



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

1799 St. Clair Avenue West – Ontario Land Tribunal Hearing – Request for Directions

Date: January 22, 2026
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 August 15, 2021, the City received an Official Plan Amendment and Zoning By-law Amendment application for 1799 St. Clair Avenue West (the "Site") to redesignate the subject lands from General Employment to Mixed Use Areas and to permit the construction of three towers with heights of 30, 40 and 45 storeys, including base buildings ranging in height from three to eight storeys, with two towers fronting onto St. Clair Avenue West and the third tower located to the south. In addition, the City received a Site Plan application, and an application for a proposed plan of subdivision, proposing the subdivision of the Site into several blocks to accommodate the proposed buildings, public and private laneways and municipal services.

The applicant appealed City Council's neglect or failure to make a decision on these applications to the Ontario Land Tribunal (the "OLT") on January 24, 2025.

The City Solicitor requires further directions by the conclusion of the City Council meeting scheduled for February 4 to 5, 2026. A 9-day hearing is scheduled to commence on June 1st, 2026. This matter is urgent and should not 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, and the entirety of Confidential Appendix "A", Confidential Appendix "B" and Confidential Appendix "C", 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 August 15, 2021, the City received an Official Plan and Zoning By-law Amendment application to permit to redesignate the Site from General Employment to Mixed Use Areas and to permit the construction of three towers with heights of 30, 40 and 45 storeys, including base buildings ranging in height from three to eight storeys, with two towers fronting onto St. Clair Avenue West and the third tower located to the south. In addition, the City received a Site Plan application, and an application for a proposed plan of subdivision, proposing the subdivision of the Site into several blocks to accommodate the proposed buildings, public and private laneways and municipal services. The Preliminary Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH27.3>

On January 24, 2025, the applicant appealed City Council's neglect or failure to make a decision on the applications to the OLT. The OLT held the first Case Management Conference on May 16, 2025. A 9-day hearing is scheduled to commence on June 1st, 2026.

An Appeal Report on the application was adopted by City Council on June 25 and 26, 2025 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the 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=2025.TE23.9>

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
4. Confidential Appendix "C" - Confidential Information