

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 16, 2026

CASE NO(S).:

OLT-25-000228

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

Applicant/Appellant	4875 Dundas St. West Residences Limited
Subject:	Request to amend the Official Plan – Refusal of request
Description:	To permit the development of a 45-storey residential tower with a 4-storey podium containing commercial uses
Reference Number:	24 143269 WET 03 OZ
Property Address:	4875 Dundas Street West
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-25-000228
OLT Lead Case No:	OLT-25-000228
OLT Case Name:	4875 Dundas St. West Residences Limited v. Toronto (City)

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

Applicant/Appellant	4875 Dundas St. West Residences Limited
Subject:	Application to amend the Zoning By-law – Refusal of application
Description:	To permit the development of a 45-storey residential tower with a 4-storey podium containing commercial uses
Reference Number:	24 143269 WET 03 OZ
Property Address:	4875 Dundas Street West
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-25-000229
OLT Lead Case No:	OLT-25-000228

Heard: April 13, 2026 by video hearing

APPEARANCES:**Parties****Counsel**

4875 Dundas St. West Residences
Limited (“Appellant”)

C. Lantz, C. Jordan

City of Toronto (“City”)

S. Messina, D. Abimbola *in absentia*

827149 Ontario Ltd. (“Rabba Foods”)

A. Lu, M. Helfand *in absentia*

Maximum Property Management Ltd.
 (“Maximum”)

C. Hunt, D. Bronskill *in absentia*

**MEMORANDUM OF ORAL DECISION DELIVERED BY WILLIAM R. MIDDLETON ON
APRIL 13, 2026 AND INTERIM ORDER OF THE TRIBUNAL**

[Link to Order](#)

INTRODUCTION

[1] A hearing was held on April 13, 2026 by the Tribunal pursuant to Rule 12 of the OLT *Rules of Practice and Procedure*, (“Hearing”) to consider a settlement of the Appellant’s appeal that had been concluded with the City in December, 2025, following private mediation held the month prior (“Settlement”).

[2] The materials before the Tribunal were the affidavit of Lincoln Lo, comprising 175 pages (“Affidavit”) and a draft interim Order prepared by the Appellant’s counsel. Mr. Lo is a well-experienced urban planner and was qualified without objection from any Party to provide expert land use planning opinion evidence at this hearing. The Affidavit, together with the oral evidence of Mr. Lo, was tendered by the Appellant with the consent of all Parties.

ANALYSIS OF PROPOSED SETTLEMENT

[3] The following table from the Affidavit summarizes the changes from the Appellant's original proposal as reflected in the Settlement:

Table 2 – Statistical Comparison

	Original Proposal (April 2024)	Settlement Proposal (December 2025)
Site Area		
Existing	2905.3 sq.m	2,905.3 sq.m
Building Height		
Storeys	45 storeys	42 storeys
Metres (Top of Roof)	144.1m	138.8 m
Metres (Top of MPH)	150.1 m	144.8 m
Gross Floor Area		
Proposed Residential	33,458 sq.m	33,419 sq.m
Proposed Retail	461 sq.m	500 sq.m
Total Project GFA	33,919 sq.m	33,919 sq.m
Density (FSI)	11.67	11.67
Dwelling Units		
Studio	0 (0%)	0 (0%)
One-Bedroom		333 (75%)
	Original Proposal (April 2024)	Settlement Proposal (December 2025)
Two-Bedroom	273 (56%)	67 (15%)
Three-Bedroom	174 (36%)	45 (10%)
Total Dwelling Units	41 (8%)	445 units (100%)
	488 units (100%)	
Amenity Space		
Indoor Amenity Space	984 sq.m	890 sq.m
Outdoor Amenity Space	(2.02 sq.m/unit)	(2 sq.m/unit)
Total Amenity	982 sq.m	890 sq.m
	(2.01 sq.m/unit)	(2 sq.m/unit)
	1,966 sq.m	1,780 sq.m
Vehicular Parking		
Residential	214 spaces	214 spaces
Visitor/Commercial Total	7 spaces	7 spaces
Vehicle Parking		
	221 spaces	221 spaces
Bicycle Parking Spaces		
Long-Term	332 spaces	303 spaces
Short-Term	35 spaces	31 spaces

Total Bicycle Parking	367 spaces	334 spaces
Loading Type 'C' Type 'G'	1 space 1 space	1 space 1 space

[4] The planning instruments proposed under the Settlement are an amendment to the City's Official Plan ("OPA") and an amendment to the City's Zoning By-law ("ZBA") to accommodate the development described in the table set out in paragraph [3] above pertaining to the site municipally known as 4875 Dundas Street West in the City ("Site"). The Site currently is occupied by a 10-storey rental building with an approximate height of 32 metres ("m"), which contains a total of 56 rental units consisting of one 1- and 55 2- bedroom apartments. As noted by Mr. Lo, recently, there has been considerable redevelopment activity in the approximate area surrounding the Site including many tall towers each with +200 or more residential units as well as mixed use areas.

[5] The Settlement proposes a maximum GFA of 33,919 square metres ("sq m"), of which a maximum of 33,419 sq m are for residential uses and a minimum of 500 sq m are for non-residential at-grade retail uses. A total of 445 residential dwelling units are proposed, of which 56 are rental replacement units. The final unit mix of the Settlement will be determined at the site plan stage; however, the Applicant has committed to provide a minimum of 10% of the units as three-bedroom units and approximately 15% of the units as two-bedroom units. The Settlement has a FSI of approximately 11.67, which is the same as the original proposal made by the Appellant, which had been refused by the City.

[6] The proposed Dundas Street West-facing street wall is 5 storeys (21.6 metres), with a 2 metre ("m") step back above the ground floor and a 2 m stepback above the 4th floor. Portions of the streetwall are set back between 3 and 10 m to the front lot line. From the west lot line, a portion of the street wall is set back up to 6.9 m to provide a

recessed residential entrance and to provide separation to the existing windows and mural on the adjacent building at 4879 Dundas Street West. From the east lot line, a portion of the streetwall is set back up to 6.7 m to provide a recessed entry to a future retail entrance.

[7] A 10-m setback is provided from the Dundas Street West frontage (north) to the tower portion of the building (floors 6 and above). No setback encroachments (e.g. balconies) shall be permitted on the front façade of the tower portion of the building facing Dundas Street West. In Mr. Lo's opinion, these minimum setbacks, step backs and maximum heights work in conjunction to facilitate a comfortable public realm that reinforces the base portion, visually limits the prominence of the tower portion, and emphasizes the pedestrian scale and character of the existing neighbourhood.

[8] As outlined by Mr. Lo, the Settlement will deliver a combination of indoor and outdoor amenity space. This includes a total of 890 sq m of indoor amenity space and a total of 890 sq m of outdoor amenity space, for a total of 1,780 sq m. This equates to a minimum rate of 2.0 sq m of indoor and outdoor amenity space per dwelling unit, respectively.

[9] Mr. Lo further opined as follows:

(a) The Settlement has had regard to matters of provincial interest as set out in Section 2 of the *Planning Act*;

(b) The Settlement is consistent with the 2024 Provincial Planning Statement ("PPS") as it supports the optimization of land use and infrastructure and delivers a high-density mixed-use building in a location that is intended to support growth and development. It locates mixed-use intensification in a delineated Protected Major Transit Station Area ("PMTSA") within walking distance to the Islington subway station and will aid the City in meeting its

- minimum density targets for Major Transit Station Areas (“MTSAs”);
- (c) The Settlement conforms with the policy objectives and requirements of the City’s Official Plan and all applicable secondary plan and building guideline policies;
- (d) the Settlement provides for an appropriate scale of intensification, given the subject site’s location in a “strategic growth area” and PMTSA along a major arterial road with frequent transit service. Intensification on the Subject Site is strongly encouraged by the applicable policy framework. The policy directions at both the Provincial and City levels emphasize the efficient and optimal use of land and infrastructure and encourage the integration of land use planning and transportation planning. Optimizing the use of land and infrastructure and creating new housing options in areas such as this that are well-served by transit and other municipal infrastructure is in the broad public interest;
- (e) The development proposed under the Settlement is contextually appropriate and will represent a high-quality architectural addition to the area. It will fit harmoniously with the existing and planned built form context, including the Islington Village “main street” character. It will be compatible with the height and massing of existing, approved and proposed developments in the surrounding area. In response to feedback from City staff, the height of the proposed tower has been limited to 42-storeys and the design and height of the podium carefully constructed to provide an appropriate base building for this context; and
- (f) The Settlement as implemented through the proposed Interim Orders will meet all applicable municipal and provincial planning tests, represents good planning and is in the public interest.

[10] The Tribunal found Mr. Lo to be a forthright and credible witness and agrees with and relies upon his above-noted analysis which was unchallenged at the Hearing. Therefore, the Tribunal is of the opinion that the development contemplated under the Settlement, and the associated OPA and ZBA, is consistent with the PPS, 2024, conforms to the City's Official Plan policies and requirements, constitutes good planning and is fair, reasonable and in the overall public interest.

INTERIM ORDERS

[11] **THE TRIBUNAL ORDERS ON AN INTERIM BASIS THAT:**

- (1) these appeals are allowed in part and the draft Official Plan Amendment attached hereto as **Appendix A** and the draft Zoning By-law Amendment attached hereto as **Appendix B** are approved in principle, subject to the satisfaction by the Appellant of the conditions set out in **Appendix C** hereto ("Conditions"); and
- (2) The Tribunal's Final Order shall be withheld until such time that the Tribunal has been advised by the City's solicitor that the Conditions have been satisfied by the Appellant; and
- (3) The Appellant shall seek the Tribunal's Final Order by **Thursday, December 31, 2026**, failing which the Appellant shall provide a status update on that matter by that date.

[12] This Vice-Chair shall remain seized of this proceeding for all matters arising from the above Interim Orders and in respect of the Final Order to be sought by the Appellant.

“William R. Middleton”

WILLIAM R. MIDDLETON
VICE-CHAIR

Ontario Land Tribunal

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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.

APPENDIX A

City of Toronto By-Law XXXX-2026(OLT)

AMENDMENT No. X TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2026 AS 4875 DUNDAS STREET WEST

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 12, Etobicoke Centre Secondary Plan, is amended by adding the following subsection to Section 4, Site and Area Specific Policies:

X.XX 4875 Dundas Street West

Notwithstanding the policies of the Etobicoke Centre Secondary Plan regarding pedestrian scale indicated within Islington Village and Mixed Use Areas B, the Official Plan policies affecting the Site located on the north side of Dundas Street West, municipally known 4875 Dundas Street West are as follows:

- a) A building generally 144 metres tall and 42 storeys in height consisting of a tower portion set back 10 metres from the front lot line along Dundas Street West, with no permitted balcony setback encroachments, and a 5 storey street wall that features setbacks above the first and fourth storeys is permitted.
 - b) The Zoning By-Law will contain numerical performance standards including minimum tower setbacks from lot lines, step backs from a base portion and maximum heights to:
 - i) Provide a high-quality and comfortable public realm that reinforces the base portion, visually limits the prominence of the tower portion, and emphasizes the pedestrian scale and village character of Islington Village;
 - ii) Limit net new shadow impacts onto surrounding parks, open spaces and Dundas Street West.
 - c) As building heights increase, greater setbacks and setbacks from lot lines are required to achieve the objectives outlined in (b)(i) and (ii) above.
2. Chapter 6, Section 12, Etobicoke Centre Secondary Plan, Map 12-5, Land Use Plan, is amended to show the lands known municipally in 2024 as 4875 Dundas Street West as Site and Area Specific Policy Area Number X, as shown on Appendix 1.

City of Toronto By-law XXXX-2026(OLT)

Insert Appendix 1 Map

APPENDIX B

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2026 as 4875 Dundas Street West.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act, as amended; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.1, and applying the following zone label to these lands: CR 6.0 SS2 (x XX) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 15.0, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Parking Zone Overlay Map in Article 995.50.1 and applying a value of "Parking Zone Area A".
- 9.

10. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [XX] so that it reads:

([XX]) Exception CR ([XX])

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On lands municipally known as 4875 Dundas Street West, if the requirements of By-law [Clerks to insert By-law number] are complied with, a building or structure may be constructed, used or enlarged in compliance with Regulations (B) to (F) below;
- (B) Despite Regulation 40.10.40.10(2), the permitted maximum height of a building or structure is the number in metres following the letters "HT" as shown on Diagram 4 of By-law [Clerks to insert By-law ##];
- (C) Despite Regulation 40.10.40.10(7), the permitted maximum number of storeys in a building is the number following the letters "ST" as shown on Diagram 4 of By-law [Clerks to insert By-law ##];
- (D) Regulation 40.10.40.60(9) does not apply.
- (E) Regulation 40.10.40.70(2)(G) does not apply.

Prevailing By-laws and Prevailing Sections: None

11. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

3
City of Toronto By-law [Clerks to insert By-law number]

Diagram 1

City of Toronto By-Law No. _____ - 2025



4

City of Toronto By-law [Clerks to insert By-law number]

Diagram 2

Insert Diagram 2

5

City of Toronto By-law [Clerks to insert By-law number]

Diagram 3

City of Toronto By-Law No. _____ - 2025

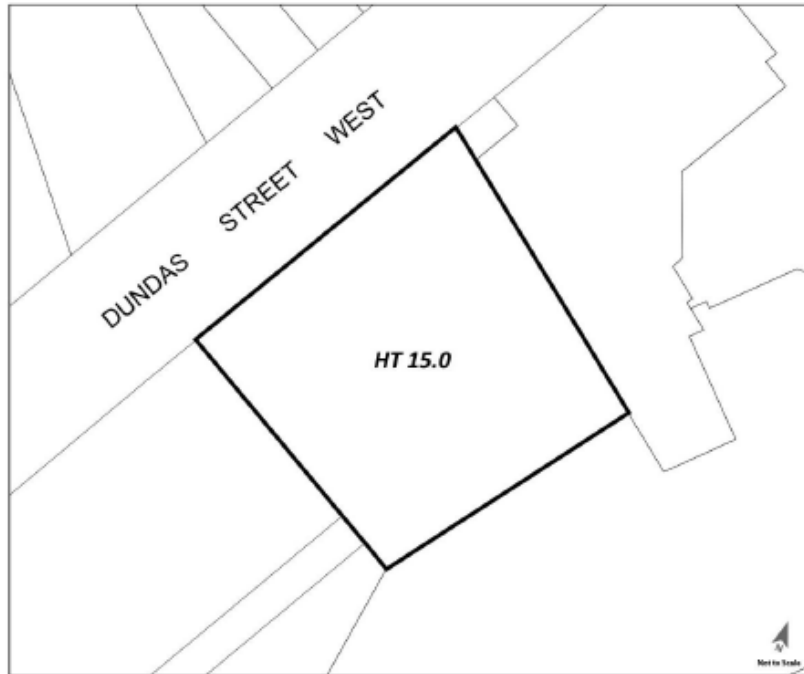



Diagram 3

4875 Dundas Street West

File # _____

6

City of Toronto By-law [Clerks to insert By-law number]

Diagram 4

Insert Diagram 4

APPENDIX 'C'**CONDITIONS**

1. the final form and content of the draft Official Plan Amendment is to the satisfaction of the Appellant, the Executive Director, Development Review, and the City Solicitor;
2. the final form and content of the draft Zoning By-law is to the satisfaction of the Appellant, the Executive Director, Development Review, and the City Solicitor;
3. the Owner has, at its sole cost and expense:
 - a. submitted a revised TIS, inclusive of a vehicle maneuvering diagram, acceptable to, and to the satisfaction of the General Manager, Transportation Services;
 - b. provided a revised Public Utility Plan, including Quality Level A data, to determine and confirm the location of utilities and tree planting to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Environment, Climate and Forestry;
 - c. provided a Soil Volume Plan, a Landscape Plan, showing street trees, and section drawings to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Environment, Climate and Forestry;
 - d. addressed all outstanding issues raised by the Executive Director, Environment, Climate and Forestry, in their memorandum dated September 5, 2024, as they relate to the application, including submitting an application to Injure or Remove Trees, and as it relates to tree planting, to the satisfaction of the Executive Director, Environment, Climate and Forestry;
 - e. submitted a revised Functional Servicing and Stormwater Management Report to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Director, Engineering Review, Development Review, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services;

- i. if the accepted Functional Servicing and Stormwater Management Report requires any new municipal infrastructure or upgrades to the existing municipal infrastructure to support the development, then either:
 1. the owner has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to support the development, in a financial secured agreement, all to the satisfaction of the Director, Engineering Review, Development Review; or
 2. the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Functional Servicing and Stormwater Management Report are constructed and operational, all to the satisfaction to the Director, Engineering Review, Development Review.
 - f. addressed all outstanding issues raised by Development Engineering in the memorandum, dated September 17, 2024, and revised on October 29, 2024, to the satisfaction of the Director, Engineering Review, Development Review;
 - g. submitted a revised Pedestrian Level Wind Study, including a Wind Tunnel Study, that identifies any required mitigation measures to be implemented and secured through the zoning by-law and/or site plan control process to resolve wind safety exceedances and to improve pedestrian comfort, all to the satisfaction of the Executive Director, Development Review and the Chief Planner and Executive Director, City Planning; and
 - h. provided a revised Compatibility and Mitigation Study, Air Quality, Dust, Odour, Noise and Vibration study to the satisfaction of the Executive Director, Development Review.
4. City Council has approved the Rental Housing Demolition Application (24 143880 WET 03 RH) in accordance with Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, to permit the demolition of the 56 existing rental dwelling units on the lands, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to

the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision, including:

- a. replacement of the existing 56 rental housing units, including the same number of units, bedroom type and size and with similar rents; and
- b. an acceptable Tenant Assistance Plan addressing the right for existing and former tenants to return to a replacement rental unit.