



Aaron I. Platt
aaronp@davieshowe.com
Direct: 416.263.4500
Main: 416.977.7088
Fax: 416.977.8931
File No. 703209

July 4, 2019

By E-Mail Only to alex.suriano@toronto.ca &
sarah.oconnor@toronto.ca

WITH PREJUDICE

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

Attention: Alexander J. Suriano & Sarah O'Connor

Dear Sirs/Mesdames:

**Re: Offer to Settle Rezoning Appeals for lands known municipally as
504 Wellington St. West (the "Site")
City of Toronto (the "City") Application No.: 16 270147 STE 20 OZ
L.P.A.T Case No. PL171178**

We are writing as counsel for Uxland Development (West) Inc. ("Uxland") the owner of the Site and the applicant with respect to the above-mentioned application (the "**Zoning Application**"). After considerable effort and fruitful discussions with the City's staff, I am pleased to transmit this letter to you outlining the terms of Uxland's offer to settle the above-noted appeal of the Zoning Application (the "**Appeal**").

Uxland is optimistic that the remaining issues have been substantially resolved with the City's staff such that it can now seek the approval of City Council for a settlement of the Appeal in advance of the August 1, 2019 pre-hearing conference. Our client has also reached a complete settlement with the local ratepayer association, Wellington Place Neighbourhood Association (the "**WPNA**"), which settlement is subject to the April 25, 2019 Minutes of Settlement already forwarded to you.

Due to deadlines for reporting a matter to City Council prior to the August 1 appearance before the Local Planning Appeal Tribunal (the "**LPAT**"), we respectfully request that you seek instructions from your client to resolve the Appeal based on the matters identified in this letter.

This offer to settle will terminate upon the completion of the meeting of City Council scheduled to commence on Tuesday, July 16, 2019.

The Proposal

The original Zoning Application was submitted on December 22, 2016 and contemplated an office building. As a result of changing circumstances, our client elected to reimagine the application and, after considerable discussions with City staff, submitted a revised proposal.

The original proposal included a 15-storey, 7,995 m² office building with 12 parking spaces located in a single level of underground parking. The revised proposal submitted on April 29, 2019, now envisages a 13-storey, 5,434 m² residential building with 22 parking spaces located in three levels of underground parking (the "**Revised Proposal**"). Further revisions were incorporated into the Revised Proposal to address comments received from City staff throughout the application process.

Our client recognizes that the final form of the zoning by-law amendment will be subject to minor modifications as a result of the latest submission to City staff but said instrument will reflect the plans and materials provided with our client's April 29, 2019 submission.

Office Replacement

The existing building at the Site currently houses 1,591.5 square metres of office space (the "**Replacement Office GFA**"). As the Revised Proposal is now envisaged at the Site, our client intends to replace that sum of office floor area in its sister company's project at 482-488 Wellington Street West. As you are aware, the subject of such replacement has been discussed at length with your office.

Based on those fruitful discussion, our client agrees any final order of the LPAT approving the zoning by-law amendment will be withheld pending confirmation from the City Solicitor's office that a restrictive covenant in favour of the City and satisfactory to the City Solicitor, has been registered on title to 482-488 Wellington Street West, restricting the redevelopment of that property unless it includes, *inter alia*, 1,591.5 square metres of office floor area representing the Replacement Office GFA.

Parkland

Based on *current* discussions with City staff, we understand that our client's obligations vis-à-vis parkland conveyance is to be satisfied through a payment of cash-in-lieu pursuant to section 42 of the *Planning Act*. Our client accepts this approach. However, we recognize that due to the most recent changes to the *Planning Act* and the not yet promulgated transition regulation, there may be a different approach forced upon our respective clients.

Functional Servicing Report

As mentioned above, some final technical servicing issues have not yet been completely resolved. As a result, our client also agrees that the LPAT's final order approving the Zoning Application will be withheld pending confirmation from the City's Solicitor's office that the Functional Servicing Report is revised to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

The Form of Zoning By-law Amendment

Amongst the materials filed with City staff on April 29, our client's land use planner also included drafts of the proposed form of zoning by-law amendment. We understand City staff may have additional comments for this instrument and the City's Chief Planner and/or Chief Building Official may require further revisions to same.

Settlement with Ratepayer Association

As noted above, on April 25, 2019, our client and the WPNA, executed Minutes of Settlement by which the WPNA agreed, amongst other matters, that the August 1st pre-hearing conference before the LPAT could be converted to a settlement hearing on the consent of Uxland, the WPNA and, should Council agree to this settlement, the City.

As referenced above, if Council for the City accepts this offer at its meeting commencing July 16-17, 2019, we will proceed to the LPAT on the basis of the Revised Proposal as identified our client's April submission. It would also be understood that Uxland and the City would take reasonable efforts to work together and finalize the applicable draft zoning by-law amendment to reflect the foregoing.

Should you have *any* questions related to the settlement contemplated by this letter, please do not hesitate to contact me directly. I look forward to hearing from you with positive news on this subject.

Yours truly,
DAVIES HOWE LLP



for: Aaron I. Platt

AIP:AP

copy: David McKay, *MHBC*
Roland Rom Colthoff, *RAW Design*
Client