

**849 Eglinton Avenue East – Ontario Land Tribunal  
Hearing – Request for Directions**

**Date:** July 16, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 15 - Don Valley West

**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 June 9, 2022, the City received a Zoning By-law Amendment application and Draft Plan of Subdivision application for 849 Eglinton Avenue East (the "Site") to permit the construction of a 40-storey residential building, a 21-storey mixed use building and a 6-storey office building. On September 1, 2022 an Official Plan Amendment application was also submitted to facilitate the development.

The applicant appealed City Council's neglect or failure to make a decision on its applications (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on July 18, 2024.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for January 19, 2026.

**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 in Confidential Attachment 1 and Confidential Appendix 'A' to this Report (July 16, 2025) from the City Solicitor only at the discretion of the City Solicitor.

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 June 9, 2022, the City received a Zoning By-law Amendment application and Draft Plan of Subdivision application for 849 Eglinton Avenue East (the "**Site**") to permit the construction of a 40-storey residential building, a 21-storey mixed use building and a 6-storey office building. On September 1, 2022 an Official Plan Amendment application was also submitted to facilitate the development.

On July 18, 2024, 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 March 31, 2025. A hearing is scheduled to begin January 19, 2026.

A Request for Direction Report on the application was adopted by City Council on December 17, 2024 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2024.NY19.3>

## **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. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information