

**444-468 Eglinton Avenue West – Official Plan and
Zoning By-law Amendment Application – Ontario Land
Tribunal Hearing – Request for Directions**

Date: March 11, 2026

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton-Lawrence

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 March 29, 2023, the City received an Official Plan Amendment and Zoning By-law Amendment application for 444-466 Eglinton Avenue West to permit the construction of a 19-storey (70.3-metre, inclusive of mechanical penthouse) mixed-use building containing 185 dwelling units and retail space on the ground floor.

The applicant appealed City Council's neglect or failure to make a decision on the application to the Ontario Land Tribunal (the "OLT") on July 19, 2024.

At its meeting on November 13 and 14, 2024, City Council directed the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the application, and to continue discussions with the applicant to resolve outstanding issues.

On January 18, 2025, the applicant submitted revised plans to the OLT (the "Revised Proposal"). The Revised Proposal sought to permit a 31-storey (105.6-metre, inclusive of mechanical penthouse) mixed-use building with 322 dwelling units and retail space on the ground floor, and incorporated the lands located at 468 Eglinton Avenue West given a change in ownership.

Between June 17 and June 25, 2025, the OLT held a contested hearing in respect of the Revised Proposal.

On July 25, 2025, the OLT dismissed the applicant's appeal of the Revised Proposal in principle and directed the City and applicant to consider a resolution aligned with the OLT's findings (the "Decision"). The OLT also directed the parties to advise the OLT

within six months of the Decision's issuance on the status of discussions and requested next steps.

On January 30, 2026, the OLT ordered a Hearing Continuation focused only on height, and if necessary, setbacks.

On March 11, 2026, the applicant submitted further revised plans to the OLT for the purpose of the Hearing Continuation (the "Hearing Continuation Plans"). The Hearing Continuation Plans propose a building of 26 storeys that is otherwise identical, in terms of built form, to the 31-storey proposal that was adjudicated by the OLT in the contested hearing.

The City Solicitor requires further directions in respect of the OLT Hearing Continuation.

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" 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

An Appeal Report was adopted by City Council at its meeting on November 13 and 14, 2024, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Appeal, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Appeal Report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.NY18.8>

On January 18, 2025, the applicant submitted the Revised Proposal to the OLT, which sought to permit the construction of a 31-storey (105.6-metre, inclusive of mechanical penthouse) mixed-use building containing 322 dwelling units and retail space on the ground floor. The Revised Proposal incorporated the lands located at 468 Eglinton Avenue West, as the applicant had acquired that property subsequent to commencing its appeal.

After a hearing on the merits, on July 25, 2025, the OLT dismissed the Revised Proposal in principle and directed the City and applicant to consider a resolution aligned with the findings in the OLT's Decision. The OLT also directed the parties to advise the OLT within six months of the Decision's issuance on the status of discussions and requested next steps. The OLT's Interim Decision can be found here: <https://www.omb.gov.on.ca/e-decisions/OLT-24-000731-JUL-25-2025.PDF>.

On October 23, 2025, the Chair of the OLT dismissed the applicant's Request for Review of the Decision.

The City and applicant engaged in OLT-led mediation in December 2025. On January 28, 2026, the OLT held a Status Hearing in accordance with the Decision.

On January 30, 2026, the OLT ordered a Hearing Continuation focused only on height, and if necessary, stepbacks.

On March 11, 2026, the applicant submitted the Hearing Continuation Plans to the OLT. These plans propose the same built form as what was before the OLT at the contested hearing, with the exception of a height reduction of 5 storeys to 26 storeys. In addition, the Hearing Continuation Plans were accompanied by a letter that expressed the applicant's willingness to work with the City to refine the stepback on the north side of the proposed building to ensure the 3.0 metre is more strongly defined. The letter and the Hearing Continuation Plans are attached as Public Attachment 1.

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

Jamie Dexter, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-8109; Email: Jamie.Dexter@toronto.ca

Kasia Czajkowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-5725; Email: Kasia.Czajkowski@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Hearing Continuation Letter from Goodmans LLP, dated March 11, 2026, and Architectural Plans prepared by Core Architects, dated January 9, 2026
2. Confidential Attachment 1 - Confidential Information
3. Confidential Appendix "A" - Confidential Information