

CC24.13 - Confidential Attachment 2 - made public on January 8, 2021



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September 10, 2020

WITHOUT PREJUDICE

CONFIDENTIAL

Mr. Mark Piel
Solicitor, Planning & Administrative Tribunal Law
City of Toronto, Legal Services Division
55 John Street, 26th Floor, Metro Hall
Toronto, ON
M5V 3C6

Dear Mark:

Re: Village of Yorkville ZBLA – Proposed Settlement

As you are aware, we act on behalf of three parties who have appealed City of Toronto Zoning By-laws 119-2018 and 120-2018 (the "Zoning By-laws"), specifically being Hamville Holdings Ltd. ("Hamville"), Exim Group of Canada Inc. ("Exim") and Beaux Properties International Inc. ("Beaux") (collectively, the "Appellants"). Further to our discussions, I am writing to set out the proposed terms of settlement between the City of Toronto (the "City") and the Appellants for your presentation to City Council for their consideration and approval.

In short, the proposed settlement consists of three parts; two involving amendments to the Zoning By-laws, and the third being a "comfort letter" to be delivered by the City to two of my clients as detailed below. Specifically, the settlement proposal consists of:

1. a boundary adjustment to the Zoning By-laws whereby the Hamville property (being 129-133 Yorkville Avenue) is removed from the area to which the Zoning By-laws apply;
2. an amendment to the Zoning By-laws as they apply to the properties owned by Beaux (being 27 Bellair Street) and Exim (being 21-25 Bellair Street, 98-104 Cumberland Street and 18-24 Bellair Street) to reduce the minimum front yard setback to 1.5m; and
3. "Comfort letters" from the City to each of Beaux and Exim regarding their respective properties in the Village of Yorkville in the form of the following:

"We are writing to advise you that in the event the City and [NTD: Beaux/Exim] settle the Appeal such that the minimum front yard setback requirement under the Zoning By-laws is 1.5 metres for each one of the Properties, and [NTD: Beaux/Exim] subsequently files a development application in respect of any one of its Properties whereby compliance with the Zoning By-laws, as may be revised by the aforementioned settlement, would result in a proposed development being unable to achieve the as-of-right density under the applicable zoning, then Community Planning staff would give fair and due consideration to variances which may be required for this particular zoning relief."

As discussed, the signed comfort letters would be released to the parties mentioned above provided City Council accepts the City Solicitor's recommendation that the City settle the appeals of my three clients on the terms set out above.

In addition to those previously discussed terms, the settlement of each appeal is conditional upon the respective parties bearing their own costs of the appeals.

We understand that you will take this settlement to Council in September and look forward to receiving confirmation of Council's acceptance. Should the settlement be approved we will jointly approach the LPAT to schedule a settlement hearing and provide evidence in support of the same.

Yours truly,

BENNETT JONES LLP

Per:

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Andrew Jeanrie

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ALJ/cmt

cc: Clients

