

May 3, 2016

Our File No.: 00-1670

Metro Hall
Legal Department
55 John Street
26th Floor
Toronto, Ontario M5V 3C6

Attention: Mr. Mark Crawford, City Solicitor

Dear Mayor and Members of Council:

**Re: 10 St. Mary's - Appeal of Rezoning AND Application for a Demolition Permit -
WITHOUT PREJUDICE Offer to Settle**

As you are aware, we are the solicitors for Lifetime St. Mary Street Inc., the applicant/appellant with respect to the above-referenced applications for demolition and rezoning relating to the property municipally known as 10 St. Mary Street in the City of Toronto.

As you are also aware, prior to our client closing on the property, they had researched all planning tools affecting the site, confirmed that the site was neither listed nor designated, and to be safe, went to the extent of filing an application for a Demolition Permit even prior to closing to ensure that such property could be redeveloped, as proposed. A demolition permit WAS issued; however, when our client's application for rezoning was moving forward, the Site was quickly designated.

Our client has already put forward it's position on this matter, which in essence, submits that the property ought not to have been listed and / or designated, however, our client's application for rezoning proposed a podium with a tower above which we believed fully complied with the City's new Official Plan for the area ("OPA 183").

When we were told that the rezoning would not move forward while the heritage matter was at issue, our client had no choice but to appeal their application for rezoning, however, our client continued to pursue a cooperative resolution of this matter. Please note that we now have the support of the adjacent property owner fronting onto Yonge Street, to the immediate north of the Site, with the following outlining our client's continued cooperative approach to the outstanding appeal.

Further to the Ontario Municipal Boards scheduled hearing date of November 1st, and in the continued spirit of cooperation, our client has authorized me to put forward the following without prejudice offer to settle all outstanding appeals:

1. As we had already mentioned, our client will make all the requested changes to the built form which include compliance with the angular plane from Yonge Street, compliance with the required indoor amenity space, and compliance with the parking rate, as agreed to with city staff:
2. On the condition that council approves the demolition of the existing building, our client will agree to either replicate such building in terms of height and design, or in the alternative, redesign the podium at a height that fully complies with OPA 183; and
3. Our client will agree to a section 37 payment of 1.5 million dollars, which amount shall be due and payable upon the issuance of the first above grade building, which amount shall be directed to community benefits agreed to as between the local councillor and city staff, with the input of the local community.

We would respectfully request that you place this without prejudice offer before Council when they are to consider the application to demolish the building at the current Council Meeting.

Yours very truly,



Adam J. Brown
AJB/jn

cc: Mr. Sam Herzog
Mr. Brian Brown