



Mark Flowers
markf@davieshowe.com
Direct: 416.263.4513
Main: 416.977.7088
Fax: 416.977.8931
File No. 703542

July 5, 2019

By E-Mail

Kasia Czajkowski
Solicitor, Planning and Administrative Tribunal Law
City of Toronto, Legal Services Division
Metro Hall, 26th Floor
55 John Street
Toronto, Ontario M5V 3C6

Dear Ms. Czajkowski:

**Re: "With Prejudice" Settlement Proposal
579 – 585 Lawrence Avenue West, Toronto
LPAT Case No. PL180241**

As you know, we are counsel to Oasis Townhomes on Lawrence Inc. ("Oasis"), the owner of lands municipally known as 579, 581, 583 and 585 Lawrence Avenue West, and the applicant/appellant in the above matter.

As you are aware, at its meeting on June 18 and 19, 2019, City Council adopted the recommendations of a Request for Directions Report from the Director of Community Planning, North York District, dated May 2, 2019 (the "Directions Report"). The recommendations included a direction that the City Solicitor, together with City Planning staff and any other City staff as appropriate, appear before the Local Planning Appeal Tribunal (the "Tribunal") hearing to oppose the appeal respecting our client's Official Plan Amendment and Zoning By-law Amendment application in its then current form.

At the same time, City Council authorized the City Solicitor and appropriate staff to "continue discussions with the applicant and seek revisions to the application in an attempt to resolve issues outlined in the [Directions Report], to the satisfaction of the Chief Planner and Executive Director, City Planning and report back to City Council on the outcome of discussions, if necessary".

Discussions have since continued with City staff and have resulted in Oasis preparing revisions to the application that we believe address the issues identified in the Directions Report, as reflected in the attached architectural plans prepared by r. Varacalli Architect inc. dated June 26, 2019 and the attached landscape plans prepared by Quinn Design Associates Inc. dated June 26, 2019 (collectively, the "Revised Plans").

Among other things, the Revised Plans incorporate the following revisions:

- 9 metre rear yard building setback;
- 3 metre landscape buffer strip along the entirety of the south lot line;
- Relocation of visitor parking spaces to ensure that no surface parking is located within 3 metres of the south lot line;
- Ensuring that the front porches do not encroach more than 1.5 metres into a minimum 3 metre front yard building setback;
- 1.5 metre side yard setbacks with landscaping;
- 1.5 metre walkway adjacent to a 6.0 metre driveway between the two blocks of townhouses; and
- 1.8 metre high privacy fence along the west, south and east lot lines.

Accordingly, we are writing to present the City with a “with prejudice” offer to settle our client’s appeals to the Tribunal based on the following terms:

1. Oasis and the City will work cooperatively to prepare revised draft zoning by-law amendments to reflect a development substantially in accordance with the Revised Plans (the “Revised Draft ZBA”);
2. Oasis and the City will jointly request that the Tribunal schedule a settlement hearing at the earliest available opportunity, subject to the reasonable availability of counsel and the anticipated witnesses for the parties, and will then release the currently scheduled hearing dates during the week of November 18, 2019, and will notify the participants accordingly;
3. Oasis and the City will jointly present the Revised Draft ZBA to the Tribunal for approval, in principle, at the settlement hearing and will coordinate the presentation of evidence and submissions in support of such approval;
4. Oasis and the City will jointly advise the Tribunal that an Official Plan Amendment is not required to approve the Revised Draft ZBA, and provided that the Tribunal accepts such submissions, Oasis will then withdraw the appeal of its Official Plan Amendment application, so long as:
 - a) Official Plan Amendment No. 433 and Site and Area Specific Policy 559 are not appealed and come into full force and effect;
 - b) The length of the townhouse blocks along the Lawrence Avenue West frontage are no greater than proposed; and
 - c) No building or structure on the subject lands will penetrate a 45 degree angular plane over the subject lands from the southerly lot line.

5. Oasis and the City will jointly request that the Tribunal withhold its final Order with respect to the approval of the Revised Draft ZBA until such time as the following conditions have been satisfied, unless such conditions have already been satisfied prior to the settlement hearing:
 - a) The Owner has provided a satisfactory Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - b) The Owner has provided a satisfactory Arborist Report and Revised Landscape Plan to the satisfaction of the General Manager of Parks, Forestry and Recreation;
 - c) The Owner has submitted a Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code, and the Chief Planner and Executive Director, City Planning has, under delegated authority, approved the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code to demolish 5 existing rental dwelling units at 579 - 585 Lawrence Avenue West; and
 - d) The Tribunal has been advised by the City Solicitor that the final form and content of the Revised Draft ZBA is satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services.
6. Neither Oasis nor the City will request an Order from the Tribunal for costs as against the other.
7. This settlement offer is conditional upon City Council accepting the terms of this offer at its meeting currently scheduled for July 16 and 17, 2019.

We look forward to receiving the City's response to this settlement proposal after the next City Council meeting.

In the meantime, please do not hesitate to contact us if you have any questions regarding this proposal, or if you require anything further.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

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copy: Cathie Ferguson, Community Planning, City of Toronto
Client
David Huynh, Bousfields Inc.