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LAWYERS

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File: 18201

WITHOUT PREJUDICE

June 8, 2022

By Email

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

Dear Mr. Kallio:

**Re: Appeals pursuant to sections 22(7), 34(11) and 51(34) of the Planning Act
Appeal filed on behalf of Times 5800 Inc. (“Times Group”)
5800 Yonge Street (the “Property”)
Ontario Land Tribunal Case No. OLT-21-001370 (the “OPA Appeal”)
Ontario Land Tribunal Case No. OLT-21-001371 (the “ZBA Appeal”)
Ontario Land Tribunal Case No. OLT-21-001372 (the “Subdivision Appeal”)
Collectively the “Appeals”**

On behalf of our client, Times Group, we are pleased to offer to settle the Appeals to the Ontario Land Tribunal (“OLT” or “Tribunal”) on the following terms.

The terms of settlement refer to a series of documents which have been prepared to assist the City in evaluating the offer. These documents are too large to attach to this letter, but can all be downloaded at this link https://188ave-my.sharepoint.com/:f/g/personal/ikagan_ksllp_ca/Et1tiQ_TDolOpyxO9A_JzbYBcwk4aymgoP-GzxA7SZQ8yWA?e=NvhAV9.

The terms of the proposed settlement are as follows:

1. The following documents are referred to in this settlement offer.
 - a. Draft Official Plan Amendment (Attachment 1).
 - b. Draft Zoning By-law Amendment (Attachment 2).

- c. Draft Plan of Subdivision (Attachment 3).
 - d. Conditions of Draft Plan Approval¹ ; and
 - e. Site and floor plans (Attachment 4).
2. Times Group will revise its proposed development to reflect the terms of this settlement offer, including the draft Official Plan Amendment, the draft Zoning By-law Amendment and the Draft Plan of Subdivision.
 3. The revised development is generally comprised of the following:
 - a. A plan of subdivision which creates:
 - i. The Beecroft extension (Block 9 on the draft plan of subdivision) as a new public road with a 26m right-of-way. This road will be transferred (at no cost) to the City at the earlier of:
 1. registration of the plan of subdivision upon which it will become a public road; or
 2. September 1, 2023 by deed, unencumbered legally and physically, together with a temporary easement back to Times Group for access until such time as the land becomes a public road.
 - ii. A new east-west public road (Block 8 on the draft plan of subdivision) with a 20.15m right-of-way from Yonge Street to the Beecroft extension. This road will be dedicated to the City at the time of registration of the plan of subdivision and thereby become a public road.
 - iii. Four mixed-use development blocks (Blocks 2, 4, 7 & 10 on the draft plan of subdivision) between Yonge Street and the Beecroft extension. The western block (Blocks 2 & 10 on the draft plan of subdivision) represents Phase 1 and the eastern blocks (Blocks 4 & 7 on the draft plan of subdivision) represents Phase 2.
 - iv. Three blocks² west of the Beecroft extension, all of which will be dedicated to the City in accordance with the terms in this offer and subject to the City's usual environmental conditions. The three blocks are:
 1. A 3,939.9 m² block (Block 5 on the draft plan of subdivision) which represents the statutory parkland dedication.

¹ The conditions of draft plan approval are not attached to this offer. They will be prepared by city staff following City Council's acceptance of the settlement offer and will be reviewed and accepted by Times Group.

² The size of these three blocks can be redistributed among them should the City wish to do so provided the total of all three blocks does not increase and provided the conditions of draft plan approval continue to include a parkland dedication requirement as land and not as cash-in-lieu.

2. A 3,000.1 m² block (Block 6 on the draft plan of subdivision) which will accommodate a future childcare facility and outdoor space; and
 3. A 4,291.6m² block (Block 1 on the draft plan of subdivision) representing the parkland over-dedication.
- b. Four residential towers (#s 1-4) in two phases. Phase 1 is comprised of Towers 3 & 4 and Phase 2 is comprised of Towers 1 & 2. A summary of those towers³ is below:
- i. Tower 1: maximum 52 storeys, maximum 168m excluding the mechanical penthouse.
 - ii. Tower 2: maximum 54 storeys, maximum 174m excluding the mechanical penthouse.
 - iii. Tower 3: maximum 46 storeys, maximum 147m excluding the mechanical penthouse.
 - iv. Tower 4: maximum 48 storeys, maximum 153m excluding the mechanical penthouse.
- c. Each of the towers has a maximum floorplate of 750 m² (GCA), a minimum separation distance of 25m from any of the other towers and is at least 12.5m from the northern Property line.
- d. Retail and commercial uses are in the podium connecting Towers 1 & 2. There is no office use in the development.
- e. 2,223 residential units are proposed and the unit mix will conform with the City's Growing Up Guidelines (i.e. a minimum of 25% Large Units comprised of at least 15% Two-Bedroom and at least 10% Three-Bedroom units).
- f. Vehicle parking will be provided as follows:
- i. A minimum of 0.7 spaces per residential unit
 - ii. A minimum of 0.1 visitor spaces per residential unit.
 - iii. A minimum of 0.9 spaces per 100 m² of retail GFA.
- g. The maximum density for the development (excluding the childcare centre) is 4.61 FSI. The density is calculated over the entire site area regardless of dedications or transfers to the City.

³ The complete details are identified on the plans.

4. Times Group will use its best efforts and will work diligently to register the plan of subdivision as quickly as possible. The City will likewise work diligently towards plan of subdivision registration including clearing draft plan conditions.
5. Pending City ownership of the Beecroft extension, Times Group will grant access to the City over those lands for the purpose of environmental testing and other matters in preparation for the City building the Beecroft extension.
6. Although the City will build the Beecroft extension at its cost, Times Group will be responsible for paying for and/or installing traffic signals at the intersection of the Beecroft extension and the proposed east-west public road.
7. If the City requires installation of utilities and/or services within the proposed east-west public road as part of the construction of the Beecroft extension, Times Group will grant such easement, at no cost, to the City.
8. The City will impose a parkland dedication condition in the conditions of draft plan approval which will require the dedication of the statutory parkland block referred to in section 3(a)(iv)(1) above.. Provided there is no subsequent rezoning application which increases the number of residential units, then no further or additional parkland dedication (land or cash-in-lieu) will be required for the development.
9. Times Group will provide the following Section 37 benefits to the City, which benefits will be reflected in the Section 37 provisions in the Zoning By-law Amendment (as appropriate) and secured in a Section 37 Agreement. The Section 37 Agreement may be registered on title, at the City's option.
 - a. Times Group will dedicate to the City, at no cost to the City, the land for the childcare facility and the parkland over-dedication. The timing for such dedication is described section 10 below. Times Group will agree to a s. 118 (Land Titles Act) restriction over these lands, which will be described in a reference plan. The parties will work diligently to have the existing Hydro One easement, which is over part of the childcare facility and the parkland over-dedication, removed from title, so that these lands are not encumbered by said easement.
 - b. Times Group will construct on the childcare centre land (Block 6 on the draft plan of subdivision), at no cost to the City, a two-storey childcare facility being 10,000 ft² in area (or such lesser size as the City, in its sole and unfettered discretion, may advise), plus outdoor play area (approximately 3,000 ft²), parking and drop-off, all in accordance with the specifications as set out in section 4 of the City's Child Care Development Guideline (2021), being Attachment 5 to this offer.
 - c. Times Group will, prior to the first building permit being issued ,make a \$500,000 contribution to the City towards the following:

- i. a one-time \$250,000 cash contribution towards toys, furnishing and equipment in accordance with provincial and municipal standards; and
 - ii. a one-time \$250,000 cash contribution to the City's Child Care Capital Reserve Fund to be used towards Start-Up Operating Costs, to replace appliances and large equipment due to wear and tear, and to support ongoing financial viability.
 - d. Times Group will, prior to the first building permit being issued, make a \$8,600,000 payment to the City; and
 - e. All cash contributions shall be indexed annually in accordance with the Construction Price Index being the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, as reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor.
10. Times Group will dedicate to the City, at no cost to the City, the parkland over-dedication and the childcare facility (building and land) by the earlier of:
 - a. Issuance of the above-grade building permit for Phase 2 (Towers 1 & 2); or
 - b. July 4, 2029, being seven (7) years from the date of the scheduled OLT settlement hearing [July 4, 2022].
 11. The parties will work together to finalize, as quickly as possible and on terms acceptable to both parties, the Official Plan Amendment, the Zoning By-law Amendment, the Plan of Subdivision and the Conditions of Draft Plan Approval.
 12. The parties will request that the OLT allow the appeals by approving, by Decision and Order, the Official Plan Amendment, the Zoning By-law Amendment, and the draft plan of subdivision (which will be subject to the conditions of draft plan approval). The parties will request that the OLT issue an Order prior to the anticipated date when the City will enact its Community Benefit Charge By-law so that the development is exempt from paying a Community Benefit Charge.
 13. The parties will amend the Restrictive Covenant ("RC") which was registered on title as Instrument No. AT4843268 on April 18, 2018, such that the development described in this settlement offer is permitted without violation of the RC. Upon substantial completion of each of the residential towers, the City will consent to discharge of the Restrictive Covenant from title to the Property.
 14. The City will permit Times Group to install below-grade tie backs into a future parkland parcel to the north of the Property (known municipally as 5840 Yonge Street, Toronto). The City will not charge any fee for such tie backs. The details of the tie backs will be negotiated between City staff and Times Group. As a condition of such tie backs, Times Group will

provide the City with written proof that the owner of 5840 Yonge Street consent to the tie-backs and will co-ordinate same with Times Group.

15. Both parties will support the development described above and will request that the OLT Tribunal allow the appeals as soon as possible and issue its Decision and Order prior to the City enacting its Community Charge By-law; and
16. Times Group will file a site plan application(s) which reflects and implements the above-noted revised development and the City will process the site plan diligently.

We thank the City for its 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

Enclosures by share link [Attachment 1 – draft Official Plan Amendment; Attachment 2 – draft Zoning By-law Amendment; Attachment 3 – Draft Plan of Subdivision; Attachment 4 – Development plans; Attachment 5 – Child Care Development Guide 2021]

cc. Client