

CC30.10 - Confidential Appendix A - made public on March 17, 2021

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WITHOUT PREJUDICE AND CONFIDENTIAL

File No. 037175/000001

February 26, 2021

Delivered by Email (Kasia.Czajkowski@toronto.ca)

Kasia Czajkowski
Solicitor, Planning & Administrative Tribunal Law
City of Toronto Legal Services
Metro Hall
26th fl., 55 John St.
Toronto, ON M5V 3C6

Dear Ms. Czajkowski:

**Re: LPAT Case No. PL190524 – 1861 O'Connor Drive, City of Toronto
10285773 Canada Corp. v. Toronto (City)
Settlement Offer to Address Majority of City's Issues**

We are legal counsel to 10285773 Canada Corp. operating as Artlife Developments (together, “**Artlife**”), the owners of the property municipally known as 1861 O'Connor Drive, in the City of Toronto (the “**Subject Property**”). Artlife plans to develop the Subject Property with a nine-storey mixed use building consisting of 250 residential units, one commercial unit on the ground floor and three levels of underground parking (the “**Proposed Development**”).

A hearing on the merits of the Proposed Development is scheduled to commence on March 15, 2021 for two weeks before the Local Planning Appeal Tribunal. Further to the experts' meetings and our without prejudice conversations, Artlife is pleased to provide a settlement offer to resolve the City's Issues 1-8 and 11-17 as set out in Schedule 4 of the Procedural Order on the following basis:

1. Artlife agrees to revise the Proposed Development to accommodate the following revisions, as shown in the plans and drawings attached as **Attachment 1** (the “**Revised Development**”). The revisions include the following:
 - a. Total building GFA reduction by 37.9 m²;
 - b. Indoor amenity reduction by 69.8 m²;
 - c. Total net residential reduction from 14,205.1 m² to 14,080.4 m²;
 - d. Increased commercial GFA facing O'Connor Drive from 95.1 m² to 184.1 m²;

- e. Increased commercial height to 4.5 m at grade;
 - f. Revised west elevation with a reduced masonry for the podium from 4 storey podium to 3 storey brick podium;
 - g. Reduction of five (5) residential units to increase commercial space at grade and create larger three bedroom units, resulting in 37 two bedroom units and 27 three bedroom units, which exceed the minimum standards in the Growing Up Guidelines; and
 - h. Revised underground layout and minor adjustments to the grade to provide 170 residential spaces, 29 visitor spaces and 4 car share spaces, resulting in surplus parking.
2. Artlife agrees to seek approval of revised zoning by-law amendments to provide site-specific provisions to permit the Revised Development. The site plan application will likewise implement the Revised Development.
 3. Artlife agrees to provide the City \$500,000 in s. 37 contributions, to be secured through a standard s. 37 agreement, without any reference to the estimated market value of the Subject Property.
 4. Subject to the Tribunal's determination of Issues 9 and 10, Artlife agrees to enter into a standard site plan agreement with the City to secure standard Notice of Approval Conditions (NOAC), on the mutual understanding that the Revised Development represents an appropriate development of the Subject Property.
 5. Subject to the Tribunal's determination of Issues 9 and 10, the parties agree to request that: (1) the zoning by-law amendments be approved in principle, but the final Order withheld, to permit final review by the City's zoning by-law examiner for form and content based on the Revised Development, (2) the site plan application be approved in principle, but the final Order withheld until the parties have entered into a standard site plan agreement and the pre-conditions of the NOAC have been cleared, such matters to be completed within 6 months of the issuance of the Tribunal's decision, and (3) the Tribunal be seized and be spoken to in case there are any difficulties with implementing the final site plan approval.

If the City accepts this settlement offer, the only issues that will advance to a hearing are Issues 9 and 10. These issues are related to a holding symbol (H) that the City is seeking to apply to the rezoning arising from the potential re-alignment of O'Connor Drive and other transportation infrastructure improvements. A reduction of outstanding issues from 17 to two will also lead to a significantly shorter hearing and cost savings for both parties.

We look forward to the City's response so that we can inform the Tribunal as soon as possible before the commencement of the hearing. This offer to settle expires at the end of the City Council meeting on March 10, 2021.

Yours very truly,
BORDEN LADNER GERVAIS LLP



Isaac Tang

IT/cm

Cc: Marian Prejel, Senior Planner, Community Planning, North York District (East Section)
Client

/Encl.