

July 12, 2019

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Via Email
Without Prejudice

File 16132.00007

Laura K. Bisset and Daniel Elmadany
Solicitor, Planning and Administrative Tribunal Law
City of Toronto Legal Services
55 John Street
26th floor, Metro Hall
Toronto, ON M5V 3C6

Dear Ms. Bisset and Mr. Elmadany:

RE: PL180067 – Adi Development (Portland) Inc. – Settlement Offer

We are the solicitors to Adi Development (Portland) Inc. in connection with the redevelopment of 135,137,139,141, and 143 Portland Street, in the City of Toronto, (the "Property").

As you are aware, a rezoning application for the Property was submitted to the City on August 9, 2017 and is currently before the Local Planning Appeal Tribunal (the "LPAT"), having been assigned File No. PL180067. In an attempt to resolve all of the outstanding issues with respect to the redevelopment of the Property, there have been numerous discussions between my client's consultant team and members of City staff.

As a result of those discussions, we are pleased to submit this formal settlement offer (the "Settlement Offer"), to resolve the outstanding issues as between our clients and to negate the need for a contested LPAT hearing on the merits of the zoning application. It is anticipated that if this Settlement Offer is accepted, that my client and staff will continue to work together to finalize the implementing zoning by-law amendment and address any outstanding rental housing matters.

This Settlement Offer is to be read in conjunction with the revised architectural plans that were provided to City staff on Friday July 12, 2019, (the "Revised Plans"). For certainty, if there is a conflict between the below noted table and the Revised Plans, the Revised Plans prevail.

The Settlement Offer is summarized below:

Statistic	As submitted	Current settlement proposal
Height	16 storeys 52.70 m to top of mechanical	16 storeys 49.99 m to top of mechanical
GFA	9,459 sq.m.	8,132 sq.m.
Unit count	117	129
Amenity space	3.1 sq.m./unit	2.0 sq.m./unit combined indoor/outdoor
North setback	0.0 m	0.0 m
South setback	0.0 m	0.0 m
East setback	0.0 m	1.5 m (post-conveyance property line)
West setback	2.6 m	0.6 m (retained rowhouse bay window) 0.0 m (over lobby) 1.5 m (over heritage)
Stepbacks	North and south: no stepbacks on front, 1.5 m step above 9 th level at rear. West: Variable stepbacks starting at level 5, generally increasing farther up the building East: Variable stepbacks of 1.5 to 4.5 m above 9 th level	North and South: Variable conditions above 11 th floor, ranging between 0.0 m and 5.5 m. West: 1.5 m stepback above 5 th level, variable stepback of 3.0 to 5.5 m above 11 th floor. East: 2.5 m stepback to post-conveyance property line except levels 3-6 where there is a 1.5 m stepback.
Vehicle parking	24	3
Bicycle parking	122	130
Heritage	Retention of façade of 143 Portland, demolition of remaining townhouses	Three-dimensional retention of 139-143 Portland, demolition of 135 Portland

Implementation

If this Settlement Offer is accepted by the City, our client will consent to the LPAT Order being withheld until the LPAT has been advised by the City Solicitor that:

- the final form of the Zoning By-law Amendments are to the satisfaction of the Director, Community Planning, Toronto East York District and the City Solicitor, which may include securing the replacement rental dwelling units and rents, tenant assistance and other rental related matters;
- the owner has provided a revised Heritage Impact Assessment for the Property, prepared by a qualified heritage consultant, that is consistent with the Revised Plans and this Settlement Offer, to the satisfaction of the Senior Manager, Heritage Preservation Services;
- the owner has provided a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the required Heritage Impact Assessment for the Property, to the satisfaction of the Senior Manager, Heritage Preservation Services;
- the owner has entered into a Heritage Easement Agreement with the City for the properties at 139, 141 and 143 Portland Street, in accordance with an approved Conservation Plan, all to the satisfaction of the Senior Manager, Heritage Preservation Services, including execution and registration of such agreement, to the satisfaction of the City Solicitor;
- the Toronto Preservation Board has considered and Toronto City Council has made a decision on whether or not to designate the properties being, 139, 141, and/or 143 Portland Street, under Part IV of the *Ontario Heritage Act*. In the event that any of properties are designated under Part IV of the *Ontario Heritage Act*, the LPAT Order will also be withheld until City Council, in consultation with the Toronto Preservation Board, approves the required alterations to the designated heritage properties pursuant to Section 33 of the *Ontario Heritage Act* to permit construction of the proposed development of the site in accordance with the Revised Plans.
- in the event that the properties located at, 139, 141, and/or 143 Portland Street are not designated under Part IV of the *Ontario Heritage Act*, they will be secured through the aforementioned Heritage Easement Agreement executed by the Owner and registered on title to the Property, which agreement may also secure such

matters including the Conservation Plan, the required alterations to the listed heritage properties at 139, 141 and/or 143 Portland Street, the preparation and thereafter the implementation of a Heritage Lighting Plan, a Signage Plan, an Interpretation Plan and a letter of credit to secure all work included in the approved Conservation Plan and Interpretation Plan, including provision for upwards indexing, all to the satisfaction of the Senior Manager, Heritage Preservation Services and the Director, Community Planning, Toronto and East York, and the City Solicitor.

- City Council, or its delegate, the Chief Planner and Executive Director, City Planning, has dealt with a future Rental Housing Demolition application under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* to demolish the existing rental dwelling units at 135-143 Portland Street and such matters arising from the future Rental Housing Demolition Application have been secured in a Section 111 Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning, and registered on title to the site to the satisfaction of the City Solicitor;
- the owner has provided a revised Functional Servicing and Stormwater Management Report, Hydrogeological Report and supporting documents addressing on-site groundwater, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with the General Manager, Toronto Water;
- the owner has designed and provided financial securities for any upgrades and/or required improvements to the municipal infrastructure as required by the approved Functional Servicing Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades to such infrastructure are required to support this development.
- the owner has provided a construction management plan satisfactory to the Chief Planner and Executive Director, City Planning, the Chief Building Official and Executive Director, Toronto Building and the General Manager, Transportation Services, in consultation with the Ward Councillor, and thereafter its implementation.

Our client will do everything it is required to do above, as quickly as possible, in order for the LPAT Order to be issued. Further, upon the issuance of an Order by the LPAT approving the revised proposal for the Property as set out in the Settlement Offer and Revised Plans, the

owner shall immediately withdraw its appeals of the King-Spadina Heritage Conservation District Plan and Official Plan Amendment 352 and related By-laws, with respect to the Property.

Our client also agrees that they will not contest the anticipated Part IV designation of 139, 141 and 143 Portland Avenue, provided that such designation will permit the development of the Property as proposed by the Settlement Offer.

Summary

It is our position that the aforementioned Settlement Offer results in a comprehensive solution to all outstanding issues as between our clients, subject to the finalization of the above Implementation items, which will allow for the development of the Property in a manner that implements provincial and local policy, while at the same time is respectful of the existing on site heritage resources.

We look forward to hearing from you as soon as possible regarding the foregoing. Please do not hesitate to contact me should you have any questions or concerns.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

cc Client