

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 19, 2026

CASE NO(S).:

OLT-24-000882

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	The Lake Promenade Real Estate Co-Tenancy
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit the development of five residential apartment buildings with heights ranging from 12 to 30 storeys
Reference Number:	23 134668 WET 03 OZ
Property Address:	220, 230 and 240 Lake Promenade and 21 and 31 Park Boulevard
Municipality/UT:	Toronto/Toronto
OLT Case No.:	OLT-24-000882
OLT Lead Case No.:	OLT-24-000882
OLT Case Name:	The Lake Promenade Real Estate Co-Tenancy v. Toronto (City)

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

Applicant and Appellant:	The Lake Promenade Real Estate Co-Tenancy
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the development of five residential apartment buildings with heights ranging from 12 to 30 storeys
Reference Number:	23 134668 WET 03 OZ
Property Address:	220, 230 and 240 Lake Promenade and 21 and 31 Park Boulevard
Municipality/UT:	Toronto/Toronto
OLT Case No.:	OLT-24-000883
OLT Lead Case No.:	OLT-24-000882

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	The Lake Promenade Real Estate Co-Tenancy
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Subject: Proposed Plan of Subdivision – Failure of Approval
 Authority to make a decision
 Description: To permit the development of five residential apartment
 buildings with heights ranging from 12 to 30 storeys
 Reference Number: 23 134682 WET 03 SB
 Property Address: 220, 230 and 240 Lake Promenade and 21 and 31 Park
 Boulevard
 Municipality/UT: Toronto/Toronto
 OLT Case No.: OLT-24-000884
 OLT Lead Case No.: OLT-24-000882

Heard: September 15-16, 2025, by Video hearing

APPEARANCES:

Parties

The Lake Promenade Real
Estate Co-Tenancy

City of Toronto

Toronto and Region
Conservation Authority

Long Branch Neighbourhood
Association

Lake Promenade Tenants'
Association

Counsel

Michael Foderick
Jamie Cole

Ray Kallio
Ariel Lo-Wong

Tim Duncan

Conner Harris

Princess Doe
Darshanie Angie Budhwa

DECISION DELIVERED BY F. LAVOIE AND ORDER OF THE TRIBUNAL

[Link to Final Order](#)

INTRODUCTION

[1] The Lake Promenade Real Estate Co-Tenancy (“Appellant”) appeals pursuant to subsections 22(7), 34(11), and 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, due to the City of Toronto (“City”) not deciding its applications within the

applicable statutory timelines. The Appellant's proposal: 2180 units in seven towers, one at 29-storeys, in Long Branch.

[2] Long Branch, Toronto's southern-most neighborhood, stretches along Lake Ontario's shoreline between Lakeshore Park and Colonel Samuel Smith Park, bounded to the north by the Lakeshore West Go Transit line ("Go-Line"). Long Branch is roughly bisected by Lake Shore Boulevard West, with mixed-used areas along each side, and a north-west mixed-use band along the Go-Line. The rest of Long Branch is nearly all low-density residential, except for the rare pockets of medium-density residential.

[3] The Subject Property is the biggest of those rare pockets, known municipally as 220, 230, and 240 Lake Promenade and 21, 31 Park Boulevard ("Subject Property"). Its five buildings were built in the 1960s, each a 7-storey rental apartment, 548 rental units altogether. The nine-acre Subject Property is outlined below:



Figure 1: Subject Property, Visual Evidence Book Vol. 1

[4] The Appellant's planner spoke highly of the Subject Property, opining it was ideal for intensification, even with tall buildings:

"3.4.4. Subject to local planning considerations, the location, context, and conditions of the subject site makes it an ideal candidate for reinvestment and intensification, in the form of a mid-rise and tall buildings. It is a suitable candidate for new mid-rise and tall buildings, in view of the subject site's capability to accommodate a compatible and transitioned relationship and co-existence with the adjacent and nearby low-rise residential built environment, its designation as an *Apartment Neighbourhoods*, and in view of its convenient walking proximity to frequent transit. The current buildings on the subject site is an older built form, with utilitarian architectural design, and with poor site organization and usage, relative to current planning and urban design standards. The existing buildings currently contain very limited indoor amenities."

THE PROPOSED DEVELOPMENT

[5] The Appellant applied for an Official Plan Amendment ("OPA"), Zoning By-law Amendment ("ZBA"), and Draft Plan of Subdivision ("DPS") with the City to redevelop the Subject Property. Together, the applications would authorize the redevelopment.

[6] The Appellant's latest redevelopment proposal was revised August 7, 2025. They wish to replace the five existing rental apartment buildings with five new buildings ("Proposed Development"):

- a. Building A, 12-storeys;
- b. Building B, 16-storeys;
- c. Building C, two towers, 19-storeys and 27-storeys;
- d. Building D, two towers, 26-storeys and 29-storeys; and
- e. Building E, 16-storeys.

[7] Buildings A and B would have rental units, replacing the existing 548 rental units. The remaining buildings, C, D, and E, are to be condominiums. The Proposed Development also includes retail space, a daycare, just over 9000 square metres in

amenity space, 3600 square metres in parkland dedication, and 4300 square metres in privately owned and publicly accessible open space (POPS).

[8] The Proposed Development's 3D massing in its immediate surroundings from four views is illustrated in Figures 2 and 3 below. At the front of the South-West view (Figure 2, left image), Building D's 26-storey and 29-storey towers share a 7-storey podium. Directly behind and aligned with Building D's towers, Building C's 19-storey and 27-storey towers also share another 7-storey podium. Figure 3 depicts the rest of the smaller towers: Buildings E, B, and A, from left to right each with 4-storey podiums protruding outward from their base.

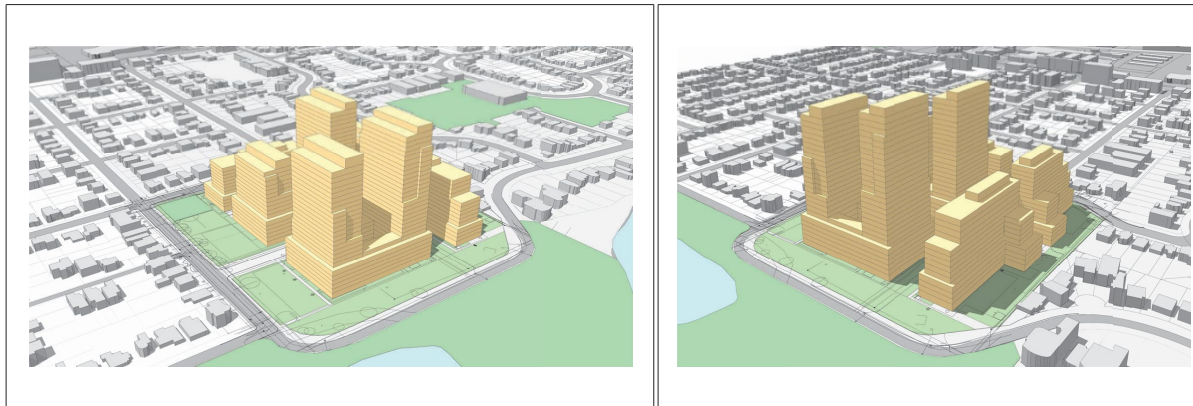


Figure 2: South-west and south-east views, respectively (Visual Evidence Vol. 2)

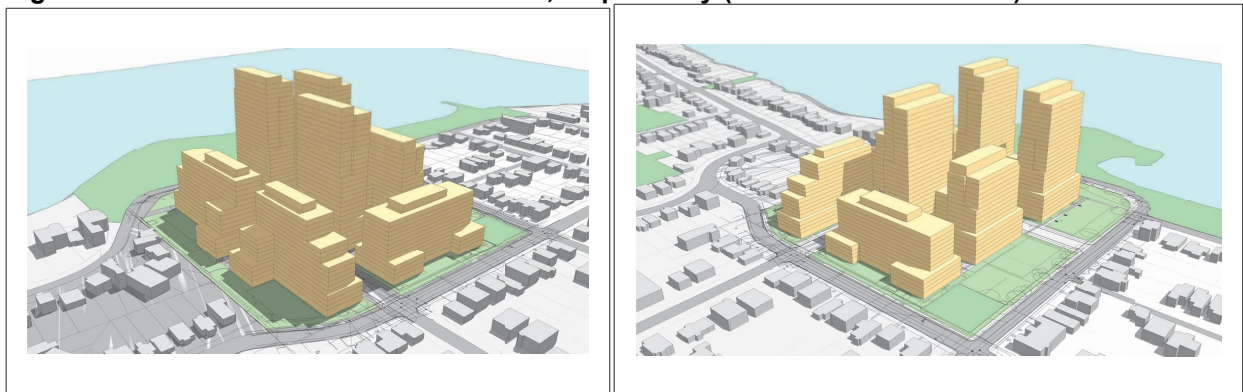


Figure 3: North-east and north-west views, respectively (Visual Evidence Vol. 2)

PARTIES AND PARTICIPANTS OPPOSED

[9] In July 2025, City Council voted not to accept the Appellant's settlement offer to build the Proposed Development.

[10] The City describes the above Proposed Development as unrestrained and unwarranted intensification, without sufficient planning justification. They argue that the proposed height of the towers should be reduced, because, as proposed, they fail to conform to the City's Official Plan ("OP").

[11] Originally, three other added Parties were also opposed: the Toronto and Region Conservation Authority ("TRCA"), the Lake Promenade Tenants' Association ("LPTA"), and the Long Branch Neighbourhood Association ("LBNA"). The TRCA and LPTA each settled with the Appellant before the hearing. The LBNA did not.

[12] The LBNA argues, the Subject Property is not a Strategic Growth Area by reason of its Apartment Neighbourhoods designation. According to LBNA, the Proposed Development ought to refer to the angular plane, in accordance with Tall-Building Guidelines and Mid-Rise Guidelines, which the Appellant did not do. They claim the surrounding neighbourhood, particularly the west, would be "severely" impacted by lengthy and consistent shadows. LBNA's position is that the Proposed Development is inconsistent with the character of Long Branch: "several very large towers", with none around.

[13] The applications and its appeals stirred significant public engagement, resulting in over 100 added participants in the proceedings.

[14] Every participant wrote in opposition to the Proposed Development. Each shared their numerous concerns. A common thread was the increase in shadowing in Long Branch.

[15] Also raised by the Participants were the issues of destruction of the Subject Property's mature tree canopy, the increased traffic in the area, that the Subject Property is not designated for high growth, the general disruption to Long Branch, insufficient parking, that public transit is not proximate to the Subject Property, that various changes resulting from consultation with the public have not addressed their concerns with the Proposed Development (that is, the height of the towers), and the

impact of the lengthy construction period given the scale of the Proposed Development, among many others.

ISSUES

[16] The core issues in the appeals are as follows:

- a. Is the Apartment Neighbourhood a Strategic Growth Area?
- b. Are shadow impacts adequately limited by the proposed development?
- c. Is the Proposed Development compatible with the Long Branch neighbourhood? and
- d. Considering the above and other policies where relevant, are the applications consistent with the Provincial Planning Statement 2024 (“PPS”), conform with the OP, and have regard to guidelines?

LAW

[17] The Tribunal’s decision must be consistent with the PPS, have regard to matters of provincial interest, to Council’s decision on the applications, and to any information and materials considered by Council.¹

[18] To be granted, the ZBA must conform to the OP. Both the OPA and the ZBA must be good land use planning such that it is in the public interest.

¹*Planning Act*, s. 2, 2.1, 3(5).

THE HEARING

[19] The Appellant's three witnesses testified in support of the Proposed Development: Michael Goldberg, Leslie Klein, and Peter Yu.

[20] Mr. Goldberg was qualified by the Tribunal to provide expert opinion evidence on land use planning. He opined the Proposed Development was consistent with the PPS, including by "*encouraging intensification in appropriate locations as the Property is located in a Strategic Growth Area serviced by frequent transit where often high rise and high-density mixed use developments conventionally co-exist comfortably and compatibly with lower forms of development.*"

[21] In Mr. Goldberg's opinion, the Proposed Development quite conventionally adhered to OP direction to adequately limit the impact of shadows.

[22] Mr. Klein, the Appellant's architect, was first retained regarding the redevelopment of the Subject Property in 2013. The Tribunal qualified Mr. Klein to provide expert opinion evidence on architecture and urban design. He opined that the Proposed Development addresses the site and area context and provided appropriate light, view, privacy and sky views. When questioned on why an angular plane analysis was absent, his opinion was that shadow studies were the most relevant tool to consider transition-in-scale, that angular planes were an outdated urban design and transition metric.

[23] Lastly, the Tribunal qualified Mr. Yu, the Appellant's transportation engineer, to provide expert opinion evidence in transportation planning. Mr. Yu testified, the internal site design of the Proposed Development could adequately accommodate various types of vehicles, that a traffic evaluation showed the Proposed Development will have minimal influence on the surrounding road network, and that proposed residential and visitor auto parking supplies satisfied the City's as-of-right by-law requirements.

[24] Before the hearing began, counsel for the Appellant and City had differing views of an agreement that each alleged they made. Counsel to the Appellant claimed the City was consenting to a joint statement that *“The City has no staff witnesses and has had to rely on outside witnesses and ask the Tribunal to draw an inference that city staff support the application (settlement).”* On the other hand, the City clarified it did not consent to the substance of the statement, only to the Appellant making that statement. The Tribunal found the evidence lacking that the City had agreed to making such a statement jointly. Moreover, it appears to the Tribunal unusual that the City would have agreed to such a request from the Appellant, since such a concession could be prejudicial to the City’s interests. In any event, the Tribunal will not infer the City staff supported the Proposed Development.

ANALYSIS AND FINDINGS

[25] The Appellant submits the Tribunal *“should accept the only expert evidence it heard from Mr. Goldberg, Mr. Klein, and Mr. Yu and approve the Applications”*. Indeed, the Appellant’s submissions regularly stressed the other Parties did not advance their own evidence and repeatedly referred to the Appellant’s evidence as “uncontested”.

[26] To this, the LBNA responds that parties in litigation are entitled to prove their case by way of cross-examination of an opposing party’s witnesses. As such, the LNBA argues that it is incorrect that the Appellant’s evidence is “uncontested”. The Appellant thus bears the burden of proof to prove their case, on a balance of probabilities.

[27] LBNA’s authorities persuade the Tribunal that the Appellant’s evidence can be contested through cross-examination. LBNA was explicit in its submissions:

“Mr. Goldberg was then cross-examined by the representatives of the City and the LBNA. It was during that cross-examination that several frailties in his evidence were identified that should give the Tribunal pause in accepting his opinion. Notable – but not exhaustive – examples are provided below which undermine both Mr. Goldberg’s credibility and his evidence.”

[28] Altogether, the Tribunal accepts most of Mr. Goldberg's evidence regarding the proposal's consistency with the PPS and conformity with the OP. However, respectfully, the Tribunal has difficulty accepting some elements of his opinion.

[29] Crucially, Mr. Goldberg's opinion was that the Subject Property is in a Strategic Growth Area by virtue of its designation as an apartment neighborhood, by being an "other area that has been identified by municipalities to be the focus for accommodating intensification and higher density". It is not. The City did not identify "apartment buildings" as an area to be the focus for accommodating intensification. In fact, OP policy 4.2.3 shows the opposite is true: "Although significant growth is not intended within developed Apartment Neighbourhoods on a city-wide basis, compatible infill development may be permitted..." [Emphasis added]. When read altogether, policies 4.2.2-4.2.6, which are the Development Criteria in Apartment Neighborhoods, explain shadows ought to be adequately limited, and in the case of vertical addition infill development, requiring minimal additional shadows on the public realm and nearby properties. The Tribunal finds that a fourfold increase in units is significant intensification that is well beyond what is contemplated in the OP.

[30] The Tribunal must have regard to "*the appropriate location of growth and development*", one of the provincial interests.² The PPS, in turn, encourages planning authorities to identify and focus growth and development in Strategic Growth Areas, and that strategic areas should be the focus of growth in settlement areas.³ The City operationalizes this policy direction through its OP. For example, policy 2.2.2: "*Growth will be directed to the Centres, Avenues, Employment Areas and the Downtown as shown on Map 2 in order to: ... i. protect neighbourhoods... from the effects of nearby*

² *Planning Act*, R.S.O. 1990, c. P.13, s.2(i).

³ PPS 2.3.1.1, 2.4.1.1

development.” Map 2: Urban Structure shows the Subject Property is neither an avenue, an employment area, or a centre.

[31] The Tribunal finds that the Proposal does not have regard to the appropriate location of growth and development, by failing to be consistent with PPS policy 2.3.1.1, that growth should be focused in Strategic Growth Areas. It also does not conform with the City’s OP policies which implement the PPS by directing that growth away from neighbourhoods, specifically to protect them.

[32] The incompatibility of the Proposed Development with Long Branch is easiest to see from its shadow impacts on the latter. **Exhibit 4** (Second Volume of the Appellant’s Visual Evidence Book), includes the fifty-page Shadow Study, and is instructive in that regard. The Shadow Study shows that on September 21, 2023, currently, no adjacent property is impacted by shadows until 3:18PM, and only by 5:18PM that there are about 10 properties to the east impacted by shadows of the existing apartments.

[33] Conversely, the Proposed Development on September 21, 2023, results in shadow impacts on surrounding properties at all times of the day (though minimally, between noon and two). The properties immediately north of the Proposed Development are impacted by shadows most of the morning. The Proposed Developments’ shadows would then impact properties to the east at 2:18PM. By 3:18PM, its shadows extend three properties deep. At 5:18PM, the shadows cast by Building C’s 27-storey tower graze Birch Park, more than 200 metres east. At least four times as many properties are impacted by the Proposed Developments’ shadows than the current mid-rise buildings.

[34] The March 21, 2023, studies show a similar pattern of impacting the north and east properties, although had lessened (compared to September) for the Proposed Development’s shadow impacts in the afternoon on the properties to the east.

[35] Considering the Proposed Development results in a marked increase in shadow impacts, respectfully, the Tribunal does not accept Mr. Goldberg's land use planning opinion evidence that shadow impacts are adequately limited.

[36] The Tribunal therefore holds the Proposed Development does not conform to OP policy 4.2.2, by failing to adequately limit shadow impacts on properties in adjacent lower scale Neighbourhoods. Given this finding, the Tribunal also finds the Proposed Development does not conform to policy 4.2.3, by being incompatible with the scale, including height and massing, of the existing apartment buildings on the site.

[37] The City acknowledged the need for more housing in its submissions. However, the City also warned that "*the need for more housing is not a licence to develop any project that one wants. One must look at the context and be sensitive to it*". The Tribunal agrees.

[38] The Tribunal recognizes that the Appellant made design choices to help with the transition. These included using setbacks, step backs, and massing the tallest towers in the center of the property. However, even with these measures, the tallest towers at 19 storeys, 27 storeys, 26 storeys and 29 storeys, are a four-fold increase in height with real shadow impacts to Long Branch, as detailed above.

[39] Therefore, the Tribunal answers the issues as follows: the Subject Property is not a Strategic Growth Area; the proposal's shadow impacts are not adequately limited; the proposal is incompatible with Long Branch; and the applications are not consistent with the PPS, and do not conform with the OP.

ORDER

[40] **THE TRIBUNAL ORDERS THAT** the appeals are dismissed. The requested amendment to the Official Plan for the City of Toronto is refused. The requested amendment to By-law 569-2013 is refused.

“F. Lavoie”

F. LAVOIE
MEMBER

Ontario Land Tribunal

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