

**AIRD & BERLIS LLP**

Barristers and Solicitors

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November 22, 2016

Our File No: 112718

**DELIVERED**

Abbie Moscovich  
Solicitor, Planning & Administrative Tribunal Law  
City of Toronto, Legal Services  
26<sup>th</sup> Floor, Metro Hall  
55 John St.  
Toronto, ON M5V 3C6

Henry Tang  
Senior Planner  
Community Planning  
Toronto City Hall  
18th fl. E., 100 Queen St. W.  
Toronto, ON M5H 2N2

Dear Ms. Moscovich and Mr. Tang:

**Re: Settlement Offer  
Zoning By-law Amendment and Rental Housing Demolition and  
Replacement Application  
48-54 Power Street and 113-135 Parliament Street, City of Toronto  
City File No: 13 181685 STE 28 OZ  
Related City File No. 13 181698 STE 28 RH**

We act on behalf of Great Gulf (Power) Ltd., 2407186 Ontario Inc., 2480760 Ontario Inc, GGH (Power) Ltd. and 52 Power Ltd., owners of the above-noted lands, encompassing the block bordered by Parliament Street, Richmond Street East, Power Street and Adelaide Street East in the City of Toronto.

In June 2013, Zoning By-law Amendment and Rental Replacement applications were submitted in order to permit a proposed mixed-use building at 48 Power Street and 125 Parliament Street. Our client had since purchased the remaining lands contained in this block and in November 2015 submitted revised applications which contemplate a mixed-use building containing street related retail uses on the first two storeys with residential uses above and parking provided below grade. The existing building at 125 Parliament Street currently contains 12 rental apartment units and the existing building at 50 Power street contains 3 rental apartment units. All 15 rental units are proposed to be replaced within the newly constructed building.

On June 2, 2016, our client appealed Council's failure to issue a decision respecting the rezoning application within the timeframe set out in subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13 to the Ontario Municipal Board ("OMB").

Throughout this time, our client and its team have participated in an extensive consultation process with City staff, public agencies and interested stakeholders. In response to feedback received, our client has made a number of revisions to its proposal.

The following revisions, as depicted on the attached plans, are reflected in this latest resubmission:

1. Revised building form to incorporate two towers above a podium with the maximum height reduced from 77.5 metres (22 storeys) to 68.9 metres (21 storeys) and 65.9 (20 storeys) metres;
2. Residential gfa has been reduced from 41,142 m<sup>2</sup> to 39,025 m<sup>2</sup>, retail gfa reduced from 6,187 m<sup>2</sup> to 4,028 m<sup>2</sup>. The total gfa has been reduced from 47,329 m<sup>2</sup> to 43,053 m<sup>2</sup>;
3. The number of residential units has decreased from 532 to 522 (inclusive of the 15 rental replacement units);
4. Parking spaces have been reduced from 499 spaces to 253 spaces; and
5. A total of 469.4 m<sup>2</sup> at the southeast portion of the property is proposed to be dedicated for public parkland uses.

An Ontario Municipal Board Prehearing Conference is scheduled for this matter on January 23, 2017. Our client is seeking to convert this Prehearing into a Settlement Hearing based on the revisions contained within this resubmission. Accordingly, we are writing to provide the following offer for City Council's consideration at its meeting commencing on December 13, 2016:

1. If City Council supports the revised proposal at its meeting commencing December 13, 2016, our client will formally revise its Zoning By-law appeal before the Ontario Municipal Board and proceed to a hearing on that basis.
2. The parties will ask the OMB to withhold its Order until advised by the City Solicitor that the following conditions are satisfied:
  - a. Finalization of the draft Zoning By-law Amendment, that will substantially be in accordance with the enclosed plans, but may reflect revisions necessitated by the rental housing replacement review, the City's desired reduction in the size of individual retail units, or otherwise, as approved by the Chief Planner;
  - b. The Functional Servicing Report has been revised to the satisfaction of the Executive Director, Engineering and Construction Services and any work required to be completed by the owner, as outlined in the approved report, is satisfactorily secured, to the satisfaction of the Executive Director and the City Solicitor;
  - c. The owner enters into a sanitary discharge agreement for discharging to the sanitary sewer in accordance with Toronto Municipal Code 681-6, By-law No. 868-2010, if required, to the satisfaction of the General Manager of Toronto Water;

- d. The Transportation Impact Assessment has been revised, and the submission of a traffic mitigation strategy, as necessary, to the satisfaction of the Director of Transportation Services – Toronto and East York District;
  - e. The Pedestrian Wind Study has been revised to the satisfaction of the Chief Planner;
  - f. Conformity to the City of Toronto's Private Tree By-law and City Street Tree By-law, to the satisfaction of the Urban Forestry Supervisor, Tree Protection & Plan Review South;
  - g. The parties have entered into a Section 37 agreement;
  - h. Council has made a decision on the application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act to demolish the 15 existing residential rental dwelling units at 125 Parliament Street and 50 Power Street (file no. 13 181698 STE 27); and
  - i. All appropriate conditions associated with the Section 111 permit have been satisfied, including the execution of any necessary agreements.
3. The parties will settle the terms of a mutually acceptable Section 37 contribution to be approved by City Council at its meeting commencing on December 13, 2016.
4. In addition to the community benefits referenced in paragraph 3 above, our client would agree to the following requirements being included in the Section 37 agreement a legal convenience:
- a. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
  - b. should Council approve a section 111 permit for the site, the owner shall enter into Agreement(s) to secure the conditions of the Section 111 permit and any related conditions; and
  - c. terms respecting the parkland conveyance from the owner to the City, including, but not limited to the timing of the conveyance and acceptable condition of the land.

Please find enclosed the following materials in support of our client's revised application:

1. Architectural Plans and Drawings prepared by Core Architects, dated November 14, 2016 (20 copies):
  - (a) A100 Statistics
  - (b) A100a Toronto Green Standard Statistics Template
  - (c) A103 Survey Plan
  - (d) A104 Context Plan
  - (e) A105 Site Plan
  - (f) A200 Level P3
  - (g) A201 Level P2

- (h) A202 Level P1
- (i) A203 Ground Floor
- (j) A204 Level 2
- (k) A205 Level 3
- (l) A206 Level 4
- (m) A206a Level 5
- (n) A207 Level 6
- (o) A208 Typ. Tower Level 7-15
- (p) A209 Level 16
- (q) A210 Upper Tower Level 17-21
- (r) A211 Mechanical Penthouse
- (s) A212 Roof Plan
- (t) A401 South Elevation
- (u) A402 West Elevation
- (v) A403 North Elevation
- (w) A404 East Elevation
- (x) A405 South Courtyard Elevation
- (y) A406 North Courtyard Elevation
- (z) A410 Section 1
- (aa) A411 Section A

2. Landscape Plans prepared by Ferris & Associates Inc., dated November 16, 2016 (20 copies):

- (a) RZ1 Hard Landscape Plan
- (b) RZ2 L4 Amenity Plan
- (c) RZ3 L16 Amenity Plan
- (d) RZ4 Green Roof Plan

3. Shadow Study prepared by Core Architects, dated November 14, 2016 (5 copies);

4. Planning Rationale addendum letter prepared by Urban Strategies Inc., dated November 18, 2016 (5 copies);

5. Housing Issues Report addendum letter prepared by Urban Strategies Inc., dated November 16, 2016 (5 copies);

6. Urban Transportation Considerations addendum letter prepared by BA Group, dated November 18, 2016 (5 copies);

7. Functional Servicing Report prepared by MMM Group Ltd., dated November 2016, 2016 (5 copies);

8. Stormwater Management Report prepared by MMM Group Ltd., dated November 2016, 2016 (5 copies);

9. Letter from MMM Group Limited detailing the Development Engineering circulation comments this submission has addressed, dated November 18, 2016 (5 copies);

10. Pedestrian Level Wind Study prepared by Gradient Wind Engineering Inc., dated September 2016 (5 copies);
11. Arborist Report screening form prepared by Paul Ferris and dated November 15, 2017 (5 copies);
12. Draft Zoning By-law Amendments for Zoning By-laws 438-86 and 569-2013 (5 copies of each);
13. Revised Toronto Green Standards Checklist;
14. Completed Development Approval Resubmission form;
15. Completed Project Data Sheet; and
16. A CD with copies of the above materials in electronic format.

As noted above, it is our intention that if Council accepts this offer at its meeting commencing on December 13, 2016 we will proceed to the Ontario Municipal Board on the basis of these revisions., subject to any further revisions that are deemed acceptable to the Chief Planner. It is understood that the parties will make reasonable efforts to work together and finalize terms of a draft Zoning By-law which reflects the foregoing prior to the hearing.

Should you have any questions, please do not hesitate to contact the undersigned or Josh Hilburt, Land Use Planner with our office, at 416.865.7706.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar  
KMK/jh

cc: Client

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