



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

586 Eglinton Avenue East – Ontario Land Tribunal Hearing – Request for Directions

Date: June 11, 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 September 29, 2021, the City received a Zoning By-law Amendment application for 586 Eglinton Avenue East (the "Site") to permit the construction of a 32-storey building with 249 dwelling units, 651 square metres of at-grade retail uses, and 4,021 square metres of office uses.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "ZBA Appeal"), to the Ontario Land Tribunal (the "OLT") on November 30, 2022.

On June 16, 2024, the City received an Official Plan Amendment application to amend the Yonge-Eglinton Secondary Plan (OPA 405) to permit a revised 35-storey building and to seek an exemption from the policy for replacement of the demolished office gross floor area. The revised proposal provided for 357 dwelling units, including 8 affordable housing units, and a commercial gross floor area of 108 square metres.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Official Plan Amendment (the "OPA Appeal") to the OLT on December 16, 2024.

On March 26, 2025, at a case management conference, the ZBA Appeal and OPA Appeal were consolidated. An 8-day hearing for the consolidated appeals was set and is scheduled to commence on October 15, 2025.

The City Solicitor requires further directions in advance of the upcoming OLT hearing. For reasons set out in Confidential Attachment 1, 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, Confidential Appendix "A" and "B" 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 September 29, 2021, the City received a Zoning By-law Amendment application to permit the construction of a 32-storey building. The Preliminary Report can be found at: <https://www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-199222.pdf>

On November 30, 2022, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT.

The OLT held the first Case Management Conference on April 13, 2023, at which time a hearing in respect of the Zoning By-law Amendment was set and scheduled to commence April 2, 2024.

A Request for Direction Report on the Zoning By-law Amendment application was adopted by City Council on June 14 and 15, 2023, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at: <https://www.toronto.ca/legdocs/mmis/2023/ny/bgrd/backgroundfile-236133.pdf>

The hearing in respect of the Zoning By-law Amendment was adjourned *sine die*, pending receipt of an application for an Official Plan Amendment.

On June 16, 2024, the City received an Official Plan Amendment application to amend the Yonge-Eglinton Secondary Plan (OPA 405) to permit a revised 35-storey building and to seek an exemption from the policy for replacement of the demolished office gross floor area.

On December 16, 2024, the applicant appealed City Council's neglect or failure to make a decision on its application for the Official Plan Amendment to the OLT.

On March 26, 2025, at a case management conference before the OLT, the Zoning By-law Amendment Appeal and Official Plan Amendments Appeal in respect of the Site were consolidated. An 8-day hearing for the consolidated appeals was set and is scheduled to commence on October 15, 2025.

A Request for Direction Report on the Official Plan Amendment application was adopted by City Council on May 21, 22 and 23, 2025, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan Amendment application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2025/ny/bgrd/backgroundfile-254465.pdf>

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