

ISSUE DATE:

Oct. 06, 2009



PL090333

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Sedona Development Group (High Park) 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 to redesignate land municipally known as 200 Keele Street from Neighbourhoods to include a site specific policy to permit residential redevelopment of 22 condominium townhouse units and 4 rental town home units

Approval Authority File No. 08 208726 WET 13 OZ

O.M.B. File No. PL090507

Sedona Development Group (High Park) 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 By-law No. 438-86, of the former City of Toronto to rezone lands respecting 200 Keele Street from R2 Z0.6 to allow for residential redevelopment of 22 condominium townhouse units and 4 rental town home units

O.M.B. File No. PL090333

Sedona Development Group (High Park) Inc. has appealed to the Ontario Municipal Board under subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Toronto which dismissed an application numbered B3/09EYK for consent to convey the land municipally known as 203 Oakmount Road, in the City of Toronto

O.M.B. File No. PL090409

Sedona Development Group (High Park) Inc. has appealed to the Ontario Municipal Board under subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Toronto which dismissed an application numbered B27/08EYK for consent to convey the land municipally known as 195 Oakmount Road, in the City of Toronto

O.M.B. File No. PL090410

APPEARANCES:

Parties

Counsel

Sedona Development Group (High Park)
Inc.

S. Rogers

City of Toronto

A. Hill
S. Haniford

Lithuania Ravine Residents and Ratepayers
Association

W. Roberts

MEMORANDUM OF ORAL DECISION DELIVERED BY N. C. JACKSON AND G.C. O'CONNOR ON SEPTEMBER 30, 2009 AND ORDER OF THE BOARD

Sedona Development Group (High Park) Inc. has appealed to this Board under the *Planning Act* for approval of an Official Plan Amendment, a Zoning By-law Amendment and two consents to convey. The zoning and official plan amendments were for property at 200 Keele Street intended initially to permit the redevelopment of twenty-two condominium townhouse units and four rental town homes.

The application has been amended in August of 2009 so that fourteen of the fifteen existing townhouses will be maintained and twelve condo townhouses and one rental townhouse will be added. It is now proposed to demolish one townhouse.

The proposal involves a merge with the consents to severance sought at 203 Oakmount Road and 195 Oakmount Road. Those two consents were refused and are appealed. All the appeals are related and in the absence of objection, the Board consolidates the four into one hearing.

At this hearing counsel Roberts appeared on behalf of the Lithuania Ravine Residents and Ratepayers Association. This Association has recently been incorporated with the object to be the preservation and promotion of the existing physical character of Toronto's Lithuania Park Ravine and its surrounding neighbourhoods.

Those who are members of this association made it clear that until City Council takes a position, they cannot determine whether they ought to be participants or shelter under the Association. The Association has legal counsel and may retain expert witnesses. On consent, the Board recognizes the Lithuania Ravine Association as a party to the hearing on the basis that there will be no prejudice to residents who wish to appear as participants and inform the Board of that at the next pre-hearing.

The following are recognized as participants at their request on consent:

Katherine Sliwa, 200 Keele Street, Apartment 13, Toronto ON M6P 2K2.

The West Toronto Junction Historic Society through Doug Hain as agent
at 49 Elsfeld Road, Toronto ON M8Y 3K6
Chris Townsend, 31 Hillsvie Avenue, Toronto ON M6P 1J4
Kael Opie, 17 Hillsvie Avenue, Toronto ON M6P 1J4
Brandy Anne Dowdall, 199 Oakmount Road, Toronto ON M6P 2N1

Issues raised include rental housing protection and replacement (amendment to the application deals with this issue in part), Ravine features under the Official Plan and By-law, density, height, character of the neighbourhood including townhouse use proposed, tree maintenance and replacement. The City, Appellant and resident Association foresee the need of a hearing of up to three weeks with witnesses testifying in planning, engineering, forestry and traffic.

What is at issue at this pre-hearing is the timing of the hearing and a second pre-hearing. The Appellant prefers an earlier date in November of 2009 given that consultation with the City commenced in 2007 progressed in 2008 and with neighbourhood meetings in 2009. The difficulty is that there is no final planning report of the City Planner nor any position by City Council or Community Council. The applications are now in an internal City technical review to be completed in early October of this year. That will be followed by a Planning Report and further consultation with tenants, then with Community Council and City Council reports.

City legal staff maintain that it will be difficult to complete its work based upon a Council position in the balance of this year. The City therefore requests that the Board take into account a Council position being arrived at by February 1, 2010 following which there would be finalization of City issues and pre-hearing disclosure with witnesses and their reports.

Mr. Roberts, for the residents, supports the City position.

The Board after reviewing its calendar and considering the submissions of the parties including the date of consultation with the City, the application date, the amendments to the application, representations of Anthony Cupido representing the vendor of 195 Oakmount, urging completion and of Katherine Sliwa respecting tenant displacement, and notice given of this pre-hearing, concludes that the most appropriate date for the hearing would be Monday, April 12, 2010, 10:00 a.m. at 655 Bay Street. The duration has been set by the Board to be 3 weeks.

At the next pre-hearing now scheduled for Tuesday, February 23, 2010, 9:00 a.m. 655 Bay Street, Toronto, the Board will expect the City and the Lithuania Residents Association to have expressed their issues to counsel for the appellant and reviewed a further draft of the Procedural Order amended. At the present time, the Board will treat the form of the Procedural Order in Exhibit 6 to be the form upon which counsel can work with the times specified by the Board for the hearing.

Counsel are asked to work together to provide for pre-hearing disclosure in the Draft Order.

The Board will, on February 23, 2010, determine any remaining form issues with the Order and in particular the Issues List to be in Attachment "1" to the Order.

The Board Orders that no further notice is necessary for the hearing or the pre-hearing and that the present panel is seized of the further pre-hearing.

So Orders the Board.

"N. C. Jackson"

N. C. JACKSON
MEMBER

"G. C. O'Connor"

G. C. O'CONNOR
MEMBER