

**5051-5061 Yonge Street – Ontario Land Tribunal
Hearing – Request for Directions**

Date: May 5, 2026

To: City Council

From: City Solicitor

Wards: Ward 18 - Willowdale

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 December 14, 2020, the City received Zoning By-law and Official Plan Amendment applications for 5051-5061 Yonge Street (the "Site") to permit the construction of a 42 storey (135 metres excluding mechanical penthouse) mixed-use building with non-residential uses on the first 6 storeys, and residential uses above, with a total of 350 units. On October 26, 2022, a revised application was submitted proposing a 39 storey (126 metres excluding mechanical penthouse) mixed use building with non-residential uses on the first two storeys, and residential uses above with a total of 365 units.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Official Plan and Zoning By-law Amendments (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on January 18, 2023. A ten-day OLT hearing was scheduled to commence on May 15, 2024, but was adjourned by the applicant so that further direction could be sought from City Council.

On July 24, 2024, City Council adopted item DM20.1, accepting a settlement offer for the Site, which proposed a 55-Storey building with a tower floorplate of 766 square metres, containing 2,135 square metres of non-residential GFA. At that Council meeting, a further recommendation was added by way of motion to secure an in-kind CBC contribution consisting of an onsite community space of at least 604 square metres. The City Solicitor requires further directions on this matter, as it remains under appeal, and the applicant has proposed changes to its proposal.

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 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 was adopted by North York Community Council on March 1, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification area:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.NY22.12>

An Appeal Report on the application was adopted by City Council on June 14 and 15, 2023, directing 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. The Council decision and Appeal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NY5.11.11>

A ten-day OLT hearing was scheduled to commence on May 15, 2024, but was adjourned by the applicant so that further direction could be sought from City Council. On July 24, 2024, City Council adopted item DM20.1, accepting a settlement offer for a 55-Storey building with a tower floorplate of 766 square metres, containing 2,135 square metres of non-residential GFA. At that Council meeting, a further recommendation was added by way of motion to secure an in-kind CBC contribution consisting of an onsite community space of at least 604 square. The report and related motions can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.DM20.1>

After Council ratification, the applicant chose not to pursue the settlement and never asked to have a hearing date set at the OLT. Due to evolving market considerations, the applicant in this matter has reconsidered their approach to developing the Site. The City Solicitor requires further directions on this matter, as it remains under appeal, and the applicant has proposed changes to its proposal.

On April 8, 2026, the City received a With Prejudice, non-confidential, settlement offer from the applicant's lawyers, Goodmans LLP, which is attached as Public Attachment 1 (the "Revised Settlement Offer"). The Revised Settlement Offer contains revised plans (the "Revised Plans"). The Revised Settlement Offer is open until the end of the City Council meeting commencing on May 20, 2026. Should City Council accept the Revised Settlement Offer, the applicant intends to present the Revised Plans to the OLT for approval; otherwise, the offer will become null and void. The Revised Settlement Offer differs from the original proposal and the settlement offer adopted by Council in 2024 as follows:

	Request for Direction Report (plans dated October 19, 2022)	Settlement Offer Plans dated March 15, 2024	Settlement Offer Plans date April 14, 2026
Site Area	2,885 square metres	2,885 square metres	2,885 square metres
FSI	10.15	14.46	11.62
GFA	28,983 square metres	41,727 square metres	33,174.1 square metres
Non-Residential GFA	1,229.49 square metres	2,135.0 square metres	898 square metres
Affordable Housing GFA	0 square metres	333.71 square metres	0 square metres
Indoor Amenity	2.4 square metres/unit	1.5 square metres/unit	1.5 square metres/unit
Outdoor Amenity	2.0 square metres/unit)	1.5 square metres/unit	1.5 square metres/unit

	Request for Direction Report (plans dated October 19, 2022)	Settlement Offer Plans dated March 15, 2024	Settlement Offer Plans date April 14, 2026
Units	1 Bedroom –221 (60.54 percent) 2 Bedroom – 101 (27.67 percent) 3 Bedroom – 43 (11.78 percent) = 365 units	1 Bedroom – 517 (74.8 percent) 2 Bedroom – 105 (15.1 percent) 3 Bedroom – 70 (10.1 percent) = 692 units	Studio – 132 (22.6 percent) 1 Bedroom – 306 (52.4 percent) 2 Bedroom – 88 (15.1 percent) 3 Bedroom – 58 (9.9 percent) = 584 units
Building Height (excluding mechanical penthouse)	39 Storeys/130.9 metres	55 Storeys/175.4 metres	42 Storeys/136.4 metres
Tower Floorplate (Gross Construction Area)	718 square metres	766 square metres	784 square metres

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. Public Attachment 1 - With Prejudice Settlement Offer from Goodmans LLP, dated April 23, 2026
2. Public Attachment 2 - With Prejudice Revised Plans, dated April 8, 2026
3. Confidential Appendix "1" - Confidential Information