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February 8, 2021

VIA EMAIL

Alexander J. Suriano
Lawyer, City of Toronto Legal Division
Planning and Administrative Tribunal Law
26th Floor – Metro Hall
55 John Street
Toronto, ON M5V 3C6

Dear Mr. Suriano:

**RE: 35-39 Holmes Avenue
Local Planning Appeal Tribunal Case No. PL200309
*WITH PREJUDICE OFFER TO SETTLE***

We are the lawyers for Holmes Avenue Ltd., the owner of the properties at 35-39 Holmes Avenue (the “**Subject Site**”) and the applicant/appellant in this matter, which is scheduled to be heard by the Local Planning Appeal Tribunal on July 5-16, 2021.

On February 8, 2021, the applicant, through its planning consultants at Walker Nott Dragicevic (“**WND**”), submitted a revised proposal for development of the Subject Site, within the time previously agreed to, as set out in Attachment 5 to the Tribunal’s November 18, 2020 Procedural Order.

As shown in the materials submitted by WND, the revised proposal amends the original proposal for development of the Subject Site as follows (the “**Revised Proposal**”):

- A reduction in the height of the proposed building from 18 storeys and 55.84 metres to 17 storeys and 53.30 metres.
- A reduction in the proposed gross floor area (now calculated in accordance with the North York Centre Secondary Plan definition) from 12,130 square metres to 10,717 square metres, with a corresponding reduction in the proposed floor space index (calculated over the full Subject Site area) from 5.1 FSI to 4.5 FSI.
- A revised mixed of one-, two-, and three-bedroom units.
- A reduction in vehicle parking spaces from 153 spaces to 96 spaces in two underground levels.
- A reduction in the tower floor plate.

- An eastward shift of the tower floorplate to provide a 10-metre setback to the property to the west.

As explained in the addendum to the Planning Justification report submitted by WND with the Revised Proposal, the applicant believes the Revised Proposal has regard for the matters of Provincial interest set out in Section 2 of the *Planning Act*, is consistent with the Provincial Policy Statement 2020, conforms to the Growth Plan 2019, and conforms with the relevant policies of the City of Toronto Official Plan and the North York Centre Secondary Plan, with the exception of the specific policies that require amendment pursuant to the Official Plan Amendment that is before the Tribunal, such as the proposed density of the development.

The Revised Proposal described above and detailed in the submission materials supplied to City Planning constitutes the applicant's Offer to Settle this matter in advance of the scheduled Tribunal hearing this summer.

We would therefore request that you advise City Council of this Offer to Settle and obtain instructions with respect to our client's offer, having regard to the timelines defined by the Tribunal's Procedural Order in this matter and the City's upcoming reporting and meeting schedule. We note in particular that a Meeting of Experts is supposed to take place by April 14, 2021, with Expert Witness Statements to be exchanged on April 21, 2021.

As this offer is being made *with prejudice*, we have copied the participants to the Tribunal hearing on this correspondence. If any of the participants are interested in any of the submission materials in support of the Revised Proposal, we would ask them to advise us and we will do our best to accommodate all reasonable requests. For convenience, we have attached the architectural drawing as well as the Draft Official Plan Amendment and Draft Zoning By-law Amendment reflecting the Revised Proposal.

For clarity: we confirm that our client intends to proceed with the Revised Proposal as the basis for the hearing before the Tribunal in July 2021.

We would be pleased to discuss the matter further with you at your convenience.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner

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