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August 9, 2024

Via Email and Courier

John D. Elvidge, City Clerk
City of Toronto, City Clerk's Office
Toronto City Hall, 13th Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

To Whom it May Concern:

**Re: Notice of Appeal to the Ontario Land Tribunal
Official Plan Amendment, Zoning By-law Amendment and Draft Plan of
Subdivision Applications
220, 230 & 240 Lake Promenade and 21 & 31 Park Boulevard
Municipal File Nos. 23 134668 WET 03 OZ and 23 134682 WET 03 SB**

We represent 10 separate entities set out in Attachment 1 (the "**Owners**"), the registered owners of the properties municipally known as 220, 230 & 240 Lake Promenade and 21 & 31 Park Boulevard (the "**Subject Property**") in the City of Toronto (the "**City**").

On April 18, 2023, the Owners submitted applications for an official plan amendment, zoning by-law amendment and draft plan of subdivision for the Subject Property (collectively, the "**Applications**"). The Applications were deemed complete by the City as of June 13, 2023.

To date, City Council has not made a decision on the Applications in accordance with subsections 22(7.0.2), 34(11) and 51(31) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "**Planning Act**"). As such, on behalf of the Owners, we hereby appeal the Applications to the Ontario Land Tribunal (the "**Tribunal**") pursuant to subsections 22(7), 34(11) and 51(34) of the *Planning Act*, based on the City's failure or neglect to render a decision on the Applications within the prescribed statutory timelines.

Both prior to and following the submission of the Applications, the Owners have engaged with City staff and community stakeholders in order to address various objectives related to the Applications. The Owners intend to continue with this consultative approach with a view to resolving the within appeal on a collaborative basis if possible.

Background to Appeal

The Subject Property is a relatively square-shaped parcel and is approximately 36,630 square metres in area, situated on the south side of Park Boulevard, east of Long Branch Avenue and

north of Lake Promenade. The Subject Property currently contains five 7-storey apartment buildings and is designated *Apartment Neighbourhoods* within the City's Official Plan.

The Applications propose to amend the City's Official Plan, the City-wide Zoning By-law 569-2013 and the former City of Etobicoke Zoning Code – Village of Long Branch, as amended, to permit the development of five residential apartment buildings with heights ranging from 12 to 30 storeys. Collectively, the Application proposes 2,021 residential units and a total residential gross floor area of 129,343 square metres.

If approved, the Applications will provide for an appropriate and desirable form of residential intensification. As more fully articulated in the Planning and Urban Design Rationale report prepared by Bousfields Inc., and dated April 2023, the Applications are consistent with the *Provincial Policy Statement*, and conforms to the *Growth Plan for the Greater Golden Horseshoe* and with the City's Official Plan.

Submission Materials

In support of this notice of appeal, please find enclosed:

- (a) an executed copy of the Tribunal's Appeal Form (A1); and,
- (b) three (3) firm cheques, each in the amount of \$1,100.00, payable to the Minister of Finance, representing the appeal fees for the Applications.

At this juncture, it is not possible to meaningfully identify either the length of the hearing, the number of witnesses to be called, or their respective areas of expertise. If all matters potentially at issue in this proceeding were to be litigated, we estimate that this hearing would be approximately two weeks in duration. A case management conference would assist in determining these matters and would provide for an efficient hearing process.

Should you require further information or documentation to constitute this appeal to and before the Tribunal, please do not hesitate to contact the undersigned.

Yours truly,

McCarthy Tétrault LLP



Michael Foderick
Partner

MF/JC/rj
Enclosures

Attachment 1

Address	Registered Ownership
220 Lake Promenade	220 Lake Promenade Apts. Limited and 220 Lake Promenade Apts. #2 Limited
230 Lake Promenade	230 Lake Promenade Apts. Limited and 230 Lake Promenade Apts. #2 Limited
240 Lake Promenade	240 Lake Promenade Apts. Limited and 240 Lake Promenade Apts. #2 Limited
21 Park Boulevard	21 Park Blvd. Apts. Limited and 21 Park Blvd. Apts. #2 Limited
31 Park Boulevard	31 Park Blvd. Apts. Limited and 31 Park Blvd. Apts. #2 Limited



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

**Municipal/Approval Authority
Date Stamp**

**Receipt Number
(OLT Office Use Only)**

**Date Stamp – Appeal Received
by OLT**

**OLT Case Number
(OLT Office Use Only)**

Please complete this Appeal Form by following the instructions in the companion document titled “Appeal Form Instructions”. Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal’s [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information

Last Name:

First Name:

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):

10 separate entities set out in Attachment 1

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:

Province:

Country:

Postal Code:

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Representative Information

<input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me

Last Name:	First Name:
Foderick	Michael

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):
McCarthy Tétrault LLP

Email Address:
mfoderick@mccarthy.ca

Daytime Telephone Number:	Alternative Telephone Number:
416-601-7783	
ext.	

Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
Suite 5300	66	Wellington Street West	Box 48
City/Town:	Province:	Country:	Postal Code:
Toronto	Ontario	Canada	M5K 1E6

Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.
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<input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.
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Location Information

Are you the current owner of the subject property?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Address and/or Legal Description of property subject to the appeal:
220, 230 & 240 Lake Promenade and 21 & 31 Park Boulevard

Municipality:
City of Toronto

Upper Tier (Example: county, district, region):

N/A

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Site-specific official plan amendment application	<i>Planning Act</i>	22(7)
2	Site-specific zoning by-law amendment application	<i>Planning Act</i>	34(11)
3	Site-specific draft plan of subdivision application	<i>Planning Act</i>	51(34)
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B

<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

2,021 dwelling units

Municipal Reference Number(s):

23 134668 WET 03 OZ and 23 134682 WET 03 SB

List the reasons for your appeal:

Please see attached covering letter.

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*

- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see attached covering letter.

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council
- Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

- Yes
- No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

- Yes
- No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 3B Checklist\(s\)](#) located [here](#) and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all “Filed Only” Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:


Street Number:

Street Name:

P.O. Box:

City/Town:	Province:	Country:	Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.			

Section 7 – Filing Fee			
Required Fee			
Please see the attached link to view the OLT Fee Chart .			
Total Fee Submitted: \$3,300.00 (3 x \$1,100.00)			
Payment Method	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> Lawyer's general or trust account cheque
	<input type="checkbox"/> Credit Card		
If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. <u>DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.</u>			
If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form .			
<input type="checkbox"/> Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)			

Section 8 – Declaration (Mandatory)		
Declaration		
I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.		
By signing this appeal form below, I consent to the collection of my personal information.		
Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Michael Foderick, McCarthy Tétrault LLP		2024/08/09
Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions.		

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.	
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.	
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.	
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.	
If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	<p>For the Areas of:</p> <p>Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor</p>	<p>For the Areas of:</p> <p>Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1</p>

	<p>Georgetown, ON L7G 4B1</p> <p>Phone: 905-877-5191</p> <p>Fax: 905-873-7452</p> <p>Website: www.escarpment.org</p> <p>Email: necgeorgetown@ontario.ca</p>	<p>Phone: 519-371-1001</p> <p>Fax: 519-371-1009</p> <p>Website: www.escarpment.org</p> <p>Email: necowensound@ontario.ca</p>
<p>NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).</p>		
<p>NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.</p>		