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File No. 703743

***WITHOUT PREJUDICE***

February 26, 2021

**By E-Mail Only to [Alexander.Suriano@toronto.ca](mailto:Alexander.Suriano@toronto.ca) and [Ben.Baena@toronto.ca](mailto:Ben.Baena@toronto.ca)**

Alexander J. Suriano and Ben Baena  
City of Toronto, Legal Services Division  
26<sup>th</sup> Floor, Metro Hall  
55 John Street  
Toronto, Ontario M5V 3C6

Dear Mr. Suriano and Mr. Baena:

**Re: Without Prejudice Settlement Offer  
Appeals of Official Plan Amendment, Zoning By-law Amendment and Site  
Plan Control Applications  
Application Nos. 19 240160 STE 13 OZ and 19 240163 STE SA  
20-26 Maitland Street, Toronto  
LPAT Case No. PL200212**

As you know, we are counsel to Maitland Residences Corp. (“Maitland”), the owner of lands municipally known as 20-26 Maitland Street in the City of Toronto (the “Lands”).

As you are aware, at its meeting on October 27, 28, and 30, 2020, City Council adopted the recommendations of a Request for Directions Report from the Director of Community Planning, Toronto and East York District, dated September 21, 2020 (the “Staff Report”).

The recommendations included a direction that the City Solicitor, together with City Planning staff and any other City staff as appropriate, appear before the Local Planning Appeal Tribunal (the “Tribunal”) hearing to oppose the appeals respecting the Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications in their then current form.

At the same time, City Council authorized the City Solicitor and appropriate staff to “continue discussions with the applicant in an attempt to resolve outstanding matters as identified in [the Staff Report], including issues regarding appropriate transition to and coordination with adjacent properties”.

Discussions have since continued between Maitland and its consultants with City staff and have resulted in our client preparing revisions to the proposed development that we

believe address a number of issues identified in the Staff Report, as reflected in the attached plans and statistics dated February 1, 2021 (the “Revised Plans”).

Among other things, the Revised Plans incorporate the following revisions to the plans that are currently before the Tribunal:

- A reduced tower height of 40 storeys, with a partial 41<sup>st</sup> storey, for a total height of 129.2 metres from average grade to the top of the mechanical penthouse;
- Full on-site parkland conveyance in base park condition equivalent to 10% of the site area on the western portion of the Lands, having a minimum area of 279 square metres and a minimum 5.31 metre frontage on Maitland Street, with a 3-metre setback of the west podium face;
- Floors 4 to 40 have a floor plate of 875 square metres;
- 3 metre step-back from the 4<sup>th</sup> storey podium to the south tower face;
- Minimum 12.5 metre tower setbacks to the current east and west property lines and minimum 12.5 metre tower setback to the centreline of the lane to the north, with balconies permitted to project within the tower setbacks;
- Minimum podium setback of 3.4 metres along Maitland Street to allow for a wider pedestrian realm; and
- Residential unit breakdown of a minimum of 15% 2-bedroom units, a minimum of 10% 3-bedroom units, and an additional minimum of 15% of the total number of units will be a combination of 2-bedroom or 3-bedroom units or units that can be converted to 2-bedroom or 3-bedroom units through the use of accessible or adaptable design measures.

Accordingly, we are writing to present the City with a “without prejudice” offer to settle our client’s Official Plan and Zoning By-law Amendment appeals to the Tribunal, and establish a process to resolve the appeal of our client’s Site Plan Control application, based on the following terms:

1. Maitland and the City will work cooperatively to prepare revised zoning by-law amendments to permit a development on the Lands substantially in accordance with the Revised Plans (the “Revised Draft ZBA”).
2. Maitland and the City will jointly advise the Tribunal that there is no requirement to provide office space within the proposed development on the Lands and that no Official Plan Amendment is required to approve the Revised Draft ZBA. Upon receiving confirmation from the Tribunal that the Official Plan Amendment is not

required, Maitland will withdraw the appeal of its Official Plan Amendment application.

3. Maitland and the City will jointly request that the Tribunal convert the hearing scheduled to begin on April 13, 2021 to a settlement hearing on April 13, 2021 or, alternatively, to convene a settlement hearing on an earlier date that is available on the Tribunal's calendar and acceptable to the parties.
4. Maitland and the City will jointly present the Revised Draft ZBA to the Tribunal for approval, in principle, at the settlement hearing and will coordinate the presentation of evidence and submissions in support of such approval.
5. Maitland will agree to make a Section 37 cash contribution to the City, prior to the first above-grade building permit for the proposed development on the Lands, in a quantum to be determined prior to the final Order of the Tribunal being issued. Maitland and the City will work cooperatively to attempt to determine the quantum of the Section 37 cash contribution as soon as reasonably possible. The purpose(s) for which the City will use the Section 37 cash contribution will be in accordance with the City's Official Plan and determined by the City in consultation with Maitland. The amount of the Section 37 cash contribution and the purpose(s) for which it is to be used by the City is to be reflected in the final Revised Draft ZBA and secured in a Section 37 Agreement to be registered on title to the Lands.
6. Maitland and the City will jointly request that the appeal of its Site Plan Control application be adjourned by the Tribunal and Maitland and the City will then work diligently to attempt to resolve any issues pertaining to a revised Site Plan submission to be made by Maitland that is substantially in accordance with the Revised Plans. If Maitland and the City are able to resolve all matters such that the City is prepared to approve the revised Site Plan submission, Maitland will withdraw its appeal of its Site Plan Control application; alternatively, if Maitland and the City are unable to resolve all matters in a timely manner, Maitland may request that the Tribunal convene a hearing of the appeal of its Site Plan Control application, with notice to the City.
7. At the settlement hearing, Maitland and the City will jointly request that the Tribunal withhold its final Order with respect to the approval of the Revised Draft ZBA until such time as the following conditions have been satisfied, unless such conditions have already been satisfied prior to the settlement hearing:
  - a. The Owner has provided a satisfactory Functional Servicing Report and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- b. The Owner has entered into an agreement or agreements or otherwise secured the design, construction, and the provision of financial securities for any required upgrades or improvements to the existing municipal infrastructure should it be determined that improvements or upgrades are required to support the development as may be identified in the accepted Functional Servicing Report and Stormwater Management Report, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;
  - c. The Owner has provided to the City updated parking and transportation impact studies reflecting the Revised Plans to the satisfaction of the General Manager, Transportation Services;
  - d. The Tribunal has been advised by the City Solicitor that the final form and content of the Revised Draft ZBA is satisfactory to the City;
  - e. The Tribunal has been advised by the City Solicitor that Maitland and the City have entered into and registered a Section 37 Agreement securing an appropriate community benefit contribution to be provided by Maitland to the City, all to the satisfaction of the City Solicitor; and
  - f. Maitland has withdrawn the following appeals to the Tribunal:
    - i. Appeal of Official Plan Amendment No. 183 – North Downtown Yonge SASP 382 (LPAT File No. PL131355); and
    - ii. Appeal of the proposed Official Plan Amendment for the Lands, provided that the Tribunal confirms that no such Official Plan Amendment is required to approve the Revised Draft ZBA (LPAT File No. PL200212).
8. Provided that the Tribunal issues an Order approving a Zoning By-law Amendment that is substantially in accordance with the Revised Draft ZBA, Maitland and the City agree that:
- a. Prior to the first above-grade building permit for the proposed development, the owner shall convey, in full satisfaction of its parkland conveyance requirement, an on-site parkland dedication in base park condition, having a minimum size of 279 square metres located along the western edge of the development site with a 5.31 m frontage on Maitland Street, with the park having a minimum 3 metre setback from any building wall along its entire length above ground, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor; and

- b. City Council approves the acceptance of an on-site parkland dedication, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition.
9. Maitland and the City shall bear their own costs in respect of the appeals to the Tribunal of Maitland's Official Plan Amendment and Zoning By-law Amendment applications for the Lands (LPAT File Nos. PL200212 and PL200213) and neither Maitland nor the City shall seek an Order from the Tribunal for costs as against the other in respect of these appeals.
10. This settlement offer is conditional upon City Council accepting all of the terms of this offer at its meeting on March 10, 2021, and this settlement offer will remain open for consideration until the conclusion of the City Council meeting on March 10, 2021, with the City Solicitor to advise Maitland as to whether or not the City accepts the settlement offer within 24 hours of the conclusion of such City Council meeting.

We look forward to receiving confirmation of the City's endorsement of this settlement offer following the City Council meeting on March 10, 2021. In the meantime, please do not hesitate to contact us if you have any questions regarding this settlement proposal, or if you require anything further in advance of presenting this settlement offer to City Council.

If City Council accepts the terms of this settlement offer, Maitland will then make a formal resubmission to the City of its Zoning By-law Amendment and Site Plan Control applications, substantially in accordance with the Revised Plans, as soon as reasonably possible.

Conversely, if City Council does not accept the terms of this settlement offer, Maitland intends to proceed with the hearing of the appeals of its Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications, based on the resubmission that was filed with the City in December 2020, and for which the parties have agreed to exchange witness statements on or before March 19, 2021.

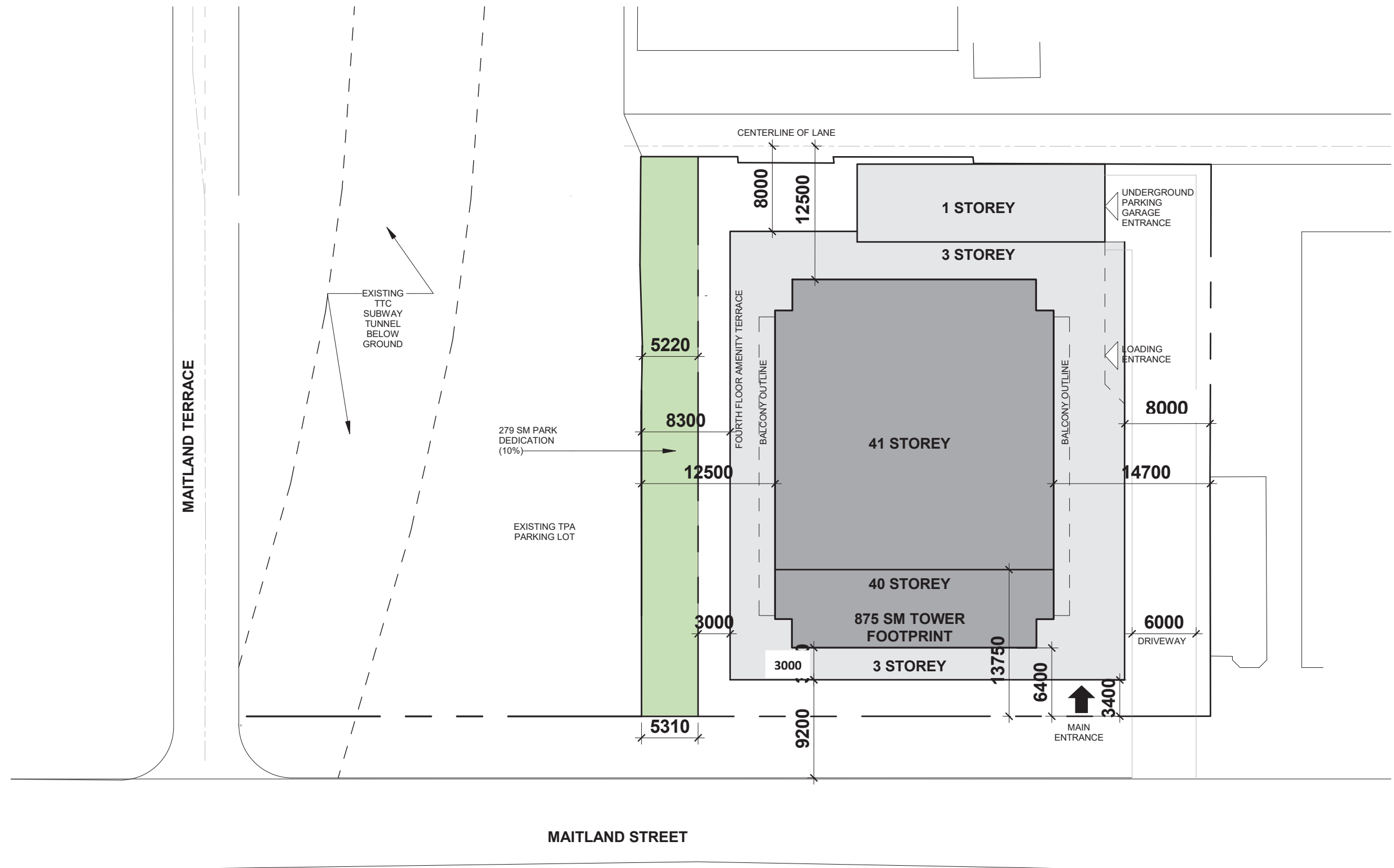
Yours truly,  
**DAVIES HOWE LLP**



Mark R. Flowers  
Professional Corporation

MRF:ZF  
encls.: Revised Plans

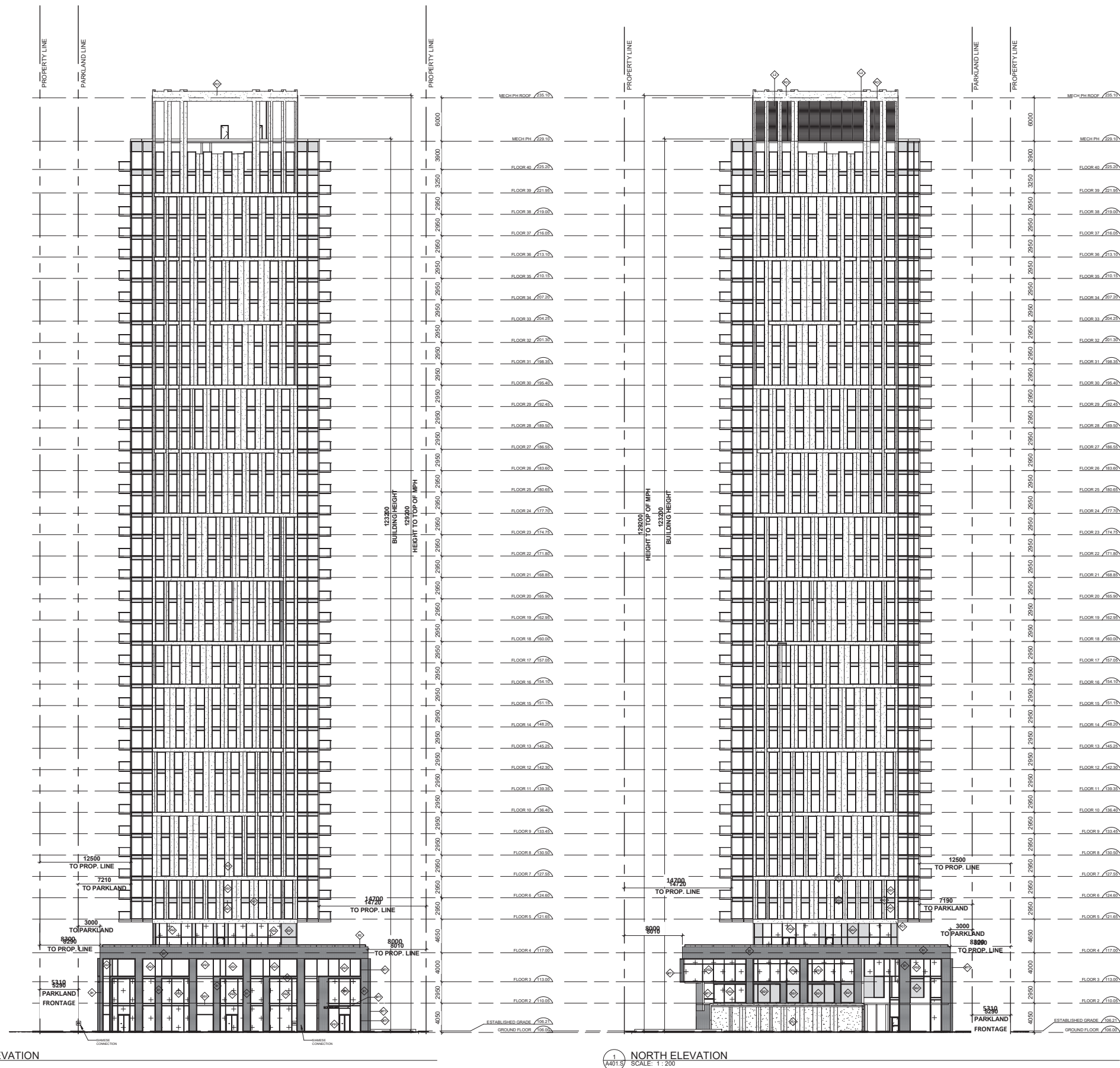
copy: Client  
Peter Smith and Mike Dror, Bousfields Inc.





# WITHOUT PREJUDICE

1 FEBRUARY 2021



2 SOUTH ELEVATION  
SCALE: 1:200

1 NORTH ELEVATION  
SCALE: 1:200

- LEGEND:**
- ◇ BRICK - RED
  - ◇ MECHANICAL LOUVER
  - ◇ MECHANICAL PENTHOUSE LOUVER
  - ◇ OVERHEAD METAL DOOR
  - ◇ METAL FRAME - DARK GREY
  - ◇ PRECAST CONCRETE - WHITE
  - ◇ RAILING GLASS
  - ◇ RAILING GLASS - BIRD FRIENDLY FRITTED GLASS
  - ◇ WINDOW SYSTEM - METAL SPANDREL PANEL
  - ◇ POLISHED GRAPHITE CURB - RED
  - ◇ VISION GLASS
  - ◇ VISION GLASS - BIRD FRIENDLY FRITTED GLASS

Date	No.	Description
2020-12-14	OPA / ZBA / SPA Resubmission	
2019-10-11	Issued for RZA and SPA	

REVISION RECORD

Date	No.	Description
2020-12-14	OPA / ZBA / SPA Resubmission	
2019-10-11	Issued for RZA and SPA	

ISSUE RECORD

**BDP.  
Quadrangle**

Quadrangle Architects Limited  
800 King Street West, Suite 101, Toronto, ON M5V 3H5  
T 416 598 1240 www.bdpquadrangle.com

20-26 Maitland Street

Toronto, ON

for  
For Plazacorp Investments Ltd

12065 1:200 YA SSC  
PROJECT SCALE DRAWN REVIEWED

NORTH & SOUTH ELEVATIONS

**A401.S**

Note: This drawing is the property of the Architect and may not be reproduced or used without the prior written consent of the Architect. The Contractor is responsible for checking and verifying all levels and dimensions and shall report all discrepancies to the Architect and obtain clarification prior to commencing work.

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LEGEND:

◊	BRICK - RED
◊	MECHANICAL LOUVER
◊	MECHANICAL PERFORATED LOUVER
◊	CURTAIN WALL METAL DOOR
◊	METAL FRAME - DARK GREY
◊	PRECAST CONCRETE - WHITE
◊	RAILING GLASS
◊	PAINTED GLASS - BROOKLYN
◊	PAINTED GLASS - SPOFFORDLY
◊	PRINTED GLASS
◊	WINDOW SYSTEM - METAL SPANDREL PANEL
◊	POLISHED GRANITE CURB - RED
◊	VISION GLASS
◊	VISION GLASS - BROOKLYN PRINTED

DATE	NO.	DESCRIPTION
		REVISION RECORD

2020.03.17 PRA. 784.1 S&A Revisions  
2019.10.11 Issues for RZA and SPA  
ISSUE RECORD

**BDR. Quadrangle**

Overseas Architecture Limited  
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20-26 Maitland Street  
Toronto, ON

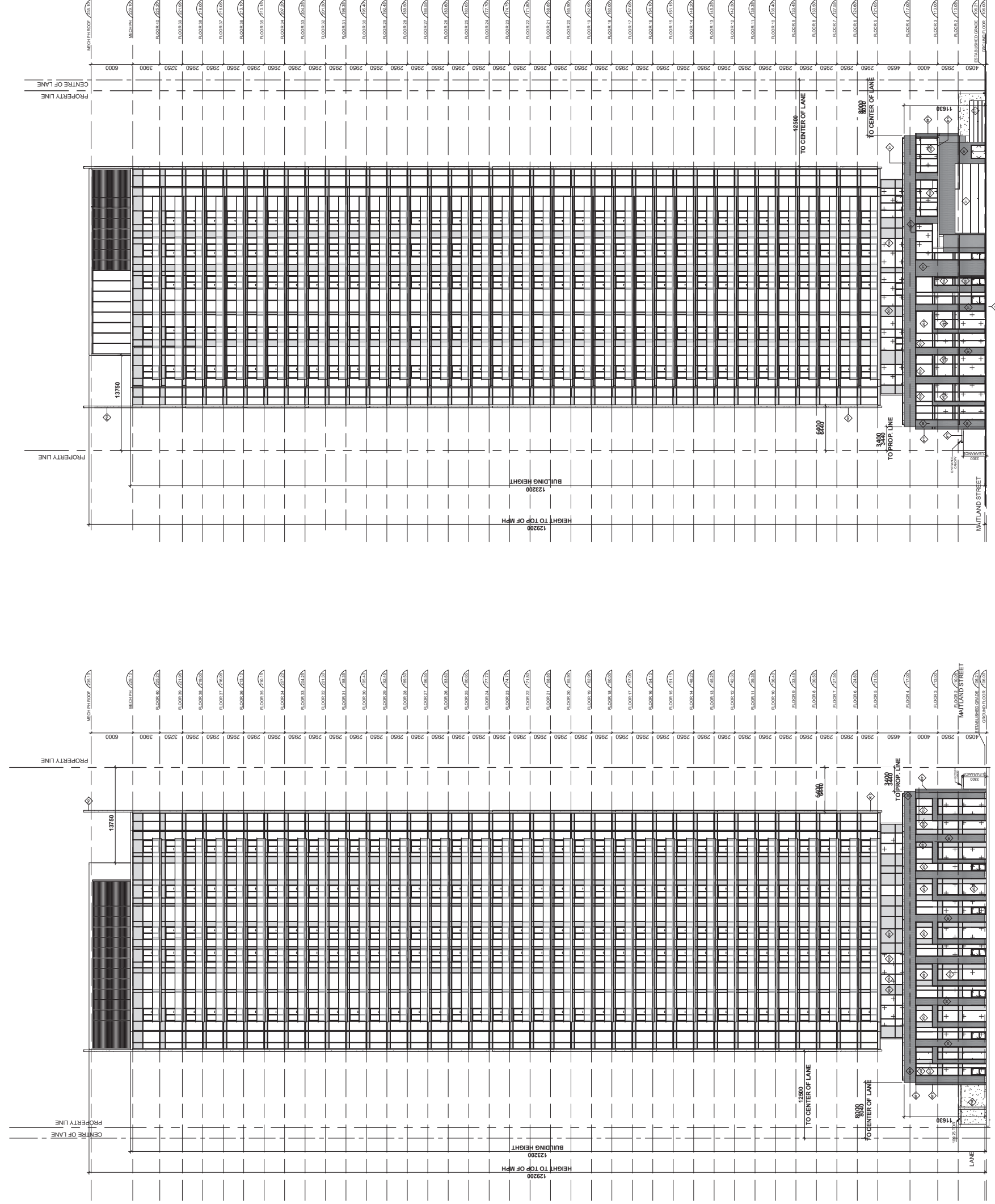
For Plazacorp Investments Ltd

PROJECT SCALE: YA SSC  
DRAWN: REVISED

**EAST & WEST ELEVATIONS**

**A402.S**

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**EAST ELEVATION**  
SCALE: 1/4"=1'-0"

**WEST ELEVATION**  
SCALE: 1/4"=1'-0"

