

27, 31 and 51 Tapscott Road – Official Plan Amendment and Zoning By-law Amendment - Ontario Land Tribunal Hearing – Request for Directions

Date: July 15, 2026

To: City Council

From: City Solicitor

Wards: Ward 23 - Scarborough North

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 June 28, 2022, the City received an Official Plan Amendment (the "OPA") application for the entire site at 27, 31 and 51 Tapscott Road, which currently contains the Malvern Town Centre (the "Site") and a Zoning By-law Amendment application for part of the Site at the intersection of Neilson Road and Tapscott Road (the "Phase 1 ZBA"). The OPA proposed to redevelop the Site by establishing an overall master plan implemented through a phased approach with 15 tall buildings, new streets, and parks. The Phase 1 ZBA seeks to permit the construction of two mixed-use tall buildings at 32 and 39 storeys, containing 877 dwelling units, a total residential gross floor area of 62,387 square metres and non-residential gross floor area of 2,039 square metres, and 319 vehicular parking spaces (collectively the OPA and Phase 1 ZBA are the "Original Applications").

On April 4, 2025, a resubmission was made to the City with a Revised OPA and Phase 1 ZBA, which consists of two mixed use tall buildings at 42 and 43 storeys, containing 894 dwelling units, 349 parking spaces and 69,620 square metres of residential gross floor area and 1,975 square metres of non-residential gross floor area (collectively the Revised OPA and updated Phase 1 ZBA are the "Resubmitted Applications").

On June 26, 2025, the applicant appealed City Council's neglect or failure to make a decision on the Resubmitted Applications to the Ontario Land Tribunal (the "Tribunal").

The purpose of this report is for the City Solicitor to obtain instructions in respect of the proceedings before the Tribunal. A further Case Management Conference at the Tribunal is scheduled for August 18, 2026.

RECOMMENDATIONS

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", Confidential Appendix "B", Confidential Appendix "C" and Confidential Appendix "D" to this report from the City Solicitor, if adopted by City Council, at the discretion of the City Solicitor.
3. City Council direct that all information and appendices 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 is about litigation before the Ontario Land Tribunal and contains advice or communications that are 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

Development Applications

A Pre-Application Consultation Meeting was held on July 16, 2021 for the development of the Site. The Original Applications were submitted on June 28, 2022 and deemed complete on July 22, 2022.

A preliminary summary of the Original Applications was prepared by City staff and made available to the public on February 21, 2024. The preliminary summary may be found on the development application information centre under the heading of Notice of Complete Application Issued:

<https://www.toronto.ca/city-government/planning-development/application-details/?id=5126206&pid=699087&title=31-TAPSCOTT-RD---PHASE-1>

Appeal to the Ontario Land Tribunal

On June 26, 2025, the applicant filed an appeal to the Tribunal citing the City's failure to make a decision within the statutory timeframes set out in the *Planning Act*. The Tribunal conducted one Case Management Conference on September 9, 2025. No parties were added to the proceeding and matter before the Tribunal. There were 7

participants added to the proceeding. The Tribunal scheduled a second Case Management Conference on May 20, 2026, which was adjourned to August 18, 2026.

COMMENTS

Public Consultation

A hybrid Community Consultation Meeting was held on November 2, 2023 and a recording of the meeting can be found here:

<https://www.youtube.com/watch?v=VteMogkG6io&feature=youtu.be>

On April 13, 2023, the OPA and Phase 1 ZBA were also considered by the City's Design Review Panel and a recording of the meeting can be found here (commencing at 3 Hour 06 Minute interval):

https://www.youtube.com/watch?v=EXGmO1EWT_I

The Design Review Panel acknowledged improvements to the revised concept, particularly the continuous park system, public street network, and overall tower placement. However, the panel emphasized that the proposal remains too dense and lacks a clear overarching vision, hierarchy of public spaces, and a strong place-making strategy. Key concerns included excessive building heights along Neilson Road, enclosed and heavily shaded courtyards, the relationship between streets and the park, an overly broad and unsupported retail strategy, and the need for a more functional transit plaza and pedestrian network.

The Design Review Panel encouraged strengthening the Site's identity through a connected system of parks and open spaces, refining street and access layouts, improving architectural character and gateway elements, considering solar access and environmental performance, and developing a more realistic phasing approach. Overall, the Design Review Panel recommended returning to first principles to create a cohesive, community-focused master plan.

In November 2023, a Local Advisory Group was established, which includes a total of 19 volunteers participating as members. The Local Advisory Group held two meetings at the Native Child and Family Services Centre facility at the Site on February 5, 2024 and April 25, 2024. The Local Advisory Group provided focused feedback, which included:

- the need for preserving local retail and the mall;
- provision of affordable housing;
- establishing a vibrant community hub with locally serving community uses, including places for seniors;
- the provision of green space; and

- providing opportunities for people of all incomes.

Resubmission of Applications

Subsequent to public consultations, on November 2, 2023, February 5, 2024 and April 25, 2024, the City received the Resubmitted Applications. The Revised OPA proposed to redevelopment the Site by establishing an overall master plan implemented through a phased approach. The updated Phase 1 ZBA seeks to permit the construction of two mixed-use tall buildings consisting of 42 and 43 storeys, containing 894 dwelling units, 349 parking spaces and 69,620 square metres of residential gross floor area and 1,975 square metres of non-residential uses.

This report seeks further direction from City Council on this matter that is currently before the Tribunal. On this basis, this matter is urgent.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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