



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1552, 1554, 1562, 1570 and 1572 Kingston Road – Ontario Land Tribunal Hearing – Request for Directions

Date: September 16, 2025

To: City Council

From: City Solicitor

Wards: Ward 20 - Scarborough Southwest

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 July 29, 2021, the City received Zoning By-law Amendment and Site Plan applications for an eight-storey residential building (the "Site") to permit the construction of 93 residential dwelling units. On October 8, 2024, revised applications were submitted to permit a 12-storey mixed-use building containing 168 residential dwelling units and 59.11 square metres of non-residential space.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Zoning By-law Amendment and Site Plan application (the "Appeal") to the Ontario Land Tribunal (the "OLT") on December 5, 2024.

On August 21, 2025, the applicant submitted revised plans to the OLT for an 11-storey building to permit the construction of 139 residential dwelling units and 359.83 square metres of non-residential space.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for November 19-26, 2025. 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 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 29, 2021, the City received Zoning By-law Amendment and Site Plan applications to permit the development of an eight-storey residential building. On October 8, 2024, revised applications were submitted to permit a 12-storey mixed-use building.

On December 5, 2024, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment and Site Plan applications to the OLT. The OLT held the first Case Management Conference on March 7, 2025. On August 21, 2025, the applicant submitted revised plans to the OLT for an 11-storey mixed-use building. A hearing is scheduled for November 19 to 26, 2025.

A Request for Direction Report on the application was adopted by City Council on February 5, 2025 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 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=2025.SC19.4>

On September 2, 2025, the City received a With Prejudice, not confidential, settlement offer from the applicant's lawyers, Kagan Shastri DeMelo Winer Park LLP, which is attached as Public Attachment 1 (the "Settlement Offer"). The Settlement Offer

contains revised plans (the "Revised Plans"). The applicant intends to present the Revised Plans to the OLT for approval.

The comparison between the initial submission, the resubmission and the proposed settlement is as follows:

	Initial Submission July 29, 2021	Resubmission October 8, 2024	With Prejudice Settlement Offer September 2, 2025
Building Height	8 storeys, 25.72 metres	12 storeys, 36.91 metres	11 storeys, 34.96 metres
Gross Construction Area	Res: 6,151.73 square metres Non-Res: 0 square metres Total: 13,293.51 square metres	Res: 11,581.64 square metres Non-Res: 59.11 square metres Total: 17,495.68 square metres	Res: 10,358.93 square metres Non-Res: 359.83 square metres Total: 16,671.91 square metres
Gross Floor Area	Total: 7,511.49 square metres	Total: 11,850.55 square metres	Total: 11,015.57 square metres
Floor Space Index	3.88	6.12	5.69
Residential Units	Studio: 3 (3 percent) 1-Bed: 67 (72 percent) 2-Bed: 19 (20 percent) 3-Bed: 4 (4 percent) Total: 93	Studio: 1 (<1 percent) 1-Bed: 125 (74 percent) 2-Bed: 32 (19 percent) 3-Bed: 10 (6 percent) Total: 168	Studio: 1 (<1 percent) 1-Bed: 94 (67 percent) 2-Bed: 29 (20 percent) 3-Bed: 15 (11 percent) Total: 139
Amenity Space	Indoor: 350.32 square metres (3.77 square metres per unit) Outdoor: 166.75 square metres (1.79 square metres per unit) Total: 517.06 square metres (5.56 square metres per unit)	Indoor: 338.02 square metres (2.01 square metres per unit) Outdoor: 72.03 square metres (0.43 square metres per unit) Total: 410.05 square metres (2.44 square metres per unit)	Indoor: 296.81 square metres (2.14 square metres per unit) Outdoor: 218.00 square metres (1.56 square metres per unit) Total: 514.81 square metres (3.70 square metres per unit)
Vehicular Parking	Resident: 101 Visitor: 14 Commercial: N/A Total: 115	Resident: 100 Visitor: 10 Commercial: 0 Total: 110	Resident: 94 Visitor: 10 Commercial: 0 Total: 104
Bicycle Parking	Short-Term: 10 Long-Term: 39 Total: 49	Short-Term: 14 Long-Term: 115 Total: 129	Short-Term: 10 Long-Term: 95 Total: 105

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

Adam Ward, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 394-2787; Fax: (416) 397-5624; Email: Adam.Ward@toronto.ca

Marc Hardiejowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4960; Fax: (416) 397-5624; Email: Marc.Hardiejowski@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - With Prejudice Settlement Offer and Architectural Plans from Kagan Shastri DeMelo Winer Park LLP, dated September 2, 2025
2. Confidential Attachment 1 - Confidential Information