

**537-547 Eglinton Avenue East and 59 & 61 Hoyle  
Avenue – Official Plan & Zoning By-law Amendment -  
Ontario Land Tribunal Appeals – Request for  
Directions**

**Date:** June 30, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 15 – Don Valley West

**REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

**SUMMARY**

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On July 29, 2021, the City received a Zoning By-law Amendment application to permit a 21-storey residential building at 537-547 Eglinton Avenue East. On October 27, 2021, a related Official Plan Amendment application was received. On September 23, 2021 and December 9, 2021, City Council refused the applications and directed that staff oppose any appeal to the Ontario Land Tribunal (the "Tribunal").

The applicant appealed City Council's refusal of the Zoning By-law Amendment and Official Plan Amendment applications to the Ontario Land Tribunal (the "OLT") on October 29, 2021 and March 3, 2022 respectively (the "Appeals").

The 537-547 Eglinton Avenue East lands were subsequently sold to the owner of 59 & 61 Hoyle Avenue, and the new owner assumed the applications and Appeals. The development proposal was revised on September 15, 2022 to include the 59 & 61 Hoyle Avenue lands, and for a 25-storey mixed-use building with approximately 720 square metres of non-residential gross floor area at grade.

A number of Case Management Conferences ("CMC"s) have taken place, and a hearing was scheduled for June, 2023. The scheduled hearing was adjourned on consent to allow for ongoing discussions between the parties. A further CMC, potentially convertible to a settlement hearing, is scheduled for September 8, 2023.

This is the last opportunity to get direction from City Council in advance of the scheduled CMC. As such, this item is urgent and cannot be deferred.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 and Confidential Appendix "A" to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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On July 29, 2021, the City received a Zoning By-law Amendment application to permit a 21-storey residential building at 537-547 Eglinton Avenue East. On October 27, 2021, a related Official Plan Amendment application was received. On September 23, 2021 and December 9, 2021, City Council refused the applications and directed that staff oppose any appeal to the Ontario Land Tribunal (the "Tribunal").

The Refusal Reports can be found at:

[Agenda Item History - 2021.NY27.7 \(toronto.ca\)](#)

[Agenda Item History - 2022.NY29.7 \(toronto.ca\)](#)

On October 29, 2021 and March 3, 2022, the previous owner appealed the refusals to the OLT. A first Case Management Conference ("CMC") was held on June 9, 2022 where the Tribunal set a 13-day hearing commencing June 5, 2023. A second CMC took place on September 16, 2022, at which time the Tribunal issued an Order that Skale Developments/545 Eglinton Realty Inc. would assume the appeals from the previous owner and submit revised plans, for which new notice would be circulated.

On September 27, 2022, the new owner/Appellant formally submitted a revised development proposal and supporting material for a 25 storey building on the enlarged development Site. At the third CMC on December 9, 2022, the parties and participants were finalized, and the parties were directed to work together to finalize a Procedural Order. Because of ongoing without prejudice discussions between the parties, the June, 2023 hearing dates were mostly released, with one date being retained for a fourth CMC which took place on June 21, 2023. A further CMC, potentially convertible to a settlement hearing, is scheduled for September 8, 2023.

## **COMMENTS**

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The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information