



July 12, 2018

WITHOUT PREJUDICE

Mr. Mark Crawford and
Ms. Laura Bissett
Legal Division, Planning and Administrative Tribunal Law
City of Toronto
55 John Street, Metro Hall, 26th Floor
Toronto, Ontario M5H 2N2

Michael S. Polowin
Direct 613-786-0158
Direct Fax 613-788-3485
michael.polowin@gowlingwlg.com
File No. 01407234

Dear Mr. Crawford and Ms. Bissett:

**Re: Offer to Settle - 75 Broadway Avenue - Timbercreek Asset Management Inc.
City of Toronto ZBA Application No.: 17 150315 STE 22 OZ**

We are the solicitors for Timbercreek Asset Management Inc. with respect to the matter referred to above. This revised Offer to Settle arises from Mr. Goldberg's 'without prejudice' letter of June 18, 2018 and the meeting of July 9, 2018 with Mr. Driedger of Community Planning, Mr. Williams of my client, and his planner, Mr. Goldberg. This letter revises some of the settlement terms outline in Mr. Goldberg's June 18, 2018 letter.

This offer shall remain without prejudice until such time that the City agrees, by way of City Council resolution, with the terms listed below (paragraphs 1 – 11 below) and the City and Timbercreek are in full and final agreement on the Section 37 package and the terms of the rental replacement, at which point our client consents to making the terms public.

Below we set out our client's offer to settle on the remaining items:

1. The basis of this offer is the set of architectural plans last updated on July 10, 2018 and prepared by WZMH Architects (the plans), attached to this letter.
2. The owners and architects have considered your request for a reduction of 0.14 m to the south wall on the first 9 floors of the proposed building to now provide for a 15.0 m distance separation between the south wall and the existing building. This revision has been made and is reflected in this set of plans.
3. The applicant can provide 20% of the proposed units as 2-bedroom and 10% of the proposed units as 3-bedroom units. This unit distribution can be provided without restrictions on the measured size of these units.
4. The City asked for parkland dedication of 503.03 m² to be provided on-site or off-site. Our client has been actively searching for off-site dedication within the Midtown in Focus area and will continue to use their reasonable commercial efforts toward finding off-site dedication, failing which, our client is willing to pay cash-in-lieu of parkland in accordance with what is required under the Planning Act.

GOWLING WLG (CANADA) LLP
Suite 2600, 160 Elgin Street
Ottawa, Ontario K1P 1C3 Canada

T +1 (613) 233-1781
F +1 (613) 563-9869
gowlingwlg.com

Gowling WLG (Canada) LLP is a member of Gowling WLG, an international law firm which consists of independent and autonomous entities providing services around the world. Our structure is explained in more detail at gowlingwlg.com/legal.

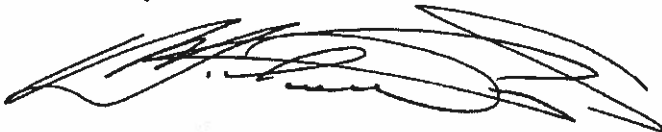
5. The City requested that a shared driveway be explored with 55 Broadway Avenue. While our client continues to have major issues with this request related to potential on-site and shared access traffic impacts and with operations, ownership, agreement, and maintenance issues, they are prepared to investigate this further during the Site Plan Approval stage.
6. The City inquired into whether any affordable housing units are being provided. As previously indicated, the only affordable housing units being contemplated are those that are required as replacement rental units. The remaining units will be provided at market value.
7. The City asked for furnished floor plans for the replacement units. We can provide these during Site Plan Approval.
8. The City requested that the two lobbies of the proposed project be consolidated into one for both the existing and proposed buildings. As previously indicated, our client continues to propose two separate lobbies for the following reasons:
 - (a) In order to make way for the addition of the new tower, we are proposing to demolish 20 units over 10 floors and part of the basement of the existing building at 75 Broadway. The new tower will then be built over 2 levels of underground parking with proposed connections between the new and existing buildings on the ground floor and P1 parking level. Since the existing building was constructed many years ago it was designed to different code and fire safety regulations which we are permitted to "grandfather" by Ontario Building Code. Under this rationale we need to provide a pressurized vestibule at the ground and parking level floors where the buildings physically connect and occupants have access from one building to the other. The purpose of this pressurized vestibule is for enhancement of life-safety as in the case of a fire, the pressurized vestibule will prevent the spread of smoke from one building to the next. Since the buildings will also have separate fire alarm systems, the fire department will require clear indication of address from the outside and access to fire alarm panels in each lobby. This will be easier for fire department wayfinding than entering one lobby and searching for the adjacent lobby through a vestibule and corridor.
 - (b) Since acquiring 75 Broadway in 2009, Timbercreek has actively invested in the property to reposition it in the Yonge and Eglinton market node. At the time of acquisition, the building was in poor condition and Timbercreek undertook an extensive repositioning program that included upgrading building systems, units, and the common areas of the property, including the lobby. The lobby was upgraded to a condo-quality standard, featuring high end finishes, a seating area, and a concierge desk. Major capital investments in the lobby were completed in 2009 and 2010 with minor renovations taking place in subsequent years. The capital invested in the lobby between 2009 and 2011, excluding corridors has already amounted to approximately \$86,200.
 - (c) In view of the above, our client request the City accept the existing two lobby proposal.
9. The City asked us for a revised Tenant Assistance and Relocation Plan, which will be provided and finalized with the City as part of the ongoing processing of the applications.

10. The City requested that our client obtain Tree Permits and an authorization letter from the adjacent neighbour(s) prior to the final Zoning By-law Amendment report. We suggest this be resolved at the Site Plan application stage.
11. Prior to the issuance by the Local Planning Appeal Tribunal of its Final Order, the owner shall enter into an Agreement pursuant to Section 37 of the Planning Act, as follows:
 - (a) A cash contribution of \$2,350,00.00 toward capital facilities within proximity to the subject site, with the allocation of such funds to be determined between the owner and Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, and payment to be made prior to the issuance of the first above-grade building permit for the development. Provided however, that our clients may be open to discussing the creation of a day care or other social service facility, and if such were to happen, that some amelioration of the cash contribution might be in order;
 - (b) The Section 37 contribution is based upon contributions agreed between the City and adjacent owners, adjusted for the proposed building size relative to neighbouring buildings and reflects the fact that an extensive investment is being made to preserve and improve existing rental units on site.
 - (c) The payment amount referred to in condition 12(a) herein to be increased upward by indexing in accordance with the Non-residential Construction Price Index for Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of execution of the Section 37 Agreement to the date the payment is made to the City;
 - (d) In the event the cash contribution referred to in condition 12(a) above has not been used for the intended purpose(s) with three (3) years of the zoning by-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

The above summarizes our client's without prejudice offer to settle. We request that this offer be put before City Council at its meeting of July 23, 2018.

If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,



Michael Polowin
Partner

cc. Timbercreek Asset Management Inc.
Michael Goldberg

November 21, 2018

Michael S. Polowin
Direct 613-786-0158
Direct Fax 613-788-3485
michael.polowin@gowlingwlg.com
File No. 01407234

WITHOUT PREJUDICE

Mr. Mark Crawford and
Ms. Laura Bissett
Legal Division, Planning and Administrative Tribunal Law
City of Toronto
55 John Street, Metro Hall, 26th Floor
Toronto, Ontario M5H 2N2

Dear Mr. Crawford:

**Re: Offer to Settle - 75 Broadway Avenue - Timbercreek Asset Management Inc.
City of Toronto ZBA Application No.: 17 150315 STE 22 OZ**

As you are aware, we are the solicitors for Timbercreek Asset Management Inc. with respect to the matter referred to above. We forwarded to you a revised Offer to Settle on July 12, 2018.

This letter confirms our discussions that the July 12, 2018 offer is hereby extended to the conclusion of the December 13, 2018 Council meeting.

We request that this offer be put before City Council at its meeting of December 13th, 2018.

If you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,



Michael Polowin
Partner

cc. Timbercreek Asset Management Inc.
Michael Goldberg