

ISSUE DATE:

**MAR. 8, 2011**



PL100851

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 2008221 Ontario Inc.  
Appellant: Morguard Investments Ltd,  
Subject: By-law No. 787-2010  
Municipality: City of Toronto  
OMB Case No.: PL100851  
OMB File No.: PL100851

### **APPEARANCES:**

#### **Parties**

Cumberland Development Limited  
Partnership and OMERS Realty Management  
Corporation

Morguard Investments Limited, Pensionfund  
Realty Limited and 60 Bloor Equities Inc.

2008221 Ontario Inc. (The Pilot Tavern) and  
Minic Investments Limited

City of Toronto

#### **Counsel**

J. Davies and A. Platt

D. Wood and J. Shapira

Jason Park

R. Kallio

### **MEMORANDUM OF ORAL DECISION DELIVERED BY S. W. LEE AND ORDER OF THE BOARD**

This is essentially a settlement hearing at which time all the appellants have entered into a settlement scheme with respect to the proposed development at 2 Bloor Street West, in the City of Toronto.

City Council enacted Zoning By-law 787-2010 that enables the redevelopment of an L-shaped site in the vicinity of Yonge Street and Cumberland Street. The proposal is a mixed use complex consisting of residential towers and podium buildings. Negotiations were conducted and settlements reached amongst the parties before the hearing was convened on March 2, 2011.

The Board heard uncontraverted evidence from a planner Mr. Di Mascio, who delineated before this panel the changes that were agreed to. These changes are best described as refinements of the original proposal. They are important to the appellants involved: there are amendments and adjustments involving design features such as heights, widths, provisions relating to a below-ground pedestrian concourse, and an easement for a widened laneway. The details of these adjustments are delineated in Exhibit 2. Pages 4 through 7 of the said Exhibit set out the revised scheme and where applicable, supersede Pages 8 through 14 where earlier references need to be adjusted. Exhibit 4 sets out the revised by-law that is agreed to by all the parties involved, including city staff.

The evidence is clear and uncontradicted that the revised proposal would not diminish the planning conclusions and findings of a staff report filed in support of Zoning By-law 787-2010. In an overall sense, the proposal is consistent with and conforms to the Provincial Policy Statement and the Growth Plan both in letter and spirit, the City Official Plan and all good planning principles. As such, the Board will allow the appeal in part and amend Zoning By-law 787-2010 in accordance with Exhibit 4. The Board is advised that Exhibit 5 is fully executed. The Board has also been advised by Mr. Wood that a revised drawing has been acceded to by Mr. Wood's client.

The Board so Orders.

"S. W. Lee"

S. W. LEE  
ASSOCIATE CHAIR