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WITH PREJUDICE

December 13, 2021

via email

Toronto and East York Community Council
2nd Floor, West Tower, City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

Attention: Michael Mahoney, City Solicitor

**Re: Settlement Offer – 3194-3206 Dundas Street West
OLT Case No. PL210291**

We are the solicitors for Gairloch Developments and 3200 Dundas Dev LP (the “**Owner**”), an entity that controls the properties known municipally as 3194, 3196, 3200 and 3206 Dundas Street West in the City of Toronto (together, the “**Property**”).

The Owner filed an application to amend Toronto Zoning Bylaw No. 569-2013 and Toronto Zoning By-law No. 438-86, which was deemed complete as of March 9, 2020 (the “**Application**”). On May 6, 2021, the Owner appealed the Application to the Ontario Land Tribunal (the “**Tribunal**”) pursuant to s. 34(11) of the *Planning Act*, Case No. PL210291 (the “**Appeal**”). In its decision dated October 22, 2021, the Tribunal set a 5 day hearing of the Appeal to commence on March 21, 2022.

Further to our discussions with City staff we write to make an offer to settle the Appeal with the City of Toronto in its entirety (the “**Settlement Offer**”). The proposed Settlement Offer terms are as follows:

1. Built Form

The zoning by-law amendment will permit the proposed development (the “**Development**”) in accordance with the zoning envelope depicted on the set of plans and drawings which is attached hereto as Schedule ‘1’, which notably includes the following attributes:

- A mixed-use building with a maximum height of approximately 27 metres including:
 - A maximum of 8 storeys, plus mechanical penthouse;

- Setbacks and setbacks as depicted on the attached Schedule '1' drawings;
- Compliance with 45-degree angular planes in the manner depicted on the attached Schedule '1' drawings;
- A minimum of 10 percent of the dwelling units will contain three or more bedrooms;
- Amenity space will be provided as depicted on the attached Schedule '1' drawings; and
- Parking spaces will be provided as depicted on the attached Schedule '1' drawings.

(For greater clarity the Schedule '1' drawings are for zoning, and not site plan approval, purposes and any site plan level details are for illustration purposes only).

The Owner also agrees that the proposed site plan application ("**SPA**") will be updated to incorporate fine grained, well-articulated ground floor retail in the Development, and opaque balcony railings at the rear 2nd and 3rd floor balconies for privacy, which shall be reviewed by City Staff and approved in accordance with the SPA.

2. This proposed settlement agreement is conditional on:

- City Council conditionally accepting this Settlement Offer during its meeting scheduled for February 2 and 3, 2022;
- The City consenting to a settlement of this site-specific matter which shall be presented to the Tribunal on a date to be scheduled as soon as possible, with a Final Order withheld subject to:
 - Agreement between the City and Owner as to the final form of zoning by-law amendment in accordance with Schedule '1'.

This Settlement Offer is with prejudice and may be made public. We look forward to hearing from you. Should you require further information please do not hesitate to contact the undersigned.

Sincerely,

McCarthy Tétrault LLP



Michael Foderick

Enclosures