

123 Bellamy Road North – Ontario Land Tribunal Hearing – Request for Directions

Date: July 10, 2025

To: City Council

From: City Solicitor

Wards: Ward 21 - Scarborough Centre

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 March 15, 2024, the City received a Zoning By-law Amendment application (the "Application") for 123 Bellamy Road North (the "Site") to permit three residential buildings on the eastern portion of the Site having 44, 35 and 9 storeys in height, while retaining the existing 12 storey apartment building on the western portion of the Site.

On October 9, 2024, the applicant appealed City Council's neglect or failure to make a decision on its Application (the "Appeal") to the Ontario Land Tribunal (the "OLT").

The City Solicitor requires further directions for the upcoming nine (9) day OLT hearing scheduled to commence on November 18, 2025. 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 Confidential Appendix "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 March 15, 2024, the City received an Application to permit three residential buildings on the eastern portion of the Site having 44, 35 and 9 storeys in height, which collectively contains 922 units with a total gross floor area of 75,251 square metres, while retaining the existing 12 storey rental apartment building on the western portion of the Site.

On October 9, 2024, the applicant appealed City Council's neglect or failure to make a decision on the Application to the OLT. The OLT held the first Case Management Conference on March 11, 2025. A nine (9) day hearing is scheduled to commence on November 18, 2025.

A Request for Direction Report on the Application was adopted by City Council on December 17 and 18, 2024, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Application in its current form, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

[Agenda Item History - 2024.SC18.3](#)

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