



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 120 Bouchette Street – Ontario Land Tribunal Hearing – Request for Directions

**Date:** September 29, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 14 - Toronto-Danforth

#### 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 11, 2024, the City received an Official Plan and Zoning Bylaw Amendment to permit a mixed-use development on 120 Bouchette Street (the "Site") in the McCleary District. The original proposal included three residential towers at 43-storeys, 46-storeys, and 49-storeys, containing a combined 1,626 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 January 24, 2025.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for January 19, 2026. This report is urgent and cannot be deferred because the procedural deadlines for the hearing are imminent.

#### 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 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**

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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 December 8, 2017, City Council adopted the staff report from the Deputy City Manager, Cluster B, entitled "Port Lands Planning Initiatives – Final Report". This comprehensive effort is the result of analysis and consultation beginning in 2013 and culminating in the Port Lands Planning Framework (PLPF) and the Port Lands Official Plan Modification (OPM). The report recommended a work program to implement Council direction that included a Zoning Review for Port and Industrial Districts, a Precinct Plan for McCleary District, and Urban Design Guidelines for the Production, Interactive and Creative (PIC) Core District. This report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile107844.pdf>

The Port Lands OPM was appealed to the Ontario Land Tribunal and the City worked with the various appellants to resolve land use, compatibility and transportation issues. Following two phases of settlement hearings commencing on April 16, 2021, an OLT Decision was issued on July 11, 2022 bringing the OPM into effect as the Port Lands Areas Specific Policies (PLASP), with the exception of a few site-specific issues. This OLT Decision can be found at the following link:

<https://www.omb.gov.on.ca/edecisions/OLT-22-002109-JUL-11-2022.PDF>

On October 30, 2024, the Planning and Housing Committee considered a report entitled McCleary District Precinct Plan Study Update. This report provided an overview of the study led by CreateTO, working closely with the City of Toronto and Waterfront Toronto, to produce a Precinct Plan in 2025. The report can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH16.8>

On June 11, 2024, the City received a Zoning By-law Amendment application to permit a mixed-use development with three towers ranging from 43- to 49- storeys.

On January 24, 2025, 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 April 10, 2025. A hearing is scheduled for January 19, 2026.

On June 25 and 26, 2025, City Council adopted a Request for Direction Report on the application directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan and 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://www.toronto.ca/legdocs/mmis/2025/te/bgrd/backgroundfile-255537.pdf>

## **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