



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

4151 to 4155 Sheppard Avenue East and 5 Lamont Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: April 9, 2025

To: City Council

From: City Solicitor

Wards: Ward 22 - Scarborough - Agincourt

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

On November 23, 2023, the City received Zoning By-law Amendment and Official Plan Amendment applications (the "Applications") for 4151 to 4155 Sheppard Avenue East and 5 Lamont Avenue (the "Site") to permit the construction of a 46-storey mixed-used building.

At its meeting of March 20 and 21, 2024, City Council refused the Applications. The applicant appealed City Council's refusal of the Applications (the "Appeal") to the Ontario Land Tribunal (the "OLT") on April 22, 2024.

The City Solicitor requires further directions for the OLT hearing which was scheduled to commence on April 22, 2025. The hearing was adjourned and a Case Management Conference before the OLT has been scheduled for April 28, 2025 so the City Solicitor can update the OLT following receipt of Council's directions. This matter is urgent and cannot be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and all information contained in Confidential Appendix "A", Confidential Appendix "B", and Confidential Appendix "C" 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

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

On November 23, 2023, the City received the Applications to permit the construction of a 46-storey mixed-used building (140.9 metres, excluding the mechanical penthouse) with a floor plate of 900 square metres. The proposed building would result in a gross floor area of 44,467 square metres consisting of 43,947 square metres for residential use, resulting in 726 dwelling units, and 520.7 square metres of non-residential area at grade. A Floor Space Index of 11.72 times the area of the lot was proposed.

At its meeting of March 20 and 21, 2024, City Council refused the Applications. The Refusal Report can be found at:

[4151 - 4155 Sheppard Avenue East and 5 Lamont Avenue - Decision Report Refusal](#)

On April 22, 2024, the applicant appealed City Council's refusal decision to the OLT. The OLT held the first Case Management Conference on September 26, 2024. A hearing was originally scheduled for April 22-30, 2025. The hearing was adjourned and there is now a Case Management Conference scheduled for April 28, 2025.

COMMENTS

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

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information