



MUNICIPAL, PLANNING & DEVELOPMENT LAW

10 December 2019

**With Prejudice**

Delivered via E-mail

Daniel Elmadany  
City of Toronto, Legal Services  
55 John Street, Metro Hall, 26<sup>th</sup> Floor  
Toronto, ON M5V 3C6

Dear Mr. Elmadany:

**Re: Settlement Offer**  
**100 Wellesley Street East, City of Toronto**  
**LPAT Case No. PL180243**  
**Zoning By-law Amendment Application No. 17 198670 STE 27 OZ**

We represent CAPREIT Limited Partnership ("CAPREIT"), the applicant and appellant in respect of the proposed development of the property municipally known as 100 Wellesley Street East (the "Site"), being the subject of the above-noted zoning by-law amendment application (the "Application").

We write on a with prejudice basis to present our client's final settlement offer with respect to the Application and its appeal of the Application at the Local Planning Appeal Tribunal (the "Appeal"). The settlement offer remains open until the end of the City Council meeting scheduled to commence on 17 December 2019.

**Settlement Offer**

Our client proposes to construct a new purpose-built rental building on the Site, to the north of and attached to the existing 28-storey rental building, as shown conceptually in the attached drawings dated 9 December 2019 (the "Plans"). The features of the proposal are outlined below, and together with the Plans, shall be referred to in this letter as the "Settlement Offer":

- The provision of Privately-Owned Publicly Accessible Space (POPS) generally as shown in the Plans, which shall be no less than 820 square metres in size (the "POPS Area");
- The addition of a new purpose-built rental building on the northern portion of the Site, which building includes a mid-rise 10-storey portion (with 11<sup>th</sup>-storey pop-up amenity space and wrapped mechanical) that steps down to a low-rise 4-storey portion along Cawthra Square;

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- The mid-rise portion of the new building (exclusive of 11<sup>th</sup> storey pop-up amenity space and wrapped mechanical and parapet) will be no greater than 31.95 metres in height, and the low-rise portion of the new building (exclusive of parapet) will be no greater than 13.65 metres in height (all elevations are above new ground floor lobby level and are to the top of the structural slab);
- The total approximate gross floor area of the new purpose-built rental building is 9,910 square metres;
- The total indoor amenity ratio in the implementing zoning by-law amendment will be 1.3 sm / unit, and the location of such indoor amenity space will be determined at later design stage;
- At least 10% of the units in the new building will be 3 bedrooms; and
- Improvements to the existing rental building on Site, which includes the provision of new indoor and outdoor amenity space accessible to both existing and new tenants, improvements to the existing rooftop amenity space, consolidation and internalization of garbage storage and pick-up, new bicycle parking for all tenants in the underground garage, and a new outdoor front entrance to the existing building and such improvements to be implemented by the owner through the Site Plan approval process.

We note that there is currently sufficient vehicular parking on Site to accommodate both existing and future tenants, including visitors, and CAPREIT will explore whether it is feasible and viable (from a structural, safety, security and financial perspective) to convert some of these parking spaces to commercial parking spaces, and if feasible and viable, those will be secured in the amending by-laws satisfactory to the City.

### **Implementation**

CAPREIT will not oppose a City request to the LPAT, if any, that the LPAT withhold the issuance of its final order on the zoning by-law implementing the Settlement Offer until such time as the LPAT has been advised that:

- City Council or delegate, as the case may be, has made a decision approving the Rental Housing Demolition and Conversion Application under Chapter 667 of the Toronto Municipal Code and Section 111 of the City of Toronto Act, 2006, if applicable, including a tenant relocation and assistance plan and construction mitigation strategy to the satisfaction of the Chief Planner and Executive Director, City Planning and secured in the Zoning by-laws and appropriate agreements;

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- Any necessary agreements, including but not limited to a Section 111 agreement are entered into to the satisfaction of the Chief Planner and Executive Director, City Planning, and executed and registered on title to the satisfaction of the City Solicitor;
- The amending by-laws that implement the Settlement Offer are finalized in a form and content acceptable to the City Solicitor and Chief Planner and Executive Director, City Planning, and which shall include provisions relating to no development on the landscaped open space at the corner of Jarvis Street and Wellesley Street East (the extent of which is shown on Plan A2.1 and labelled “**Landscaped Open Space**”), save and except for accessory structures meant to enhance the landscaped open space, such as gazebos or shade structures, and shall be maintained as landscaped open space;
- The following matters are secured in a Section 37 agreement as agreed to and/or required in support of the proposed additional development of the Site, including:
  - the POPS Area, the provision of a public access easement to the City including indemnity, insurance and rights of support;
  - the owners requirement to submit a landscape plan accepted by and satisfactory to the Chief Planner and Executive Director, that among other matters details improvements to the Landscaped Open Space, as shown on Plan A2.1;
  - that the Landscaped Open Space as shown on Plan A2.1 shall be maintained as landscaped open space in perpetuity and development and/or redevelopment be restricted on that Landscaped Open Space, save and except for accessory structures meant to enhance the Landscaped Open Space, such as gazebos or shade structures;
  - improvements to the existing building, as follows:
    - the CPTED Security Measures for the proposed addition identified in the preliminary report to be in a satisfactory form and content to the Chief Planner and Executive Director, City Planning, prior to issuance of the LPAT order on the amending by-laws, and such identified measures be implemented by the owner at the site plan approval stage to the satisfaction of the Chief Planner and Executive Director, City Planning;
    - modifications to the existing rooftop amenity space;
    - prior to any residential use of, and occupancy of, the proposed addition, undertake an accessibility audit of the existing building and implement needed

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improvements to enhance accessibility within the existing building and throughout the Site, satisfactory to the owner and the City;

- prior to any residential use of and occupancy of the proposed addition, provide long-term bike parking located inside the existing building at P1 and bike racks for short-term bike parking near the front entrances of the existing building;
  - the owners obligations to provide tenants of the existing rental building with access to indoor and outdoor amenities within and adjacent to the proposed addition, including all outdoor amenity spaces and indoor amenity space, at no extra charge and with no pass-through cost to tenants of the existing building; access and the use of these amenities shall be on the same terms and conditions as any other resident in the building;
  - the costs of the improvements to the existing apartment building and associated spaces within and outside the existing apartment building, and improvements for the purpose of the proposed addition as described above, shall not be passed on to the tenants of the existing apartment building in any form, including by way of an application to the Landlord Tenant Board, or to any successor tribunal with jurisdiction to hear applications made under the Residential Tenancies Act, for the purpose of obtaining an increase in residential rent above the applicable guideline, or in the form of any additional costs and charges;
- a Tenant Communication and Construction Mitigation Strategy;
  - that all existing rental units in the existing building at 100 Wellesley Street East, together with the new and retained associated facilities and amenities of the existing rental apartment building, are secured for a period of at least 20 years commencing from the date of the implementing Zoning By-laws coming into full force and effect and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - that all existing rental units are to be retained on Site, tenant relocation and assistance, and any other rental housing related matters in conformity with Chapter 667 of the Toronto Municipal Code and Policy 3.2.1.5 of the Official Plan,
- the owner has agreed to enter into and register a Section 37 Agreement with the City incorporating language securing the above all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;



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- the owner has submitted a Noise and Vibration Study, as well as a revised Wind Study and Rental Housing Demolition and Conversion application, acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;
- the owner has submitted a revised Transportation Impact Study acceptable to, and to the satisfaction of, the General Manager, Transportation Services;
- the owner has addressed outstanding issues in relation to site servicing and has submitted a revised Functional Servicing and Stormwater Management Report and a detailed Hydrogeological Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and where improvements are required as identified in the accepted reports, such improvements have been secured to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- the owner agrees to withdraw its site-specific appeal of Official Plan Amendment 352 and By-laws 1106-2016 and 1107-2016 as it pertains to 100 Wellesley Street East.

#### **Conclusion**

We trust that you will forward this Settlement Offer to City Council for its review and consideration at its meeting commencing on 17 December 2019.

CAPREIT is very appreciative of the City staff efforts in this matter and hope that City Council will accept this offer. We look forward to receiving a response. Please do not hesitate to contact the undersigned if you have any questions.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in blue ink, which appears to read "Jshapira".

Johanna R. Shapira

JRS/af

c. Client

Encl.