



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

29-45 Berwick Avenue – Ontario Land Tribunal Hearing – Request for Directions

Date: July 15, 2026

To: City Council

From: City Solicitor

Wards: Ward 12 –Toronto - St. Paul's

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 July 10, 2025, the City received Official Plan Amendment and Zoning By-law Amendment applications for 29-45 Berwick Avenue (the "Site") to permit the construction of a 165-metre (49 storeys, excluding mechanical penthouse) residential building.

The applicant appealed City Council's neglect or failure to make a decision on its applications for an Official Plan Amendment and a Zoning By-law Amendment (the "Appeals"), to the Ontario Land Tribunal (the "OLT") on December 15, 2025.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled for November 30 to December 11, 2026.

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 10, 2025, the City received an Official Plan Amendment application to redesignate the lands from Neighbourhoods to Apartment Neighbourhoods and to permit a tall building on the Site.

On the same day, the City also received a Zoning By-law Amendment application to permit a tall building on the Site requiring amendments for various performance standards including gross floor area and floor space index, building height, building setbacks, and vehicular parking space requirements.

On December 15, 2025, the applicant appealed City Council's neglect or failure to make a decision on both the Official Plan Amendment and Zoning By-law Amendment applications. The OLT held the first Case Management Conference on March 11, 2026. A hearing is scheduled to commence on November 30, 2026.

An Appeal Report was adopted by City Council on March 25 and 26, 2026 directing the City Solicitor and appropriate City staff to attend the OLT to oppose the Appeals, and to continue discussions with the applicant in an attempt to resolve outstanding issues. In the Appeal Report from the Director, Community Planning, Toronto and East York District, Development Review staff noted concerns with the Zoning By-law Amendment and Official Plan Amendment applications. Specifically, staff noted concerns with the proposed built form, public realm conditions, and transition to adjacent areas. City Council's Decision respecting the Appeal Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2026.TE29.13>

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

Marc Hardiejowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392.4846; Email: marc.hardiejowski@toronto.ca

Michelle LaFortune, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338.0642; Email: michelle.lafortune@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