



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 278-280 Viewmount Avenue – Ontario Land Tribunal Hearing – Request for Directions

**Date:** January 22, 2026

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 8 - Eglinton-Lawrence

#### 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 December 22, 2022, the City received a Zoning By-law Amendment application for the lands at 278-280 Viewmount Avenue (the "Site") to permit the construction of a 33-storey residential building with 342 dwelling units (the "Application").

On December 21, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Application to the Ontario Land Tribunal (the "Appeal").

The City Solicitor requires further directions in respect of the Appeal. This matter is urgent and should not be deferred.

#### 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 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**

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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 April 17 and 18, 2024, an Appeal Report in respect of the Application from the Director, Community Planning, North York District was adopted by City Council. The Appeal Report recommended the City Solicitor and appropriate City staff attend the Ontario Land Tribunal ("OLT") hearing to oppose the Appeal and to continue discussions with the applicant to resolve outstanding issues. City Council's consideration of the matter, as well as the Appeal Report itself, can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2024.NY12.6>

The OLT held the first Case Management Conference ("CMC") in respect of the Appeal on March 27, 2024. The OLT held a second CMC on May 9, 2024 - after the City Solicitor had received instructions via the adopted Appeal Report - at which it scheduled a two-week hearing to commence on February 3, 2025.

The OLT adjourned the hearing *sine die* on October 8, 2024 at the request of the applicant.

## **COMMENTS**

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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**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information