



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

4875 Dundas Street West – Ontario Land Tribunal Hearing – Request for Directions

Date: December 2, 2025

To: City Council

From: City Solicitor

Wards: Ward 3 – Etobicoke-Lakeshore

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 May 7, 2024, Zoning By-law Amendment, and Official Plan Amendment applications (the "Applications") were submitted to the City for the property at 4875 Dundas Street West (the "Site") to permit the construction of a 45-storey mixed-use building containing 488 residential units, of which 56 are rental replacement units, and 461 square metres of at-grade retail uses.

On January 13, 2025, the applicant appealed City Council's decision to refuse the Applications to the Ontario Land Tribunal (the "OLT").

On November 28, 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 Applications.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled for April 13 to 24, 2026. The Settlement Offer is open until the end of the City Council meeting commencing on December 16, 2025, at which point it will be withdrawn.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 Applications were adopted by City Council on December 17 and 18, 2024. City Council refused the Applications and directed City staff, in the event of an appeal, 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 - 2024.EY18.6](#)

On November 28, 2025, the City received the Settlement Offer from the applicant's lawyers, Stikeman Elliott 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 December 16, 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 May 7, 2024	Settlement Offer Submitted on November 28, 2025
Gross Floor Area	33,919 square metres	33,919 square metres
Non-Residential Gross Floor Area	461 square metres	500 square metres
Overall Building Height	45 storeys (144.09 metres, excluding mechanical penthouse)	42 storeys (138.8 metres, excluding mechanical penthouse)
Base Building Height	4 storeys (18.59 metres) with a 2 metre stepback above the ground floor	5 storeys (21.6 metres) with a 2 metre stepback above the ground floor and a 2 metre stepback above 4th floor
Tower Floorplate	800 square metres	825 square metres
Front Yard Tower Setback	7 metres, with setback encroachments	10 metres, with no permitted setback encroachments
Total Residential Units	488 (not providing a minimum of 10 percent 3-bedroom units)	445 (providing a minimum of 15 percent for 2-bedroom units and 10 percent for 3-bedroom units)
Total Amenity Space	1,966 square metres	1,780 square metres

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 Stikeman Elliott LLP, dated November 28, 2025
2. Public Appendix "B" - Architectural Plans prepared by Graziani + Corozza Architects, dated November 27, 2025
3. Confidential Attachment 1 - Confidential Information