

2-4 and 80 Union Street – Ontario Land Tribunal Hearing – Request for Directions

Date: May 7, 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 November 16, 2021, the City received an Official Plan and Zoning By-Law Amendment application to permit the redesignation of the lands at 2-4 and 80 Union Street (the "Site") from Core Employment Areas to Mixed Use Areas. The application proposed three mixed-use buildings, ranging in height between 39 and 49 storeys, containing commercial, office, retail and residential uses.

On April 23, 2025, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the timeframe prescribed by the *Planning Act*.

The OLT held the first Case Management Conference on June 27, 2025 and a second Case Management Conference on October 20, 2025.

The City Solicitor requires further directions for the upcoming ten-day OLT hearing scheduled to commence on July 13, 2026. For reasons set out in Confidential Attachment 1, 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, 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

A Preliminary Report on the application at 2-4 and 80 Union Street was adopted by the Planning and Housing Committee on February 15, 2022. Staff were directed to schedule a community consultation meeting with an expanded notice area and to review the applications, which included the conversion of lands from Employment Areas to Mixed Use Areas for the purpose of permitting non-employment uses, concurrently and in the context of the statutory review of the Official Plan, which included the Municipal Comprehensive Review that had been commenced by the City. The Preliminary Report can be accessed at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.10>

On November 8, 2023, City Council adopted a City-Initiated Zoning By-law Amendment to permit the construction of St. Clair-Old Weston Station at 2 and 80 Union Street. City Council's decision can be accessed at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH7.4>

On August 15, 2025, the Minister of Municipal Affairs and Housing approved the Keele-St. Clair Secondary Plan ("OPA 537"), which was adopted by City Council in July 2022. The OPA designated the plan area as a Protected Major Transit Station Area and converted the lands at 2-4 & 80 Union Street to a Mixed Use Areas designation. The Minister's decision can be found at:

<https://ero.ontario.ca/notice/019-5872>

An Appeal Report, which directed the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the OPA and Zoning By-law Amendment application, and to continue discussions with the applicant to resolve outstanding issues, was adopted by City Council on October 9, 2025. The Appeal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.TE25.11>

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

Horatio Waller, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-1614;
Email: Horatio.Waller@toronto.ca

Cameron McKeich, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-4891; Email: Cameron.McKeich@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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