



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

147 to 151 Liberty Street and 54 to 68 Fraser Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: July 13, 2026

To: City Council

From: City Solicitor

Wards: Ward 10 - Spadina Fort York

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 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 an existing heritage-listed building.

The applicant appealed City Council's neglect or 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 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

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" 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

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 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 an existing heritage-listed building. 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 neglect or failure to make a decision on the Zoning By-law Amendment 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 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. The decision can be found at:

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

City Council adopted the recommendation to refuse at its meeting on May 20-22, 2026.

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

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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