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LAWYERS

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WITHOUT PREJUDICE

April 12, 2022

By Email

Mr. Alexander Suriano
City of Toronto Legal Department
55 John Street, 26th Floor, Metro Hall
Toronto, ON., M5V 3C6

Dear Mr. Suriano:

**Re: Appeal pursuant to section 34(11) of the Planning Act
Format Queensway Limited Partnership (“Format”)
Zoning By-law Amendment application respecting 875 The Queensway (the
“Property”)
City Application No.: 20 229385 WET 03 OZ
Ontario Land Tribunal Case No. OLT-21-001071**

We are legal counsel to Format with respect to the above-noted appeal. On behalf of our client, we are pleased to offer to settle the above-noted Ontario Land Tribunal (“OLT” or “Tribunal”) appeal on the terms outlined below. Since the Tribunal has scheduled a seven (7) day hearing commencing October 3, 2022, it would be best if the city and Format could settle the appeal, as between themselves, this spring so that we could avoid the need to prepare a Procedural Order and the documents which are them required by it.

The terms of the proposed settlement are as follows:

1. Format will revise its proposed development to reflect the updated plans which can be downloaded here https://188ave-my.sharepoint.com/:b/g/personal/ikagan_ksllp_ca/EQDW-gbYrClDr0hGBkDT_8QBYPugsTdRK33vXtKHomwyRg?e=Yv3fcs
2. The revised development is generally comprised of the following:

- a. 11 storey (35.15 m; 141.9 geodetic MASL) mixed-use building containing 148 residential units (residential GFA of 11,461 m²) and 238 m² of ground floor retail. The total GFA is 18,894 m² resulting on a density of 5.44 FSI.
 - b. The proposed unit mix is:
 - i. 55 x 1-bedroom
 - ii. 47 x 1-bedroom + den
 - iii. 15 x 2-bedroom
 - iv. 15 x 2-bedroom + den
 - v. 15 x 3-bedroom
 - vi. 1 x 3-bedroom + den
 - c. 133 vehicle parking spaces (which will be reflected in the site-specific zoning by-law amendment since it is below required amount).
 - d. 123 bicycle parking spaces
 - e. Indoor amenity space of 315 m² and outdoor amenity of 444 m², both of which exceed the city's minimum requirements.
 - f. A mechanical penthouse with a height of 4.5 m. Format commits to work with city staff through the site plan approval process with a goal to refine and reduce area of the mechanical penthouse
3. Given the timing of this settlement and the Tribunal hearing, there will not be any section 37 contribution and, instead, the development will pay the applicable Community Benefit Charge.
 4. The City Council will identify the Property as Class 4 pursuant to NPC-300. It will either do so prior to the Tribunal holding the settlement hearing or as soon as possible following the Tribunal hearing.
 5. Following City Council's acceptance of the settlement, Format and city staff will work together to prepare a Zoning By-law Amendment which gives effect to the within settlement.
 6. Both parties will support the revised development at the Tribunal hearing. The Parties will request that the Tribunal issue a Decision, allowing the appeal in part and approving the zoning by-law amendment, but that it withhold its Order pending the parties advising the Tribunal that the following have been satisfied:
 - a. City Council's identification of the Property as Class 4 unless such identification has already occurred.

- b. Format having addressed the outstanding comments and resubmissions required by ECS and Transportation Services.
 - c. Format filing with the city updated Wind, Noise, & Vibration Impact Study and Land Use Compatibility & Mitigation Study, to the satisfaction of the city. Format acknowledges that such studies might be peer reviewed by the city at Format's expense; and
 - d. Format filing with the city a Landscape Concept Plan, Soil Volume Plan and Tree Preservation Plan all to the satisfaction of the General Manager, Parks, Forestry and Recreation.
7. Format will file a site plan application which reflects and implements the above-noted revised development and the city will process the site plan diligently; and
 8. The parties will bear their own costs throughout.

Included with this offer is a matrix of responses to comments expressed by city staff during settlement discussions.

The only other party to the appeal is Costco Canada. We have confirmed with them that all their issues are resolved and that they do not oppose the proposed development provided City Council identifies the Property as Class 4 pursuant to NPC-300.

We thank the city for its careful consideration of this settlement offer, are pleased to answer any questions you might have, and look forward to the city's response.

Yours very truly,



Ira T. Kagan

Encl. [Revised plans, Matrix of responses]

cc. Client
Development team