

Official Plan Amendment 778 – Ontario Land Tribunal Hearing – Request for Directions

Date: July 15, 2026

To: City Council

From: City Solicitor

Wards: All Wards

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 5, 2025, City Council adopted Official Plan Amendment 778 ("OPA 778") to revise policies related to Avenues and identify 283 kilometres of new Avenues.

OPA 778 was appealed to the Ontario Land Tribunal ("OLT") by five parties. Four case management conferences have been held. The OLT brought most of OPA 778 into force on July 24, 2025, with the exception of certain non-policy text and lands subject to site-specific appeals. Three of the appellants have withdrawn their appeals. A 5-day hearing is scheduled to commence on November 30, 2026.

The City Solicitor requires further directions for the upcoming OLT hearing. This matter is urgent and cannot be deferred.

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" 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 February 5, 2025, City Council adopted Official Plan Amendment 778. The staff report can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.PH18.5>

Five parties appealed OPA 778 to the OLT. The OLT held the first Case Management Conference ("CMC") on June 9, 2025 and granted status to one additional party. At the second CMC on July 24, 2025, the OLT confirmed that parts of OPA 778 not under appeal had come into force. By February 2026, the only appellants remaining were the Toronto Catholic District School Board and the Roman Catholic Episcopal Corporation. On February 11, 2026, the OLT issued a procedural order for the hearing scheduled for November 30, 2026.

On December 17, 2025, City Council adopted Official Plan Amendments 861 and 862 and associated zoning by-law amendments to implement land use designation changes and zoning changes for lands along Avenues in Wards 9 and 11:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.PH26.4>

COMMENTS

On July 31, 2025, the Ontario Land Tribunal (OLT) issued an order bringing OPA 778 into force and effect, retroactive to March 14, 2025, save and except for the outstanding appeals listed in Attachment 1 to the order.

At the time of the order, there were four appellants: 829 Queensway Inc.; 4158 Kingston Road Inc.; the Toronto Catholic District School Board (TCDSB); and the Roman Catholic Episcopal Corporation for the Diocese of Toronto (RCEC). As set out in Attachment 1 to the order, only TCDSB maintained a city-wide appeal of OPA 778. TCDSB's city-wide appeal related to the sidebar titled "Activating the Ground Floor on Avenues".

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

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City Solicitor

ATTACHMENTS

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