



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

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

Date: September 25, 2025

To: City Council

From: City Solicitor

Wards: Ward 15 - Don Valley West

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 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

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 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>

On July 23 and 24, 2025, City Council considered a Request for Directions report from the City Solicitor in respect of the Appeal and adopted the confidential instructions to staff in Confidential Attachment 1 of same:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.CC32.22>

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