



## **REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT**

### **3019 Dufferin Street – Zoning By-law Amendment Application - Ontario Land Tribunal Hearing – Request for Directions**

**Date:** July 14, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 8 - Eglinton-Lawrence

#### **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 December 16, 2016, the City received a Zoning By-law Amendment application for 3019 Dufferin Street (the "Site") to permit the construction of an eight-storey, mixed use building. The then applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment to the then Local Planning Appeal Tribunal (the "LPAT", now the Ontario Land Tribunal) on November 28, 2017. The applicant revised the proposal on March 2, 2018, with the building remaining an eight-storey mixed-use building.

City Council adopted a Request for Directions Report at its meeting of January 30 and 31, 2019, authorizing the City Solicitor to attend at the LPAT in support of the revised proposal. The LPAT issued an Order on September 6, 2019 allowing the development in principle, subject to a number of conditions. A Final Order was never issued on the appeal.

A new applicant has purchased the Site, and submitted a revised proposal for a 29-storey mixed use building prior to an Ontario Land Tribunal (the "OLT") Case Management Conference on March 20, 2025.

The City Solicitor requires further directions for an upcoming OLT Case Management Conference on July 21, 2025.

## **RECOMMENDATIONS**

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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 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 December 16, 2016, the City received a Zoning By-law Amendment application to permit the construction of an eight-storey mixed use building. A Preliminary Report on the application was adopted with amendments by North York Community Council on May 2, 2017. The Preliminary Report can be found at:  
[Agenda Item History - 2017.NY22.8](#)

On November 28, 2017, the applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment to the LPAT (the "Appeal"). The applicant further revised the proposal on March 2, 2018.

A Request for Direction Report on the application was adopted by City Council on January 30 and 31, 2019, directing the City Solicitor and appropriate City staff to attend the LPAT hearing in support of the Zoning By-law Amendment application, subject to some outstanding issues being satisfactorily addressed. The Request for Direction Report can be found at:  
[Agenda Item History - 2019.NY2.5](#)

The LPAT issued an Order on September 6, 2019 allowing the development in principle, subject to a number of conditions. A Final Order was never issued on the Appeal.

A new applicant has purchased the Site, and submitted a revised proposal for a 29-storey mixed use building (the "Revised Proposal") prior to an OLT Case Management Conference on March 20, 2025.

The following chart provides a comparison of the development approved in principle by the LPAT, and the Revised Proposal currently before the OLT:

	<b>Approved Development</b>	<b>Revised Proposal</b>
Gross Floor Area (GFA)	6,609 square metres of residential GFA 412 square metres of retail GFA	25,612 square metres of residential GFA 307 square metres of retail GFA
Height	8 storeys (32 metres to the top of the mechanical penthouse)	29 storeys (91 metres)
Setbacks	East: 7.5 metres West: 3 metres North: 0.0 metres South: 0.4 metres	East: 5.5 metres West: 0.0 metres North: 0.8 metres South: 0.0 metres
Stepbacks	East: 12.5 metres West: 3 metres at 7th floor and 4 metres at 8th floor North: 0.0 metres South: 3 metres at 7th floor	East: 12.5 metres at 4th floor; 15.5 metres at 6th floor and 21 metres at 12th floor West: 5.4 metres North: 0 metres; 5.5 metres at 6th floor South: 0 metres at grade; 3 metres at 6th floor
<b>Unit Mix</b>	104 units comprised of:	332 units comprised of:
Bachelor	58.6 percent	16.9 percent
One bedroom	36.6 percent	44.3 percent
Two bedroom	4.8 percent	30.4 percent
Three+ bedroom	0.0 percent	8.4 percent
<b>Amenity</b>		
Indoor	191 square metres	687 square metres
Outdoor	353 square metres	676.5 square metres
<b>Parking</b>		
Residential	83	82
Retail	4	1
Visitor	15	14
Accessible	0	8
Total	102	97

The next OLT Case Management Conference is scheduled for July 21, 2025.

## **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. Public Attachment 1 - Revised Proposal architectural plans by architecture unfolded, dated March 12, 2025
2. Confidential Attachment 1 - Confidential Information