



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

234 Sheppard Avenue West and 223 Harlandale Avenue - Official Plan Amendment and Zoning By-law Amendment Applications - Request for Directions

Date: December 2, 2025
To: City Council
From: City Solicitor
Wards: Ward 18 - Willowdale

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 234 Sheppard Avenue West and 223 Harlandale Avenue as a result of Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*.

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, along with the entirety of Confidential Appendix "A", Confidential Appendix "B" and Confidential Appendix "C" 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 June 24 and 26, 2025, City Council directed the City Solicitor and appropriate staff to attend the Tribunal in opposition to the appeal of the Official Plan Amendment and Zoning By-law Amendment for 234 Sheppard Avenue West and 223 Harlandale Avenue and continue discussions to resolve matters. City Council's decision may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.NY24.5>

Appeal to Ontario Land Tribunal

On June 2, 2025, the applicant appealed the Official Plan Amendment and Zoning By-law Amendment applications to the Tribunal due to Council's failure to make a decision within the timeframe in the *Planning Act* for 234 Sheppard Avenue West and 223 Harlandale Avenue.

COMMENTS

On November 15, 2024, deemed complete on January 14, 2025, an Official Plan Amendment and Zoning By-law Amendment application was submitted to permit a 4-storey residential condominium building with 15 units fronting onto Harlandale Avenue, and an 11-storey mixed-use building with 43 rental residential units and 136 square metres of retail at-grade fronting onto Sheppard Avenue West. The total gross floor area of both buildings would be 3,784 square metres, resulting in a density of 3.45 times the combined area of the lots. The 11-storey building fronting onto Sheppard Avenue West has a gross floor area of 2,783 square metres, resulting in a density of 5 times the lot area. The buildings are connected through one level of below-grade parking, providing 15 parking spaces, including 6 visitor spaces. Shared driveway access to the site is proposed from Senlac Road, leading to two at-grade pick-up and drop-off spaces located at rear of the 11-storey building. The Official Plan Amendment and Zoning By-law Amendment applications for 234 Sheppard Avenue West and 223 Harlandale 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 March 5, 2026. On the basis of these deadlines, this matter is urgent.

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
4. Confidential Appendix "C" - Confidential Information