

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: August 09, 2019

CASE NO(S): PL160910

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

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| Applicant and Appellant: | 100 Broadway Developments Inc. |
| Subject: | Application to amend Zoning By-law Nos. 438-86 and 569-2013 - Neglect of the City of Toronto to make a decision |
| Existing Zoning: | R2 Z2.0 (Zoning By-law No. 438-86) R (d2.0) (x912) (Zoning By-law No. 569-2013) |
| Proposed Zoning: | Site specific to permit proposed development |
| Purpose: | To permit the development of a 34-storey apartment building containing 329 rental units |
| Property Address/Description: | 100 Broadway Ave. & 223-225 Redpath Ave. |
| Municipality: | City of Toronto |
| Municipality File No.: | 15 228723 NNY 25 OZ |
| OMB Case No.: | PL160910 |
| OMB File No.: | PL160910 |
| OMB Case Name: | 100 Broadway Developments Inc. v. Toronto (City) |

Heard: July 29, 2019 in Toronto, Ontario

APPEARANCES:

Parties

100 Broadway Developments Inc.

City of Toronto

Counsel

D. Bronskill and J. Hoffman

L. Bisset and C. Iltan

CAPREIT Limited Partnership

J. Shapira

DECISION OF THE TRIBUNAL DELIVERED BY R. ROSSI

INTRODUCTION

[1] 100 Broadway Developments Inc. (“Applicant”) is appealing to the Tribunal the City of Toronto (“City”) non-decision on the Applicant’s proposal to rezone and develop its lands at 100 Broadway Avenue and lands subsequently acquired located at 223-233 Redpath Avenue (together, the “subject lands”).

[2] It is important to note that two separate but related appellate matters are being dispensed with at this settlement hearing. The Tribunal’s file numbers are PL160910 for these lands and PL180033 for 110, 114 and 120 Broadway Avenue (under the Applicant name 100 Broadway Inc. and Broadway Redpath Development Corporation), which abut the subject lands. On consent, the Tribunal has not joined these matters and it is issuing two decisions – one for this matter affecting the subject lands – and the other for PL180033 – as these are deemed to be two separate matters. Further, issuing two orders will permit the zoning to come into effect at different times as development proceeds.

[3] The Applicant and the City have agreed to a comprehensive solution for development of the assembled lands (110 and 114 and 120 Broadway Avenue). The Tribunal is in receipt of electronic and written correspondence dated July 26, 2019 from Johanna Shapira (placed on the Tribunal’s file), counsel for CAPREIT Limited Partnership (“CAPREIT”) – tenant of the property known municipally as 124 Broadway Avenue. This property abuts the subject lands on the east side of the developable site (of 110, 114 and 120 Broadway Avenue) and CAPREIT confirms that it has reached a settlement with the Applicants on these files as it relates to the subject appeals.

[4] The letter details CAPREIT’s agreement to the Applicants’ settlement offer based

on items 1a-d, 2 and 3, referencing the matter of joint driveway access from the 110 Broadway Avenue lands; podium setbacks for the 110 Broadway Avenue lands along the shared lot line; east elevation balconies on the north podium of these lands; an easement over a portion of the 110 Broadway Avenue lands to the registered owner of the 124 Broadway Avenue lands “to facilitate the future vehicular, loading and pedestrian access” to those lands; and other terms as set out in the settlement agreement.

[5] The Applicant’s Planner, Craig Hunter, was qualified to provide his professional land use planning evidence in support of the development, the settlement details and the conditions for the Tribunal’s consideration. He described the entire development – the building heights, step backs and podium heights; how a new park will be created at the corner of Broadway Avenue and Redpath Avenue; and how an easement along the east of the subject lands will be secured and provide good separation with the abutting lands at 124 Broadway Avenue that are tenanted by CAPREIT. He noted that this easement will not impede future development of that address. A complete description of the new development is found in the Applicant’s document book (Exhibit 1) with visual examples provided in the Applicant’s Visual Evidence (Exhibit 2).

[6] With the acquisition of all these lands as assembled, Mr. Hunter explained how the various towers will interact and how the development constitutes good planning. On this latter point, he provided his summary opinion that the development achieves the direction and applicable policies of the Province’s upper-tier instruments and the City’s Official Plan and zoning permissions and standards as well as its relevant guidelines.

[7] The Tribunal also heard how the Applicant and the City worked closely together to ensure that the new development will provide existing renters with new homes by way of a coordinated tenancy agreement that will, among other things, move the existing property residents to other locations while construction begins and is completed. Further, what makes the new development so supportable in the Tribunal’s view is that replacement rental housing will be provided; the Applicant is providing rental

tenancy for renters living in nearby Broadway Avenue properties; the Applicant exceeds the number of required rental units; and the Applicant is also providing affordable housing opportunities within the new development.

[8] Both applications went to City Council, which endorsed the settlements to ensure that the subject lands will develop in an ordered and comprehensive fashion. Mr. Hunter provided details of how the buildings will be sited in order to accommodate the new public park at the corner of Broadway Avenue and Redpath Avenue. He explained that the revised proposal will consolidate into a single 36-storey tower all of the rental replacements on the current lands as well as those rental units from a previous approval for 117 and 127 Broadway Avenue. The finalized agreement will speak to the tenancy agreement that preserves the tenancy of existing renters in the new building. The Tribunal notes that, in providing 413 rental apartments, the Applicant is also providing an additional 89 units beyond the requirement. And, as referenced earlier, the Applicant is expanding the range of housing options by providing no less than 50 affordable housing units.

[9] As an area with the Apartment Neighbourhoods designation in the Official Plan, the Tribunal notes that the area can accommodate a greater scale of development, as is intended. Such growth is a priority found in the Growth Plan for the Greater Golden Horseshoe and in the Yonge-Eglinton Secondary Plan. Correspondingly, with the level and amount of growth in the area, the City has expanded its existing parks and sought out new park locations. In this regard, the Applicant has proposed a new park roughly 746 square metres in size.

[10] Finally, Mr. Hunter reviewed the conditions to be applied for the Tribunal's consideration. The Tribunal notes that these are to be satisfied on each property and based on the planner's opinion and recommendation, the Tribunal will support these conditions as reasonable for the successful outcome of consolidated development that is supportable in the planning context.

[11] Based on the uncontradicted evidence and opinion of the planner and on a full review of the supporting documentation on file, the Tribunal finds the proposed development for each property to constitute good planning. As the settlement details are voluminous, the Settlement document is attached to PL180033 as Attachment 1 – but is cross-referenced to, and within, this decision of the Tribunal as also being applicable and germane to the successful development of the subject lands.

**DECISION FOR 100 BROADWAY AVENUE AND 223 – 233 REDPATH AVENUE,
CITY OF TORONTO**

[12] The Tribunal's decision dated January 22, 2018, as amended by the Tribunal's decision dated February 22, 2018, is hereby further amended, and the appeal of 100 Broadway Developments Inc. is allowed, in part, and the zoning by-law amendments to permit the redevelopment of 100 Broadway Avenue and 223 – 233 Redpath Avenue, in the City of Toronto, are approved in principle, with the final Tribunal Order being withheld until the Local Planning Appeal Tribunal has been advised by the City Solicitor that:

1. the proposed zoning by-law amendments are in a form satisfactory to the City, which zoning by-law amendments shall secure, among other things, the rental replacement units, rents, tenant relocation and assistance plans and any other related rental matters for the rental dwelling units on the properties municipally known as 100 Broadway Avenue and 223 – 233 Redpath Avenue, 110, 114 and 120 Broadway Avenue, 117 – 127 Broadway Avenue, and 174 – 180 Broadway Avenue, and are in conformity with Section 3.2.1.6 of the Official Plan;
2. City Council has approved the rental housing demolition applications 15 231391 NNY 25 RH (100 Broadway Avenue and 223 – 225 Redpath Avenue), 19 142275 NNY 15 RH (227-233 Redpath Avenue), 17 218847 NNY 25 RH (110-120 Broadway Avenue) and 15 233435 STE 22 RH (117-127 Broadway Avenue) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006;
3. the City has received an executed section 37 agreement and the section 37 agreement has been registered on title to 100 Broadway Avenue and 223-233 Redpath Avenue;

4. the Chief Engineer and Executive Director, Engineering and Construction Services has confirmed water, sanitary and stormwater capacity, and has received a satisfactory Functional Servicing Report, Storm Water Management Report, and Hydrogeological Report to the satisfaction of the Environmental Monitoring and Protection Unit of Toronto Water;
5. the General Manager, Transportation Services has received a satisfactory Transportation Impact Study and Transportation Demand Management Report; and
6. the Chief Planner and Executive Director, City Planning has received a satisfactory Pedestrian Wind Study, Shadow Study, Toronto Green Standards Checklist; Urban Design Brief and a full Architectural package including, site plan, landscape plans, elevations, sections and floor plans.

“R. Rossi”

R. ROSSI
MEMBER

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

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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