

## **54 to 66 Fraser Avenue and 68 Fraser Avenue (147 Liberty Street) – Alterations to a Designated Heritage Property, Demolition of Heritage Attributes and the Demolition of a Building under Sections 33, 34(1)(1) and 34(1)(2) of the Ontario Heritage Act – Request for Directions**

**Date:** July 8, 2026

**To:** Toronto Preservation Board and City Council

**From:** City Solicitor

**Wards:** Ward 10 - Spadina Fort York

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

### **SUMMARY**

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On January 24, 2025, the City received an Official Plan Amendment and Zoning By-law Amendment application for 147 to 151 Liberty Street and 54 to 68 Fraser Avenue (the "Site") to permit the construction of a 55-storey mixed-use building atop existing heritage-listed buildings. The applicant appealed City Council's failure to make a decision on its application for the Official Plan and Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on September 18, 2025.

The owner of the Site subsequently made an application under Section 33 of the *Ontario Heritage Act* for alterations to the heritage properties at 54-66 Fraser Avenue and 68 Fraser Avenue (147 Liberty Street), under Section 34(1)1 of the *Ontario Heritage Act* for the demolition of heritage attributes at 54-66 Fraser Avenue, and under Section 34(1)2 of the *Ontario Heritage Act* for the demolition of the detached building at 54 Fraser Avenue. City Council refused all permits and these matters were subsequently appealed to the OLT, to be heard with the other Appeal relating to the Site.

The City Solicitor requires further directions for the upcoming nine-day OLT hearing commencing on November 30, 2026. The hearing will be concluded before the next Council meeting. On this basis, this matter is urgent.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential instructions to staff contained in Confidential Attachment 1, along with the entirety of Confidential Appendix "A" and Confidential Appendix "B" 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**

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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**

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On January 24, 2025, the City received an Official Plan Amendment and Zoning By-law Amendment application to permit the construction of a 55-storey mixed-use building containing 732 residential units atop buildings that were, at the time, heritage listed. The Appeal Report, dated December 17, 2025, can be found at:  
[Agenda Item History - 2026.TE28.14](#)

On September 18, 2025, the applicant appealed City Council's failure to make a decision on the Official Plan Amendment and Zoning By-law Amendment within the prescribed time period to the OLT.

At its meeting on November 12 and 13, 2025, City Council stated its intention to designate the properties at 54 and 66 Fraser Avenue and 68 Fraser Avenue under Part IV, Section 29 of the *Ontario Heritage Act*. The decision can be found here:  
[Agenda Item History - 2025.PH25.14](#)

No objection to the intention to designate was filed with the City Clerk under Part IV, Section 29(5) of the *Ontario Heritage Act*.

The OLT held a Case Management Conference on February 2, 2026. The OLT granted Party status to the Toronto Port Authority. No other persons or public bodies were granted participant or party status.

The Appeal Report on the application, which directed the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan and Zoning By-law Amendment applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues, was adopted by City Council on February 4, 2026.

On February 4, 2026, City Council approved By-laws designating the properties at 54 and 66 Fraser Avenue and 68 Fraser Avenue as being of cultural heritage value or interest under Part IV, Section 29 of the *Ontario Heritage Act*. By-law 85-2026 for 54 and 66 Fraser Avenue can be found at:

[By-law 85-2026](#)

By-law 86-2026 for 68 Fraser Avenue can be found at: [By-law 86-2026](#).

On April 30, 2026, Toronto and East York Community Council recommended that City Council refuse applications under Part IV, Sections 33, 34(1)(1), and 34(1)(2) of the *Ontario Heritage Act* for alterations to the properties at 54 to 66 Fraser Avenue and 68 Fraser Avenue, the demolition of heritage attributes at the property at 54 to 66 Fraser Avenue, as well as for the demolition of a single storey detached brick building at the south end of the property at 54 to 66 Fraser Avenue. The decision can be found at:

[Agenda Item History - 2026.TE32.16](#)

City Council adopted the recommendation to refuse at its meeting on May 20-21, 2026.

On June 22, 2026, the Applicant appealed City Council's refusal of the application under Part IV, Sections 33, 34(1)(1), and 34(1)(2) of the *Ontario Heritage Act* for alterations to the properties at 54 to 66 Fraser Avenue and 68 Fraser Avenue, the demolition of heritage attributes at the property at 54 to 66 Fraser Avenue, as well as for the demolition of a single storey detached brick building at the south end of the property at 54 to 66 Fraser Avenue.

## **COMMENTS**

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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

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Wendy Walberg  
City Solicitor

## ATTACHMENTS

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