



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 2350-2352 Yonge Street – Ontario Land Tribunal Hearing – Request for Directions

**Date:** July 16, 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 July 13, 2022, the City received a Zoning By-law Amendment application for 2350-2352 Yonge Street (the "Site") to permit the construction of a fifty storey residential building containing a total of 323 residential dwelling units, with 20,562 square metres of gross floor area ("GFA"), consisting entirely of residential space.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on July 10, 2023.

The matter was scheduled for a hearing in the summer of 2024, however, the hearing dates were adjourned to permit the continuation of without prejudice discussions. The hearing was re-scheduled to commence on October 6, 2025.

On July 3, 2025, the City Solicitor received a with prejudice settlement offer from the applicant's solicitors. The City Solicitor requires further directions. The with prejudice settlement offer expires at the end of the City Council meeting scheduled to commence on July 23, 2025, as such this matter is urgent and cannot be deferred.

## **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 July 13, 2022, the City received a Zoning By-law Amendment application to permit the construction of a fifty storey residential building containing a total of 323 residential dwelling units, with 20,562 square metres of GFA, consisting entirely of residential space.

On July 10, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. On October 11, 2023 an Appeal Report on the application was adopted by Council 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 to try to resolve outstanding issues. The Appeal Report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NY7.2>

On November 12, 2024, the applicant provided a without prejudice settlement offer to the City. The City Solicitor's report with respect to that settlement offer can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.CC24.10>

The OLT held the first Case Management Conference on October 26, 2023. The second Case Management Conference was held on January 22, 2024. A hearing was scheduled for September 10, 2024 but was adjourned on consent and subsequently re-scheduled to commence on October 5th, 2025.

## COMMENTS

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On July 3, 2025, the City Solicitor received a with prejudice settlement offer from the applicant's solicitors. Through the with prejudice settlement offer, the proposal has been revised as follows:

- i. removal of all windows and other openings on the lower levels of the west façade of the proposed building on the property;
- ii. slightly off-setting the building from the mutual property line shared with the adjacent property at 2346 Yonge Street; the subject site's immediate neighbour to the south, (the "2346 Yonge"). The owner of the 2346 Yonge has also submitted an official plan amendment and zoning by-law amendment application for a mixed-use tower on the adjacent site. The two sites are proposed to be built as two back-to-back towers, each being a half-tower and visually appearing as one tower with an approximate space between them of 20 to 30 centimetres. 2346 Yonge is a party to this hearing and has settled its appeal with the City.
- iii. slightly offsetting the building from the mutual property line shared with 2354 Yonge Street;
- iv. reduction of the height of the podium and articulation to better create a datum line along the Yonge Street frontage with existing and potential buildings;
- v. reconfiguration of the ground floor of the proposed building to satisfy City type "G" loading requirements with a turntable; introduction of an accessible parking space within the building, introduction of pick up and drop off vehicle parking and delivery vehicle parking, and introduction of a retail space along the Yonge Street frontage;
- vi. reduction of the tower floor plate size to improve the tower separation provided to other existing and potential tower buildings;
- vii. removal of all windows and other openings on the south façade of the proposed building replacing them with architectural detailing to enliven and beautify what could be a blank wall condition while the property at 2346 Yonge Street are developed; and
- viii. reduction of the height of the building to 49 stories.

The comparison between the original proposal and proposed settlement is as follows:

	<b>Original Submission</b>	<b>Settlement Submission</b>
Number of Residential Storeys	50	49
Height	160.65 metres +5 metre mechanical penthouse	164.6 metres + 8.48 metre mechanical penthouse
Unit Mix	Studio: 98 1-bed: 90 2-bed: 93 3-bed: 42	Studio: 130 1-bed: 50 2-bed: 83 3-bed: 39
Total	323	302
GFA	20,562 square metres	22,027.17 square metres
Retail GFA	0 square metres	39.07 square metres
Amenity Area Provided	Indoor: 681.29 square metres (2.11 square metres/du) Outdoor 75 square metres (0.85 square metres/du) Total: 956.29 square metres (2.95 square metres/du)	Indoor: 1,107.95 square metres (3.67 square metres/du) Outdoor: 100.05 square metres (0.33 square metres/du) Total: 1,208 square metres (4 square metres/du)
Parking Spaces	Resident: 0 Visitor: 0	Resident: 0 Visitor: 0 and 2 PUDO
Bicycle Parking Spaces	Long-term: 291 Short-term: 34	Long-term: 272 Short-term: 61
Setbacks	North: 0 metres East: 2.5 metres South: 0 metres West: 0 metres	North: 0 metres East: 0 metres South: 0.89 metres West: 0 metres

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 - With Prejudice Settlement Offer from Goodmans LLP, dated July 3, 2025
2. Public Attachment 2 - Architectural Plans prepared by Varacalli Architect Inc., dated November 8, 2024
3. Confidential Attachment 1 - Confidential Information