



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3019 Dufferin Street – Zoning By-law Amendment Application - Ontario Land Tribunal Hearing – Request for Directions

Date: December 3, 2025

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton-Lawrence

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, 2016, the City received a Zoning By-law Amendment application for 3019 Dufferin Street (the "Site") to permit the construction of an eight-storey, mixed use building. The then applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment to the then Local Planning Appeal Tribunal (the "LPAT", now the Ontario Land Tribunal) on November 28, 2017. The applicant revised the proposal on March 2, 2018, with the building remaining an eight-storey mixed-use building.

City Council adopted a Request for Directions Report at its meeting of January 30 and 31, 2019, authorizing the City Solicitor to attend at the LPAT in support of the revised proposal. The LPAT issued an Order on September 6, 2019 allowing the development in principle, subject to a number of conditions. A Final Order was never issued on the appeal.

The applicant submitted a revised proposal for the Site for a 29-storey mixed use building prior to an Ontario Land Tribunal (the "OLT") Case Management Conference on March 20, 2025. City Council adopted a Request for Directions Report at its meeting of July 23 and 24, 2025, directing the City Solicitor to oppose the revised proposal at the OLT, and authorizing the City Solicitor and Staff to continue discussions with the applicant to address outstanding issues.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled to commence on March 16, 2026. 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, along with the entirety of Confidential Appendix "A" 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, 2016, the City received a Zoning By-law Amendment application to permit the construction of an eight-storey mixed use building. A Preliminary Report on the application was adopted with amendments by North York Community Council on May 2, 2017. The Preliminary Report can be found at:
[Agenda Item History - 2017.NY22.8](#)

On November 28, 2017, the applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment to the LPAT (the "Appeal"). The applicant further revised the proposal on March 2, 2018.

A Request for Directions Report on the application was adopted by City Council on January 30 and 31, 2019, directing the City Solicitor and appropriate City staff to attend the LPAT hearing in support of the Zoning By-law Amendment application, subject to some outstanding issues being satisfactorily addressed. The Request for Direction Report can be found at:
[Agenda Item History - 2019.NY2.5](#)

The LPAT issued an Order on September 6, 2019 allowing the development in principle, subject to a number of conditions. A Final Order was never issued on the Appeal.

The applicant submitted a revised proposal for a 29-storey mixed use building (the "Revised Proposal") prior to an OLT Case Management Conference on March 20, 2025.

A Request for Directions Report on the revised proposal was adopted by City Council on July 23 and 24, 2025, directing the City Solicitor to oppose the revised proposal at the OLT, and directing the City Solicitor and appropriate City staff to continue discussions with the applicant to obtain additional required information, and to address outstanding issues. The Request for Direction Report can be found at: [Agenda Item History - 2025.CC32.19](#)

The OLT has scheduled a two-week hearing to commence on March 16, 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