

**847-855 Kingston Road – Ontario Land Tribunal
Hearing – Request for Directions**

Date: October 31, 2025

To: City Council

From: City Solicitor

Wards: Ward 19 - Beaches - East York

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 10, 2015, Zoning By-law Amendment and Official Plan Amendment applications (the "Applications") were submitted to the City for the properties at 847-853 Kingston Road to permit the construction of a seven-storey mixed-use building.

On December 29, 2022, the applicant submitted revised Applications after acquiring and incorporating the adjacent property at 855 Kingston Road into its proposal (the "Site") to permit the construction of a 11-storey mixed-use building.

On November 12, 2024, the applicant appealed City Council's neglect or failure to make a decision on its Applications within the prescribed timelines in the *Planning Act* (the "Appeal") to the Ontario Land Tribunal (the "OLT").

The City Solicitor requires further directions for the upcoming 15-day OLT hearing scheduled to commence on April 13, 2026. For reasons set out in Confidential Attachment 1, 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, Confidential Appendix "A" and Confidential Appendix "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

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 September 8, 2015, the Toronto and East York Community Council received a Preliminary Report and directed staff to hold a community consultation meeting for the properties at 847-853 Kingston Road. The community consultation meeting was held on April 25, 2016. The Preliminary Report can be found at:

[Agenda Item History - 2015.TE10.66](#)

A Request for Direction Report on the Application was adopted by City Council on April 23 and 24, 2025, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Applications in its current form, 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.TE21.19](#)

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
3. Confidential Appendix "B" - Confidential Information