



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

110-112 Adelaide Street East and 85 Lombard Street – Ontario Land Tribunal Hearing – Request for Directions

Date: July 10, 2026

To: City Council

From: City Solicitor

Wards: Ward 13 - Toronto-Centre

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 March 19, 2026 the Ontario Land Tribunal issued a decision in respect of a settlement of an appeal (OLT-24-001146) filed by SG Adelaide Ltd. (the "Applicant") from City Council's failure to make a decision on its application for a Zoning By-Law Amendment (the "Appeal") for the lands municipally known as 110-112 Adelaide Street East and 85 Lombard Street (the "Site").

On July 8, 2026, the City Solicitor's office received a letter from the Applicant's solicitor wherein the Applicant seeks City Council's consent to file a review request of the Tribunal's decision of March 19, 2026 to proceed with a revised proposal. The letter is attached as Public Attachment 1 and the architectural plans enclosed with the letter are attached as Public Attachment 2.

The City Solicitor requires further directions in respect of the Applicant's request for consent to file a review request.

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 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 December 17, 2025, the City accepted a settlement offer from the Applicant in respect of the Appeal. City Council's decision in respect of the Request for Directions Report (December 2, 2025) prepared by the City Solicitor can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2025.CC35.8>

On March 16, 2026, the Ontario Land Tribunal convened a hearing in respect of the Appeal (OLT-24-001146) at which time the Tribunal considered a settlement proposal submitted by the parties. The Tribunal considered evidence filed on consent of the parties in support of the settlement offer, which requested that the Appeal be allowed and that the Tribunal approve, in principle, a draft zoning by-law amendment which was presented in evidence at that time. The parties requested the Tribunal withhold issuing their final order on the Appeal pending the Applicant's satisfaction of various conditions in accordance with the settlement offer accepted by City Council.

On March 19, 2026 the Ontario Land Tribunal issued its decision, allowing the Appeal in part, on an interim basis, and approving in principle the draft zoning by-law amendment. The Tribunal approved a 66-storey residential mixed-use building (223.5 metres in height including mechanical penthouse), comprised of 555 residential dwelling units and 650 square metres of non-residential gross floor area. The Tribunal withheld its final order on the Appeal pending the Applicant's satisfaction of various conditions. A final order of the Tribunal has not been issued since that time.

COMMENTS

On February 17, 2026, the Tribunal issued new Rules of Practice and Procedure. New Rule 25.8 permits the Chair of the Tribunal to use their discretion and grant a request to review a decision if the Chair is satisfied that the request raises a convincing and compelling case that the Tribunal should amend the planning instrument of an earlier decision, approval, or order, where:

- the parties make a request on consent;
- the amendment(s) constitute good planning; and
- the amendment(s) are substantially in accordance with the original approval.

On July 7, 2026, the City Solicitor's office received a letter from the solicitor for the Applicant wherein the Applicant seeks City Council's consent to file a review request of the Tribunal's decision of March 19, 2026 to proceed with a development involving increased limiting distances between the proposed building and the property line for the land at the municipal address 100 Adelaide Street East. These revisions follow discussions between the Applicant and the owner of 100 Adelaide Street East on proposed terms for a limiting distance agreement. The following revisions are proposed:

1. To increase the westerly tower setback from 10 metres to 12.5 metres (excluding balconies) to the westerly property line of 100 Adelaide Street East as shown on the attached as Public Attachment 2; and
2. The limiting distance agreement with the property owner of 100 Adelaide Street East would commence at a height of 24.4 metres as measured from the Canadian Geodetic Elevation of 84.0 metres.

As a consequence of these changes, the letter dated July 7 notes that some site statistics would change. The main changes are noted as follows:

1. The west tower setback has increased from 10 metres to 12.5 metres;
2. The residential gross floor area has decreased from 37,800 square metres to 35,500 square metres with a corresponding decrease in total gross floor area from 38,500 square metres to 36,150 square metres;
3. The total number of units has decreased from 555 units to 552 units; and
4. Indoor amenity space has decreased from 1233 square metres to 1165 square metres and outdoor amenity space has increased from 495 square metres to 547 square metres. It should be noted that the total amount of amenity space continues to remain at 3.1 square metres per unit.

The letter further notes that the unit mix requirements will not change from the settlement approved by the Tribunal.

The City Solicitor requires further instructions on this matter. This report 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 - With Prejudice Settlement Letter from Kagan Shastri LLP, dated July 8, 2026
2. Public Attachment 2 - With Prejudice Architectural Plans from Arcadis, dated June 26, 2026
3. Confidential Attachment 1 - Confidential Information