

McCarthy Tétrault LLP  
PO Box 48, Suite 5300  
Toronto-Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Tel: 416-362-1812  
Fax: 416-868-0673



**Michael Foderick**  
Partner  
Direct Line: (416) 601-7783  
Direct Fax: (416) 868-0673  
Email: mfoderick@mccarthy.ca

*Assistant: Fiorini, Karen*  
*Direct Line: (416) 601-8200 x542575*  
*Email: kfiorini@mccarthy.ca*

March 25, 2022

**Via Email (jessica.braun@toronto.ca; alexander.suriano@toronto.ca)**

**With Prejudice**

Toronto City Council  
City Hall, 12th Floor, West Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Jessica Braun and Alexander Suriano, Solicitors**

To Whom it May Concern:

**Re: Settlement Offer – 1710-1736 Bayview Avenue  
Ontario Land Tribunal Case/File Nos. PL210295, PL210296**

We are the solicitors for Gairloch Developments & Toronto (Bayview and Eglinton) Limited Partnership (the “**Owner**”), the owner of the property known municipally as 1710-1736 Bayview Avenue (the “**Subject Property**”) in the City of Toronto (the “**City**”).

The Owner filed applications to amend Zoning By-law No. 569-2013 and Zoning By-law No. 438-86, which were deemed complete by the City as of July 8, 2020, and on February 17, 2021, the Owner submitted a revised application to the City (collectively, the “**Application**”).

On May 6, 2021, the Owner appealed the Application to the Ontario Land Tribunal (the “**Tribunal**”) pursuant to section 34(11) of the *Planning Act* (Tribunal Case/File Nos. PL210295 and PL210296 – the “**Appeal**”). In its decision dated October 25, 2021, the Tribunal set a nine-day hearing of the Appeal to commence on July 25, 2022.

Further to our discussions with City staff, the South Eglinton Davisville Residents’ Association (formerly the South Eglinton Ratepayers’ & Residents’ Association – “**SEDRA**”), and the Leaside Residents Association (“**LRA**”), we write to make an offer to settle the Appeal of the Application with the City in its entirety (the “**Settlement Offer**”). The proposed Settlement Offer terms with the City are as follows:

**1. Built Form, Landscaping, and Amenity Space**

The zoning by-law amendment will permit the proposed development (the “**Development**”) generally in accordance with the zoning envelope depicted on the set of plans and drawings

which is attached hereto as Schedule “A” (the “**Settlement Plans**”), and subject to the matters expressly set out herein, which notably include the following attributes:

- (a) a mixed-use building, comprised of approximately 16,050 square metres of residential gross floor area and 428 square metres of non-residential gross floor area;
- (b) massing, setbacks, step-backs, and compliance with an angular plane generally as depicted in the Settlement Plans;
- (c) the unit mix of the residential portion of the Development to exceed the City’s Growing Up Guidelines with respect to the provision of a minimum of 10% three-bedroom units, a minimum of 15% two-bedroom units, and a combined 25% two-bedroom and three-bedroom units;
- (d) a large new privately-owned publicly-accessible space (“**POPS**”) at the rear of the Subject Property, including two publicly-accessible mid-block connections to the POPS area through the south and middle of the Subject Property (to be secured via pedestrian walkway easements);
- (e) landscaped open space and interior and exterior amenity space generally as depicted in the Settlement Plans;
- (f) the preservation of the mature trees at the rear of the Subject Property, in keeping with Decision Number 4 to City Council Agenda Item NY29.5, considered on February 2, 2022; and,
- (g) the provision of secondary accesses from the ground-related units at the rear of the ground floor of the Development to the exterior amenity space at the rear of the Development, with the layout, location, and grading of such secondary accesses to be determined by the Owner at the time of site plan approval.

## 2. Section 37 Agreement

Provided the Application is not subject to a Community Benefits Charge, a maximum cash contribution of \$1,000,000.00 (One Million dollars), upwardly indexed from the date of execution of the section 37 agreement in accordance with the Residential Building Construction Price Index for the Toronto Census Metropolitan Area, will be paid by the Owner to the City, prior to the issuance of the first above-grade building permit.

The section 37 agreement may also be used as a legal convenience to secure other matters, such as matters relating to the POPS area and pedestrian walkway easements as outlined above.

### 3. Conditions

This proposed Settlement Offer with the City is conditional on:

- (a) City Council conditionally accepting this Settlement Offer during its meeting scheduled for April 6, 2022;
- (b) the City, SEDRA, LRA, and any and all other parties to the Appeal consenting to the Owner requesting a settlement hearing for the Appeal, for the issuance of a Final Order at the settlement hearing that approves:
  - (i) the Settlement Plans; and,
  - (ii) the final form of the zoning by-law amendment;
- (c) the section 37 agreement being finalized, executed, and registered as soon as possible, either before or after the Tribunal's issuance of the Final Order; and,
- (d) the settlement hearing taking place as soon as possible, and in any event, no later than July 1, 2022.

This Settlement Offer is made with prejudice. Should you require further information please do not hesitate to contact the undersigned.

Sincerely,

McCarthy Tétrault LLP



Michael Foderick  
MF/DA

Attachment

- c: Andy Gort, President, South Eglinton Davisville Residents' Association  
Geoff Kettel, Co-President, Leaside Residents Association