



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1601-1603 Bathurst Street – Ontario Land Tribunal Hearing – Request for Directions

Date: October 31, 2025

To: City Council

From: City Solicitor

Wards: Ward 12 – Toronto - St. Paul's

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 August 26, 2019, Zoning By-law Amendment, Official Plan Amendment and Site Plan Control applications (the "Applications") were submitted to the City for the properties at 1601-1603 Bathurst Street (the "Site") to permit the construction of an eight-storey residential building containing 79 units.

On May 3, 2022, the applicant submitted revised Applications to the City to permit the construction of a seven-storey residential building containing 79 units.

On April 12, 2024, the applicant submitted further revised Applications for a seven-storey residential building containing 74 units.

On March 5, 2025, the applicant appealed City Council's neglect or failure to make a decision on the Applications (the "Appeal") within the prescribed timelines in the *Planning Act*, to the Ontario Land Tribunal (the "OLT").

On October 17, 2025, the City Solicitor received a "with prejudice", not confidential, settlement offer, consisting of the correspondence attached to this report as Public Appendix "A" and the architectural plans and drawings attached to this report as Public Appendix "B" (the "Settlement Offer"), which propose to modify the Zoning By-law Amendment and Official Plan Amendment applications.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled for May 19 to 29, 2026. The Settlement Offer is open until the end of the City Council meeting commencing on November 12, 2025, at which point it will be withdrawn. Given the deadline for the Settlement Offer, 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

A Request for Direction Report on the Zoning By-law Amendment and Official Plan Amendment applications were adopted by City Council on June 25-26, 2025, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose those applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at: [Agenda Item History - 2025.TE23.10](#)

On October 17, 2025, the City received the Settlement Offer from the applicant's lawyers, Aird & Berlis LLP, which is attached as Public Attachment "A" to this report (the letter), and Public Appendix "B" (the architectural drawings and plans). The Settlement Offer is open until the end of City Council's meeting commencing on November 12, 2025. Should City Council accept the Settlement Offer, the applicant intends to present the revised plans to the OLT for approval; otherwise, the offer will become null and void.

In response to the concerns raised by City staff with the applicant, the revised plans include a number of modifications. This table provides a comparison of the original proposal and the Settlement Offer:

Category	Original Proposal Submitted on August 26, 2019	Settlement Offer Submitted on October 17, 2025
Gross Floor Area	5,991.98 square metres	7,880.97 square metres
Building Height	8 storeys (26.03 metres including the mechanical penthouse / indoor amenity space floor 22.13 metres excluding the mechanical penthouse / indoor amenity space floor)	12 storeys (37.9 metres including the mechanical penthouse / indoor amenity space floor 35.0 metres excluding the mechanical penthouse / indoor amenity space floor)
Residential Units	79 units	106 units
Vehicular Parking Supply	18 parking spaces within 1601 Bathurst Street 15 visitor parking spaces shared with 1603 Bathurst Street	11 parking spaces within 1601 Bathurst Street 12 visitor parking spaces shared with 1603 Bathurst Street
Front yard setback	2.9 metres	2.5 metres
South side yard setback	3.8 to 4.0 metres	4.0 metres
Ecological buffer	Not provided	Provided

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. Public Appendix "A" - With Prejudice Settlement Offer from Aird & Berlis LLP, dated October 17, 2025
2. Public Appendix "B" - Architectural Plans prepared by KIRKOR Architects and Planners, dated October 3, 2025
3. Confidential Attachment 1 - Confidential Information