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September 22, 2017

Our File No.: 110369

WITHOUT PREJUDICE

Legal Services, City of Toronto
Metro Hall, 55 John Street, 26th Floor
Toronto, ON M5V 3C6

Attention: Abbie Moscovich

Dear Sirs/Mesdames:

**Re: 4 & 6 Tippett Road
OMB Case No. PL161278**

We are solicitors for Tippett Yorkdale Inc. and Wilson Yorkdale Inc., who are the beneficial owners of the properties known municipally as 4 Tippett Road and 6 Tippett Road (the “**Property**”) respectively. On July 26, 2016, our client submitted official plan amendment and rezoning applications regarding the Property (the “**Applications**”). On behalf of our client, we appealed the Applications to the Ontario Municipal Board. As you know, a hearing has now been scheduled in respect of these appeals.

Further to our client’s recent discussions with City staff, we are writing on a without prejudice basis to propose a settlement of our client’s appeals. This settlement offer remains open until the end of the City Council meeting scheduled to commence on October 2, 2017.

Without Prejudice Settlement

The fundamental components of the without settlement offer are as follows:

1. The Property would be developed generally in accordance with the attached plans and statistics prepared by RAW Design dated September 1, 2017 (the “**Plans**”), with additional matters to be addressed through the site plan approval process, such as the exact extent of the privately-owned publicly accessible space (or “**POPS**”), the relationship between the proposed POPS and the new public park, the location of the proposed space for electric car charging and the design of the proposed pathway along the southern portion of the Property, with appropriate regard to its relationship with linkages to area green space and Champlain parkette.

2. We believe that the Plans generally implement the height, density and built form policies of Official Plan Amendment 309. The Plans include 548 vehicle parking spaces, 464 bicycle parking spaces, a minimum requirement for 5% of the units to be 3-bedroom units, indoor amenity space at a rate of 2.0 square meters per unit and outdoor amenity space at a rate of 2.0 square metres per unit (exclusive of the POPS). As part of preparing the implementing zoning by-law amendments, and as a result of our client's commitment to providing non-residential spaces as part of the redevelopment, our client would like to propose sharing non-residential and visitor parking spaces. We will also secure the proposed four (4) car share spaces.
3. The Plans include POPS and our client's contribution to the new park space (1,028 square metres) and road network. The public park space could be conveyed to the City prior to first above grade building permit for the proposed north building, with cash-in-lieu also paid in addition to the parkland dedication but prior to the first above-grade building permit for the proposed north building, with the parkland conveyance to be cleaned to base park standards and with the details regarding environmental remediation in the Section 37 agreement. Our client is also prepared to complete the "above base park improvements" on condition that development charge credits be provided by the City to the lesser of the full value of the improvements or the value of the parks and recreation component of the development charges paid for the development, whichever is less, provided that the cost of the "above base park improvements" does not exceed the development charges paid for the development.
4. The Plans include replacement of 50% of the non-residential gross floor area existing on the Property, of which a minimum of 50% will be business, clerical, administrative and professional uses, including business offices, clinic, professional medical offices, professional offices, communications and broadcasting, health science research laboratories, research laboratories and information processing (with revisions to the definition of information processing to eliminate information storage and reproduction as primary uses), all of which will be secured in the implementing zoning by-law amendments.
5. For servicing matters, our client acknowledges the City's requirement for certain on- and off-site infrastructure improvements to be operational prior to the first above-grade building permit for the redevelopment of the Property. Our client also acknowledges that the implementing zoning by-law amendment will secure the resolution of certain matters related to groundwater discharge and infrastructure improvements in the area. Details with respect to these matters will be addressed within an acceptable functional servicing report.
6. Our client will provide twenty-five (25) affordable housing units in the redevelopment of the Property.

7. Our client will provide a Section 37 contribution of \$2,100,000.00, with \$1,600,000.00 to be directed towards local improvements in Ward 10, to be determined in coordination with City planning, the local community and the local councillor. Our client agrees that \$300,000.00 of the \$1,600,000.00 to be directed towards local improvements in Ward 10 would be paid to the City prior to issuance of the first shoring permit for redevelopment of the Property, with the balance (\$1,300,000) to be phased on an approximate per unit basis between the two buildings. Our client would provide \$350,000 prior to issuance of the first above-grade building permit for the south building and \$950,000 prior to issuance of the first above-grade building permit. The balance of the Section 37 contribution would be through the provision of public art, having a minimum value of \$500,000 or such greater amount as the owner may in its discretion determine, to be provided by the owner in accordance with the Percent for Public Art Program.
8. Implementation of the settlement will be conditional upon the following matters, which must be completed prior to issuance of any final order from the OMB regarding the proposed zoning by-law amendments(s), and for which the City and our client will work cooperatively and in good faith to finalize as soon as possible:
 - a) finalization of a functional servicing report identifying both on and off-site infrastructure improvements, which also addresses groundwater requirements, acceptable to the Executive Director, Engineering and Construction Services;
 - b) finalization of a revised Transportation Impact Study that justifies the proposed parking ratios through travel demand measures and street improvements with high quality pedestrian, cycling and shared mobility facilities in accordance with the applicable SASP policies, in a manner acceptable to Transportation Planning and Transportation Services;
 - c) preparation of official plan and zoning by-law amendments, in a form acceptable to the parties; and,
 - d) the execution and registration of a Section 37 in a form satisfactory to the City solicitor.
9. Upon the Board's issuance of the final OMB Order approving the official plan amendment and zoning by-law amendment(s), our client shall withdraw its OMB appeals of Official Plan Amendment No. 231 and Official Plan Amendment No. 309.

Our client is extremely appreciative of the good faith efforts of City staff in this matter and hopes that City Council will accept this without prejudice settlement offer. As noted above, this settlement offer remains open until the end of the City Council meeting scheduled to commence on October 2, 2017.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read 'DBronskill', is written over a horizontal blue line.

David Bronskill

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