

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: May 03, 2017

CASE NO(S): PL160330

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

Applicant and Appellant:	Davenport Development Inc.
Subject:	Application to amend Zoning By-law No. 438-86 - Neglect of the City of Toronto to make a decision
Existing Zoning:	Commercial Residential (CR)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a 39-storey mixed use building development
Property Address/Description:	100 Davenport Rd
Municipality:	City of Toronto
Municipality File No.:	15 262982 STE 27 OZ
OMB Case No.:	PL160330
OMB File No.:	PL160330
OMB Case Name:	Davenport Development Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Davenport Development Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Toronto to adopt the requested amendment
Existing Designation:	Mixed Use Areas and Neighbourhoods
Proposed Designated:	Site Specific (To be determined)
Purpose:	To permit
Property Address/Description:	100 Davenport Rd
Municipality:	City of Toronto
Approval Authority File No.:	16 132256 STE 27 OZ
OMB Case No.:	PL160330
OMB File No.:	PL160924

Heard:

April 25, 2017 in Toronto, Ontario

APPEARANCES:**Parties****Counsel/Representative***

Davenport Development Inc.

Patrick Devine, Adrian Frank

City of Toronto

Brendan O'Callaghan

Toronto Aged Men's and Women's
Home

Barnett Kussner

ABC Residents' Association

Andrew Biggart

Toronto Standard Condominium
Corporation (TSCC) 2280, The Florian

N. Jane Pepino

TSCC 1474, Domus

Ian Flett*

Greater Yorkville Residents'
Association

Michael Landry*

DECISION DELIVERED BY K. J. HUSSEY AND ORDER OF THE BOARD**INTRODUCTION**

[1] This is the first prehearing conference ("PHC") for the appeals by Davenport Development Inc. from Council's refusal of its applications for Official Plan and Zoning By-law Amendment, with respect to its property municipally identified as 100 Davenport Road in the City of Toronto. The purpose of the Applications is to redevelop the subject site that is currently occupied by a one storey commercial building, with a 39 storey mixed-use building, consisting of commercial, retail and residential uses. The Applicant proposes a design by Douglas Cardinal, renowned First Nation architect, to recognize the site's heritage on a historic route of the indigenous peoples.

[2] The subject site is an irregularly shaped lot of approximately 1,291.7 square metres, located on the west side of Davenport Road, between McAlpine Street to the

north, and Blackmore Street to the south.

Parties and Participants

The parties were confirmed as set out above.

The following persons were granted participants status:

1. Gabriella Martinelli
2. Johana Amar
3. Sheila and David Latham
4. Mary Ann Roberts
5. Norman Raschkowan and Kate McDonald
6. Ludwig Van Fischer

[3] In addition to the City the following parties expressed opposition to the development:

- Toronto Aged Men's and Women's Home, a charitable non-profit home which has been operating for 150 years, represented by Mr. Kussner. Their interest is to keep maximum amount of sunlight and open-space.
- ABC Residents' Association, represented by Mr. Biggart, is opposed to the height proposed

[4] TSCC 2280, the Florian, and TSCC 1474, Domus, represented by Ms. Pepino and Mr. Flett respectively, have not declared their position at this time, and advised the Board that a further PHC would be beneficial. Mr. Michael Landry who represents 37 condominiums did not explicitly declare his concerns with respect to this proposal.

[5] The parties thought mediation may be helpful and have requested a mediation assessment. The parties will be notified by the Case Co-ordinator of the date and time

that this can be done.

[6] On consent, the Board has fixed the following dates on its calendar for future proceedings on this matter:

1. A second PHC is scheduled for **Friday, October 20, 2017 at 10 a.m.**
2. 15 days for hearing these appeals, is scheduled to begin on **Monday, February 26, 2018 at 10 a.m.**
3. Both events will be held at:

**Ontario Municipal Board
655 Bay Street, 16th Floor
Toronto, ON M5G 1E5**

[7] There will be no further notice.

[8] This panel is not seized.

“K. J. Hussey”

K.J HUSSEY
VICE CHAIR

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

Ontario Municipal Board

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