



Overland LLP  
Daniel B. Arsenosi  
Tel: (416) 730-0337 x. 111  
Direct: (416) 730-0320  
Email: darsenosi@overlandllp.ca

**Without Prejudice**

June 13, 2018

**VIA EMAIL**

Kelly Matsumoto, Practice Lead  
Planning & Administrative Tribunal Law  
City of Toronto, Legal Services  
55 John Street  
26<sup>th</sup> Floor, Metro Hall  
Toronto, Ontario  
M5V 3C6

Dear Ms. Matsumoto:

**RE:           2075 Kennedy Road, 26 and 50 Village Green Square  
              KS 2075 Kennedy Road Inc.  
              Appeal No. 79  
              LPAT Case No. PL140860**

We are the solicitors for KS 2075 Kennedy Road Inc. (“**KS**”), being the owner of the property municipally known as 2075 Kennedy Road (the “**Property**”). KS purchased the Property from Dream Office (GP) Inc. on September 8, 2017.

**Background to OPA 231 Proceedings**

On July 29, 2014 Dream Asset Management Corporation (“**Dream**”) appealed the decision of the Ministry of Municipal Affairs and Housing to approve Official Plan Amendment No. 231 to the Local Planning and Appeals Tribunal (the “**Appeal**”). The Appeal was filed by our office on behalf of Dream, and we continue to represent Dream in these proceedings.

The Appeal pertains, in part, to the Property and the proposed identification of the Property as *Employment Areas* on the Urban Structure Map (Appendix 1 of OPA 231, being Map 2 of the Official Plan) and the designation of the Property as *Core Employment Areas* on Map 17 of OPA 231 (being Map 19 of the Official Plan). The Appeal also pertains to the proposed office replacement policies in OPA 231 generally; that is, as these policies apply City-wide. Dream has been an active appellant participant in the ongoing office replacement mediation. The Appeal is identified as Appeal No. 79 in the OPA 231 LPAT proceedings.

As KS is now the owner of the Property, it has a direct interest in the determination of the Appeal as it pertains to the Property. Since its acquisition of the Property, KS has engaged in discussions with City Staff on proposed revisions to OPA 231 for the Property, which are in keeping with the planned function of properties in the immediate surrounding area under the in-force Official Plan.

KS is proposing a partial resolution of Appeal No. 79 as it pertains only to the Property based on the revisions to OPA 231 set out in Appendix "1" to this letter. The proposed revisions have been prepared in consultation with City Staff, and are intended to implement the objective of recognizing mixed-use permissions as well as a net gain of employment uses on the Property.

This proposed partial resolution to Appeal No. 79 has been reviewed by Dream. We confirm that Dream consents to the relief being sought, provided that this partial resolution will not prejudice in any way its ongoing Appeal, including as it pertains to the proposed office replacement policies in OPA 231.

We understand that this partial resolution will be presented to City Council at its meeting on June 26, 27 and 28, 2018. If accepted, the parties will agree on the final form of the revisions to implement the objectives set out above and in the attached in advance of the Tribunal consideration of the proposed partial resolution to Appeal No. 79.

Please advise if you require any additional information.

Yours truly,  
**Overland LLP**



Per: Daniel B. Artenosi  
Partner

Encl.

c. Tom Giancos, KS 2075 Kennedy Road Inc.  
Tony Medeiros, Dream Asset Management Corporation

**WITHOUT PREJUDICE**

**APPENDIX "1"**

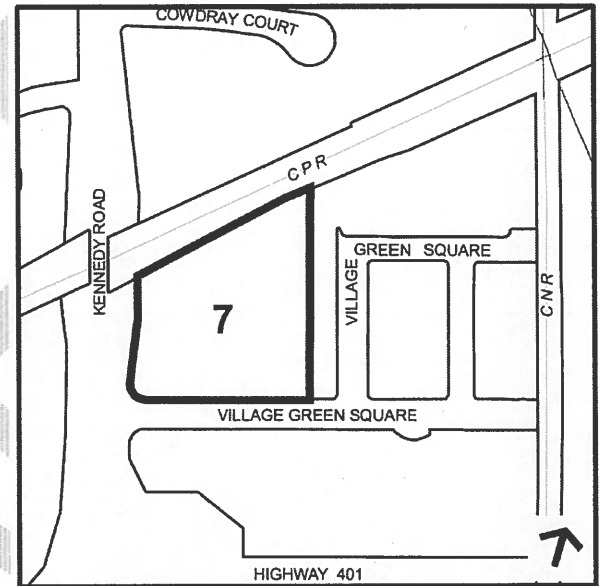
1. Map 19 of the Official Plan is amended by redesignating lands municipally known as 2075 Kennedy Road and 26, 50 Village Green Square to *Mixed Use Areas*.

2. Chapter 6, Section 1, Agincourt Secondary Plan Map 1-1, Urban Structure Plan, is amended by adding the lands known municipally as 2075 Kennedy Road and 26, 50 Village Green Square as Site and Area Specific Policy No 7 as shown below.

**7. 2075 Kennedy Road and 26, 50 Village Green Square**

Development of the subject lands for residential uses will:

- a) Provide a net gain of employment floor area within the first phase of any development on the site.
- b) Ensure the height, density and massing of new development provides appropriate transition to the surrounding existing and planned context and respects and reinforces the existing planned and physical character of the surrounding area, including lands to the east and south.
- c) Demonstrate sufficient servicing and transportation capacity is available to support future development to the satisfaction of the City.
- d) Demonstrate appropriate separation and mitigation measures to the adjacent rail corridor to the satisfaction of the City.
- e) In accordance with and subject to Section 5.1.1 of the Official Plan, the first priority community benefit to be secured through a negotiated Section 37 contribution will be the provision of residential gross floor area on-site as affordable rental or affordable ownership housing, which affordable housing shall not exceed 5% of the total residential gross floor area of the new development.



3. Chapter 6, Section 1, Agincourt Secondary Plan Map 1-2, Maximum Densities Pre-Subway, is amended by deleting the density factor of 1.8 from the lands known municipally as 2075 Kennedy Road and 26, 50 Village Green Square.