



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

# **4158 to 4180 Kingston Road and 8 to 12 Overture Road – Ontario Land Tribunal Hearing – Request for Directions**

**Date:** September 25, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 24 - Scarborough-Guildwood

### **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 27, 2022, the City received a Zoning By-law Amendment application for 4158 to 4180 Kingston Road and 8 to 12 Overture Road to permit the construction of a 12-storey residential building.

On October 11, 2023, the applicant submitted a revised proposal to permit the construction of a 20-storey mixed use building with retail at-grade and a total of 320 dwelling units.

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 September 4, 2024.

The City Solicitor urgently requires further directions for the upcoming OLT hearing scheduled to commence on November 24, 2025 for 10 days. This report 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 and Confidential Appendices "A" and "B" 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 September 4, 2024, the applicant filed the Appeal to the OLT. The OLT held the first Case Management Conference on November 22, 2024 and the second Case Management Conference on February 3, 2025. A ten-day hearing is scheduled to commence on November 24, 2025.

A Request for Direction Report on the application was adopted by City Council on December 17 and 18, 2024 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=2024.SC18.4>

## **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
3. Confidential Appendix "B" - Confidential Information