



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

0, 119-125, 160 & 200 Benny Stark Street and 116-122 Turnberry Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: December 8, 2025

To: City Council

From: City Solicitor

Wards: Ward 9 - Davenport

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 October 21, 2021, the City received an Official Plan and Zoning By-law Amendment application for 0, 119-124, 160 and 200 Benny Stark Street (the "Site") to permit the redesignation of the lands from Core Employment Areas to Mixed Use Areas and Parks and Natural Areas and to develop the lands with three-storey townhouses, three mid-rise buildings with heights ranging between eight and 10 storeys, four tall buildings, with heights of 22, 24, 38 and 46 storeys, new public roads and a City park. A Draft Plan of Subdivision application was also submitted.

On January 27, 2025, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the timeframe prescribed by the *Planning Act*. The Draft Plan of Subdivision application was not included in the appeal.

On January 27, 2025, the applicant appealed City Council's neglect or failure to make a decision on the application. The OLT held the first Case Management Conference on April 9, 2025. A ten-day hearing was scheduled on July 8, 2025 to commence on February 2, 2026.

The City Solicitor requires further directions for the upcoming ten-day OLT hearing scheduled to commence on February 2, 2026.

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

A Preliminary Report on the application at 0, 119-125, 160, and 200 Benny Stark Street and 116-122 Turnberry Avenue was adopted by Planning and Housing Committee on February 15, 2022. Staff were directed to schedule a community consultation meeting with an expanded notice area and to review the applications, which included the conversion of lands from Core Employment Areas to Mixed Use Areas and Parks and Natural Areas for the purpose of permitting non-employment uses, concurrently and in the context of the statutory review of the Official Plan, which included the Municipal Comprehensive Review that had commenced by the City. The Preliminary Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.9>

On August 15, 2025, the Minister of Municipal Affairs and Housing approved the Keele-St. Clair Secondary Plan ("OPA 537"), which was adopted by City Council on July 19 to 22, 2022. The OPA designated the plan area as a Protected Major Transit Station Area. The Minister's decision can be found at:

<https://ero.ontario.ca/notice/019-5872>

The Appeal Report, 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, was adopted by City Council on June 25, 2025.

The Appeal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.TE23.8>

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