

PL170621

LOCAL PLANNING APPEAL TRIBUNAL
Tribunal d'appel de l'aménagement local

IN THE MATTER OF subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: The Governing Council of the University of Toronto
Subject: Application to amend Zoning By-laws No. 438-86 and 569-
2013 – Neglect of City of Toronto to make a decision
Property Address/Description: 698, 700, 702, 704, 706 Spadina Avenue and 54 Sussex
Avenue
Municipality: City of Toronto
Municipal File No.: 16 194679 STE 20 OZ
L.P.A.T. Case No.: PL170621
L.P.A.T. File No.: PL170621

MINUTES OF SETTLEMENT
(the "**Minutes**")

BETWEEN:

THE CITY OF TORONTO
(the "**City**")

- and -

HARBORD VILLAGE RESIDENTS ASSOCIATION
(the "**HVRA**")

- and -

GRANGE COMMUNITY ASSOCIATION
(the "**GCA**")

- and -

ART LEVINE
(the "**Mr. Levine**")

- and -

DANIELS HR CORPORATION

- and -

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO
(the "**Proponent**")

Herein referred to collectively as the "**Parties**"

WHEREAS on July 21, 2016 the Proponent filed a rezoning application (the "**Application**") to the City of Toronto in respect of the property municipally known as 698, 700, 702, 704, 706 Spadina Avenue and 54 Sussex Avenue (the "**Subject Property**").

AND WHEREAS on May 15, 2017, the Proponent appealed the Application to the Ontario Municipal Board ("**OMB**") under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from City Council's neglect to enact a proposed amendment to Zoning By-laws 438-86 and 569-2013 of the City of Toronto to rezone the Subject Property (the "**Appeal**").

AND WHEREAS on January 3, 2018, the OMB held a pre-hearing conference, at which the OMB granted the HVRA, the GCA, and Mr. Levine (the "**Neighbours**") status with respect to the Appeal and party status with respect to the mediation of the Appeal.

AND WHEREAS the Neighbours indicated that they had concerns about the proposed development that is the subject of the Appeal (the "**Project**").

AND WHEREAS on April 3, 2018, the OMB was replaced by the Local Planning Appeal Tribunal (the "**LPAT**"), under which the Appeal has been continued.

AND WHEREAS on March 1, March 2, March 23, May 18, and June 15, 2018, the City and the Neighbours engaged in an OMB/LPAT-led mediation process with the Proponent in an effort to resolve the Appeal.

AND WHEREAS the Parties have settled all of the issues between them in respect of the Appeal.

NOW THEREFORE the Parties, in consideration of the sum of One Dollar (\$1.00) paid by each of the Parties to the others and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. The Parties confirm that the foregoing recitals are true and correct.
2. The Parties agree to resolve the Appeal in accordance with the Settlement Terms attached hereto as Schedule "A".
3. Following execution of these Minutes, the Parties will support a settlement hearing before the LPAT and the issuance of a Decision by the LPAT in respect of the Appeal, in accordance with Schedule "A", subject to and in accordance with the settlement terms set out in Schedule "A" and with the issuance of the LPAT Order to be withheld pending receipt of confirmation by the LPAT of the matters set out in Section 6 of the settlement terms set out in Schedule "A".

General:

4. Each Party acknowledges that it has read and understands this Agreement, and acknowledges that it has had the opportunity to obtain independent legal advice with respect to it.

5. The Parties agree to act reasonably and in good faith in respect of all dealings between the Parties pursuant to these Minutes.
6. Each of the Parties shall, at the request of the other Party, furnish such further information or assurances, execute and deliver such additional documents, and take such other actions and do such other things, as may be reasonably required in order to implement and give full legal force and effect to the terms of these Minutes.
7. The Parties agree not to request a cost award from the LPAT against one another in respect of the Appeal.
8. These Minutes may be filed with the LPAT.
9. Any amendment to or waiver of any provision of these Minutes must be in writing and signed by the Parties.
10. The Parties agree that the covenants, rights, duties, provisos, conditions and obligations contained herein shall enure to the benefit of and be binding upon each of the Parties hereto and their respective successors and assigns.
11. In these Minutes, the plural shall include the singular, and the singular shall include the plural.
12. The Parties acknowledge and agree that these Minutes may be executed by their respective solicitors, and if so executed, these Minutes shall be of force and effect as if executed by the Parties themselves.

- Remainder of Agreement on Following Page --

13. These Minutes may be executed in counterpart and all counterparts taken together will constitute one fully executed copy of the Minutes. The parties agree that delivery of a faxed, photocopied, or electronically scanned executed counterpart will be deemed to be a duly executed original.

IN WITNESS WHEREOF, the Parties, by their solicitors where indicated, have executed these Minutes, and hereby confirm that they have the authority to bind the Parties and to execute these Minutes.

DATED this July 13, 2018.

**THE GOVERNING COUNCIL OF
THE UNIVERSITY OF TORONTO**



Name: Scott Mabury
Title: VP University Operations

I/We have authority to bind the corporation

DANIELS HR CORPORATION



Name: Christie E. Gibson
Title: Cassels Brock & Blackwell LLP,
counsel for Daniels HR Corporation

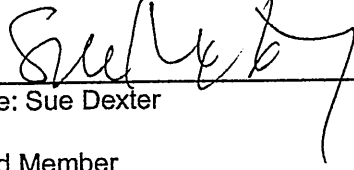
I/We have authority to bind the corporation

CITY OF TORONTO

Name:
Title:

I/We have authority to bind the corporation

**HARBORD VILLAGE RESIDENTS
ASSOCIATION**



Name: Sue Dexter

Title:

Board Member

University of Toronto Liaison

I/We have authority to bind the corporation

GRANGE COMMUNITY ASSOCIATION

Name:

Title:

I/We have authority to bind the corporation

ART LEVINE

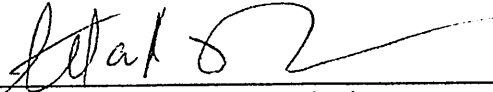
**HARBORD VILLAGE RESIDENTS
ASSOCIATION**

Name:

Title:

I/We have authority to bind the corporation

GRANGE COMMUNITY ASSOCIATION



Name: Ceta Ramkhalawansingh

Title: Honorary. President and Director

I/We have authority to bind the corporation

ART LEVINE

CITY OF TORONTO

Name:
Title:

I/We have authority to bind the corporation

HARBORD VILLAGE RESIDENTS
ASSOCIATION

Name:
Title:

I/We have authority to bind the corporation

GRANGE COMMUNITY ASSOCIATION

Name:
Title:

I/We have authority to bind the corporation



ART LEVINE

SCHEDULE "A" - TERMS OF SETTLEMENT