



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3386 to 3398 Bayview and 32 Brenham Crescent – Ontario Land Tribunal Hearing – 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 potential litigation.

SUMMARY

On December 16, 2024, the City received a Zoning By-law Amendment application for 3386 to 3398 Bayview Avenue and 32 Brenham Crescent (the "Site") to permit the construction of two rows of fifty (50) 4-storey townhouses, with twenty-five (25) townhouses in each row.

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 April 11, 2025.

The City Solicitor requires further directions for the upcoming eight-day OLT hearing commencing on January 20, 2026. The City Council meeting commencing on December 16, 2025 is the last opportunity for the City Solicitor to receive instructions prior to the commencement of the hearing. 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, and the entirety of 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 December 16, 2024, the City received a Zoning By-law Amendment application to permit the construction of two rows of fifty (50) 4-storey townhouses, with twenty-five (25) townhouses in each row. The Refusal Report dated April 9, 2025 can be found at: [Agenda Item History - 2025.NY23.13](#)

On April 11, 2025, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. In light of the appeal, a Supplementary Report, dated April 24, 2025, was submitted and can be found at: [Agenda Item History - 2025.NY23.13](#)

The Refusal Report and the Supplementary Report on the application, which directed the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment application, and to continue discussions with the applicant in an attempt to resolve outstanding issues, were adopted by City Council on May 21 and 22, 2025.

The OLT held the first Case Management Conference on June 23, 2025. An eight-day hearing is scheduled for January 20 to January 30, 2026.

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