



**WITH PREJUDICE**

September 4, 2020

**VIA EMAIL**

Sara Amini  
Solicitor, City of Toronto Legal Division  
26<sup>th</sup> Floor – Metro Hall  
55 John Street, Toronto, ON M5V 3C6

Dear Ms. Amini:

**RE: 39 Thora Avenue  
LPAT Case Nos. PL180326 and MM180031  
City File No. 13 2539 11 ESC 35 OZ  
Zoning By-law Amendment and Site Plan Application  
With Prejudice Settlement Offer**

We are the lawyers for Rhona Day (the “**Appellant**”), who is the owner of the lands municipally known as 39 Thora Avenue and the applicant in the above-noted applications for Zoning By-law Amendment and Site Plan Approval in respect of the property municipally known as 39 Thora Avenue (the “**Property**”).

On October 21, 2013, our client submitted applications for a zoning by-law amendment and for site plan approval to permit the construction of ten (10) three-storey residential townhouse units (collectively, the “**Applications**”). On March 29, 2018, the Applications were appealed to the Local Planning Appeal Tribunal (the “**LPAT**”) for its consideration pursuant to Sections 34(11) of the *Planning Act* and Section 114(15) of the *City of Toronto Act* (collectively, the “**Appeals**”). A hearing had been scheduled originally for August 4-7, 2020 and then rescheduled for September 15-18, 2020 (the “**LPAT Hearing**”).

On July 16, 2019, our client made a resubmission to the City of Toronto (the “**City**”) based on a revised proposal to develop the Property with fifteen (15) three-storey townhouse units and one (1) three-storey detached dwelling unit, with all units situated on top of a one-storey underground parking garage (the “**July 2019 Resubmission**”).

Following the July 2019 Resubmission, our client received a Directions Report from City Staff dated October 21, 2019, which was considered by Scarborough Community Council and City Council. The Report directed City Staff to continue discussions with the Appellant.

Based on those discussions and in response to issues identified by City Staff, our client submitted a with-prejudice settlement offer to the City on April 17, 2020 on the basis of a revised proposal to develop the Property with fifteen (15) three-storey townhouse units reorganized into four (4) blocks, with all units situated on top of a one-storey underground parking garage (the “**April 2020 Settlement Offer**”).

The April 2020 Settlement Offer was considered by City Council at its meeting on July 28, 2020 and Council adopted the instructions to City Staff contained in Confidential Attachment 1 to the Request for Directions Report dated July 21, 2020, which authorized representatives on behalf of the City to oppose the Appeals at the Hearing.

Following the direction of City Council, and notwithstanding the City's response to the April 2020 Settlement Offer, our client has continued discussions with City Staff in an effort to address outstanding issues that were raised during the development review process. This letter constitutes our client's further offer to settle the Appeals on the basis of the enclosed resubmission materials which are described in greater detail below (the "**September 2020 Settlement Offer**"). In order to provide an opportunity for City Council to consider the September 2020 Settlement Offer, the Appellant and the City on consent have agreed to further adjourn the September 15, 2020 start date for the LPAT Hearing.

If the September 2020 Settlement Offer is accepted by City Council, our client will work with City Staff to implement such changes as may be reasonably required to finalize and implement the terms of the proposed settlement in advance of the LPAT hearing.

This Settlement Offer is being submitted on a **with prejudice** basis.

### **Revised Proposal**

Following the submission of the April 2020 Settlement Offer and the direction of City Council, our client has incorporated further revisions to the proposed development of the Property that can be generally described as follows:

- a reduction in the number of units from fifteen (15) to twelve (12);
- each of the twelve (12) townhouse units will be three-storeys in height or approximately 10.0 metres to the top of the parapet.
- the units will be organized in four (4) blocks as follows:
  - **Block A** (west side of the Property) contains three (3) townhouse dwelling units and is oriented along Thora Avenue along with an entrance to the below-grade garage which is integrated into the northernmost unit of Block A;
  - **Block B** (north side of the Property) contains five (5) townhouse dwelling units and is located along the public laneway perpendicular to Thora Avenue. These units would front onto the laneway, which is to be widened as part of the proposed development;
  - **Block C** (east portion of the Property) contains two (2) townhouse dwelling units and has been oriented with the front doors facing south on the Property, overlooking a proposed courtyard between Block C and Block D, with a facing

distance of 11.0 metres between the two buildings. Block C has a 7.5 metre rear yard, which is oriented back-to-back with the rear yards of Block B;

- Block D (southeast portion of the Property) contains two (2) townhouse dwelling units and has been oriented with the front doors facing north on the Property, and also overlooking the proposed courtyard between Block C and Block D. Block D has a 14.0 metre rear yard, which is oriented towards Lucy Avenue to the south;
- the revised proposal shows an approximately 2.95-metre-wide walkway along the eastern boundary of the Property, providing a link between the widened public lane to the north and Lucy Avenue to the south, and providing access to the courtyard between Block C and Block D as described above.
- the Appellant proposes to grant to the City a surface public access easement over the walkway in the location and configuration as shown on the plans as part of this settlement, and subject to the City's release of the one-foot reserve currently in place at the end of Lucy Avenue in order to complete the public connection through the Property. The most appropriate mechanism for securing the delivery of such easement can be determined through discussion between legal counsel for the parties.
- the plans and drawings submitted with this settlement proposal also show a widened private walkway adjacent to the public lane (for which a lane widening is already being provided in accordance with City standards) at 1.5 metres, increased from 1.2 metres under the April 2020 Settlement Offer.
- the revised proposal includes a total of twenty-three (23) parking spaces inclusive of three (3) visitors' spaces, all of which are contained in a single level of underground parking that is accessed via a vehicular ramp that is integrated into Block A, allowing for an attractive, pedestrian-friendly streetscape design along Thora Avenue and along the public lane.

The Appellant relies on the following materials for the assessment of the September 2020 Settlement Offer:

1. one (1) digital copy of the architectural plans and drawings prepared by studioCANOO Architecture, dated August 18, 2020:
  - a. Drawing No. A001 – Statistics;
  - b. Drawing No. A100 – Site Plan;
  - c. Drawing No. A101 – Parking Level Plan;
  - d. Drawing No. A102 – Ground Floor Plan;
  - e. Drawing No. A200 – Elevations;
  - f. Drawing No. A201 – Elevations;
  - g. Drawing No. A300 – Site Sections; and

2. one (1) digital copy of the landscape plan prepared by Thincdesign, dated August 19, 2020.

### **Settlement Offer and LPAT Hearing**

The Applications for the Property date back to 2013. The Appellant has been through numerous iterations and revisions to the proposal and there have been numerous opportunities for community input and discussion. In our respectful submission, the current settlement proposal reflects the ongoing efforts that have been made to redevelop and improve a site that has been sorely underused for some time, and we hope it will be recommended to City Council for settlement at the LPAT.

In the event the September 2020 Settlement Offer is accepted by City Council, the parties will cooperate in the scheduling and organization of a settlement hearing before the LPAT, including the preparation of the necessary visual and affidavit evidence to be presented and the form of the implementing zoning instruments for which approval will be sought. The final version of the zoning instruments will be reviewed by the City's Building Department prior to a request for the LPAT's Final Order on the Zoning By-law Amendment. Furthermore, the Appellant expects that City Staff will be encouraged to review and finalize detailed matters of Site Plan Approval, including the required conditions and Site Plan Agreement in an expeditious way in order bring this development to fruition.

This Settlement Offer is being submitted for consideration by City Council at its meeting commencing on September 30, 2020, and is therefore open until the conclusion of said Council Meeting, following which it will become null and void if not accepted.

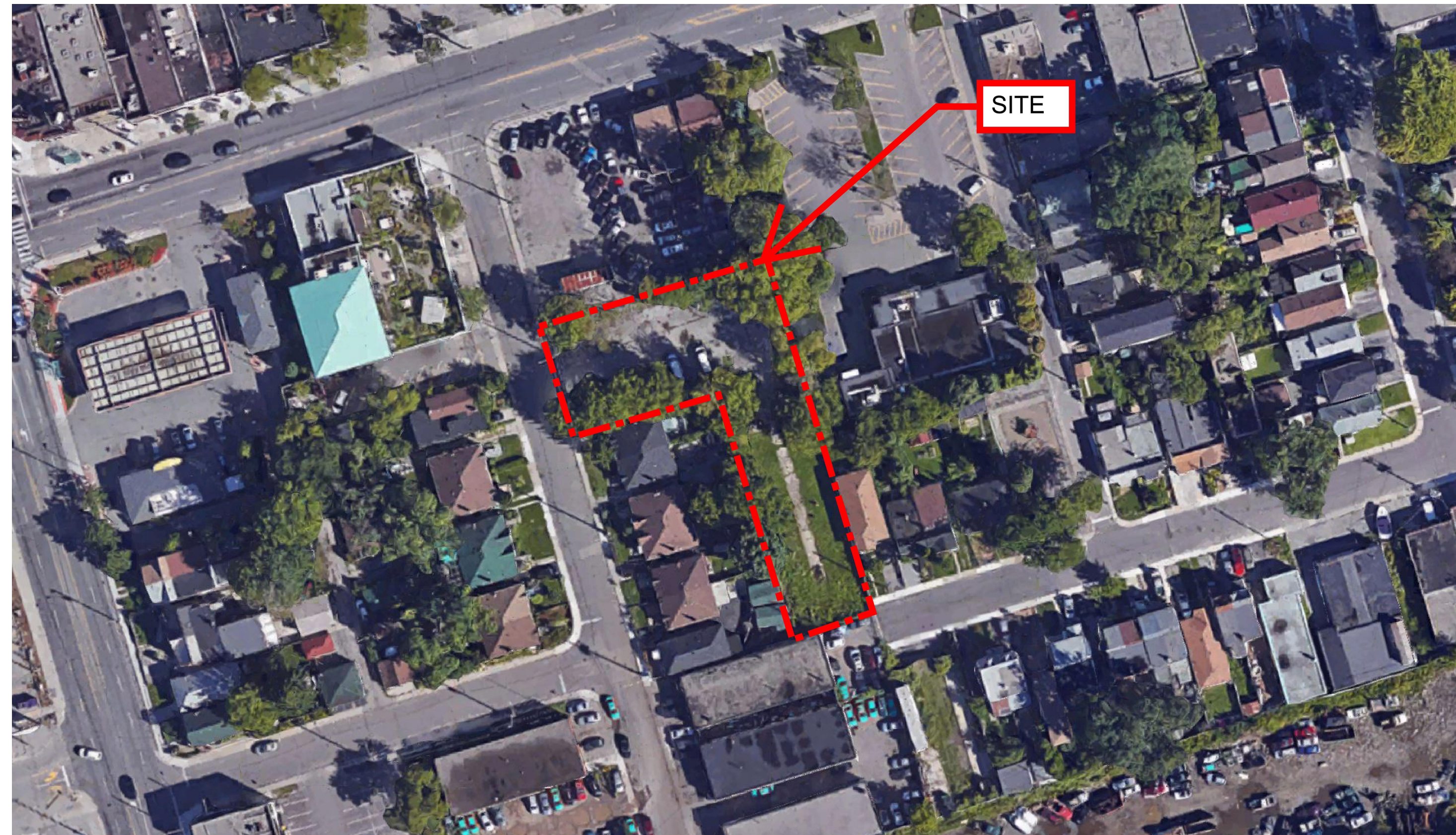
Thank you for your attention to this matter and we look forward to your response.

Yours truly,  
**Overland LLP**



Per: Christopher Tanzola  
Partner  
Encl.





LOCATION PLAN

SITE STATISTICS

39 Thora Ave.	
Site Area	1942.0 m <sup>2</sup>
(prior to widening dedications)	
FSI	1.06
Building Height	9.635 m

Unit Summary			
Unit name	Unit Type	Unit Size (m <sup>2</sup> )	No of units
1	2BR + D	186	4
2	2BR + D	142	7
3	2BR	126.6	1
<b>Total Units</b>			<b>12</b>
Below Grade GFA		1864.6	
<b>Total GFA</b>		<b>200.0</b>	
		<b>2064.6</b>	

GFA Summary by Block		
Block	Footprint	GFA (m <sup>2</sup> )
A	176.7	410.6
B	254.5	710
C	135.3	372
D	135.3	372
<b>Total</b>	<b>701.8</b>	<b>1864.6</b>
Landscaped Area	1179.6	
Paved Area	60.6	
<b>Total</b>	<b>1942</b>	

Parking Space Summary		
Unit type	Total Units	Required Parking
2br and 2BR + D	12	12 x 1.0 = 12
Visitors		12 x 0.2 = 2.4
<b>Total</b>		<b>15</b>

Parking type	Total Units	Required Parking	Provided
Resident	12	12	20
Vistor		3	3
<b>Total</b>		<b>15</b>	<b>23</b>

Bicycle Storage			
	Total Units	Required	Provided
Resident	12	8.2	20
Vistor		2.1	3
<b>Total</b>		<b>10.3</b>	<b>23</b>

DRAWING LIST - REZONING RESUBMISSION

- ARCHITECTURAL DRAWINGS  
 A001 SITE STATS  
 A100 SITE PLAN  
 A101 PARKING LEVEL  
 A102 FLOOR PLANS  
 A200 BUILDING ELEVATIONS  
 A201 BUILDING ELEVATIONS  
 A300 SITE/BUILDING SECTIONS

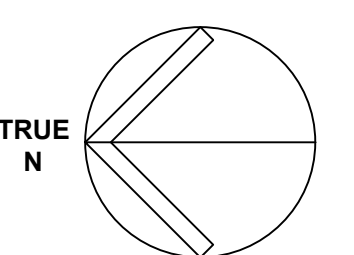
- LANDSCAPE DRAWINGS  
 L1.0 TREE PROTECTION PLAN  
 L2.0 LAYOUT PLAN  
 L3.0 PLANTING PLAN

ISSUE DATE:		
NO.	DATE	DESCRIPTION
4	08/18/2020	ISSUED FOR ZBA/SPA REVISION
3	04/16/2020	ISSUED FOR ZBA/SPA REVISION
2	01/03/2019	ISSUED FOR ZBA/SPA REVISION
1	10/04/2017	REZONING RESUBMISSION

PROJECT:  
THORA AVE TOWNHOUSES

39 Thora Ave, Toronto, ON

DRAWING TITLE:  
COVER PAGE



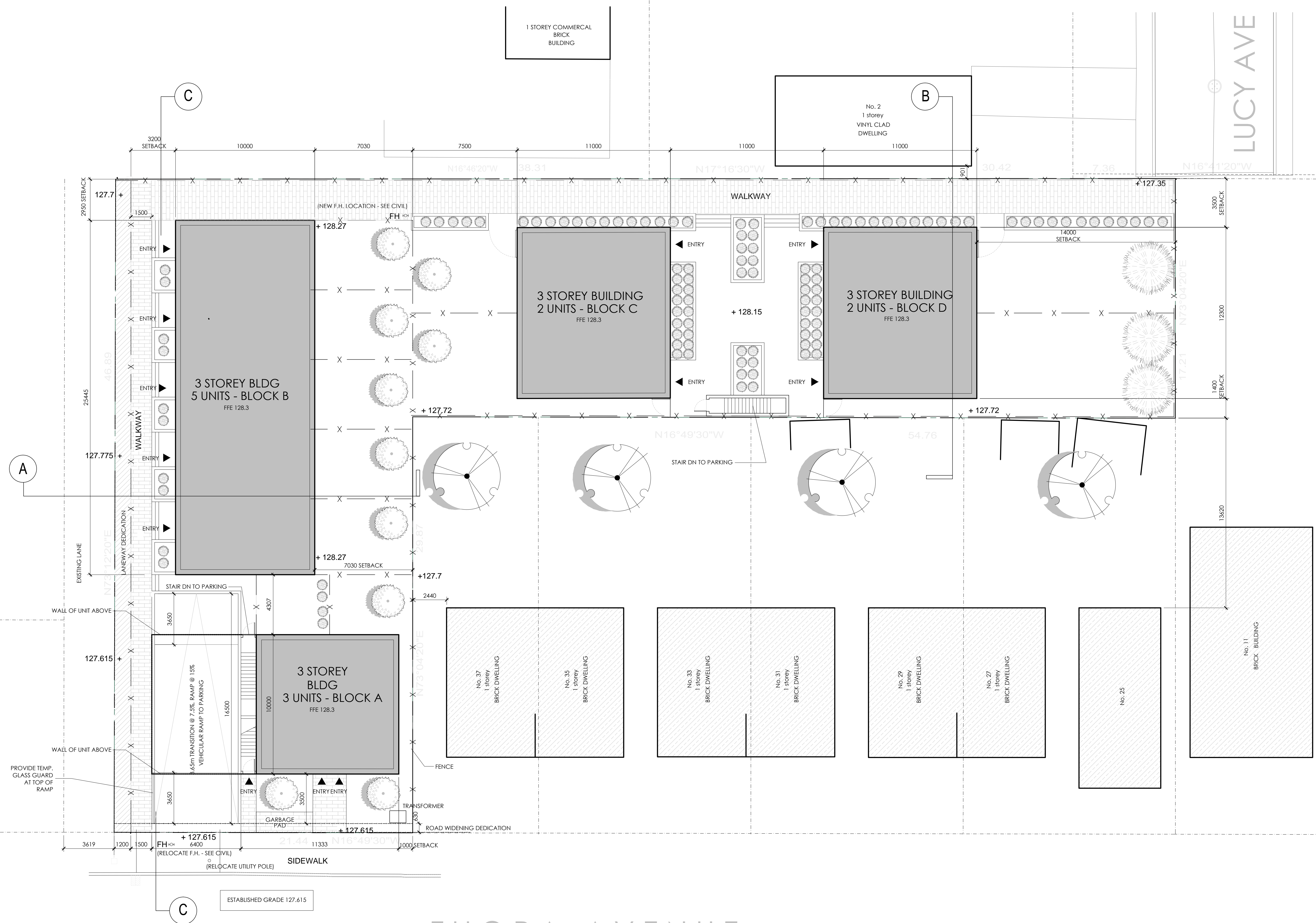
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 DRAWN BY: MK  
 REVIEWED BY:



DRAWING NO:

A001





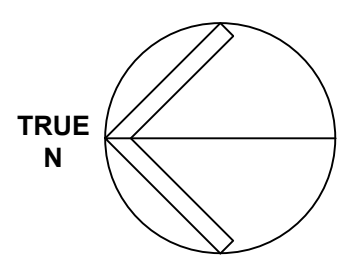
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NO.	DATE	DESCRIPTION
4	08/18/2020	ISSUED FOR ZBA/SPA REVISION
3	04/16/2020	ISSUED FOR ZBA/SPA REVISION
2	01/03/2019	ISSUED FOR ZBA/SPA REVISION
1	10/04/2017	REZONING RESUBMISSION

**PROJECT:**  
THORA AVE TOWNHOUSES

39 Thora Ave, Toronto, ON

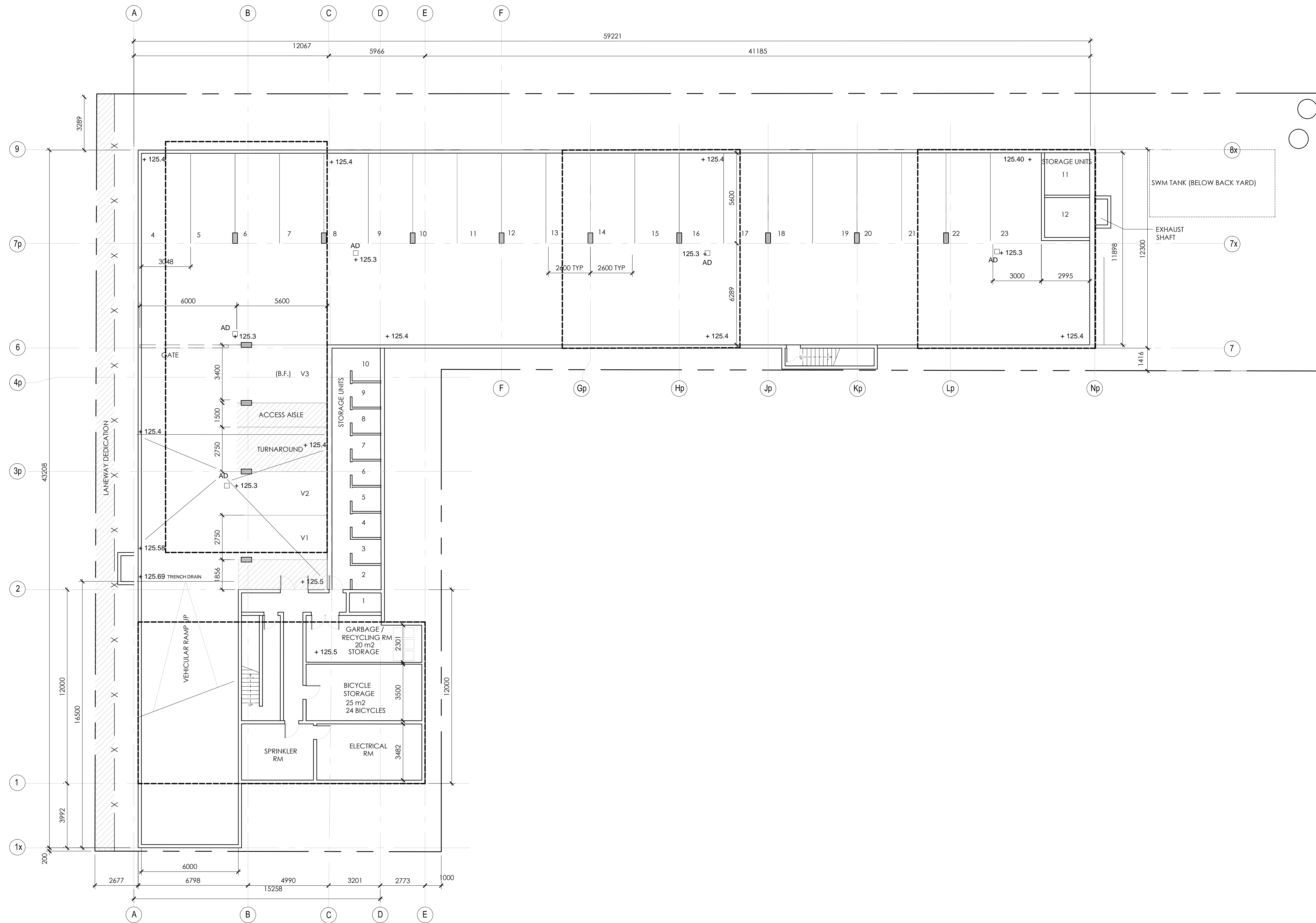
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SITE PLAN



**PROJECT NO:** 16100  
**SCALE:** 1:150  
**DRAWN BY:** MK  
**REVIEWED BY:**

**DRAWING NO:**  
**A100**

THORA AVENUE



ISSUE DATE:

NO.	DATE	DESCRIPTION
4	08/18/2020	ISSUED FOR ZBA/SPA REVISION
3	04/16/2020	ISSUED FOR ZBA/SPA REVISION
2	01/03/2019	ISSUED FOR ZBA/SPA REVISION
1	10/04/2017	REZONING RESUBMISSION

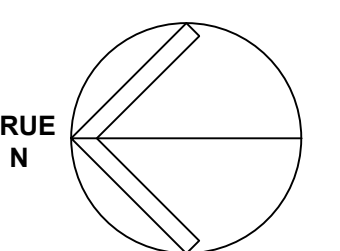
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THORA AVE TOWNHOUSES

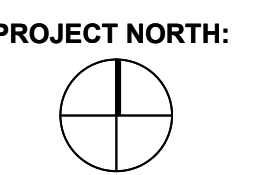
39 Thora Ave, Toronto, ON

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PARKING LEVEL PLAN

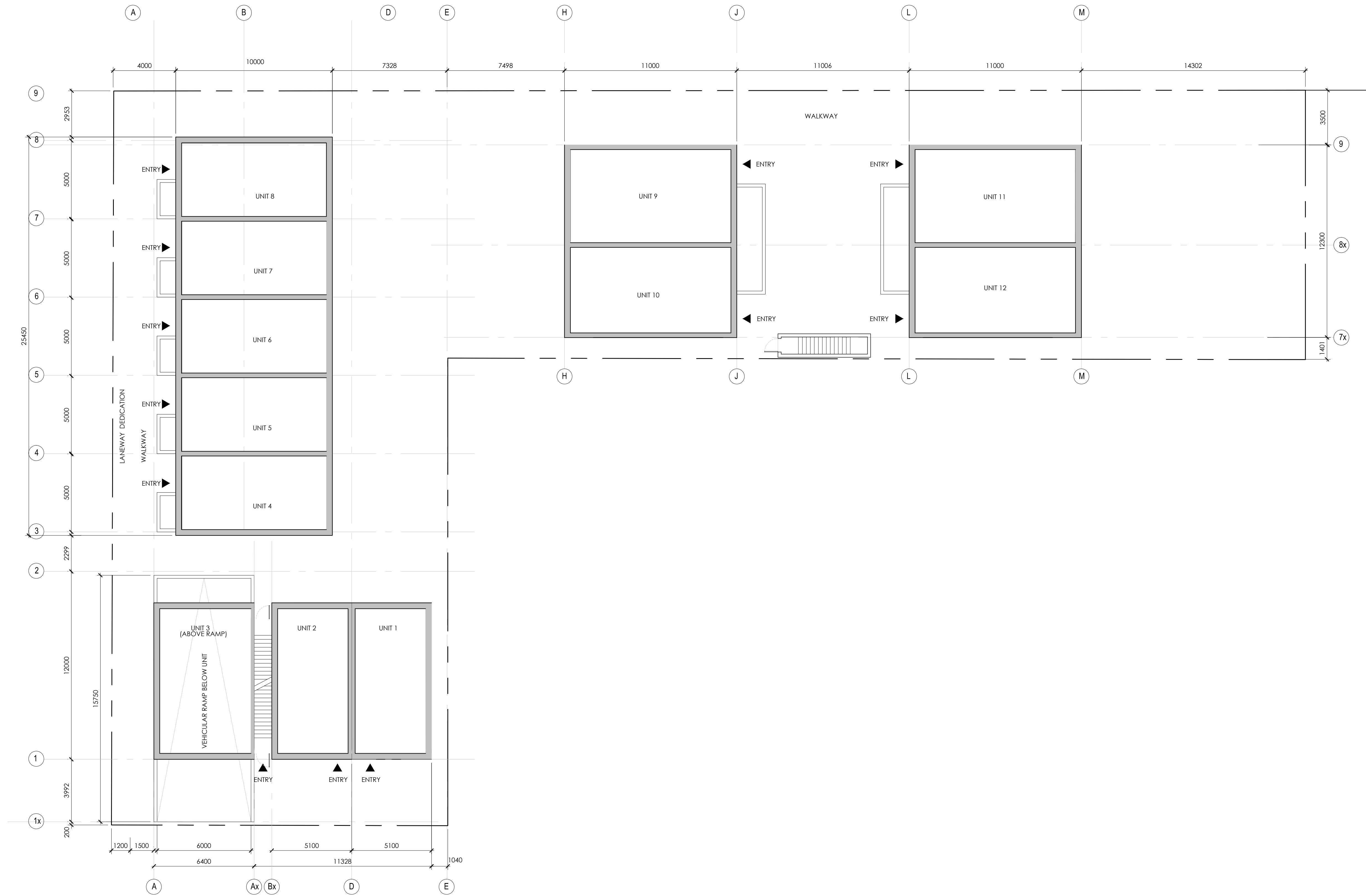


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DRAWING NO:

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3	04/16/2020	ISSUED FOR ZBA/SPA REVISION
2	01/03/2019	ISSUED FOR ZBA/SPA REVISION
1	10/04/2017	REZONING RESUBMISSION

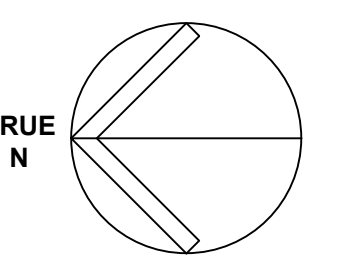
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THORA AVE TOWNHOUSES

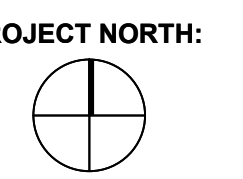
39 Thora Ave, Toronto, ON

DRAWING TITLE:

GROUND FLOOR PLAN



PROJECT NO: 16100  
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DRAWN BY: MK  
REVIEWED BY:



DRAWING NO:

A102





1 EAST ELEVATION  
Scale: 1:100

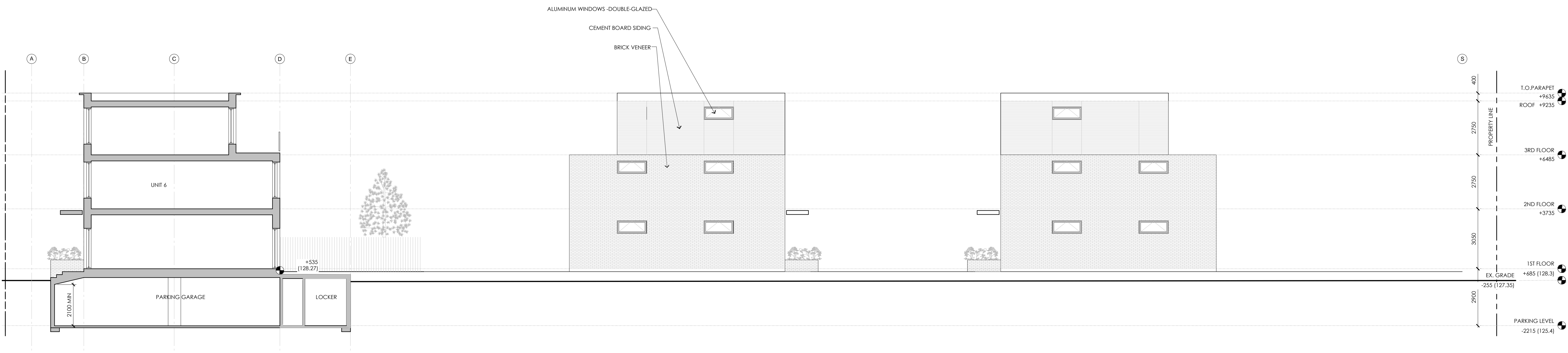
ISSUE DATE:

NO.	DATE	DESCRIPTION
4	08/18/2020	ISSUED FOR ZBA/SPA REVISION
3	03/30/2020	REVISED UNIT COUNT - 15 units
2	10/31/2017	ISSUED FOR REVIEW
1	10/04/2017	REZONING RESUBMISSION

PROJECT:  
THORA AVE TOWNHOUSES

39 Thora Ave, Toronto, ON

DRAWING TITLE:  
ELEVATIONS



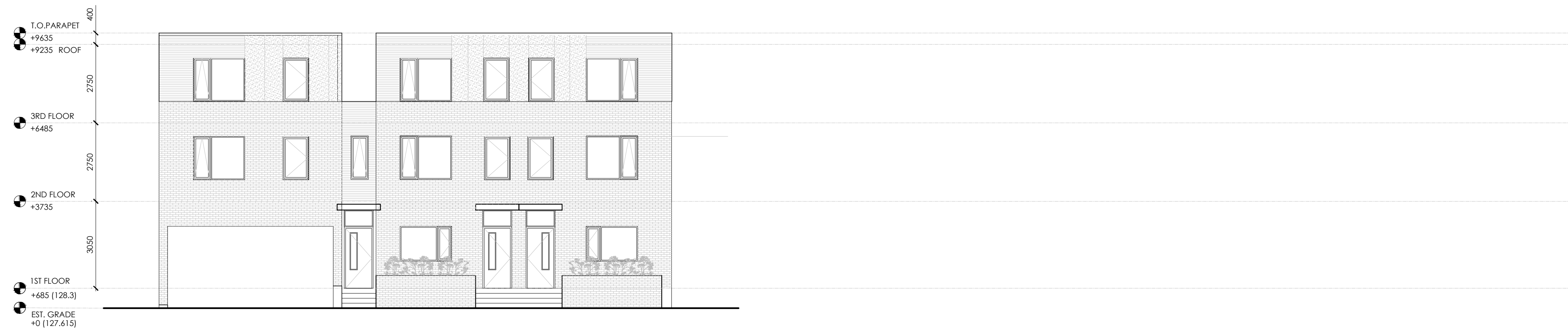
2 WEST ELEVATION  
Scale: 1:100

PROJECT NO: 16100  
SCALE: 1:100  
DRAWN BY: MK  
REVIEWED BY:



DRAWING NO:

A200



2 WEST ELEVATION - THORA AVE  
Scale: 1:100



3 FRONT ELEVATION - INTERIOR UNITS  
Scale: 1:100

4 REAR ELEVATIONS - INTERIOR UNITS  
Scale: 1:100

ISSUE DATE:

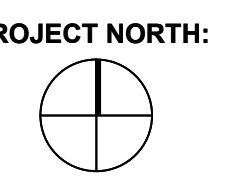
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3	03/30/2020	REVISED UNIT COUNT - 15 units
2	10/31/2017	ISSUED FOR REVIEW
1	10/04/2017	REZONING RESUBMISSION

PROJECT:  
THORA AVE TOWNHOUSES

39 Thora Ave, Toronto, ON

DRAWING TITLE:  
ELEVATIONS

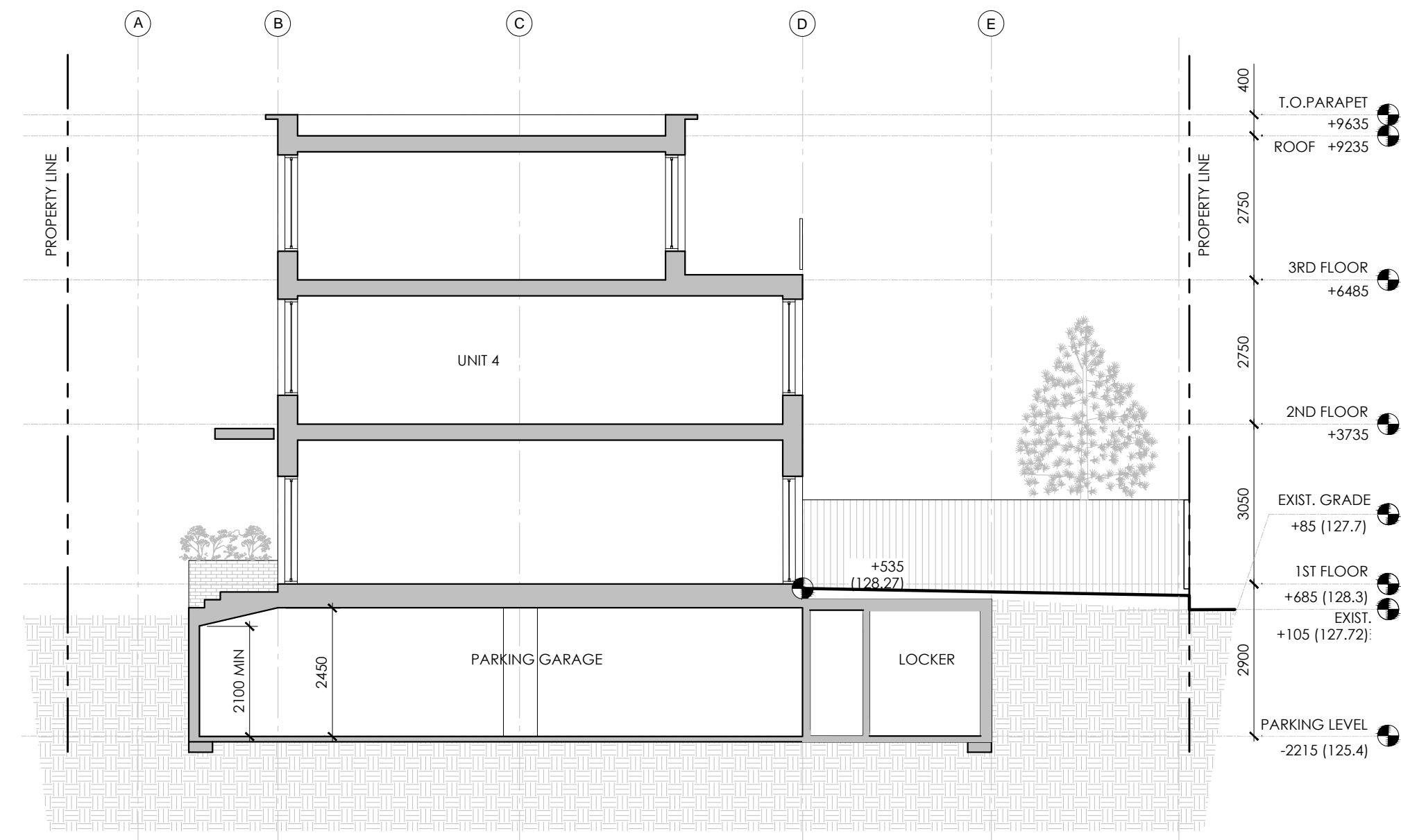
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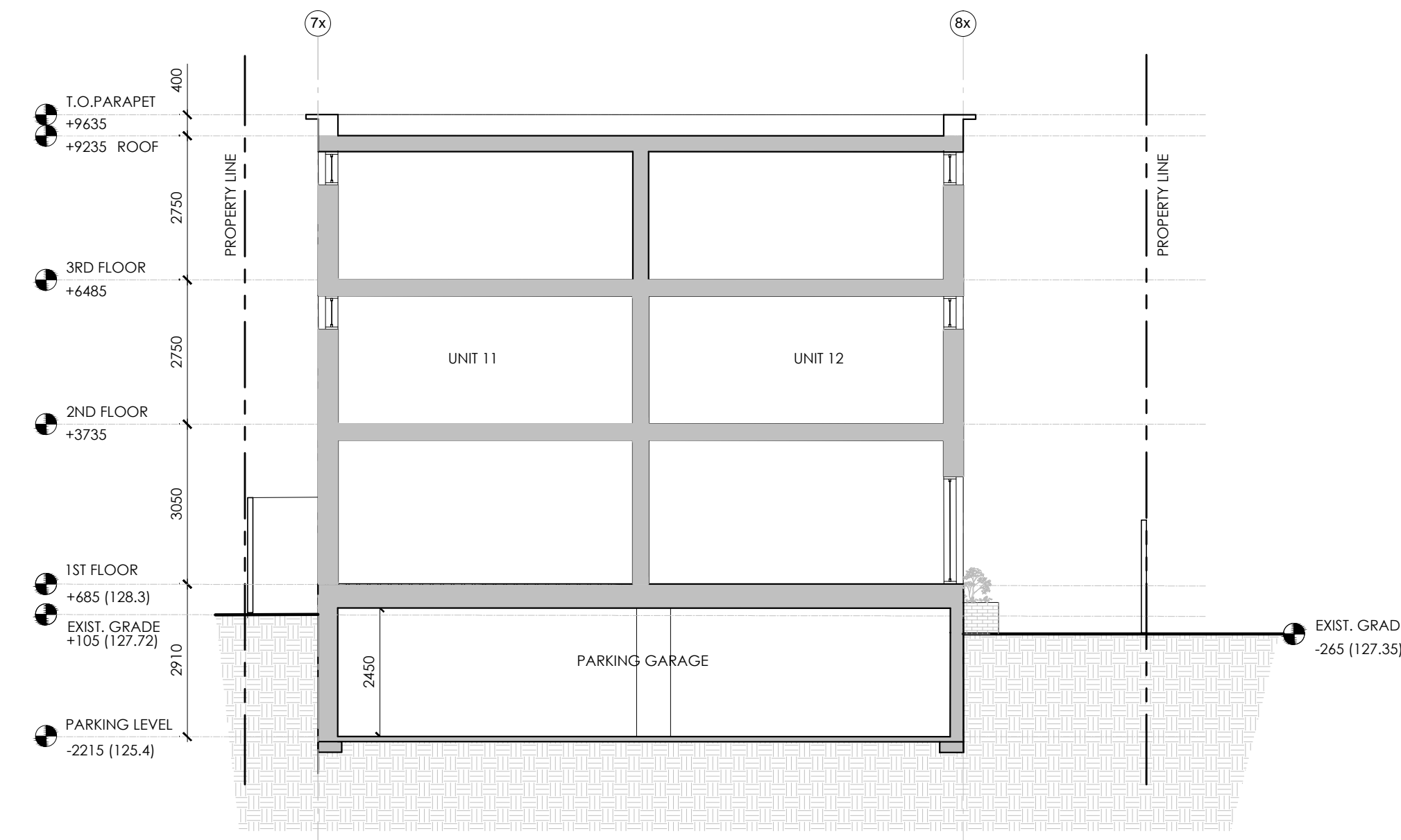
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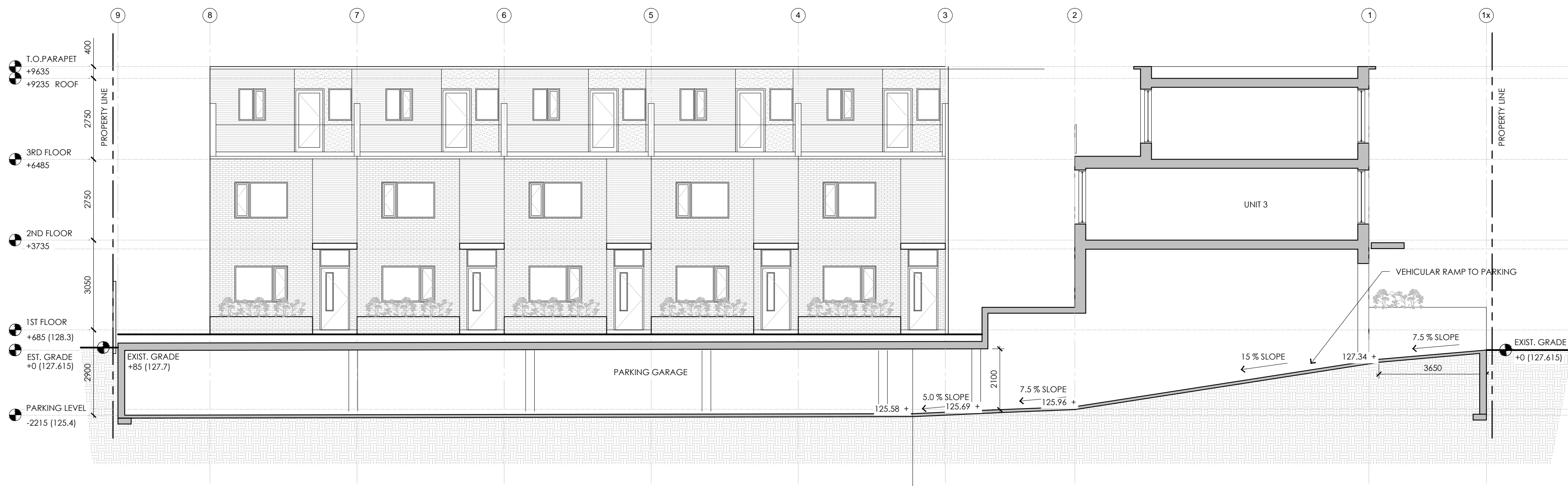




1 NORTH-SOUTH SECTION A  
Scale: 1:100



2 EAST-WEST SECTION B  
Scale: 1:100



3 EAST-WEST SECTION C  
Scale: 1:100

ISSUE DATE:		
NO.	DATE	DESCRIPTION
4	08/18/2020	ISSUED FOR ZBA/SPA REVISION
3	03/30/2020	REVISED UNIT COUNT - 15 units
2	10/31/2017	ISSUED FOR REVIEW
1	10/04/2017	REZONING RESUBMISSION

PROJECT:  
THORA AVE TOWNHOUSES

39 Thora Ave, Toronto, ON

DRAWING TITLE:  
SITE SECTIONS

PROJECT NO: 16100  
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REVIEWED BY:

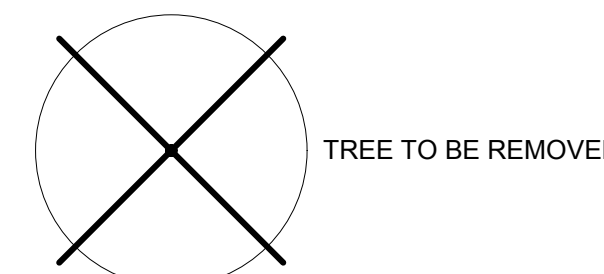


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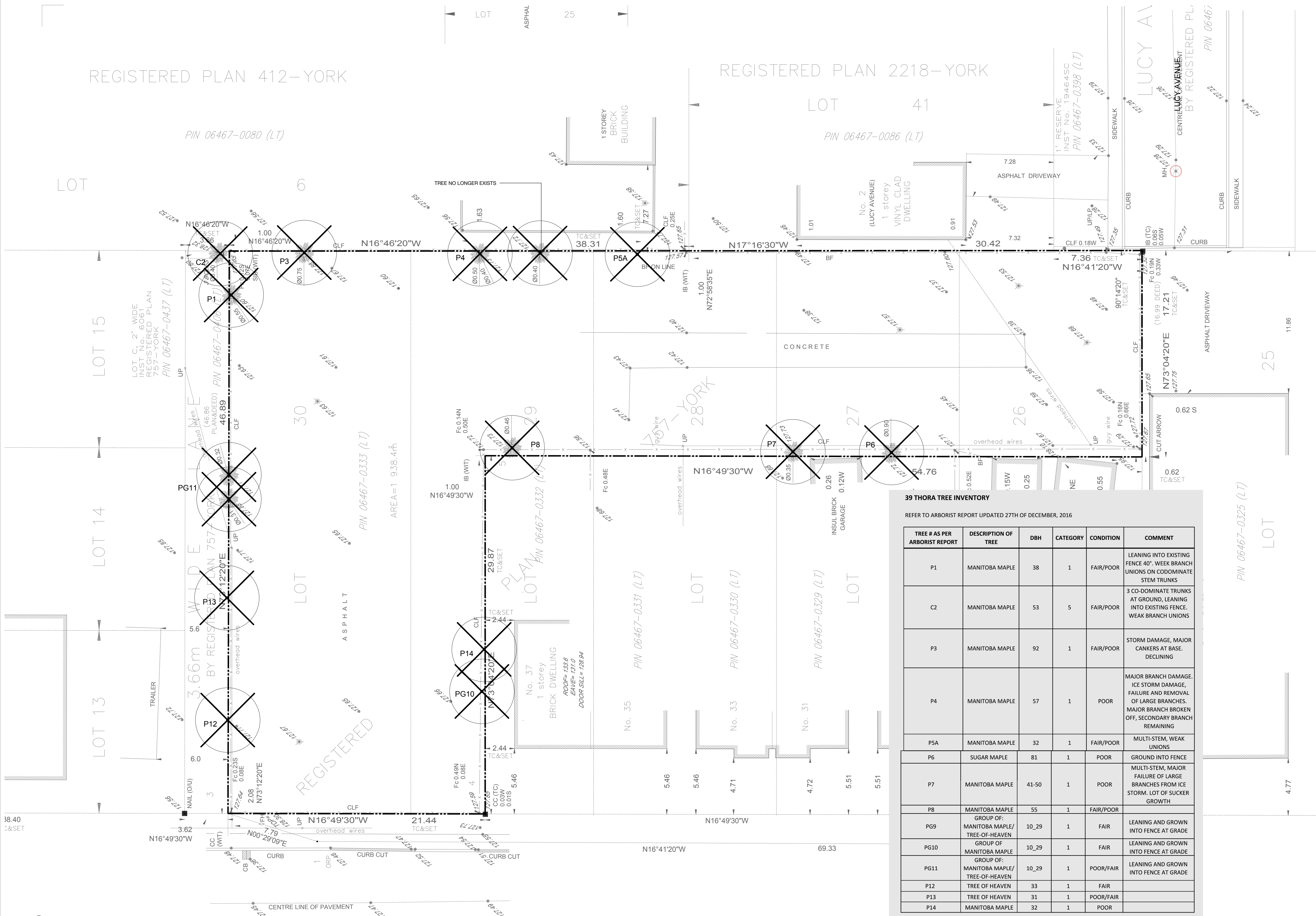


- GENERAL NOTES
1. ALL DRAWINGS ARE IN MILLIMETERS UNLESS OTHERWISE INDICATED.
  2. THE CONTRACTOR SHALL CHECK ALL DIMENSIONS AND REPORT DISCREPANCIES TO THE LANDSCAPE ARCHITECT.
  3. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE LANDSCAPE ARCHITECT AND MUST BE RETURNED ON REQUEST.
  4. DO NOT SCALE DRAWINGS.



REGISTERED PLAN 412-YORK

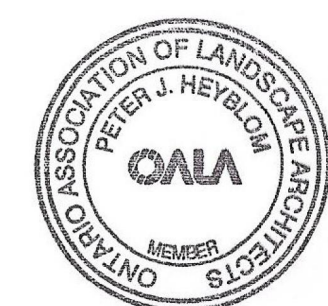
REGISTERED PLAN 2218-YORK



**39 THORA TREE INVENTORY**  
 REFER TO ARBORIST REPORT UPDATED 27TH OF DECEMBER, 2016

TREE # AS PER ARBORIST REPORT	DESCRIPTION OF TREE	DBH	CATEGORY	CONDITION	COMMENT
P1	MANITOBA MAPLE	38	1	FAIR/POOR	LEANING INTO EXISTING FENCE 40". WEEK BRANCH UNIONS ON CODOMINATE STEM TRUNKS
C2	MANITOBA MAPLE	53	5	FAIR/POOR	3 CO-DOMINATE TRUNKS AT GROUND, LEANING INTO EXISTING FENCE. WEAK BRANCH UNIONS
P3	MANITOBA MAPLE	92	1	FAIR/POOR	STORM DAMAGE, MAJOR CANKERS AT BASE. DECLINING
P4	MANITOBA MAPLE	57	1	POOR	MAJOR BRANCH DAMAGE. ICE STORM DAMAGE, FAILURE AND REMOVAL OF LARGE BRANCHES. MAJOR BRANCH BROKEN OFF, SECONDARY BRANCH REMAINING
P5A	MANITOBA MAPLE	32	1	FAIR/POOR	MULTI-STEM, WEAK UNIONS
P6	SUGAR MAPLE	81	1	POOR	GROUND INTO FENCE
P7	MANITOBA MAPLE	41-50	1	POOR	MULTI-STEM, MAJOR FAILURE OF LARGE BRANCHES FROM ICE STORM. LOT OF SUCKER GROWTH
P8	MANITOBA MAPLE	55	1	FAIR/POOR	
PG9	GROUP OF: MANITOBA MAPLE/ TREE-OF-HEAVEN	10_29	1	FAIR	LEANING AND GROWN INTO FENCE AT GRADE
PG10	GROUP OF: MANITOBA MAPLE	10_29	1	FAIR	LEANING AND GROWN INTO FENCE AT GRADE
PG11	GROUP OF: MANITOBA MAPLE/ TREE-OF-HEAVEN	10_29	1	POOR/FAIR	LEANING AND GROWN INTO FENCE AT GRADE
P12	TREE OF HEAVEN	33	1	FAIR	
P13	TREE OF HEAVEN	31	1	POOR/FAIR	
P14	MANITOBA MAPLE	32	1	POOR	

04	RESUBMISSION FOR ZBA	2020 08 19
03	RESUBMISSION FOR ZBA	2020 03 25
02	RESUBMISSION	2019 03 11
01	SUBMISSION FOR REZONING	2017 04 06
NO.	REVISIONS	DATE



PROJECT:  
**39 THORA**  
 TORONTO, ON

TITLE:  
**TREE PROTECTION PLAN**

PROJECT NO: 17006  
 SCALE: 1:150  
 DRAWN BY: MF/PH  
 REVIEWED BY: PH  
 PRINT DATE: 19/08/2020

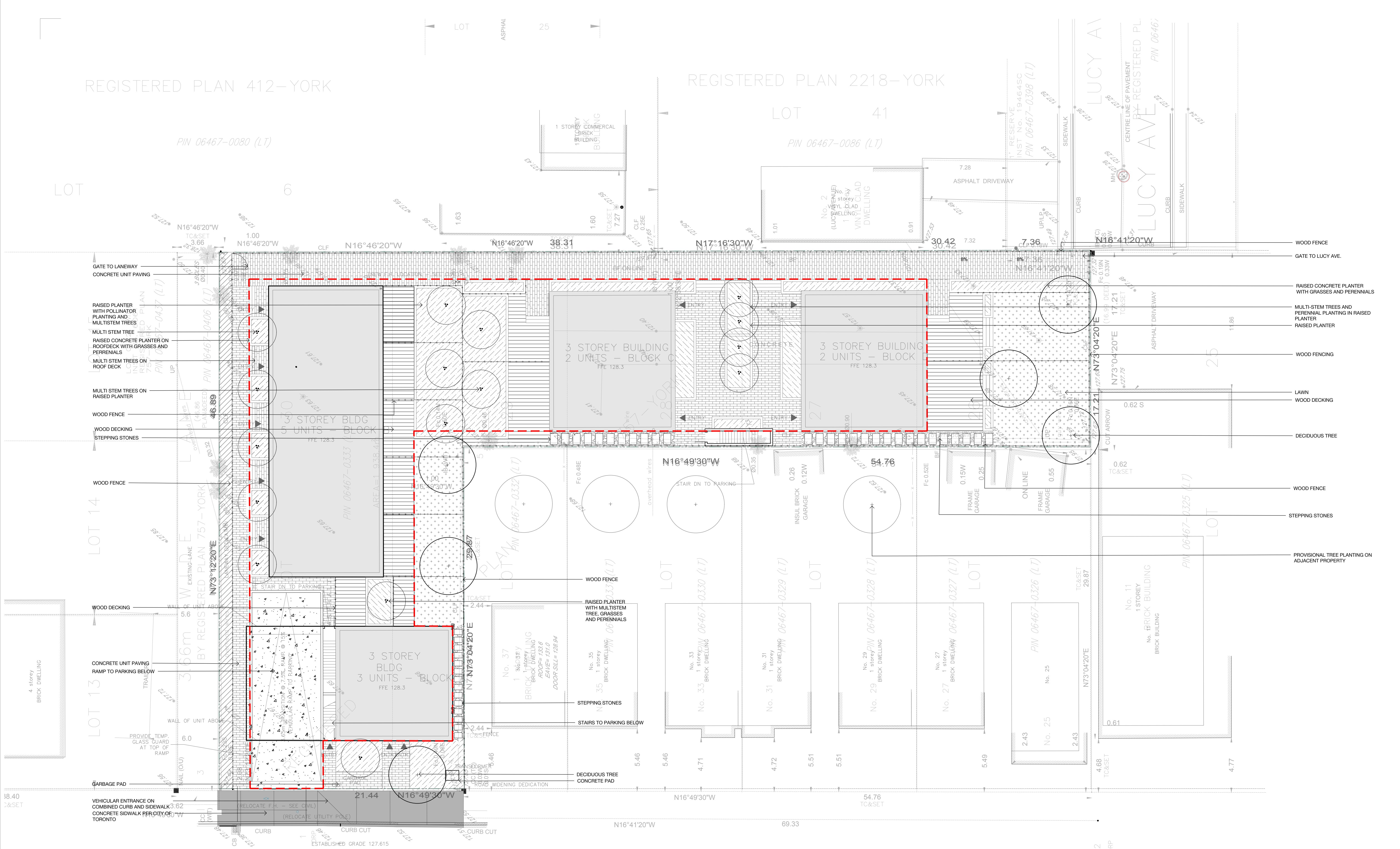
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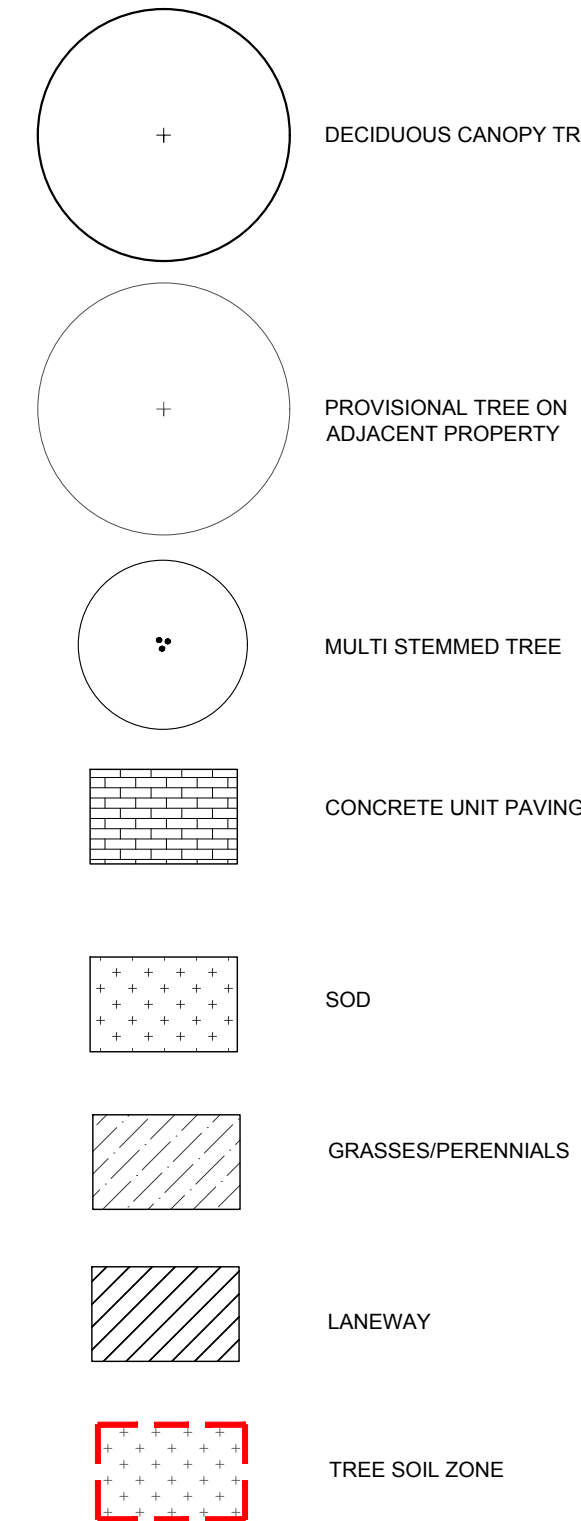
REGISTERED PLAN 412-YORK

REGISTERED PLAN 2218-YORK

- GENERAL NOTES  
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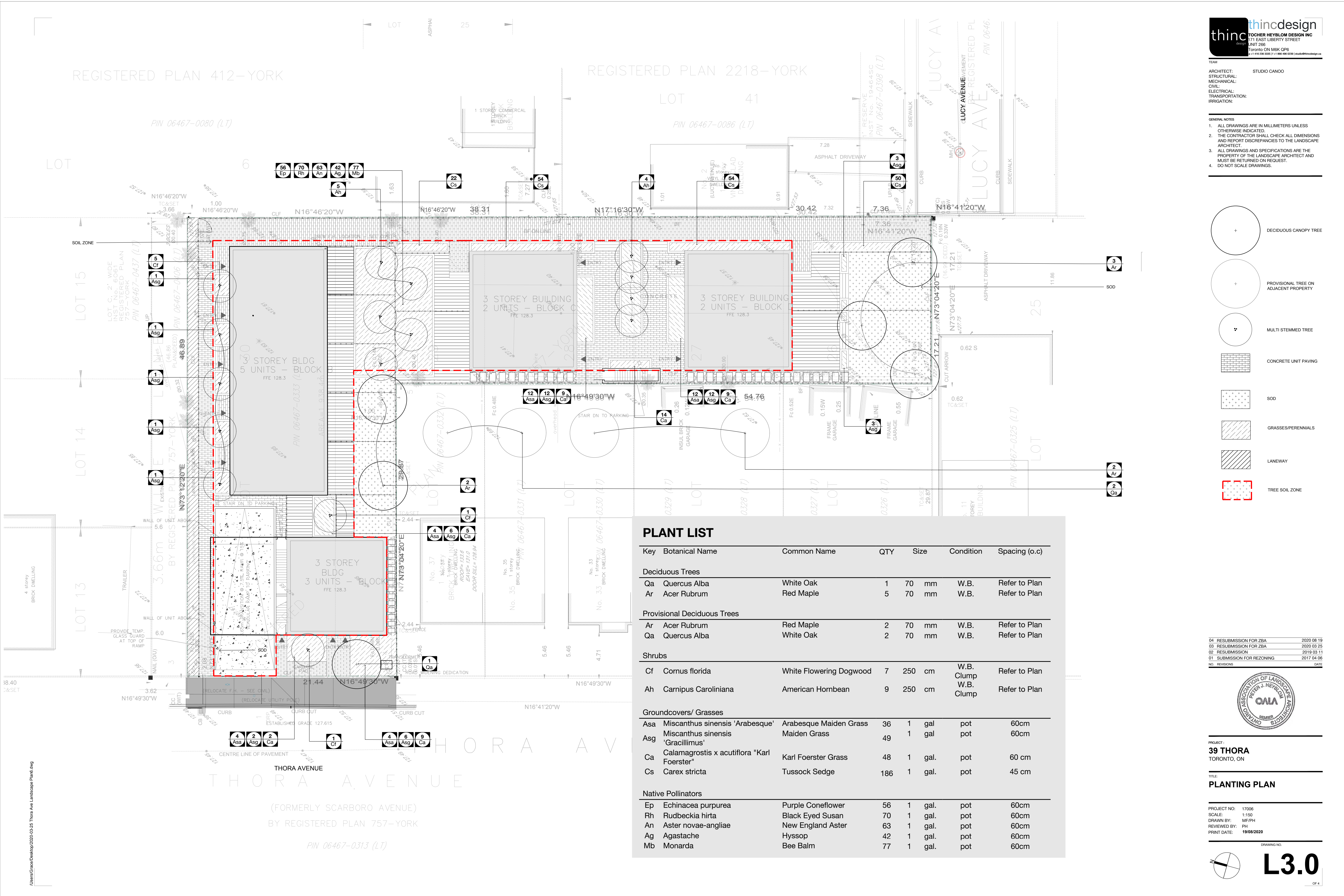




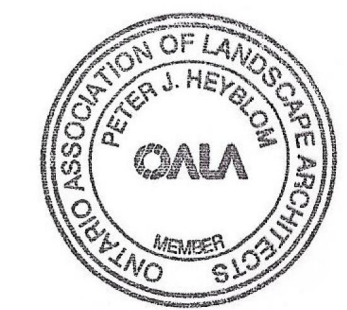


### PLANT LIST

Key	Botanical Name	Common Name	QTY	Size	Condition	Spacing (o.c)
<b>Deciduous Trees</b>						
Qa	Quercus Alba	White Oak	1	70 mm	W.B.	Refer to Plan
Ar	Acer Rubrum	Red Maple	5	70 mm	W.B.	Refer to Plan
<b>Provisional Deciduous Trees</b>						
Ar	Acer Rubrum	Red Maple	2	70 mm	W.B.	Refer to Plan
Qa	Quercus Alba	White Oak	2	70 mm	W.B.	Refer to Plan
<b>Shrubs</b>						
Cf	Cornus florida	White Flowering Dogwood	7	250 cm	W.B. Clump	Refer to Plan
Ah	Carpinus Caroliniana	American Hornbeam	9	250 cm	W.B. Clump	Refer to Plan
<b>Groundcovers/ Grasses</b>						
Asa	Miscanthus sinensis 'Arabesque'	Arabesque Maiden Grass	36	1 gal	pot	60cm
Asg	Miscanthus sinensis 'Gracillimus'	Maiden Grass	49	1 gal	pot	60cm
Ca	Calamagrostis x acutiflora "Karl Foerster"	Karl Foerster Grass	48	1 gal.	pot	60 cm
Cs	Carex stricta	Tussock Sedge	186	1 gal.	pot	45 cm
<b>Native Pollinators</b>						
Ep	Echinacea purpurea	Purple Coneflower	56	1 gal.	pot	60cm
Rh	Rudbeckia hirta	Black Eyed Susan	70	1 gal.	pot	60cm
An	Aster novae-angliae	New England Aster	63	1 gal.	pot	60cm
Ag	Agastache	Hyssop	42	1 gal.	pot	60cm
Mb	Monarda	Bee Balm	77	1 gal.	pot	60cm



04	RESUBMISSION FOR ZBA	2020 08 19
03	RESUBMISSION FOR ZBA	2020 03 25
02	RESUBMISSION	2019 03 11
01	SUBMISSION FOR REZONING	2017 04 06
NO.	REVISIONS	DATE



PROJECT:  
**39 THORA**  
 TORONTO, ON

TITLE:  
**PLANTING PLAN**

PROJECT NO: 17006  
 SCALE: 1:150  
 DRAWN BY: MF/PH  
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