

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** July 12, 2023

**CASE NO(S).:**

OLT-22-002418

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

Appellant: Streamliner Properties  
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision  
Description: Redevelopment of portions of the subject site to contain new and existing residential units.  
Reference Number: 21 180732 NNY 08 OZ  
Property Address: 500 Duplex Avenue  
Municipality/UT: Toronto/Toronto  
OLT Case No: OLT-22-002418  
OLT Lead Case No: OLT-22-002418  
OLT Case Name: Streamliner Properties v. Toronto (City)

**Heard:** June 19, 2023 by video hearing

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

Streamliner Properties

David Bronskill

City of Toronto

Amanda Hill  
Jason Davidson (*in absentia*)

EPRA LPRO SKHC 500  
Duplex Coalition

Thomas Cohen\*

**MEMORANDUM OF ORAL DECISION DELIVERED BY BITA M. RAJAEI ON JUNE 19, 2023 AND INTERIM ORDER OF THE TRIBUNAL**

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[Link to Final Order](#)

**INTRODUCTION**

[1] Streamliner Properties (“Appellant”) appealed the absence of a decision by the City of Toronto (“City”) on a Zoning By-law Amendment (“ZBA”) sought for lands known municipally as 500 Duplex Avenue in the City (“Subject Site”).

[2] A Case Management Conference took place on this matter on July 12, 2022 (“CMC”), wherein it was confirmed that Notice had been properly provided, and Mark Winfield was granted Participant status. Also at the CMC, EPRA LPRO SKHC 500 Duplex Coalition (“Coalition”) sought Party status but had not yet incorporated. As such, the Eglinton Park Residents’ Association (“EPRA”), one of the groups that belongs to the Coalition, was conferred Party Status, with the understanding the Coalition would seek to replace the EPRA once it had incorporated. At the Hearing, it was confirmed that the Coalition had duly incorporated, and pursuant to Rule 8.2 of the Tribunal’s *Rules of Practice and Procedure*, and on consent of the Parties, the Tribunal substituted the EPRA with the Coalition.

[3] The Parties reached a settlement with revisions to the ZBA, which they presented to the Tribunal for consideration.

**HEARING**

[4] The Tribunal received written and oral evidence from David Charezenko, Registered Professional Planner, whom the Tribunal qualified, on consent, to provide opinion evidence in land use planning.

[5] The 1.01 hectare Subject Site is located approximately 550 metres north of the vibrant Yonge-Eglinton Centre mixed-use area, identified as an urban growth centre and a “Strategic Growth Area” as defined in the Growth Plan, with walkable access to

numerous transit and higher order transit options (including the Eglinton interchange subway/LRT station) and a range of commercial uses. It is currently occupied with a 34-storey rental apartment building (which is to be retained), nine three-storey standalone townhouses (to be demolished), a surface parking lot, and a tennis court.

[6] The ZBA, as revised by the settlement proposal, would permit an infill development of the Subject Site with an 11-storey apartment building fronting on Roselawn Avenue, retaining the existing 34-storey apartment building fronting on Duplex Avenue, a 12-storey apartment building fronting on Montgomery Avenue, and a 929.1 square metre (10% of the Subject Site) public park in the southwest corner of the Subject Site. The changes from the original proposal include but are not limited to:

- a. The 12-storey building fronting Montgomery Avenue was originally proposed to be 15-storeys, and its height has been reduced.
- b. The massing of the 11-storey building has been revised with a series of step backs, and a 5.6 metre setback to the property to the south at 118 Montgomery Avenue.
- c. An additional surface vehicular access has been introduced from Duplex Avenue to provide better access to short-term parking, resident pick-up/drop-off, and a Type-C load space as part of the 12-storey building along Montgomery Avenue.
- d. The original proposal had a proposed dwelling unit count of 940 units (including the 321 units currently in the 34-storey building to be retained). The revised proposal proposes 842 units in total. The new residential Gross Floor Area (“GFA”) is to be a total of 37,303 square metres, a reduction in GFA from the original proposal of 8,113 square metres.

[7] The planning documents affecting the proposed ZBA include: s. 2 of the *Planning Act*; the Provincial Policy Statement, 2020 (“PPS”); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (“Growth Plan”); City of Toronto

Official Plan (“OP”); the City of Toronto Zoning By-law No. 569-2013 (“ZBL”); and a number of guidelines such as Avenues and Mid-Rise Building Guidelines and the Growing Up Guidelines.

[8] Mr. Charezenko opined that the ZBA, as revised by the Settlement Proposal, represents good planning and urban design, has regard to matters of Provincial interest, is consistent with the PPS, conforms with the Growth Plan, and conforms with the OP and applicable City Guidelines. Mr. Charezenko explained that the Subject Site is not located within the Yonge-Eglinton Centre, and therefore not bound by all of the policies of the Yonge-Eglinton Secondary Plan (OPA 405) (“YESP”). It is, however, located immediately adjacent to one of the areas identified in the YESP, and some of the policies in the YESP, such as those pertaining to the Midtown Transit Station Areas, do apply to the Subject Site. Mr. Charezenko stated that the ZBA conforms with the applicable policies of the YESP.

[9] Mr. Charezenko testified that the proposed development represents a modest level of residential intensification that conforms to the applicable and evolving policy framework. The policy directions at both the provincial and municipal levels emphasize the efficient and optimal use of land and infrastructure and encourage the integration of land use planning and transportation planning.

[10] According to Mr. Charezenko, the ZBA, as revised by the Settlement Proposal, is consistent with the PPS. Mr. Charezenko relied on numerous policies, and in particular, the policy directions respecting residential intensification and the efficient use of land and infrastructure, stating that they have direct relevance to, and are furthered by, the Settlement Proposal.

[11] Similarly, Mr. Charezenko stated that the ZBA, as reflected in the Settlement Proposal, conforms with the Growth Plan, citing numerous policies, and in particular, the policies relating to the creation of complete communities and optimizing the use of land and infrastructure. The Subject Site falls into the delineated Eglinton Major Transit Station Area (“MTSA”), making it a strategic area appropriate for intensification. Given this location, Mr. Charezenko testified that density on the Subject Site should be

optimized in order to give effect to the policy directions set out in the Growth Plan and the Regional Transportation Plan. The proposed development, facilitated by the ZBA, would allow for that.

[12] Additionally, Mr. Charezenko stated that the City's OP recognizes that, on sites containing space not well-utilized by residents, infill development, such as this one, can assist in achieving some of the City's overarching policy goals, like providing additional housing options, while maintaining and/or improving on-site amenities and conditions for both new and existing residents and providing a parkland dedication. Further to this, residential intensification on the Subject Site will assist in improving the livability of the urban region through re-urbanization, assist in meeting population forecasts for the City as set out in the Growth Plan and the OP, and will provide additional housing options through an important contribution to the City's rental housing stock.

[13] With respect to height and built form, Mr. Charezenko opined that the Subject Site is a contextually appropriate location for 12 and 11-storey additions given its designation as *Apartment Neighbourhoods* in the OP, proximity to the Yonge and Eglinton Intersection, and location within the delineated Eglinton MTSA. Moreover, he opined that the two newly proposed buildings would meet the intent of the City's Mid-Rise Guidelines. The reduction of the original proposed 15-storey tower to 12 storeys addresses the concerns raised by City Staff regarding the original proposal. The proposed built form would be compatible with the direction of the OP and conforms to the development standards established in Section 4.2(2) and 4.2(3) for infill development within *Apartment Neighbourhoods*.

[14] With respect to building types, Mr. Cherezenko stated that the ZBA, revised by the Settlement Proposal, satisfies the criteria established in Policy 3.1.3(1) of the OP for a mix of building types on sites that can accommodate multiple buildings. In consideration of this context, the proposed height of the 11-storey and 12-storey buildings are distributed and located strategically on the site, which creates a harmonious transition to the existing 34-storey apartment building on the site and to immediate area context. In terms of transitions in scale, the proposed development responds appropriately and accordingly to the corresponding surrounding

*Neighbourhoods*, by placing the taller 12-storey building at the southeast corner of the site, closer to taller buildings that are closer to Yonge-Eglinton *Centre* and locating the 11-storey building at the north side of the site, with step backs provided down to the adjacent lower-scaled *Neighbourhood* properties to the north.

[15] With respect to the public realm, Mr. Charezenko testified that the proposed development enhances the surrounding public realm and outdoor amenity spaces that are accessible to the existing 34-storey building. A 3.0-metre-wide pedestrian walkway, located adjacent to the westerly edge of the base building of the 12-storey building, will provide pedestrian connections from Montgomery Avenue for the at-grade dwelling units fronting the proposed public park. The public park will define this portion of the Yonge-Eglinton Centre with a well-proportioned rectangular shape. Mr. Charezenko opined that the accommodation of the proposed public park is in keeping with the land use and parks policies set out in the OP and the YESP. The on-site park on the Subject Site would not only expand the broader parks network, as encouraged by the YESP, but would also provide additional access to parks space to the immediate residents in the area surrounding the Subject Site. Moreover, Mr. Charezenko stated that the ZBA would increase the amount of indoor and outdoor amenities for existing and future residents, in accordance with the requirements of the ZBL.

[16] Ultimately, the proposed development would contribute to the diversification of housing options in the City and the achievement of a complete community. In this regard, the proposal would provide a minimum of 10% of units as three-bedroom units, a minimum of 15% of the units as two-bedroom units and an additional 15% of units as two and three-bedroom units or units that can be converted to two-bedroom and three-bedroom units, in accordance with Policy 7.1 of the YESP, as well as the City's Growing Up Guidelines. Moreover, in accordance with Section 3.2.1 in the OP, this proposal would represent a protection and replacement of rental housing, the provision of amenities for existing tenants on the Subject Site, and the addition of new housing on the site providing a mix of unit types and tenure.

[17] Mr. Charezenko added that, with respect to the Coalition, the Settlement Proposal would respond positively to the concerns raised by it. Moreover, it would

improve the indoor and outdoor amenity spaces available to the tenants of the 34-storey tower to be retained, together with the future residents of the proposed buildings. Additionally, through the Application review process and arising out of extensive mediation with City Staff and the Coalition, positive changes were made to the massing of the proposed development as reflected in the Settlement Proposal to improve the building massing and scale in relation to the existing 34-storey apartment building and surrounding *Neighbourhoods* residential uses.

[18] Based on his testimony, Mr. Charezenko recommended that the ZBA, as modified by the Settlement Proposal, be approved in principle, subject to a number of terms and conditions. With respect to those, which are itemized in the Order below, Mr. Charezenko advised that they are appropriate and should be attached to the approval.

[19] The City and the Coalition agreed with Mr. Charezenko's testimony and recommendations. All Parties advised that this settlement was a favourable achievement for them, the current and future residents of the Subject Site, and the area.

## **FINDINGS**

[20] The Tribunal accepts the uncontested evidence of Mr. Charezenko, and finds that the requested ZBA: has due regard for matters of Provincial interest in s. 2 of the *Planning Act*; is consistent with the PPS; conforms with the Growth Plan; conforms with the OP and YESP; is a suitable amendment within the policies and provisions of the ZBL; and thus, represents good planning in the public interest.

## **ORDER**

**THE TRIBUNAL ORDERS** that:

[21] The Applicant's Zoning By-law Amendment appeal is allowed, in part, on an interim basis, contingent upon confirmation, satisfaction, or receipt of those pre-requisite matters identified in paragraph [22] below, and the Zoning By-law Amendment to the

City of Toronto's Harmonized Zoning By-law No. 569-2013 is hereby approved in principle.

[22] The Tribunal will withhold issuance of its Final Order until it has been advised in writing by the City Solicitor that the following outstanding matters have been completed and satisfied:

- a. The proposed Zoning By-law Amendment(s) are in a final form satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- b. City Council has approved Rental Housing Demolition Application 21 180738 NNY 08 RH under Chapter 667 of the Toronto Municipal Code, pursuant to Section 111 of the *City of Toronto Act, 2006*, to demolish the rental units on-site and secure tenant relocation and assistance, and rental replacement, if required, to the satisfaction of the Chief Planner and Executive Director, City Planning; and the Applicant has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing rental housing related-matters;
- c. The Applicant has provided confirmation of water, sanitary, and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that holding provisions are required in the Zoning By-law amendment and the final form of Zoning By-law amendment contains same;
- d. The Applicant has submitted a revised Transportation Impact Study, including an updated Parking and Loading Study and Transportation Demand Management strategy to the satisfaction of, the General Manager, Transportation Services and that such matters arising from such study be secured, if required; and



- e. The Applicant has provided an updated pedestrian level wind study based on wind tunnel analysis and a Toronto Green Standard template and statistics, to the satisfaction of the Chief Planner and Executive Director, City Planning.

[23] The Parties shall provide a written status update to the Tribunal by **December 19, 2023**, with respect to the finalization of the conditions for approval and whether the Tribunal can issue its Final Order. If the Parties fail to do so, the Tribunal may schedule, on a peremptory basis, a further Case Management Conference to address status matters.

[24] The Tribunal may be spoken to in the event that there are difficulties in satisfying the above conditions for the issuance of the Tribunal's final Order.

[25] The Member will remain seized for the purposes of reviewing and approving the final draft of the Zoning By-law Amendment and the issuance of the Final Order.

*"Bita M. Rajae"*

BITA M. RAJAE  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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