



## **REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT**

### **3377 Bayview Avenue - Request to Review Ontario Land Tribunal Decision – Request for Directions**

**Date:** December 3, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 17 - Don Valley North

#### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

#### **SUMMARY**

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On March 29, 30 and 31, 2023, City Council considered and accepted a settlement offer from the owner of 3377 Bayview Avenue. The OLT issued a decision on August 11, 2023 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**

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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

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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

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On June 13, 2021, an Official Plan and Zoning By-law Amendment application was submitted to permit a development consisting of 15 residential buildings occurring in three phases of development at 3377 Bayview, the site of Tyndale University ("the Site"). The application was revised in January 2022 to propose 14 residential buildings ranging in height from 6 to 20 storeys. The applicant proposed 84,650 square metres of residential gross floor area, resulting in 1,530 residential units, of which 50 percent were proposed to be affordable rental, and 50 percent were proposed to be market rental. A Plan of Subdivision application was also submitted to create a new public street, 4 proposed development blocks and two park blocks.

On March 3, 2022, the Applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frames prescribed in the *Planning Act*. The Plan of Subdivision application was not appealed to the OLT.

A Request for Direction Report on the application was adopted by City Council on June 15 and 16, 2022, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law and Official Plan Amendment applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues.

The Request for Direction Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.NY32.6>

On July 20, 2022 the Tribunal held a Case Management Conference with respect to the proceedings where TRCA and The Bayview Woods Neighbourhood Association ("BWNA") were granted Party status. A three week hearing was scheduled for July 10, 2023.

On March 14, 2023, the City received a Without Prejudice, confidential, settlement offer from the applicant's lawyers, Goodmans LLP. City Council accepted the settlement offer at its meeting of March 29, 2023. The decision document can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC5.29>

Also at its meeting of March 29, 2023, City Council stated its intention to designate the property at 3377 Bayview Avenue under Part IV, Section 29 of the *Ontario Heritage Act* for its cultural heritage value. The report can be found at this link:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH2.14>

The BWNA appealed Heritage Designation By-Law 438-2023 to the OLT on July 12, 2023. Counsel for the Applicant brought a motion to have the appeal dismissed for

being frivolous and vexatious and was successful. On July 21, 2023 the BWNA withdrew as a party from the OLT Official Plan and Zoning By-law matter.

The OLT approved the Council adopted settlement subject to conditions on August 11, 2023. The approved proposal consists of twelve (12) new residential buildings to be developed in three (3) phases comprising a total of 1,510 residential units, a new public road, two (2) public parks and a privately-owned publicly accessible open space. The majority of the buildings are in a mid-rise form, ranging in height from six (6) to eight (8) storeys, with the exception of two taller buildings with heights of fifteen (15) storeys and twenty-four (24) storeys. Two hundred and five (205) affordable housing units were secured for a period of 99 years through the City's Open Door Affordable Housing Program, as well as an additional thirty-four units (34) as a CBC in-kind contribution for a total of 239 affordable units. The existing University would remain and operate on site.

## **REQUEST FOR REVIEW OF THE OLT DECISION**

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

The Review Request proposes the following change:

- The depth of the Buildings in Blocks 4 and 5 (Buildings 3G, 3H, 3J, and 3K) has increased from 14.625 metres to 17.0 metres, resulting in modifications to the location of the buildings and the setbacks between them to accommodate appropriate facing distances, including shifting Building 3G to the north by 1.7 metres, shifting Building 3H to the north by 0.4 metres, and shifting Building 3J to the south by 1.1 metres.
- An increase in the metric height of the 6- and 8-storey building elements in Blocks 4 and 5 to add 1.2 metres to the 6-storey elements in Buildings 3H and 3J and to add 1.8 metres to the 8-storey elements in Buildings 3H, 3G and 3K. In addition, the height of Building 3K is increased from 6 to 8 storeys. These modifications to the building heights are to accommodate the mass timber modules that have greater vertical clearance requirements.
- The footprint and location of Building 3J have been modified to provide a right angle where the two wings of Buildings 3J and 3H meet, shifting the building generally to the east ensuring an 11 metre separation between facing windows and to limit projecting balconies at the northwest corner of the building.
- The unit count across the entire proposal has been reduced from 1,510 to 1,392.
- The number of affordable units (239) has not changed from the 2023 OLT Settlement, but the phasing of the affordable units has been amended to front load the delivery to the first phase of development, providing 102 affordable units in the first phase.

- With the removal of the underground parking beneath Blocks 1, 2, 4 and 5, a temporary surface parking lot is proposed on Block 6 to accommodate the vehicle parking for Blocks 4 and 5 as well as some parking for Tyndale University while a permanent above-grade parking structure is constructed on Block 2.
- The revised proposal will permit a permanent above-grade parking structure on Block 2 that will include active, retail and/or community uses at grade abutting the public street frontages in a portion of the ground floor of the structure.
- The shared Type G loading space supporting Blocks 4 and 5 has been relocated from Building 3H to be integrated into Building 3J.

No changes are proposed to the number of affordable housing units, the limits of development or environmental areas, the general location or amount of public parkland and POPS, the location of the proposed public road, or matters related to cultural heritage. The revised proposal maintains the residential parking rate of 0.56 excluding visitor spaces that applies site-wide, subject to the finalization of a revised Transportation Impact Study which will confirm the rate to be included in the final ZBA.

## **COMMENTS**

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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**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Public Attachment 1 - Review Request from Goodmans LLP, filed November 28, 2025
2. Confidential Attachment 1 - Confidential Information