Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: January 30, 2026 **CASE NO(S).:** OLT-24-000731

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	ABC Eglinton LP
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit redevelopment of the Property for a 19-storey mixed-use development.
Reference Number:	23 127502 NNY 08 OZ
Property Address:	444-466 Eglinton Avenue West
Municipality:	Toronto
OLT Case No.:	OLT-24-000731
OLT Lead Case No.:	OLT-24-000731
OLT Case Name:	ABC Eglinton LP v Toronto (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	ABC Eglinton LP
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit redevelopment of the Property for a 19-storey mixed-use development.
Reference Number:	23 127502 NNY 08 OZ
Property Address:	444-466 Eglinton Avenue West
Municipality:	Toronto
OLT Case No.:	OLT-24-000732
OLT Lead Case No.:	OLT-24-000731

Heard: January 28, 2026 by Video Hearing

APPEARANCES:

Parties	**Counsel**
ABC Eglinton LP	D. Bronskill
City of Toronto	K. Czajkowski J. Dexter

DECISION DELIVERED BY S. TOUSAW AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] ABC Eglinton LP ("Applicant"/"Appellant") appealed to the Tribunal on the City of Toronto's ("City") absence of decisions on applications for Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") affecting 444 – 468 Eglinton Avenue West ("site") in Toronto.

[2] This Case Management Conference ("CMC") was convened in accordance with the Tribunal's Interim Decision issued on July 25, 2025, which Ordered the Parties to advise the Tribunal, within six months, on the status of discussions and requested next steps (para. [92]).

[3] The Interim Decision had dismissed the appeals in principle, but "kept this file alive" pending the outcome of Official Plan Amendment 778 ("OPA 778"). The Parties pursued Tribunal-led mediation in an effort to find an agreed building height for this site, but were unsuccessful.

[4] On the question of "next steps," the Applicant requests a continuation of the Hearing to enable the Tribunal to render a Final Decision on the core issue of height. The City requests the Tribunal to issue an Order dismissing the appeal and closing the file.

[5] On the Parties' helpful submissions and their agreement that a formal Motion is not required, the Tribunal renders its ruling herein to grant the Applicant's request for a narrowly-scoped Hearing Continuation.

PARTY POSITIONS

Applicant

[6] The Applicant contends as follows.

[7] The Interim Decision dismissed the 31-storey height in principle, but left open the question of a suitable height, being taller than a mid-rise building of eight storeys but lower than 31 storeys. The Interim Decision also spoke to stepbacks on the north wall of the proposed building. The acceptable height was to be determined with reference to OPA 778.

[8] While mediation was unsuccessful, the City is fully aware of the Applicant's sought revised height. OPA 778 is now in force in the City, effective March 14, 2025, except for remaining appeals that have been scoped to specific properties.

[9] A two- or three-day Hearing is requested in/around April 2026, for which the Applicant's final plans can be filed with the City, along with a focussed Issues List, and exchange of affidavits and visual evidence.

[10] The Tribunal's *Rules of Practice and Procedure* ("Rules") call for a fair, efficient and just outcome, to which a continued Hearing responds. The Tribunal could then allow or dismiss the appeal, or find a middle ground on height.

City

[11] The City contends as follows.

[12] These appeals have been adjudicated fully through a lengthy Hearing, an Interim

Decision, and the Tribunal Chair's refusal of the Applicant's Request for Review of the Interim Decision.

[13] Mediation was pursued in good faith but was unsuccessful, thus the Tribunal's Interim Decision should be confirmed through a Final Order dismissing the appeals. The Applicant is entitled to re-apply to the City with a new proposal.

[14] If the Tribunal does not dismiss the appeals, City counsel will require instructions from Council, which cannot occur until late March 2026. Clarity is also requested on whether a Hearing would be a continuation or a hearing *de novo*.

FINDINGS

[15] The Tribunal finds for the Applicant and will authorize a Hearing Continuation focussed only on height (and stepbacks, if need be).

[16] The Parties agree that the Tribunal's Interim Decision found 31 storeys too high for this location and directed consideration of a lower height pending the outcome of OPA 778. The Parties valid efforts through mediation were unsuccessful in arriving at a mutually agreeable building height for this site. In keeping with the Tribunal's Interim ruling "to keep this file alive," it finds here, on the submissions of the Applicant, that a Final Order warrants new evidence to be proffered related to the sole issue of height (and stepbacks).

[17] Among the many references to height in the Interim Decision, para. [67] exemplifies the Tribunal's findings:

> … The Tribunal finds that a tall building, but of lower height, would better fit with the planned context and transition, both within Eglinton Way and within the full length of Eglinton from the Yonge-Eglinton Core westward. …

[18] In support of this finding, Rule 1.4 enables the Tribunal "*to make orders and direct practices that offer the best opportunity for a fair, just, expeditious and cost-*

effective resolution of the merits of the proceeding …" (emphasis added). These values are best reflected in a continued Hearing to resolve the issue of building height on this site. The requirement for a new application, as argued by the City, is found to meet none of these criteria, given that more time and cost would be incurred to "start over" as compared to finalizing the height issue now with a focussed Hearing extension. Similarly, the duplication arising from a Hearing *de novo* would not be an expeditious or cost-effective remedy to determining the appropriate height for this site. This Member, having convened the Hearing and seized of the file, is best equipped to render a Final Order on height, as a reasonable extension to all of the findings in the Interim Decision.

[19] In accordance with Rule 19 for CMCs, the Tribunal directs the Parties to advise the Case Coordinator of agreeable dates for the Continued Hearing. Upon confirmation from the Case Coordinator of the scheduled Hearing on the Tribunal's Calendar, the Parties are directed to file a Procedural Order with focussed Issues, and dates for a witness meeting(s), exchange of witness statements, visual evidence, etc.

ORDER

[20] **THE TRIBUNAL ORDERS** a Hearing Continuation, with the Parties to follow the directions set out in para. [19] above.

"S. Tousaw"

S. TOUSAW
VICE CHAIR

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.