



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

40 - 62 Spadina Avenue and 378 Wellington Street West - Official Plan Amendment and Zoning By-law Amendment – Ontario Land Tribunal Hearing – Request for Directions

Date: March 10, 2026

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina - Fort York

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 10, 2022, the City received Official Plan and Zoning By-law Amendment applications for 40 - 62 Spadina Avenue and 378 Wellington Street West (the "Site") to permit the construction of a 28-storey (93 metres, including mechanical penthouse) mixed-use building. The proposal included retail at grade, two levels of office, and 521 residential units above. The façade of the existing four-storey factory building was proposed to be retained and incorporated into the new development.

On May 15, 2024, the applicant submitted a revised proposal for a 30-storey (99 metres, including mechanical penthouse) mixed-use building with retail at-grade, no office component, and 550 residential units.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Official Plan and Zoning By-law Amendments (the "Appeal") to the Ontario Land Tribunal (the "OLT") on July 9, 2024, and a two-week hearing is scheduled to commence on June 8, 2026.

The site is located within the King-Spadina Heritage Conservation District Plan area and the building at 46 Spadina Avenue (including 40, 42, 44 and 50 Spadina Avenue) is identified as a contributing Industrial/Commercial building within the plan.

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The City Solicitor requires further directions for the upcoming OLT hearing scheduled for June 8, 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, 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

Development Application

On August 10, 2022, the City received Official Plan and Zoning By-law Amendment applications to permit the construction of a 28-storey (93 metres, including mechanical penthouse) mixed-use building.

On July 9, 2024, the applicant appealed City Council's neglect or failure to make a decision on its applications for the Official Plan and Zoning By-law Amendments and a two-week hearing is scheduled to commence on June 8, 2026.

An Appeal Report on the application was adopted by City Council on March 26 and 27, 2025, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan Amendment and Zoning By-law Amendment applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues.

The Appeal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.TE20.11>

Heritage Permit Applications

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On March 26 and 27, 2025, City Council consented to the application to alter the contributing designated building at 46 Spadina Avenue and demolish the non-contributing designated building at 58 Spadina Avenue and two outbuildings at 46 Spadina Avenue, with conditions, under Part V, Section 42 of the *Ontario Heritage Act*, to allow for the construction of a 30-storey mixed-use building at 46-58 Spadina Avenue and 378 Wellington Street West.

<https://secure.toronto.ca/council/agenda-item.do?item=2025.TE20.12>

On March 12, 2026, the Toronto Preservation Board considered a report from the City Solicitor regarding Alterations to and Demolition of Buildings at Heritage Properties Designated Under Part V of the Ontario Heritage Act for revised alterations to the contributing property at 46 Spadina Avenue, and for the demolition of the buildings located on the non-contributing property at 58 Spadina Avenue, two outbuildings at 46 Spadina Avenue that are not identified as contributing to the KSHCD Plan, and the erection of a new building/structure. The advice of the Toronto Preservation Board can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2026.PB41.3>

COMMENTS

The Site is located within the King-Spadina Heritage Conservation District Plan area and requires an application under Section 42 of the Ontario Heritage Act, which requests City Council's consent for revised alterations to the contributing building and the demolition of the other buildings on the site. An application was submitted to Heritage Planning staff and is being considered at the same time as this report. A City Solicitor's Report on the Heritage Permit Application will be considered by the Toronto Preservation Board on March 12, 2026, and that advice will be considered at the same City Council meeting as this report.

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

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ATTACHMENTS

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