



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

237 Victoria Street – Official Plan Amendment and Zoning By-law Amendment Application – Ontario Land Tribunal Hearing – Request for Directions

Date: July 13, 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

The purpose of this report is to request instructions in respect of the proceedings before the Ontario Land Tribunal ("Tribunal").

On September 1, 2022, the City received an Official Plan Amendment application and Zoning By-law Amendment application for 237 Victoria Street (the "Site") to permit the construction of a 24-storey mixed-use building with 416 square metres of non-residential gross floor area on the first floor and 256 dwelling units above ("Original Applications").

On June 19, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Original Applications to the Tribunal.

On or about March 11, 2026, the City received an Official Plan Amendment application that applies to the properties at 237, 249, 251-253 Victoria Street and proposes to establish a Chapter 7 Site and Area Specific Policy for those lands ("2026 OPA Application"). The 2026 OPA Application has not been appealed to the Tribunal. A separate report from the Director, Community Planning provides recommendations on the 2026 OPA Application and should be considered together with this report at the same meeting of City Council.

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" and Confidential Appendix "B" 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

On October 11 and 12, 2023, City Council directed the City Solicitor and appropriate staff to oppose the Official Plan Amendment and Zoning By-law Amendment applications in their current form and continue working with the applicant to resolve issues outlined in the report from the Acting Director, Community Planning, Toronto and East York District. City Council's decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE7.16>

On July 8, 2026, Toronto and East York Community Council considered, and recommended approval to City Council of, the 2026 Official Plan Amendment application at a statutory public meeting. Toronto and East York Community Council's decision may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2026.TE34.48>

This item is before Council for a decision at the same meeting as this report.

Ministerial Zoning Order

Through City of Toronto By-law 1432-2017, the air ambulance flight paths in the vicinity of St. Michael's Hospital and the Hospital for Sick Children are regulated to ensure that the use of land is compatible with the safe operation of hospital heliports or aircrafts in the protected airspace. The Obstacle Limitation Surfaces, as defined in By-law 1432-2017 established height limits for the projection of buildings, structures or naturally growing objects, for any purpose. City of Toronto By-law 1432-2017 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2017/law1432.pdf>

On January 26, 2024, the Minister of Municipal Affairs and Housing issued a Ministerial Zoning Order through Ontario Regulation 10/24 which established a lower Obstacle Limitation Surface than By-law 1432-2017. The Ministerial Zoning Order may be found here:

<https://www.ontario.ca/laws/regulation/r24010>

On May 28, 2026, the Minister of Municipal Affairs and Housing amended Ministerial Zoning Order 10/24 through Ontario Regulation 161/26. The amendment to the Ministerial Zoning Order may be found here:

<https://www.ontario.ca/laws/regulation/r26161>

Appeal to the Ontario Land Tribunal

On June 19, 2023, the applicant filed an appeal to the Tribunal citing the City's failure to make a decision on the Original Applications within the statutory timeframes set out in the *Planning Act*. The Tribunal conducted four case management conferences on September 13, 2023, November 20, 2023, May 1, 2024, and July 9, 2024. At the July 9, 2024 Case Management Conference, the Tribunal scheduled a two-week hearing to commence on March 10, 2025. On January 24, 2025, the hearing was adjourned at the request of the applicant and on consent of the parties.

COMMENTS

On September 1, 2022, the Original Applications proposed to permit a 24-storey mixed-use building (79 metres, including mechanical penthouse) with 416 square metres of non-residential gross floor area at grade in the form of retail uses, 17,410 square metres of residential uses comprising of 256 dwelling units (34 (13 percent) are studio units, 129 (50 percent) are one-bedroom units, 65 (25 percent) are two-bedroom units, and 28 (11 percent) are three-bedroom units) for the property at 237 Victoria Street. Vehicular and loading access was proposed from the abutting Victoria Street lane. The loading space for the property was not specified. The Official Plan Amendment in the September 1, 2022 application only applied to 237 Victoria Street.

The 2026 OPA Application which is the subject of the report from the Director, Community Planning, establishes a block plan through a Site and Area Specific Policy for 237, 249 and 251-253 Victoria Street. The proposed Chapter 7 Site and Area

Specific Policy would permit a tower to be located along the north property line of the property at 237 Victoria Street, with a maximum 30-metre height limit for the portions of the properties at 249 and 251-253 Victoria Street within 10 metres of the north property line of 237 Victoria Street. Additionally, the Official Plan Amendment would secure minimum setbacks of 10 metres to a tower from both the south property line of 237 Victoria Street and the midpoint of the City-owned laneway along the east side of 237 Victoria Street. On July 8, 2026, Toronto and East York Community Council considered the matter at a statutory public meeting and adopted Community Planning's recommendations. The 2026 OPA Application is before City Council at the same meeting with this report from the City Solicitor.

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