



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 389-393 Broadway Avenue – OPA 770 – Ontario Land Tribunal Hearing – Request for Directions

**Date:** June 12, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 15 - Don Valley West

#### 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 14, 2024, the City enacted By-law 1232-2024, adopting Official Plan Amendment 770 ("OPA 770"). OPA 770 redesignated the property known as 391 Broadway Avenue from Neighbourhoods to Parks on Map 17 of the Official Plan. OPA 770 also added 391 Broadway Avenue as 'Existing/Approved Public Parks' and added the properties known as 389 and 393 Broadway Avenue as "Park Expansion Areas" on Map 21-8 of the Yonge-Eglinton Secondary Plan.

OPA 770 was appealed to the Ontario Land Tribunal (OLT) by the registered owners of 389 Broadway Avenue and the registered owner of 393 Broadway Avenue ("The Appellants"). The OLT held a Case Management Conference on April 4, 2025. At the Case Management Conference, Party status was granted to the registered owner of 387 Broadway Avenue as well as the Broadway Area Residents Association.

Together the Appellants and the registered owner of 387 Broadway Avenue are the Opposed Parties. Whereas the Broadway Area Residents Association obtained Party status to support the City's position.

The City Solicitor requires further directions for a hearing scheduled to commence on September 24, 2025. This matter is deemed urgent as direction from City Council is required in advance of procedural exchange dates for the OLT hearing. This matter should not 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 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

---

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

---

At its meeting on February 6 and 7, 2024 City Council gave direction regarding the Zoning By-Law Amendment Application at 2-20 Glazebrook Avenue. Through this application, in accordance with section 42 of the *Planning Act*, City Council approved an on-site parkland dedication to be located on the lands at 391 Broadway Avenue:  
[Agenda Item History - 2024.CC14.5](#)

At its meeting of October 9 and 10, 2024, City Council approved OPA 770 to redesignate the property known as 391 Broadway Avenue from Neighbourhoods to Parks on Map 17 of the Official Plan. OPA 770 also added 391 Broadway Avenue as 'Existing/Approved Public Parks' and added 389 and 393 Broadway Avenue as "Park Expansion Areas" on Map 21-8 in the Yonge-Eglinton Secondary Plan:  
[Agenda Item History - 2024.NY17.10](#)

On November 14, 2024, City Council enacted OPA 770:  
[Agenda Item History - 2024.BL23.1](#)

## 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**

---

Jessica Braun, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-7237;  
Fax: (416) 397-5624; Email: [Jessica.Braun@toronto.ca](mailto:Jessica.Braun@toronto.ca)

Michelle LaFortune, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-0642; Fax: (416) 397-5624; Email: [Michelle.LaFortune@toronto.ca](mailto:Michelle.LaFortune@toronto.ca)

## **SIGNATURE**

---

Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

---

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