

# DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

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Matter No. T906-08

February 23, 2022

## WITHOUT PREJUDICE

VIA EMAIL [kasia.czajkowski@toronto.ca](mailto:kasia.czajkowski@toronto.ca)

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

Dear Ms. Czajkowski:

**RE: 630-686 Finch Avenue East, Toronto  
Appeals to OLT for Rezoning and Site Plan Approval Applications  
OLT Case No. OLT-21-001318  
City Files 20 188104 NNY 17 OZ & 21 165270 NNY 17 SA  
Without Prejudice Settlement Offer**

As you know, we are the solicitors for 2715649 Ontario Inc., the owner of the above noted lands which is a 0.95 hectare property located at the north side of Finch Avenue East, generally equidistant from Leslie Street to Bayview Avenue (the "Site"), and the appellant with respect to the above noted appeals.

We are pleased to provide the following settlement offer on a without prejudice basis in full settlement of these appeals:

- (1) Our client would agree to formally revise its development proposal from a 12 storey building (43.25 metres) to an 11 storey (37.35 metres) building as set out in the attached architectural plans dated January 28, 2022 and prepared by Rosario Varacalli Architect and Kirkor Architects and Planners (the "Revised Proposal");
- (2) Our client would agree that the lands located east of the blue line as shown on the Drawing L1a-TR dated January 10, 2022 prepared by MBTW Group would be rezoned "Open Space – Natural Areas";

- (3) The approved residential visitor parking rate will require further discussions between our client and City staff and will be finalized prior to a settlement hearing or as a condition of issuance of the final Order for the zoning by-law amendment;
- (4) In terms of Section 37 benefits, our client is prepared to provide the following benefits:
  - a. An upwardly indexed cash payment in the amount of \$2.4 million prior to the issuance of the first above grade building permit for the proposed development to be used for community benefits as determined by the Chief Planner in consultation with the local Councillor;
- (5) Our client would also provide the following which would be secured in a Section 37 Agreement as a matter of legal convenience:
  - a. The provision of a POPS area approximately 537 square metres in size located along Banstock Drive as shown on the attached architectural plans; and
  - b. The provision of a pedestrian mid-block connection at ground level through the proposed building from Finch Avenue East to Banstock Drive including access to the mid-block connection elevator and the provision of any necessary public easements for same; and
- (6) In terms of parkland, our client is agreeable to satisfying its parkland obligations through a cash-in-lieu of parkland payment to the City.

It should be noted that any settlement on the Section 37 matters would be conditional on a Final Order issuing for the zoning by-law amendment prior to the City's adoption of a new Community Benefits Charge By-law pursuant to Section 37 of the *Planning Act* and thereby the proposed development being exempt from the new CBC By-law. If the Final Order cannot be issued prior to the City's adoption of a new Community Benefits Charge By-law, then the proposed development will only be subject to the new CBC By-law and our client will not be required to provide the benefits outlined in Item 4 above.

I understand you will be reporting to the March 9, 2022 City Council meeting with respect to this without prejudice settlement offer.

In terms of the site plan appeal, our client agrees to work with City staff to finalize an acceptable NOAC based on the Revised Proposal.

In support of this without prejudice settlement offer, please find attached the following:

- (1) Architectural Plans dated January 28th, 2022 and prepared by Rosario Varacalli Architect and Kirkor Architects and Planners;
- (2) Shadow Study dated January 28<sup>th</sup>, 2022 and prepared by Rosario Varacalli Architect and Kirkor Architects and Planners; and


(3) Landscape Plans, January 10, 2022, prepared by MBTW Group.

We can confirm that if City Council accepts the above noted settlement terms, this offer will become with prejudice.

Lastly, if City Council accepts this settlement offer, we would work with City staff to convert the first Case Management Conference into a settlement hearing.

If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at [jason.park@devinepark.com](mailto:jason.park@devinepark.com).

Yours very truly,  
**Devine Park LLP**



Jason Park  
JIP/ss

cc: 2715649 Ontario Inc.