



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

505 University Avenue - Official Plan Amendment and Zoning By-law Amendment Applications - Request for Directions

Date: September 26, 2025

To: City Council

From: City Solicitor

Wards: Ward 11 - University-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding litigation or potential litigation.

SUMMARY

The purpose of this report is to request instructions in respect of the proceedings before the Ontario Land Tribunal ("**Tribunal**"). The applicant appealed the proposed Official Plan Amendment and Zoning By-law Amendment Applications for 505 University Avenue to the Tribunal as a result of Council's refusal of the applications within the time prescribed by the *Planning Act*.

The property municipally known as 505 University Avenue is subject to designation by-law 505-2024 under Part IV, Section 29 of the *Ontario Heritage Act*. On September 22, 2025, the Toronto Preservation Board was consulted respecting the Heritage Permit Application for this property.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential instructions to staff contained in Confidential Attachment 1 and Confidential Appendix "A", Confidential Appendix "B", Confidential Appendix "C", Confidential Appendix "D" and Confidential Appendix "E" to this report from the City Solicitor, if adopted by City Council, at the discretion of the City Solicitor.

3. City Council direct that the 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 is about litigation before the Ontario Land Tribunal and contains advice or communications that are 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

Development Applications

On July 24 and 25, 2024, City Council directed the City Solicitor and appropriate staff to attend the Tribunal in opposition to the appeal of the Zoning By-law Amendment for 505 University Avenue and continue discussions to resolve matters.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE15.17>

On July 24 and 25, 2024, City Council refused the Official Plan Amendment application for 505 University Avenue and authorized the City Solicitor to take any necessary steps to implement Council's decision in opposition to the Development Applications.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE15.16>

Appeal to Ontario Land Tribunal

On October 23, 2023, the applicant appealed the Zoning By-law Amendment application to the Tribunal due to Council's failure to make a decision within the timeframe in the *Planning Act* for 505 University Avenue.

On July 9, 2024, the applicant appealed the Official Plan Amendment application to the Tribunal due to Council's failure to make a decision within the timeframe in the *Planning Act*.

Designation of the Property

On February 6 and 7, 2024, City Council stated its intention to designate the property at 505 University Avenue under Part IV, Section 29 of the *Ontario Heritage Act*. Council's decision may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH9.11>

On May 22 and 23, 2024, City Council considered the objection of the owner to the notice of intention to designate the property at 505 University Avenue and despite the objection reaffirmed its decision to designate the property under the *Ontario Heritage Act*.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.CC18.21>

City Council passed City of Toronto By-law 505-2024 designating the property under Part IV, Section 29 of the *Ontario Heritage Act* on May 23, 2024. By-law 505-2024 was appealed to the Tribunal. Despite the appeal, subsection 30(2) deems the designation to be in effect until such time as the appeal is withdrawn or disposed of and therefore subsection 33 and 34 of the *Ontario Heritage Act* are operative to require a permit on the heritage property. The designation by-law can be found here:

<https://www.toronto.ca/legdocs/bylaws/2024/law0505.pdf>

Related Heritage Permit Application

On September 22, 2025, the Toronto Preservation Board was consulted on the report from the City Solicitor regarding demolition of a designated heritage property under Section 34(1)2 of the *Ontario Heritage Act*. The advice of the Toronto Preservation Board may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.PB35.9>

COMMENTS

On August 31, 2022, a Zoning By-law Amendment application was submitted to permit a 64-storey mixed-use building with 25,700 square metres of non-residential gross floor area and 704 dwelling units. The historic Shell Oil Building at 505 University Avenue was proposed to be demolished, with some of its materials re-used in the construction of a new base building.

On February 23, 2024, an Official Plan Amendment application was submitted to establish a Site and Area Specific Policy and among other matters, amend the Downtown Plan to remove the requirement to replace the existing non-residential gross floor area in the proposed development. The Official Plan Amendment and Zoning By-law Amendment applications for 505 University Avenue are referred to as the "**Original Applications**".

This report seeks further direction from City Council on this matter in advance of the Tribunal case management conference date set to commence on November 25, 2025, with filing deadlines commencing in advance of the next Council meeting. On the basis of these deadlines, this matter is urgent.

CONTACT

Daniel Elmadany, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-5709; Email: Daniel.Elmadany@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information
4. Confidential Appendix "C" - Confidential Information
5. Confidential Appendix "D" - Confidential Information
6. Confidential Appendix "E" - Confidential Information