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September 20, 2021

Our File No.: 170846

**WITHOUT PREJUDICE**

**Via Email**

City of Toronto Legal Services  
Metro Hall  
55 John Street, 26<sup>th</sup> Floor  
Toronto, ON M5V 3C6

**Attention: Sara Amini/Rob Robinson**

Dear Sirs/Mesdames:

**Re: OLT Case No. PL171162 – 83-97 River Street & 2-4 Labatt Avenue  
Without Prejudice Offer to Settle**

We are solicitors for the owner of the lands known municipally in the City of Toronto as 83-97 River Street & 2-4 Labatt Avenue (the “**Property**”). We are writing on behalf of our client with a without prejudice settlement offer in respect of the above-noted matter. This settlement offer would remain open until the end of the City Council meeting scheduled to commence on October 1, 2021.

As you know, our client engaged in extensive without prejudice discussions with City staff over the last several months regarding the redevelopment proposal for the Property. These discussions have resulted in a revised site plan and massing, dated March 25, 2021 and prepared by IBI Group Architects (Canada) Inc., which are attached to this letter (the “**Revised Plans**”).

The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law. Among the changes to the proposal incorporate in the Revised Plans are:

1. The Revised Plans removed the parkland dedication initially requested by City staff but include an expanded 125 square metre POPS with additional dog relief area on the ground floor.
2. The built form has been revised to shift the proposed tower 3.2 metres to the south to increase the north setback. Extensive discussions with City staff resulted in a revised podium design to terminate the proposed A-frame at the top of the podium to enhance the pedestrian realm along River Street.

3. The tower height has been reduced to 106.0 metres (containing 34 storeys), excluding the mechanical penthouse.
4. The base building height has been reduced to 17.5 metres and provides setbacks that ensure a minimum sidewalk zone of six metres along River Street and Labatt Avenue, as well as transition to the lands to the north.
5. Balconies on the east façade have been replaced with continuous Juliette balconies.
6. The Revised Plans now include seven rental replacement units.

In addition, the zoning by-law amendment(s) would implement the parking supply and amenity space provided on the Revised Plans, as well as a minimum of 10% of the new units as 3-bedroom units as 30% of the new units as 2-bedroom units.

Finally, our client would agree to provide an indexed cash payment of \$3,600,000.00 as a voluntary Section 37 contribution to be paid prior to the first above-grade building permit to be allocated by the Chief Planner (in consultation with the local councillor and the community) for local community services, all to be secured in the implement zoning by-law amendment(s) and corresponding Section 37 agreement.

Our client agrees that, in the event City council accepts this settlement offer, the final order of the Ontario Land Tribunal would be withheld pending:

- the City solicitor confirming that the zoning by-law amendment(s) are in final form and content to the satisfaction of the Chief Planner and Executive Director, City Planning;
- submission of an updated Functional Servicing Report, Stormwater Management Report, Hydrogeological Report and Groundwater Report (the “**Engineering Reports**”), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- satisfactory arrangements with Chief Engineer and Executive Director, Engineering and Construction Services for the design and construction of new infrastructure or any improvements to the existing municipal infrastructure, should it be determined in the Engineering Reports that new infrastructure and/or upgrades/improvements are required to the existing infrastructure, to support this development, and that the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure, with any such agreement to be executed prior to the issuance of an above-grade building permit;

- execution and registration of a Section 111 Agreement to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning Division to secure the residential replacement units; and,
- execution and registration of a Section 37 agreement to the satisfaction of the City Solicitor to secure the above-noted contribution for community benefits in accordance with the Planning Act before it was amended by Bill 108 and Bill 197, as well as any matters of legal convenience to implement the matters listed above, including:
  - securing the rental tenure of the seven (7) replacement rental dwelling units for a period of at least 20 years; rents for the affordable and mid-range rental replacement units for at least 10 years, an acceptable tenant relocation and assistance plan and any other related rental matters, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - the owner shall register a Limiting Distance Agreement between the owners of 83-97 River Street and 2-4 Labatt Avenue, 107 River Street, and the City of Toronto, to the satisfaction of the City Solicitor;
  - the owner shall provide a Privately Owned Publicly Accessible Space (POPS) of a minimum area of 125 square metres with the terms to be to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - Prior to final site plan approval, the owner shall provide a construction management plan satisfactory to the Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on October 1, 2021, after which it should be considered as withdrawn.

Our client greatly appreciates the hard work of City staff that had enabled the presentation of this settlement offer to City council.

Yours truly,

**Goodmans LLP**



David Bronskill  
DJB/ bp

cc: Client