

AIRD BERLIS

Sandra Marki
Land Use Planner
Direct: 416.865.4705
E-mail: smarki@airdberlis.com

December 22, 2017

Our File No. 134191

DELIVERED VIA ORDINARY MAIL

To Whom It May Concern:

**Re: Ontario Municipal Board Prehearing Conference
Zoning By-law Amendment Application
451-457 Richmond Street West, City of Toronto
City File No.: 16 268947 STE 20 OZ
OMB Case No.: PL170832
OMB File No.: PL170832**

Aird & Berlis LLP is counsel to 457 Richmond Street West Limited, the owner of the property municipally known as 451-457 Richmond Street West in the City of Toronto. The property is located on the south side of Richmond Street West, west of Spadina Avenue.

On December 19, 2016, an application to amend the former City of Toronto Zoning By-law 438-86, as amended, and City of Toronto Zoning By-law 569-2013, as amended was filed for the property. The proposal seeks to permit the development of a 19 storey mixed-use building (including a mezzanine) with 139 residential units and 97 m² of retail at grade.

City Council failed to render a decision on the application within the prescribed timeframe. Accordingly, on July 27, 2017, we appealed the application to the Ontario Municipal Board, pursuant to subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Please find enclosed a copy of the notice of prehearing conference, Rules 61 to 65 of the Board's *Rules of Practice and Procedure*, an explanatory note explaining the purpose and effect of the proposed zoning by-law amendment and a key map showing the property. The Ontario Municipal Board has directed this firm to provide you with the enclosed documents as you are either an owner of land within 120 metres of the property, have requested notice, or are a public body, agency, land owner or any other party with a possible interest in this matter.

The prehearing conference is scheduled for 1 day commencing on Thursday, February 1, 2018 at 10:00 a.m. and will take place at the Ontario Municipal Board located at 655 Bay Street, 16th Floor, Toronto, Ontario M5G 1E5. Although you are not required to do so, if you intend to seek Party or Participant status at the hearing, we ask you to contact the undersigned by January 11th, 2017 so that we may understand your interest in the proceedings.

December 22, 2017
Page 2

Yours truly,

AIRD & BERLIS LLP



Sandra Marki
Land Use Planner

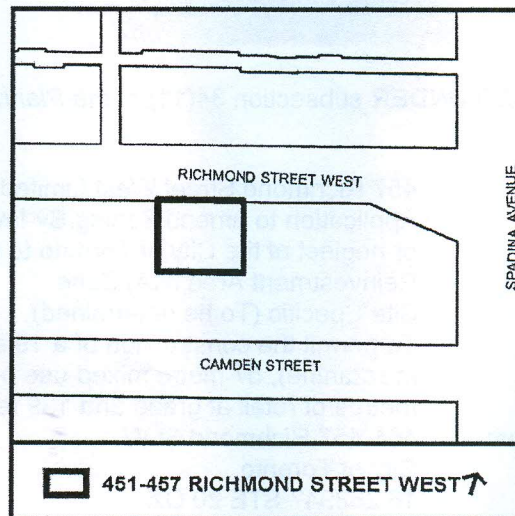
SM/cg

Encl.

31273521.1

AIRD BERLIS

**EXPLANATORY NOTE
PURPOSE AND EFFECT OF PROPOSED ZONING BY-LAW AMENDMENT
RESPECTING THE PROPERTY MUNICIPALLY KNOWN AS
451-457 RICHMOND STREET WEST IN THE CITY OF TORONTO**



Existing Zoning

The property is zoned *Reinvestment Area (RA)* by Zoning By-law 438-86, as amended and is zoned *Commercial Residential Employment with Exception 76 (CRE x76)* in Zoning By-law 569-2013, as amended. Both By-laws permit a maximum height of 23 metres. The proposed uses are also permitted in both By-laws.

Proposed Zoning

The proposed Zoning By-law Amendment will account for the increased height and will incorporate site specific development standards to facilitate the development of the proposed 19 storey mixed-use building with 139 residential units and 97 m² of retail at grade.

31272832.1

**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Commission des affaires municipales
de L'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopieur: (416) 326-5370
Site Web: www.elto.gov.on.ca



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

Applicant and Appellant: 457 Richmond Street West Limited
Subject: Application to amend Zoning By-law No. 438-86 – Refusal or neglect of the City of Toronto to make a decision
Existing Zoning: Reinvestment Area (RA) Zone
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit the construction of a 19 storey (including mezzanine), 57 metre mixed-use building, with 97 square metres of retail at grade and 139 residential units above

Property Address/Description: 451-457 Richmond St W
Municipality: City of Toronto
Municipality File No.: 16 268947 STE 20 OZ
OMB Case No.: PL170832
OMB File No.: PL170832
OMB Case Name: 457 Richmond Street West Limited v. Toronto (City)

NOTICE OF PREHEARING CONFERENCE

The Ontario Municipal Board will conduct a prehearing conference respecting this matter.

If you do not attend the prehearing conference, the Ontario Municipal Board may proceed in your absence and you will not be entitled to any further notice of these proceedings.

TIME AND PLACE OF PREHEARING CONFERENCE

A prehearing conference will be held

at: 10:00 AM
on: Thursday, February 01, 2018
at: Ontario Municipal Board
655 Bay St, 16th Floor
Toronto, ON M5G 1E5

The Board has set aside **one (1) day** for this conference.

PURPOSE OF PREHEARING CONFERENCE

The conference will deal with preliminary and procedural matters, including the following:

- **Identification of parties** - these persons have the right to participate throughout by presenting evidence, questioning witnesses, and making final arguments. In order for the Board to determine your status for the hearing, you or your representative should attend the prehearing conference and ask to be added as a party. Groups, whether incorporated or not, who wish to become parties should name a representative. Parties do not need to be represented by lawyers or agents.
- **Identification of participants** - persons who do not wish to participate throughout the hearing may attend the hearing and make a statement to the Board. Such persons should also attend the prehearing conference.
- **Identification of issues.**
- **Possibility of settlement of any or all of the issues** – the panel will explore with the parties whether the case before the Board and the issues in dispute are matters that may benefit from the assistance of a mediation meeting conducted by a Member of the Board. Mediation is a voluntary process of negotiation that encourages all sides in a dispute to get a better understanding of each other's positions and fully explore and consider options for a mutually acceptable settlement of all or some of the issues in dispute. The panel may direct, upon consent of the parties, that some or all of the issues in dispute proceed to mediation. Where mediation is directed, a different Member of the Board would conduct the mediation.
- **Start date of the hearing.**
- **Duration of the hearing.**
- **Directions for pre-filing of witness lists, expert witness statements and written evidence.**
- **The hearing of motions.**
- **Such further matters as the Board considers appropriate.**

Everyone present should come prepared to consider specific dates for proceedings in this matter.

EVIDENCE

Evidence or formal statements may also be heard at the prehearing conference in an attempt to settle the matters in dispute. Note that even if no settlement is reached the Board may make a final decision on the evidence it received.

All parties or their representatives should attend the prehearing conference.

Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au (416) 212-6349, au moins 20 jours civils avant la date fixée pour l'audience.

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance. Please also identify any assistance you may require in the event of an emergency evacuation.

DATED at Toronto, this 23rd day of November, 2017.

Mary Ann Hunwicks
Secretary

ONTARIO MUNICIPAL BOARD RULES ON ADJOURNMENTS

61. **Hearing Dates Fixed** Hearing events will take place on the date set unless the Board agrees to an adjournment.
62. **Requests for Adjournment if All Parties Consent** If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the signed consents of all parties. However, the Board may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent.
63. **Requests for Adjournment Without Consent** If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 10 days before the date set for the hearing event. If the reason for an adjournment arises less than 10 days before the date set for the hearing event, the party must give notice of the request to the Board and to the other parties and serve their motion materials as soon as possible. If the Board refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.
64. **Emergencies Only** The Board will grant last minute adjournments only for unavoidable emergencies, such as illnesses, so close to the hearing date that another representative or witnesses cannot be obtained. The Board must be informed of these emergencies as soon as possible.
65. **Powers of the Board upon Adjournment Request** The Board may,
- (a) grant the request;
 - (b) grant the request and fix a new date or, where appropriate, the Board will schedule a prehearing conference on the status of the matter;
 - (c) grant a shorter adjournment than requested;
 - (d) deny the request, even if all parties have consented;
 - (e) direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
 - (f) grant an indefinite adjournment, if the request is made by the applicant or proponent and is accepted by the Board as reasonable and the Board finds no substantial prejudice to the other parties or to the Board's schedule. In this case the applicant or proponent must make a request that the hearing be rescheduled;
 - (g) convert the scheduled date to a mediation or prehearing conference; or
 - (h) make any other appropriate order.

August 11, 2008