



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

112 Walmer Road – Development Charges Complaint and Parkland Levy Appeal – Request for Directions

Date: May 6, 2026

To: City Council

From: City Solicitor

Wards: Ward 11 – University-Rosedale

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 29, 2024, the City received a complaint from 1000229415 Ontario Inc., (the "Owner"), pursuant to Section 20 of the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the "Section 20 Complaint"), for 112 Walmer Road (the "Site") regarding the payment of development charges as well as an appeal of the cash-in-lieu of parkland payment made to the City pursuant to section 42 of the *Planning Act*. The complaint and appeals derive from a development of a fourplex plus a garden suite, totalling five units on the subject property.

The City Solicitor requires further directions. For reasons set out in Confidential Attachment 1, this matter is urgent and cannot be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council direct that the confidential recommendations and all other information contained in Confidential Attachment 1 and Confidential Appendix "A" to this report from the City Solicitor is to remain confidential, at the discretion of the City Solicitor, as it contains advice and information which is subject to solicitor-client privilege.

FINANCIAL IMPACT

The financial impact of adopting the recommendations in this report is detailed in Confidential Attachment 1 to this report.

DECISION HISTORY

On April 24, 25, 26 and 27, 2018, City Council adopted Item EX33.3, which initiated, as part of the Laneway and Garden Suites initiative, the Development Charges Deferral Program for Ancillary Secondary Dwelling Units program to encourage eligible property owners to develop laneway suites by deferring development charges for eligible laneway or garden suites that were subject to deferral agreements under the *Development Charges Act, 1997*. City Council's resolution for Item EX33.3 can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.EX33.3>

Since then, further exemptions of development charges and cash-in-lieu of parkland for multiplexes and laneway and garden suites were introduced and incorporated in the relevant Articles of Chapter 415 of the Municipal Code, being the Development Charges By-law and the Alternative Parkland Dedication By-law, as amended.

On August 29, 2024, the City received a complaint from 1000229415 Ontario Inc., pursuant to Section 20 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, for 112 Walmer Road regarding the payment of development charges on the Site. The Complainant disputed the \$48,580.00 of development charges it paid to the City and sought a refund of the development charges it paid. An appeal pursuant to Section 42(10) of the *Planning Act* was also made to the OLT to dispute the payment of \$32,640.14 in cash-in-lieu of parkland.

On February 17, 2025, pursuant to Section 22(2) of the *Development Charges Act, 1997*, the Owner appealed City Council's neglect or failure to make a decision on its complaint to the Ontario Land Tribunal (the "OLT"). A two day OLT hearing was scheduled to commence on June 19, 2025, however, it was adjourned to allow for further discussions between the City and the Owner.

On December 17 and 18, 2024, City Council adopted Item PH17.6, which expanded the parkland exemptions for multiplex and garden or laneway suites by enacting By-law 1421-2024, which exempted fourplexes plus a garden or laneway suite from parkland dedication provided that such exemption applied to no more than five total residential units on a single parcel of land. City Council's resolution for Item PH17.6 can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH17.6>

On July 23 and 24, 2025, City Council adopted Item MM32.5, which further expanded the development charge and parkland levy exemptions for multiplexes and garden or laneway suites by enacting By-law 845-2025. The effect of adopting MM32.5 is that no development charges would be payable for up to six dwelling units on a single parcel of land or seven, where the seventh unit was an eligible

garden or laneway suite that is the subject of a Development Charge Deferral Agreement for Ancillary Dwelling Units. Further, no parkland levies would be payable on the creation of the second through seventh unit where the seventh unit is a laneway or garden suite. City Council's resolution for Item MM32.5 can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.MM32.5>

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about an ongoing complaint 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