

CITATION: Toronto v. 445 Adelaide Street West, 2021 ONSC 3920
DIVISIONAL COURT FILE NO.: 327/20
DATE: 20210531

**SUPERIOR COURT OF JUSTICE – ONTARIO
DIVISIONAL COURT**

RE: CITY OF TORONTO, Moving Party/Appellant

AND:

445 ADELAIDE STREET WEST INC., N. ALFRED APPS,
JOSEPH AND SALWA MUSA, AND TORONTO STANDARD
CONDOMINIUM CORPORATION NO. 1984, Respondents

BEFORE: L. A. Pattillo J.

COUNSEL: *D. Elmandy, J. Wice* and *C. Henderson*, for the Moving
Party/Appellant

T. Hill, A. Skinner and *M. Helfand*, for the Respondent 445 Adelaide
Street West Inc.

HEARD

At Toronto: February 25, 2021

ENDORSEMENT

[1] The motion for leave to appeal from the order of the Local Planning Appeal Tribunal dated April 14, 2020 is allowed with respect to the following questions:

1. Did the Local Planning Appeal Tribunal (the “Tribunal”) err in its consideration and application of the *Ontario Heritage Act* (“OHA”) in respect of its findings regarding 445 Adelaide Street West and 447-453 Adelaide Street West (the “Properties”) in light of By-Laws 114-20 and 115-20 passed by the City pursuant to s. 29 of the OHA designating the Properties as Heritage Properties under part IV of the OHA; and
2. Did the Tribunal err in its interpretation of provincial and municipal heritage planning provisions that include: the *Provincial Policy Statement*,

2014 issued under the Planning Act; A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 issued under section 7 of the Places to Grow Act, 2005, S.O. 2005, c.13; and the City of Toronto's Official Plan and King-Spadina Secondary Plan, adopted and approved pursuant to section 17 of the Planning Act.

[2] The costs of the motion fixed at \$10,000, reserved to the panel hearing the appeal.

A handwritten signature in blue ink, appearing to read "L. A. Pattillo J.", is positioned above a horizontal line.

L. A. Pattillo J.

Released: May 31, 2021