



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

189-195 Old Weston Road and 44-46 and 50-52 Lindner Street – Ontario Land Tribunal Hearing – Request for Directions

Date: July 15, 2026

To: City Council

From: City Solicitor

Wards: Ward 9 - Davenport

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 August 17, 2021 Official Plan and Zoning By-law Amendment applications were submitted to the City for an 8 storey non-residential building, two residential buildings of 11 and 27 storeys, and a 3 storey above grade parking structure at 189 and 195 Old Weston Road. The proposed development included a total gross floor area of 34,361 square metres, including 4,410 square metres of employment office space and 296 residential units.

On June 11, 2025, the applicant appealed the Zoning By-law Amendment application, but not the Official Plan Amendment application, to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the timeframe prescribed by the *Planning Act*.

On January 28, 2026, the applicant appealed the application for an Official Plan Amendment due to Council not making a decision within the timeframe prescribed by the *Planning Act*.

The City Solicitor requires further directions for an upcoming 10-day OLT hearing scheduled to commence on September 16, 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

A Preliminary Report on the application at 189-195 Old Weston Road was adopted by Planning and Housing Committee on January 12, 2022. Staff were directed to schedule a community consultation meeting with an expanded notice area and to review the applications, which included the conversion of the majority of the lands from Employment Areas to Mixed Use Areas for the purpose of permitting non-employment uses, concurrently and in the context of the statutory review of the Official Plan, which included the Municipal Comprehensive Review that had been commenced by the City. The Preliminary Report can be accessed at the following link:
<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH30.11>

On June 11, 2025, the applicant appealed the Zoning By-law Amendment application, but not the Official Plan Amendment application, to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the timeframe prescribed by the *Planning Act*.

On August 15, 2025, the Minister of Municipal Affairs and Housing issued a Notice of Decision to approve the Keele St. Clair Secondary Plan ("OPA 537") without any modifications, which is a final decision that brought OPA 537 into effect as of that date.

A Request for Direction Report was adopted by City Council on November 12 and 13, 2025, directing the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal to oppose the application in its current form, and to continue discussions with

the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.TE26.7>

On December 3, 2025, a revised set of plans were submitted to the City, expanding the site boundaries to include 44-46 Lindner Street and proposing the redesignation of 44-46 Lindner Street from neighbourhoods to mixed-use areas. The revised plans proposed a development comprised of two residential towers, with heights of 28 and 39-storeys, an 11-storey residential mid-rise building and a 4-storey non-residential low-rise building.

On January 28, the applicant appealed the application for an Official Plan Amendment due to Council not making a decision within the timeframe prescribed by the *Planning Act*

COMMENTS

The majority of the subject site is located within an Employment Priority Area under the Keele-St. Clair Secondary Plan ("OPA 537") which requires a minimum non-residential gross floor area ("GFA") equivalent to 1.0 times the site area, excluding lands conveyed to the City or other public body for new parks, open spaces, natural areas, streets and/or lanes, or 15 percent of the total GFA of the proposed development, whichever is less. The properties along Lindner Street are not part of the Employment Priority Area as outlined in OPA 537.

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