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M613-02

February 1, 2021

CONFIDENTIAL AND WITHOUT PREJUDICE

VIA EMAIL (daniel.elmadany@toronto.ca; alexander.suriano@toronto.ca)

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

Attention: Daniel Elmadany, Solicitor, and Alexander Suriano, Solicitor

Dear Mr. Elmadany and Mr. Suriano:

**RE: 465-471 Richmond St. W. & 38 Camden St., City of Toronto
Appeals pursuant to ss. 34(11) of the *Planning Act* and ss. 34.1(1) of the
Ontario Heritage Act
LPAT Case Nos.: PL200082 & MM200029
Proposed Settlement – Revised Plans**

As you know, we are the solicitors for Manga Hotels (Richmond) Inc. and Manga Hotels (Camden) Inc. (collectively referred to in this letter as “**Manga Hotels**”), with respect to the lands municipally known as 465-471 Richmond St. W. and 38 Camden St. (the “**Subject Site**”), in the City of Toronto.

We are enclosing a copy of the architectural plans, dated January 12, 2021 and prepared by Sweeny & Co. on a without prejudice basis. The enclosed architectural plans will form the basis of our formal “without prejudice settlement offer” to be presented to City Council at its meeting scheduled to commence on March 10, 2021. We also understand that prior to City Council’s consideration on March 10, 2021, advice will be sought from the Toronto Preservation Board on February 18, 2021 regarding the requested alterations pursuant to Section 33 of the *Ontario Heritage Act*.

As such, the following is our offer of the Terms of Settlement:

1. The agreed upon built form shall be substantially in accordance with the architectural plans prepared by Sweeny & Co. dated January 12, 2021, attached hereto as Appendix "A";
2. The heritage building located on the property municipally known as 38 Camden St., as designated by By-law 236-2020, shall be conserved in accordance with Appendix "A" and substantially in accordance with the Heritage Impact Assessment dated January 20, 2021 prepared by ERA Architects (the "**Revised HIA**");
3. The Toronto Preservation Board, and City Council approve the requested alterations to the designated heritage property at 38 Camden Street pursuant to section 33 of the Ontario Heritage Act, substantially in accordance with Appendix "A", the Revised HIA and a satisfactory approved Conservation Plan and that conditions to the alterations, as generally outlined below, be imposed on the approval under the Ontario Heritage Act:
 - a. The owner has entered into a Heritage Easement Agreement with the City for the property at 38 Camden Street securing the alterations outlined in the plans and drawings in Appendix "A" and substantially in accordance with the Revised HIA and subject to the approved Conservation Plan; and
 - b. The owner providing a detailed Conservation Plan substantially in accordance with the conservation strategy in the Revised HIA;
 - c. The owner has withdrawn their appeal of the request to demolish the designated heritage property at 38 Camden Street pursuant to section 34 of the Ontario Heritage Act;
 - d. Prior to Final Site Plan approval for the Lands, or any part of the Lands, the owner shall:
 - i. Provide final site plan drawings, including drawings related to the approved Conservation Plan;
 - ii. Provide an Interpretation Plan and thereafter implement such plan;
 - iii. Provide a Heritage Lighting Plan that describes how the building on the subject heritage property will be sensitively illuminated to enhance its heritage character and thereafter shall implement such Plan;
 - e. Prior to the issuance of any permit for all, or any part of the Lands, including a heritage permit or a building permit, but excluding permits for repairs and

maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

- i. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant; and
 - ii. Provide a Letter of Credit, including provision for upwards indexing in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan, Heritage Lighting Plan and Interpretation Plan.
- f. Prior to the release of the Letter of Credit, the owner shall:
- i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation, lighting and interpretation has been completed in accordance with the relevant approved plans and that an appropriate standard of conservation has been maintained; and
 - ii. Provide replacement Heritage Easement Agreement photographs,

All of the conditions in Paragraph 3 above are to the satisfaction of the Senior Manager, Heritage Planning.

4. Should the Tribunal approve the Zoning By-law Amendment, the following conditions are agreed to be imposed prior to the issuance of any Order of the Local Planning Appeal Tribunal:
 - a. The final form and content of the Zoning By-law Amendment shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, in consultation with the Senior Manager, Heritage Planning;
 - b. Manga Hotels has provided a satisfactory and acceptable Functional Servicing and Stormwater Management Report, including Hydrological Report and Checklist satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and secured any upgrades and/or improvements as may be necessary to facilitate the proposed development in a financially secured agreement, and confirmation that the amending by-laws do not require any modifications to address the accepted Functional Servicing and Stormwater Management Report, all to the satisfaction of the Chief Engineer and Executive Director, Engineer and Construction Services, and the City Solicitor;

- c. Manga Hotels has provided a satisfactory and acceptable revised Transportation Impact Study addressing any revised loading and parking spaces on the site to the satisfaction of the General Manager, Transportation Services;
- d. Manga Hotels has obtained approval for the requested alterations pursuant to Section 33 of the Ontario Heritage Act;
- e. Manga Hotels has entered into and registered on title to the property a Heritage Easement Agreement pursuant to Section 37 of the Ontario Heritage Act to the satisfaction of the Senior Manager, Heritage Planning, the Chief Planner and Executive Director, City Planning and the City Solicitor;
- f. Manga Hotels has withdrawn their appeal(s) of:
 - i. the request to demolish the designated heritage property at 38 Camden Street pursuant to section 34 of the Ontario Heritage Act;
 - ii. the King-Spadina Secondary Plan (OPA 486); and
 - iii. the King-Spadina Heritage Conservation District Plan.

In the event that City Council agrees to support the proposed settlement by Manga Hotels, the City and Manga Hotels would attend the Local Planning Appeal Tribunal in support of the revised proposal. Therefore, on the basis of this without prejudice settlement offer, kindly proceed to seek the instructions of Toronto City Council at its meeting intended to commence on March 10, 2021.

Should you require any further information, kindly contact me or my colleague Jennifer Evola, at your earliest convenience.

Yours very truly,
Devine Park LLP



Patrick J. Devine
PJD/JME

cc: Client

Appendix "A"

Architectural Drawings dated January 12, 2021 "see attached as separate PDF"