



Barristers & Solicitors  
Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7  
Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.ca

Direct Line: 416.849.6938  
mlaskin@goodmans.ca

September 15, 2020

Our File No.: 182197

**Via E-mail**

**Without Prejudice**

Planning & Administrative Tribunal Law  
City of Toronto Legal Services  
55 John Street, 26<sup>th</sup> Floor, Metro Hall  
Toronto, ON M5V 3C6

**Attention: Jessica Braun and Michael Mahoney**

Dear Sirs/Mesdames:

**Re: Official Plan Amendment No. 404  
LPAT Case No.: PL190242  
Without Prejudice Offer to Settle the Appeal of Damis Properties Inc.**

We are solicitors for Damis Properties Inc., the owner of the property known municipally as 7-11 Rochefort Drive (the “**Property**”), at the northeast corner of Don Mills Road and Rochefort Drive. Further to recent discussions with you and City staff, we write on behalf of our client to make a without prejudice offer to settle our client’s appeal of Official Plan Amendment No. 404 (“**OPA 404**”).

**Background**

The Property is located in the southeast quadrant of the major intersection of Don Mills Road and Eglinton Avenue East, approximately 280 metres or a 4 minute walk, from the new LRT station planned for that intersection known as Science Centre Station. The Property has approximately 60 metres of frontage on Don Mills Road, approximately 235 metres of frontage on Don Mills Road and is approximately 1.47 hectares in size. An existing 24-storey office building known as the Foresters Headquarters is immediately north of the Property, across Rochefort Drive.

At its meeting on April 17, 2019, City Council (“**Council**”) adopted OPA 404 to add the Don Mills Crossing Secondary Plan (the “**Secondary Plan**”) to Chapter 6 of the City’s Official Plan, for lands in the vicinity of the Don Mills Road and Eglinton Avenue East intersection. The Property is located just south of the boundary of the Secondary Plan area, but is nevertheless affected by the Secondary Plan’s policies.

**The Damis Appeal of OPA 404 and the Without Prejudice Settlement Offer**

By letter dated May 21, 2019, we appealed Council's adoption of OPA 404 to the Local Planning Appeal Tribunal (the "**Tribunal**") on behalf of our client. Our client's primary concern with OPA 404 pertained to a policy in the Secondary Plan that purported to protect a view from south of the Property to the Foresters Headquarters. Specifically, policy 6.5.4(a) currently provides that:

**6.5.4** The view to the Foresters Headquarters at 789 Don Mills Road will be enhanced by:

- a. providing views of the tower portion of the Foresters Headquarters from the south-east corner of St. Dennis Drive and Don Mills Road;

In its appeal to the Tribunal, our client identified a number of concerns with this policy relating to its underlying heritage justification, its impact on the development potential of the Property, and the vagueness of its language.

As you know, since the filing of our client's appeal, there have been productive without prejudice discussions regarding modifications to policy 6.5.4(a) of the Secondary Plan aimed at addressing our client's concerns.

Further to those discussions, we are pleased to advise that our client would be prepared to not oppose the approval of the outstanding portions of OPA 404, provided that policy 6.5.4(a) of the Secondary Plan is modified to read as follows:

**6.5.4** The view of the Foresters Headquarters at 789 Don Mills Road will be enhanced by:

- a. providing views from the south-east corner of St. Dennis Drive and Don Mills Road to the westernmost 20-foot bay system of windows on the southern tower façade of the Foresters Headquarters above the tenth storey of the building.

Policy 6.5.4(a) as proposed to be modified would provide greater clarity in implementing the view protection policy. We also believe that the modified version of Policy 6.5.4(a) maintains the City's objective of protecting a view corridor to the Foresters Headquarters.

Our client and its consultants appreciate City staff's efforts to meet with our client as part of preparing this without prejudice settlement offer. We believe that the settlement proposed represents an appropriate resolution of our client's appeal of OPA 404 and we are hopeful that City Council will instruct the City solicitor to accept it.

Please note that this without prejudice settlement offer will remain open for consideration by the City until the conclusion of the City Council meeting scheduled to commence on September 30, 2020.

Please let us know if further clarification is required in respect of the above.

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to read "Max Laskin".

Max Laskin  
MXL/

cc. David Bronskill, Goodmans LLP

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