston Rd. and 1339 and 1320 Jane St.)
- o #128: Mondelez Canada Inc.
- o #144: Redpath Sugar Ltd.
- o #146: Revenue Properties Company Limited
- o #154: The Salvation Army
- o #173: Toronto Faith Coalition

Attachment 2

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ATTACHMENT 6

DEVRY SMITH FRANK *LLP*
Lawyers & Mediators

July 17, 2015

Our File No.: ALRE1851

Ritchie Ketcheson Hart & Biggart LLP
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M9C 4Z5

Attention: Mr. R. Andrew Biggart
By E-mail: abiggart@ritchieketcheson.com

- and -

City of Toronto Legal Department
26th Floor Metro Hall
55 John Street
Toronto, Ontario
M5V 3C6

Attention: Ms. Kelly Matsumoto
By E-mail: kmatsum@toronto.ca

Dear Mr. Biggart and Ms. Matsumoto:

**Re: Official Plan Amendment No. 231 - 258 Attwell Drive, Etobicoke
258 Attwell Drive Limited
Ontario Municipal Board Case No. PL 140860**

As requested, we are writing on behalf of our Client, 258 Attwell Drive Limited, to confirm the scope of our Client's interests in relation to Official Plan Amendment No. 231 and the proceedings before the Ontario Municipal Board.

It is understood from our previous discussions that the City of Toronto will not oppose our Client's request for Party Status in relation to the hearings concerning Official Plan Amendment No. 231. In this regard our Client, if granted Party Status by the Board, intends to shelter under the appeals filed by Al Reisman Limited and its affiliated companies in relation to 29, 31 and 31A Passmore Avenue, 33 Passmore Avenue, 41 Passmore Avenue, 3500 - 3520 McNicoll Avenue and 83-85 Dynamic Drive, and, 109- 147 Eddystone Avenue to the extent that the appeals relate to the following sections of Official Plan Amendment No. 231, namely:

- i. Map 20 as it applies to the subject lands and the proposed designation of the property within the Core Employment land use classification;

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- ii. the preamble to Section 2.2.4 and the policies set forth in Sections 2.4.2.2, 2.4.2.6, 2.4.2.9 and 2.4.2.11 of Amendment No. 231; and,
- iii. the preamble to Section 4.6 and the policies set forth in Sections 4.6.1, 4.6.2, 4.6.3 and 4.6.6 of Amendment No. 231; and,
- iv. Chapter 7, entitled Site and Area Specific Policies, insofar as it fails to recognize the existing built form and use of the subject property through the inclusion of an appropriate site specific policy.

It is our understanding that all of the policies referred to above are currently under appeal by reason of the site specific appeals filed by our Client, and the affiliated Corporations as well as appeals filed by others in relation to the approval of Amendment No. 231.

In addition, we wish to advise that OPA 231 was modified following the adoption by Council on approval by the Ministry of Municipal Affairs and Housing in a manner which materially affects the policies as they apply to 258 Attwell Drive. John McDermott, my client's planning consultant, appeared before the Planning and Growth Management Committee on numerous occasions, and attended several Public Information sessions, and Open Houses at which he spoke in relation to OPA 231 on behalf of Al Reisman Limited and its affiliated corporations.

In closing, we respectfully request that you confirm the City of Toronto will not oppose the request of 258 Attwell Drive Limited for Party Status before the Board in relation to Amendment No. 231 to the Official Plan of the City of Toronto.

Yours truly,

DEVRY SMITH FRANK LLP
Electronically Signed by:



David S. White, Q.C.
DSW/jrg

c.c. Clients

c.c. John McDermott