



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3718 and 3730 Kingston Road – Zoning By-law Amendment Application - Ontario Land Tribunal Hearing – Request for Directions - Supplementary Report

Date: July 14, 2026

To: City Council

From: City Solicitor

Wards: Ward 24 - Scarborough - Guildwood

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 30, 2021, the City received a Zoning By-law Amendment application for 3718 and 3730 Kingston Road (the "Site") to permit the construction of a 14-storey mid-rise mixed-use building. In early 2023, the application was revised to a 20-storey mixed-use tower with a podium. On September 15, 2026, the City received a further revised Zoning By-law Amendment application for a 24-storey mixed-use tower with a podium.

The applicant appealed City Council's neglect or failure to make a decision on its revised application for the Zoning By-law Amendment (the "Appeal") to the Ontario Land Tribunal (the "OLT") on June 3, 2026.

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

RECOMMENDATIONS

The City Solicitor recommends that:

City Council delete the Scarborough Community Council recommendations and adopt instead the following recommendations:

Supplementary Report - 3718 and 3730 Kingston Road – Zoning By-law Amendment Application -
Ontario Land Tribunal Hearing - Request for Directions

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 July 30, 2021, the City received a Zoning By-law Amendment application to permit the construction of a 14-storey (42.9 metres in height, excluding the mechanical penthouse) mixed-use building with 435 residential dwelling units and 259 square metres of non-residential space at grade. A Preliminary Report on the application was adopted by Scarborough Community Council on October 15, 2021, directing Staff to schedule a consultation meeting. The Preliminary Report can be found at: [Agenda Item History - 2021.SC27.7](#)

In early 2023, the City received a revised Zoning By-law Amendment application to permit the construction of a 20-storey (66.5 metres in height, excluding the mechanical penthouse) mixed-use building with 384 residential dwelling units and 193 square metres of non-residential space at grade. On September 15, 2026, the City received a further revised Zoning By-law Amendment application to permit the construction of a 24-storey (75.5 metres in height, excluding the mechanical penthouse) mixed-use building with 419 residential units and 672 square metres of non-residential space located at-grade. At its meeting of May 20 and 21, 2026, City Council considered an Approval Report on the revised application, and referred the item to the July 9, 2026 meeting of Scarborough Community Council to allow the applicant to finalize their proposal in conjunction with a community meeting paid for at their expense. The Approval Report can be found at: [Agenda Item History - 2026.SC31.2](#)

On June 3, 2026, the applicant appealed City Council's neglect or failure to make a decision on the revised Zoning By-law Amendment to the OLT. The OLT has not yet scheduled the first Case Management Conference.

An Appeal Report on the revised application was amended by Scarborough Community Council on July 9, 2026, directing the City Solicitor to attend the OLT hearing to oppose the Zoning By-law Amendment application in its current form, and to retain outside consultants. This item will be considered by City Council at its meeting on July 29, 30 and 31, 2026. The Appeal Report can be found at:

[Agenda Item History - 2026.SC33.15](#)

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

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

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