



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

15-17 Elm Street - Zoning By-law Amendment Application – Ontario Land Tribunal Hearing – Request for Directions

Date: July 13, 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 September 13, 2022, a Zoning By-law Amendment application was submitted for 15-17 Elm Street (the "Site") to permit a 30-storey (99 metres, including mechanical penthouse) mixed-use building.

On September 25, 2023, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (the "OLT") due to Council not making a decision within the time frame in the *Planning Act*.

The applicant also appealed City Council's heritage designation of 15 Elm Street to the OLT. The OLT upheld the designation under 3 heritage criteria but granted an appeal of one of the designation criteria. The property is now designated and protected under the *Ontario Heritage Act*.

The applicant has provided revised plans that it intends to seek approval of at the OLT hearing of its appeals.

The City Solicitor requires further directions for upcoming OLT procedural dates, including hearings, that will be scheduled for 2027.

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

On September 13, 2022, a Zoning By-law Amendment application was submitted to permit a 30-storey (99 metres, including mechanical penthouse) mixed-use building. On April 19, 2023, a revised proposal for the 30-storey mixed-use building was submitted, containing 216 dwelling units and 303 square metres of non-residential gross floor area. The existing heritage building at 15 Elm Street was proposed to be demolished.

On September 25, 2023, the applicant appealed the Zoning By-law Amendment application to the OLT due to Council not making a decision within the time frame in the *Planning Act*. The OLT held its first case management conference with respect to the zoning by-law amendment on June 17, 2026. A follow-up is scheduled for July 27, 2026 at which time it is expected that hearing dates will be established.

An Appeal Report was adopted by City Council on February 6 and 7, 2024 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=2024.TE10.13>

On June 22, 2026 the received revised plans for the application and appeal that the applicant has indicated will be brought to the contested hearing of this matter (the "Revised Plans").

COMMENTS

Since the date this application was last reported to City Council the OLT has confirmed the City's designation of 15 Elm Street under Part IV, Section 29 of the *Ontario Heritage Act* (By-law 1596-2025). The property contains a 2-storey house-form building completed prior to 1868. The property represents a rare surviving example of a Confederation-era house-form building and is part of a broader collection of 19th century dwellings adapted at street level in the early-20th century to accommodate commercial storefronts. The site is located adjacent to properties included in the City's Heritage Register. This residential/commercial mixed-use typology continues to define the south side of Elm Street between Yonge Street and Bay Street within the City's historic St. John's Ward ("The Ward") neighbourhood.

Staff have reviewed the Revised Plans and summarize the most notable changes as follows:

Category	Original Proposal September 14, 2022	Revised Plans June 19, 2026
Maximum Total GFA	14,363 square metres	13,004 square metres
Maximum Non-Residential GFA	200 square metres	120 square metres
Floor Space Index (Maximum GFA times the area of the lot)	18.12	16.4
Building Height (metres) (including mechanical penthouse)	96 metres (30 storeys)	74.1 metres (24 storeys)
Heritage Conservation	None. Demolition of designated building at 15 Elm St.	Extent of façade relocation and retention unclear.
East Tower Setback	0 metres	0 metres
Laneway Encroachment (east property line)	3 metre encroachment above and below a proposed 3.0 metre laneway widening.	2.4 metre encroachment above and below a proposed 3.15 metre laneway widening.
North Setback	2.4 metres to property line	0 metres to property line
North Tower Setback	2.4 to 6.2 metres	1.2 metres
South Setback	1.1 metres to property line	0 metres to property line 2.4 metres to laneway centreline

Category	Original Proposal September 14, 2022	Revised Plans June 19, 2026
	3.8 metres to laneway centreline	
South Tower Setback (to 20 Edward Street)	9.3 metres	11 metres
West Setback (metres)	0 metres	0 metres
West Tower Setback (metres)	0 metres	0 metres

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 - Revised architectural plans for 15-17 Elm Street prepared by Rafael & Bigauskas Architects, dated June 19, 2026
2. Confidential Attachment 1 - Confidential Information