



## MOTION WITHOUT NOTICE

### Ontario Land Tribunal Appeal for 4949 Bathurst Street – Request for Directions

Moved by: Councillor Lily Cheng

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Seconded by: Councillor Vincent Crisanti

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#### Reason for Confidential Information

This motion contains information regarding ongoing litigation before the Ontario Land Tribunal.

#### **SUMMARY:**

On October 8 and 9, 2025, City Council adopted an amendment to Zoning By-law 569-2013, to permit a 26-storey mixed use building located at 4949 Bathurst Street. The revised permissions would allow a building measuring 92.45 metres in height and include retail, office, and private daycare space within the 6-storey podium and residential units in the podium and tower above. The total gross floor area (GFA) is 27,192 square metres, including 2,789 square metres of retail/commercial uses (the “Site”). (<https://secure.toronto.ca/council/agenda-item.do?item=2025.NY26.6>)

The applicant for the development (the “Appellant”) appealed Council’s decision to amend the by-law as Council’s approval of the Zoning By-law Amendment permitted the development of fewer storeys than requested in the original application and instituted additional changes. The appeal is filed at the Ontario Land Tribunal as OLT File No. OLT-25-000904.

The hearing of the appeal is scheduled to commence on May 25, 2026 for five days.

City planning staff are unavailable to provide evidence at the hearing due to unforeseen circumstances. The City Solicitor requires authority to retain an external planning consultant for the purposes of the hearing.

This motion is being filed without notice as an external planning consultant is urgently needed and directions are being provided to the City Solicitor.

The City Solicitor requires further instructions on this matter. This motion is about ongoing litigation before the OLT.

**Reason for Urgency:**

This motion is being filed without notice because this matter is time-sensitive due to the Ontario Land Tribunal hearing scheduled to begin on May 25, 2026. The City Solicitor requires authority to retain an external planning consultant for the purposes of the hearing, as City planning staff are unavailable to provide evidence at the hearing due to unforeseen circumstances. Without timely consideration, the City will incur significant costs in preparing for the hearing. Urgent consideration of this motion is therefore required.

**RECOMMENDATIONS:**

1. City Council authorize the City Solicitor to retain external land use planning consultants to attend the Ontario Land Tribunal hearing in respect of 4949 Bathurst Street to provide opinion evidence in support of City Council's adoption of the Zoning By-law Amendment for the subject property.
2. City Council direct the City Solicitor and the Executive Director, Development Review and their designates, to continue negotiations with the Appellant of the Ontario Land Tribunal appeal of 4949 Bathurst Street in respect of the maximum height/number of storeys, minimum non-residential GFA, and minimum number of visitor, residential and commercial parking spaces, among other matters, in an attempt to resolve the appeal prior to the hearing.
3. City Council adopt the recommendations contained in Confidential Attachment 1 to this motion.
4. City Council direct that Confidential Attachment 1 remain confidential at the discretion of the City Solicitor, as it pertains to ongoing litigation before the Ontario Land Tribunal.

April 22<sup>nd</sup> and 23<sup>rd</sup>, 2026