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September 20, 2021

BY EMAIL

**WITH PREJUDICE**

Our File #149276

Ms. Laura Bisset and Ms. Derin Abimbola  
City of Toronto  
Planning & Administrative Tribunal Law  
Metro Hall, 26<sup>th</sup> Floor  
55 John Street  
Toronto, ON M5V 3C6

Dear Ms. Bisset and Ms. Abimbola:

**Re: Settlement Offer - Zoning By-law Amendment Application  
1540-1550 Bloor Street West, Toronto  
OLT Case No. PL200248  
Municipality File No. 19 2643422 STE 04 OZ**

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We act on behalf of Timbertrin (Dundas/Bloor) Inc. ("**Timbertrin**") with respect to the property municipally known as 1540-1550 Bloor Street West, Toronto (the "**Property**"). The Property is approximately 2,465 square metres in size and located immediately at the northwest corner of Bloor Street West and Dundas Street. The Property is currently developed with two-storey mixed-use buildings.

### **Background**

On December 19, 2019, Timbertrin submitted Zoning By-law Amendment ("**ZBA**") and rental housing demolition applications to permit a proposed 25-storey mixed-use building on the Property. The proposal consisted of 26,445 square metres of total gross floor area and 327 residential units and retail uses at grade. The ZBA application was deemed completed as of December 20, 2019.

On June 25, 2020, Timbertrin appealed its ZBA application to the Ontario Land Tribunal ("**OLT**") due to Council's failure to make a decision with respect to the application within the timeframe prescribed by the *Planning Act* (the "**ZBA Appeal**").

On March 15, 2021, Timbertrin filed a revised development proposal with updated materials and studies. The revised proposal consisted of a 27-storey building with 25,491 square metres of total gross floor area, 374 residential units and retail uses at grade.

### **Settlement Offer**

Since the filing of the revised proposal on March 15, 2021, Timbertrin has worked extensively with City staff, including participation in LPAT-led mediation. The purpose of this correspondence is to formally provide a settlement offer to resolve the ZBA Appeal (the “**Settlement Offer**”). The revised development proposal for the Property (the “**Revised Proposal**”) which forms the basis of this Settlement Offer is described below and shown on the Architectural Plans, prepared by IBI Group and dated August 30, 2021 (the “**Architectural Plans**”).

Timbertrin is prepared to settle the ZBA Appeal with the City provided that City Council support the Ontario Land Tribunal’s approval of the Revised Proposal and in accordance with the following terms:

1. **Gross Floor Area:** A total gross floor area of 24,057 square metres is proposed for the Property, calculated in accordance with Zoning By-law 569-2013, as amended. The total residential gross floor area is approximately 23,377 square metres. The total non-residential gross floor area is approximately 680 square metres.
2. **Density:** The resulting density is 9.84 FSI, based on the gross site area of the Property and calculated in accordance with Zoning By-law 569-2013, as amended.
3. **Built Form:** The Revised Proposal consists of:
  - a) a 27 storey tall building with a metred height of no more than 86.65 metres (exclusive of the mechanical penthouse);
  - b) a 6 storey base building on the west side of the tower element and a 3 to 8 storey base building on the north side of the tower element, both of which step down to a 1 storey base building at the rear along the north lot line;
  - c) a 3 storey streetwall along the Bloor Street West and Dundas Street West frontages, which wraps around the 8 storey base building element on the north side. For clarity, the 3-storey base building element along the north lot line will include north-facing secondary windows and will not include north-facing primary windows;
  - d) a stepback of 4.6 metres at the 25<sup>th</sup> floor and a further stepback of 3.45 metres at floors 26 and 27, along the north side of the tower element;
  - e) a building setback of 0.7 metres along Bloor Street West from the new lot line following the conveyance of land for 0.4 metre road widening and a minimum building setback of 1.9 metres from the east (Dundas Street West) lot line.
4. **Tower Floor Plate:** The residential tower floor plate from floors 9 to 24 shall have a maximum gross construction area of 840 square metres.
5. **Dwelling Units:** A total of 355 dwelling units is proposed, subject to any further refinement to the building floor plans, as may be required, which may increase or decrease the total number of dwelling units.
6. **Parking Rate:** A minimum parking supply of:
  - a) 0.20 parking spaces per dwelling unit for residential parking;
  - b) 0.06 parking spaces per dwelling unit for residential visitor parking;

Parking spaces will not be required for the commercial/retail space at grade. Furthermore, each car share space provided replaces four residential parking spaces.

7. **Bicycle Parking:** Bicycle parking will be provided in accordance with Zoning By-law 569-2013.
8. **Transportation Demand Management (TDM) Measures:** The following TDM measures will be provided:
  - a) a cash contribution of \$50,000.00 for one bike share station to be located in the immediate vicinity of the Property, such cash contribution shall be paid by the owner prior to the issuance of the first above-grade building permit for the development and allocated in accordance with the Transportation Demand Management Plan, and such cash contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment;
  - b) two (2) car share parking spaces to be located within the proposed underground parking garage;
  - c) one (1) bike share membership (1 year membership) per dwelling unit; and
  - d) two (2) bicycle repair stations on the Property.
9. **Loading Spaces:** One Type “G” loading space and one Type “B” loading space will be provided.
10. **Conveyance of Lands to the Toronto Transit Commission (TTC):** Timbertrín will convey, for nominal value, a portion of the Property along the north lot line, with an approximate area of 40 square metres, to the TTC, as shown on the Architectural Plans.
11. **Right-of-Way Widening and Corner Rounding:** Timbertrín will convey to the City, at nominal cost, lands for a 0.4 metre right-of-way widening along Bloor Street West and lands for a 6.0 metre radius corner rounding at the intersection of Bloor Street West and Dundas Street West.
12. **Easement:** Timbertrín will convey to the City, for nominal value, an easement for public access with a minimum width of 6.0 metres and a minimum height of 6.0 metres, over the travelled portion of the driveway, which is to connect to the adjacent public lane in the future, and as shown on Drawing No. A103, prepared by IBI Group and dated August 30, 2021.
13. **Pedestrian Clearways:** Timbertrín will provide pedestrian clearways on Bloor Street West and Dundas Street West with a minimum width of 2.1 metres, which may include an obligation to convey an easement over a portion of the site to achieve the 2.1 metre-wide clearway, as shown on Drawing No. A103, prepared by IBI Group and dated August 30, 2021.
14. **Amenity Space:** Indoor amenity space will be provided at a minimum rate of 2.0 square metres per residential dwelling unit and outdoor amenity space will be provided at a minimum rate of 2.0 square metres per residential dwelling unit.

15. **Rental Housing Replacement:** Timbertrin agrees to replace the existing 12 affordable rental dwelling units on the Property within the proposed building, with the rental tenure for the replacement rental dwelling units to be secured for 20 years and the rents for affordable replacement rental dwelling units to be secured for 10 years. Following a tenant consultation meeting, City staff agree to bring forward a report on the Rental Housing Demolition application submitted on December 19, 2019 for City Council's consideration to implement the rental housing component of this Settlement Offer.
16. **Parkland Dedication (Cash-in-Lieu):** The City agrees to accept cash-in-lieu of a parkland dedication pursuant to Section 42 of the *Planning Act* and Chapter 415, Article III of the Toronto Municipal Code.
17. **Section 37 Agreement:** Timbertrin agrees to enter into a Section 37 agreement registered on title to the Property to secure certain community benefits outlined under separate cover. Furthermore, Timbertrin agrees that the Section 37 agreement will secure the following matters as a legal convenience:
  - a) the construction and maintenance of the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of PG23.9 of the Planning and Growth Management Committee, and as may be further amended by Council from time to time;
  - b) 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;
  - c) as part of the Site Plan approval process, a Wind Tunnel analysis to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - d) the owner's agreement to implement any required recommendations and/or mitigation measures from the accepted Wind Tunnel analysis, Traffic Impact Study, Parking and Loading Study, and Landscape Plan, through the Site Plan approval process for the site, to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - e) the requirements of the Toronto Transit Commission regarding warning clauses and other requirements noted in the Toronto Transit Commission comments, dated April 1, 2020;
  - f) the requirements of Metrolinx regarding warning clauses and other technical requirements noted in the Metrolinx comments, dated May 11, 2020;
  - g) the requirements of the Toronto Catholic District School Board's clauses and conditions noted in the Toronto Catholic District School Board comments, dated April 6, 2020; and
  - h) 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.

**18. Pre-Conditions to Final Order:** Timbertrin and the City agree to request that the OLT withhold the Final Orders on the ZBA Appeal until such time as the OLT has been advised by the City Solicitor that:

- a) the proposed Zoning By-law Amendments are in a form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services, and other appropriate divisions, including providing for;
  - i) the full replacement of the existing twelve (12) rental dwelling units on the lands at 1540-1550 Bloor Street West;
  - ii) the rents, rental tenure, unit mix, and unit sizes of the replacement rental dwelling units;
  - iii) an acceptable Tenant Relocation and Assistance Plan, addressing the right for existing tenants to return to a replacement rental unit on the lands at similar rent and other assistance to mitigate hardship, to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - iv) any other rental housing-related matters in conformity with Policy 3.2.1.6 of the Official Plan;
  - v) a minimum of ten percent (10%) of all non-replacement dwelling units at 1540-1550 Bloor Street West as three-bedroom units and a minimum of fifteen percent (15%) of all non-replacement dwelling units on the lands as two-bedroom units;
  - vi) the on-site parking ratios; and
  - vii) space within the development for installation of maintenance access holes and sampling ports on the private side, for both storm and sanitary service connections, in accordance with the Sewers By-law Chapter 68-10.

- b) the owner and the City have entered into, and registered on title, an agreement to secure the matters in paragraphs 8, 11-13, and 17 above, pursuant to Section 37 of the *Planning Act*;
  - c) the owner has, at its sole expense:
    - i) submitted a revised Functional Servicing Report and Stormwater Management Report, including confirmation of water and fire flow, sanitary and storm capacity, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services;
    - ii) addressed all outstanding engineering issues outlined in the memorandum dated October 16, 2020, and any other comments that may arise further to the review of materials submitted as part of the process to address the issues set out in the memorandum dated October 16, 2020 from Engineering and Construction Services to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager;
    - iii) made satisfactory arrangements with Engineering and Construction Services and has entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary improvements to the municipal infrastructure; and
    - iv) submitted a revised Transportation Impact, Parking and Loading Study acceptable to, and to the satisfaction of the General Manager, Transportation Services, and that such matters arising from such study be secured, if required; and
  - d) City Council has approved the Rental Housing Demolition Application No. 19 263430 STE 04 RH in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the *City of Toronto Act, 2006*, to allow for the demolition of the 12 existing rental dwelling units at 1540-1550 Bloor Street West and the owner has entered into one or more agreements with the City, and those agreement(s) have been registered on title to 1540-1550 Bloor Street West, securing rental housing related matters, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
19. **OLT Hearing:** If City Council accepts this Settlement Offer, the City and Timbertrin agree to request of the OLT that it schedule a settlement hearing at the earliest available opportunity. For greater clarity, the City shall support the settlement, in accordance with the terms of this Settlement Offer, in any hearing before the OLT, including against any objections from third parties or participants.
20. The terms of this Settlement Offer shall remain open until the conclusion of the City Council meeting commencing October 1, 2021.

**September 20, 2021**

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In support of this settlement offer, please find enclosed the following:

1. Architectural Plans, prepared by IBI Group and dated August 30, 2021.

Should you have any questions about the foregoing, please contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read 'MB' followed by a stylized flourish.

Maggie Bassani

MB

cc: Client  
Eileen Costello