



McCarthy Tétrault LLP  
PO Box 48, Suite 5300  
Toronto-Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Office Phone  
Fax: 416-868-0673

**John A.R. Dawson**  
Counsel  
Direct Line: (416) 601-8300  
Direct Fax: (416) 868-0673  
Email: jdawson@mccarthy.ca

*Assistant: Chiu, Stephanie Ying Hui  
Direct Line: (416) 601-7863*

June 30, 2021

**Via Email**

**WITHOUT PREJUDICE AND CONFIDENTIAL**

City of Toronto  
c/o Legal Department  
55 John Street  
26th Floor, Metro Hall  
Toronto ON M5V 3C6

Attention: Laura K. Bisset and  
Michael Mahoney

Dear Sirs/Mesdames:

**Re: OLT Case No. PL190608  
9-25 Dawes Road, Toronto**

Further to our recent discussions on behalf of our respective clients, herewith please find drawings which together with this letter describe the offer to settle the above-captioned appeals (the "Appeals") of Minto (Dawes) G. P. Inc. ("Minto").

As you are aware, the Appeals have been subject of mediation discussions under the auspices of the Local Planning Appeal Tribunal (now the Ontario Land Tribunal, the "OLT") and otherwise. This offer is the consequence of those discussions and proposes the approval of zoning by-laws which, very generally, as compared to the approvals originally sought, provide for a significant decrease in the maximum tower height, significant cuts to the area of the fifth floor of the podium, a significant cut to the areas of all floors of the podium to create a substantial POPS along Dawes Road, but also provide for larger tower floorplates. These changes, as well as other building refinements, subject to the further comments below, are to be reflected in the zoning by-law amendments to be approved, and this constitutes one aspect of this settlement offer. The foregoing are generally outlined in the following drawings (the "Drawings") and statistics (the "Statistics") prepared by Wallman Architects and dated March 12, 2021:

1. 9 Dawes Road, Project Statistics
2. Drawings A1.01 - Site Plan
3. Drawing A1.02 - Ground Floor
4. Drawing A1.02a - Mezzanine

5. Drawing A1.03 - Level 2
6. Drawing A1.04 – Level 3-4 Podium
7. Drawing A1.05 – Level 5
8. Drawing A1.06 – Typical Floor
9. Drawing A1.07 – L27 and MPH
10. Drawing A1.08 – MPH
11. Drawing A1.09 – Level P1
12. Drawing A1.10 – Level P2
13. Drawing A1.11 – South Tower Section

For certainty, it is the provision of amenity space and parking spaces as is set out in the Statistics under the heading “Zoning Summary” that are to be reflected in the approved zoning by-laws.

The proposed zoning by-laws to be approved pursuant to this settlement offer shall also:

- (a) Provide for a site specific definition of gross floor area which exempts areas which are used for parking and located at grade, including areas required for access thereto, and storage locker space located in the mezzanine space described in the Drawings;
- (b) Provide for the sharing of residential visitor parking with parking for non-residential uses;
- (c) Provide for a minimum 10 percent of all units on the lands at 9-25 Dawes Road as 3-bedroom units and an additional 15% of all units as 2 or more bedroom units; and
- (d) Provide for a contribution and an agreement pursuant to section 37 of the *Planning Act* which provides for:
  - (i) a cash payment of \$4,500,000.00 from the owner prior to the issuance of the first above-grade building permit to be used for the construction, finishes and/or furnishings and equipment for a public community recreation centre serving the geographic area of the proposed Official Plan Amendment No. 478, as adopted by Council; and
  - (ii) A cash payment of \$66,667.00 from the owner prior to the issuance of the first above-grade building permit to be used by the City to conduct a transportation study at key intersections within the secondary plan area, including Main Street and Stephenson Avenue, Main Street and Danforth Avenue and Main Street and Gerrard Street East. The transportation study will identify and design streetscape improvements at these intersections for the purpose of improved pedestrian and cyclist safety, functionality and an improved public realm;

- (e) The cash contribution shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for the Toronto Census Metropolitan Area, calculated from the date of the Agreement to the date of payment. In the event the indexed cash contributions set out in paragraphs (d)(i) and (ii) have not been used for the purposes set out above within 10 and 3 years respectively of the amending by-laws coming into force, it may be redirected for another purpose.

It is a condition of this offer that on or before July 23, 2021, or such subsequent date as is agreed to by Minto and the City Solicitor, the City has confirmed that a Master Functional Servicing Report submitted to the City on behalf of Minto, among others, is to its satisfaction.

Procedurally, to implement this settlement, Minto proposes that the City would join it (together with witnesses and other evidence if so requested by Minto) in a request to the OLT to issue a decision on the Appeal approving zoning by-laws which reflect this offer, but to withhold its formal Order pending the receipt by the Tribunal of advice from the City Solicitor (provided that in the event of a dispute the Tribunal may be spoken to) that:

1. Zoning by-laws which reflect the substance of this settlement offer in a form satisfactory to the City Solicitor and Minto have been delivered to the Tribunal;
2. A Section 37 agreement consistent with such by-laws and satisfactory in form to the City Solicitor has been executed and registered in priority on title (except for permitted encumbrances) to 9-25 Dawes Road, which also secures the following matters as a legal convenience:
  - (a) the POPS space, generally as set out in the Drawings, with an area of no less than 420 square metres inclusive of any area which is beneath a building overhang;
  - (b) the obligation of the owner to satisfy its obligation for parkland dedication under the *Planning Act* by the payment of cash in lieu, calculated and paid in accordance with, the City's parkland dedication by-law in force at the time of Council's acceptance of this offer;
  - (c) the Owner's access to the City streets at no cost, except for the City's standard fee for a road occupancy permit, to undertake any servicing (i.e. watermain, sanitary sewers, storm sewers) required for its development, in accordance with the City's standard terms therefor. This provision would also apply where the Owner is undertaking servicing works which benefit other properties, in which case the City will authorize a development charge credit to the Owner in an amount equal to the cost of the improvements that are in excess of the improvements necessitated by and attributable to the Development, but not to exceed: i) the actual cost of the work that is in excess of the improvements necessitated by and attributable to the Development, and ii) the water, sanitary sewer, and storm water management components of the development charges applicable to the Development;
  - (d) the construction and maintenance of the development in accordance with the Tier 1 performance measures of the Toronto Green Standard as is in place at the time of the owner's application for site plan approval;

- (e) a 1.48 metre wide conveyance prior to registration along the south limit of the east-west public lane along the north frontage of the site, to the satisfaction of the General Manager, Transportation Services and the City Solicitor;
  - (f) the provision of the following reports, at the owner's sole expense, to be considered and recommendations implemented as appropriate in and through the site plan approval process:
    - (i) the peer review of the submitted Environmental Noise and Vibration Assessment Report, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning ;
    - (ii) a Wind Tunnel analysis to the satisfaction of the Chief Planner and Executive Director, City Planning;
    - (iii) a conceptual landscape plan which includes a notation that a volume of 30 cubic metres of soil will be provided for each tree, unless otherwise agreed by the General Manager, Urban Forestry;
  - (g) the requirements of the TDSB regarding warning clauses and signage with respect to school accommodation issues;
  - (h) The requirements of the Toronto Transit Commission/Metrolinx regarding warning clauses and other requirements noted in the TTC comments; and
  - (i) the owner's agreement that prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Building Official and Executive Director, Toronto Building, the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Engineer and Executive Director, Engineering and Construction Services and thereafter shall implement the plan during the course of construction; the Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, including matters related to the construction of streets or infrastructure, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the City Solicitor;
3. The Owner has, at the Owner's expense:
- (a) submitted a revised Functional Servicing and Stormwater Management Report, Hydrogeological Report and supporting documents (the "**Engineering Reports**"), including confirmation of water and fire flow, sanitary and storm capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with the General Manager, Toronto Water;
  - (b) provided revised reports, addenda or memoranda as necessary to address all outstanding issues identified in a formal memorandum from Engineering and

Construction Services, following review of the Engineering Reports, with respect to works intended to implement the Engineering Reports;

- (c) secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development;
- (d) revised its site plan application to address City comments on the reports identified in Item 2(f); and
- (e) submitted revised Traffic Impact, Parking and Loading Studies which incorporate the parking ratio set out in the Drawings under the heading "Zoning Summary and a Transportation Demand Management Plan, including recommendations on any necessary financial securities all to the satisfaction of the General Manager, Transportation Services;

and that City Council would direct the City Solicitor and appropriate staff accordingly.

It is also a condition of this settlement offer that City Council direct the City Solicitor and appropriate staff to seek the approval of the City's proposed OPA 478 by the OLT in a form such that the zoning by-laws contemplated for approval by this settlement offer would conform, or be deemed to conform, therewith.

This offer lapses if not accepted by City Council on or before July 21, 2021.

We look forward to hearing from you.

Yours truly,



John A.R. Dawson

JAD