



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1196-1204 Yonge Street, 1206-1210 Yonge Street and 2-8 Birch Avenue - Request to Review Ontario Land Tribunal Decision – Request for Directions

Date: October 31, 2025

To: City Council

From: City Solicitor

Wards: Ward 12 - 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 April 17 and 18, 2024 City Council considered and accepted a settlement offer from the owner of 1196-1204 Yonge Street, 1206-1210 Yonge Street and 2-8 Birch Avenue. The OLT issued a decision on October 10, 2024 approving the proposed development as set out in the settlement offer.

The applicant has requested that the OLT review its decision. The City Solicitor requires instructions in response to this review request.

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

In November 2021, the City received a Zoning By-Law Amendment application for redevelopment of the site for a 15-storey mixed-use building having a non-residential gross floor area of 200.80 square metres, and a residential gross floor area of 10,225.60 square metres. 59 residential units were proposed. In April 2022, a Site Plan Application was submitted revising the proposal to a 14-storey mixed-use building with 67 residential units.

A Preliminary Report dated January 26, 2022, was considered by Toronto and East York Community Council, and a community consultation meeting was held on February 22, 2022.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE31.41>

On July 19, 20, 21 and 22, 2022, City Council adopted CC47.39 and stated its intention to designate the properties at 1196 (including entrance addresses at 1198 Yonge Street and 2 Birch Avenue), 1202 and 1204 Yonge Street and 1206-1210 Yonge Street under Part IV, Section 29 of the *Ontario Heritage Act*.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC47.39>

On August 25, 2022, ERA Architects Inc., on behalf of the applicant, filed two (2) Heritage Permit Applications for demolition under Section 34(1)2 of the *Ontario Heritage Act* with respect to 1196-1204 Yonge Street and 1206-1210 Yonge Street. On November 23, 2022, City Council adopted Heritage Planning staff's recommendation that the demolition permits be refused. The refusal to issue the demolition permits was appealed to the OLT.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC1.4>

On September 28, 2022, City Council considered an objection to the designation by-laws and nevertheless proceeded to pass By-laws 1241-2022 and 1242-2022 to designate the properties pursuant to Part IV, Section 29 of the *Ontario Heritage Act*.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC50.2>

On February 13, 2024, the City received a Without Prejudice, confidential, settlement offer from the applicant's lawyers, Aird & Berlis LLP. The settlement addressed the *Ontario Heritage Act* appeals and the *Planning Act* appeals. City Council accepted the settlement offer. Council's decisions on the *Planning Act* Appeals and the Ontario Heritage Act appeals can be found here.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.CC17.8>

<https://secure.toronto.ca/council/agenda-item.do?item=2024.CC17.9>

The OLT approved the settlement subject to conditions on October 10, 2024.

REQUEST FOR REVIEW OF THE OLT DECISION

The applicant has advised the City that they wish to file a request with the OLT to review the decision and filed the review request on October 28, 2025 (the "Review Request").

The Review Request proposes several changes to built form, massing and unit count (the "Review Request Revised Proposal") as follows:

- Height increased by 1-storey to 32-storeys (by 10 metres) to accommodate additional habitable space, greater floor-to-ceiling heights and transfer slabs;
- Rental replacement will be provided off-site, reducing impact to tenants;
- Previously provided rental replacement unit GFA to be converted to non-residential GFA (office use);
- Introduction of larger family-sized units, reducing overall unit count to 64 units;
- Improved loading area with the use of a turntable for vehicle movements, creating improved retail spaces on Yonge Street; and
- Reduced the projection of balconies on west elevation and introduced minor projections on the Yonge Street elevation.

The changes between the previous Settlement and the Review Request Revised Proposal are summarized below:

	Original Settlement	Review Request Revised Proposal
Overall Building Height excl. mechanical penthouse (storeys/metres)	31 storeys (114.0 metres excluding mechanical penthouse)	32 storeys (124 metres excluding mechanical penthouse)
Base Building Height (storeys/metres)	North portion: 8 storeys (29.0 metres)	North portion: 8 storeys (29.7 metres)

	Original Settlement	Review Request Revised Proposal
	Western portion: 4 storeys (16.0 metres) Eastern portion: 2-3 storeys (9.0-12.0 metres)	Western portion: 4 storeys (16.6 metres) Eastern portion: Unchanged
Balconies	No projecting balconies on south, east or north elevations.	No projecting balconies on north or south elevations. Recessed and minimal projecting balconies on east and west elevations.
Total Gross Floor Area (square metres)	19,821 square metres	18,021 square metres
Floor Space Index (times the site area)	16.1* estimate	16.86
Tower Floorplate	568 square metres (Up to 15 storeys) 483 square metres (15-31 storeys)	519-626 square metres (Up to 16 storeys) 424-434 square metres (16-32 storeys)
Overall Unit Mix		
Studio	Unit Mix was not determined	0
1-Bedroom		0
2-Bedroom		61
3-Bedroom		3
Total	130	64
Indoor Amenity Space	260 square metres	295 square metres
Outdoor Amenity Space	215 square metres	180 square metres
Vehicular Parking		
Resident	128 spaces	152 spaces
Visitor	12 spaces	3 spaces
Total	140 spaces	155 spaces
Bicycle Parking	130 spaces	65 spaces
Setback on Yonge Street	0 metres	Unchanged
North Side Yard Setback	9.5 metres	Unchanged
West Side Yard Setback	5.5 metres	Unchanged
South Yard Setback	0 metres	Unchanged
Loading	1 Type G Space	1 Type G Space (Turntable)
Heritage	Retained	Retained

COMMENTS

The City Solicitor requires further instructions on this matter. This report contains advice or communications that are subject to solicitor-client privilege.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Review Request from Aird & Berlis LLP, filed October 28, 2025
2. Confidential Attachment 1 - Confidential Information