



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

321-355 Symington Avenue and 350 Campbell Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: July 14, 2025

To: City Council

From: City Solicitor

Wards: Ward 9 - Davenport

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 January 13, 2023, the City received a Zoning By-law Amendment application for 321-355 Symington Avenue and 350 Campbell Avenue (the "Lands") to permit the construction of two towers of 36 storeys (north tower) and 39 storeys (south tower) on a 6 storey shared podium, containing 847 dwelling units. A four storey above-grade parking garage is proposed at the north end of the property, accessed from Campbell Avenue. The site is generally L-shaped with 120 metres of frontage on Symington Avenue and 20 metres of frontage on Campbell Avenue, and a lot area of 4,230 square metres. The property is located directly south of the Canadian Pacific Railway.

On February 27, 2023, an Official Plan Amendment application was received for 350 Campbell Avenue (the "Campbell Lands") to redesignate the Campbell Lands from Core Employment Areas to Mixed Use Areas.

The applicant appealed City Council's neglect or failure to make a decision on its applications (collectively, the "Applications" or the "Appeal"), to the Ontario Land Tribunal (the "OLT") on March 25, 2024. The OLT held the first Case Management Conference on July 24, 2024.

The City Solicitor requires further directions for an OLT hearing scheduled to begin on October 27, 2025. This matter is urgent and 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

On July 19, 2023, City Council approved OPA 653 which amended the Official Plan as part of the Municipal Comprehensive Review and staff's review of 70 requests to convert employment lands to other uses. OPA 653 retained the Campbell Lands as Core Employment Areas and added Site and Area Specific Policy 839 which permits parking, loading, and servicing uses associated with a neighbouring mixed use development, and requires a minimum of 1,000 square metres of non-residential gross floor area, excluding retail uses, to be developed on the Lands:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.3>

An Appeal Report on the applications was adopted by City Council on June 26, 2024 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Appeal, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Appeal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE14.12>

On January 27, 2025, the Minister of Municipal Affairs and Housing approved OPA 653 with modifications. SASP 839 was approved without modification. The Minister's decision is final and not subject to appeal:

<https://ero.ontario.ca/notice/019-7731>

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