



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

245-251 Marlee Avenue, 1-7 Romar Crescent and 16 Stayner Avenue - Official Plan and Zoning By-law Amendment Application – Ontario Land Tribunal Hearing – Request for Directions

Date: July 10, 2026

To: City Council

From: City Solicitor

Wards: Ward 8 - Eglinton Lawrence

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 February 21, 2025, the City received an Official Plan and Zoning By-law Amendment application for 245-251 Marlee Avenue, 1-7 Romar Crescent and 16 Stayner Avenue (the "Site") to permit the construction of a 37 and 35-storey mixed-use building.

The applicant subsequently appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal (the "OLT") citing Council's failure to make a decision within the timeframes specified the *Planning Act*.

City Council has directed the City Solicitor and appropriate staff to attend the OLT in opposition to the application.

The City Solicitor requires further directions with respect to this ongoing OLT appeal. No hearing dates are currently scheduled, although appearances may be scheduled during City Council's election break and instruction is required.

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 July 7, 2025, the applicant appealed the Official Plan and Zoning By-law Amendment application to the OLT citing Council's failure to make a decision within the timeframes specified the *Planning Act*.

At its meeting of December 16 and 17, 2025, City Council directed the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the application. That decision and the Refusal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.NY27.2>

The OLT held the first Case Management Conference on January 16, 2026. A 9-day hearing was scheduled to commence on July 15, 2026 but was adjourned to allow the parties to continue discussions with respect to the appeal.

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

Matthew Longo, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-8109;
Email: matthew.longo@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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