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July 12, 2022

Mr. Matthew Longo
Solicitor, City of Toronto Legal Services
55 John Street, 56th Floor Metro Hall
Toronto, ON M5V 3C6

Dear Mr. Longo,

**RE: 1326 and 1328 Wilson Avenue
Ontario Land Tribunal Case No. MM180032
Applications for Official Plan Amendment, Zoning By-law Amendment, and Site
Plan Approval (City File Nos. 16 123717 NNY 09 OZ and 16 123726 00 SA)**

Without-Prejudice Settlement Offer

We are writing on behalf of our client, 8570442 Canada Inc. ("**8570442**"), being the owner of the property municipally known as 1326 and 1328 Wilson Avenue (the "**Subject Site**") and the appellant in the above-noted appeals before the Ontario Land Tribunal.

Background

In 2003 and 2005, the previous owner of the Subject Site submitted applications for an Official Plan Amendment, a Zoning By-law Amendment and Site Plan Approval (collectively, the "**Applications**"). The Applications were subsequently appealed to the Ontario Municipal Board (now the Ontario Land Tribunal or the "**OLT**") on March 29, 2018.

As appealed to the OLT, the Applications propose the redevelopment of the Subject Site with a 10-storey mixed use building with a total of 95 dwelling units, approximately 1,500 square metres of non-residential uses, and three levels of underground parking with access provided off of Wilson Avenue (the "**Proposal**"). The Proposal has since been the subject of an iterative process of review with City Staff. In order to facilitate these settlement discussions, 8570442 and the City sought and obtained an adjournment of the OLT proceedings.

Settlement Offer

City Staff has requested that our client consider a shared vehicular access with the neighbouring property at 1304-1308 Wilson Avenue (the "**Adjacent Site**") as part of the Proposal. The Adjacent Site is the subject of separate applications for an Official Plan Amendment and Zoning By-law Amendment (City File No.18 268503 NNY 06 OZ) to permit a residential building with its own (separate) vehicular access along Wilson Avenue.

Our client and its consultants maintain that the requested shared access is not required to support the Proposal. However, in an effort to accommodate the request for a shared access by City Staff, on February 12, 2021 our client filed a potential revised proposal on a without-prejudice basis that incorporates consolidated site access with the Adjacent Site (the "**Settlement Proposal**"). The Settlement Proposal would include coordinated design of grading and landscaping features between the two properties, including common plantings, furniture and materials along the public

realm, and within outdoor amenity area along the north property line. As it pertains to the shared access, the Settlement Proposal would be implemented on a phased basis so that both redevelopments can proceed on their own. Our client acknowledges that if the shared access arrangement is not pursued during the Site Plan Approval process, it will be responsible for demonstrating that the Proposal can otherwise function independently from a transportation perspective.

At the request of City Staff, on May 7, 2021 our client re-filed the Settlement Proposal on the public record so that it could be reported to and considered by North York Community Council and City Council contemporaneously with the applications for the Adjacent Site. Our client's agreement to resubmit the Settlement Proposal on a with-prejudice basis was made on the following terms that were agreed to with City Staff, including Mr. Matthew Longo, legal counsel for the City of Toronto (copied hereto):

1. The consolidation of driveway accesses between the Subject Site and the Adjacent Site is being proposed at the request of City Staff in an effort to advance a potential settlement of the appeals. The City acknowledges 8570442's position that the consolidated access (and related consolidated design elements generally described above and shown on the materials set out below and enclosed herewith) represents one possible design option for the Subject Site, but that a single driveway access for the Subject Site may also be appropriate.
2. The City will not use the fact that 8570442 has incorporated a consolidated access as part of the potential revisions to the Proposal to prejudice any future submissions that 8570442 may file, including a single driveway access on the Subject Site. Although the City will be at liberty to advance a position that the consolidated access should be incorporated/approved as a matter of good planning, the fact that 8570442 has agreed to incorporate the consolidated access as a potential revision to the Proposal to advance a potential settlement will not, in and of itself, be taken as an acknowledgement by 8570442 or its consultants that this is how the Proposal should be designed; rather, it represents one possible option that is being proposed in response to a request from City Staff.
3. In the event that the City is prepared to accept and support this settlement proposal, 8570442 will work with the City to implement the potential revised proposal illustrated, described and assessed in the enclosed materials before the OLT, including finalizing implementing instruments such as the final form of official plan and zoning by-law amendments, and any related matters of implementation.

Following the submission of the Settlement Proposal, our client has participated in meetings with City Staff to resolve any outstanding issues with the Applications. Based on those discussions, our client has made additional revisions to the Settlement Proposal by introducing further step-backs along the rear (north) elevation of the building and enhancing the planting ratio across the Subject Site. The further modifications are illustrated on the Architectural Plans prepared by Tregobov Cogan Architecture (dated February 9, 2021, as modified on May 10, 2022) and the Landscape Plans prepared by MHBC (dated June 30, 2022) that are enclosed herewith, which we are submitting to the City in support of the settlement of the OLT appeals. As we understand, City Staff is satisfied with the Settlement Proposal as revised.

If this Settlement Offer is accepted, the Parties will work collaboratively to finalize the form of Official Plan Amendment and Zoning By-law Amendment in order to implement the composition, scale and form of development reflected in the Architectural Plans prepared by Tregobov Cogan Architecture (dated February 9, 2021, as modified on May 10, 2022) and Landscape Plans prepared by MHBC (dated June 30, 2022).

This Settlement Offer is open until Thursday July 21, 2022, following which it will become null and void if not accepted. In this regard, the Settlement Offer is being submitted for consideration by City Council at its meeting commencing on Tuesday July 19, 2022.

Yours truly,
Overland LLP

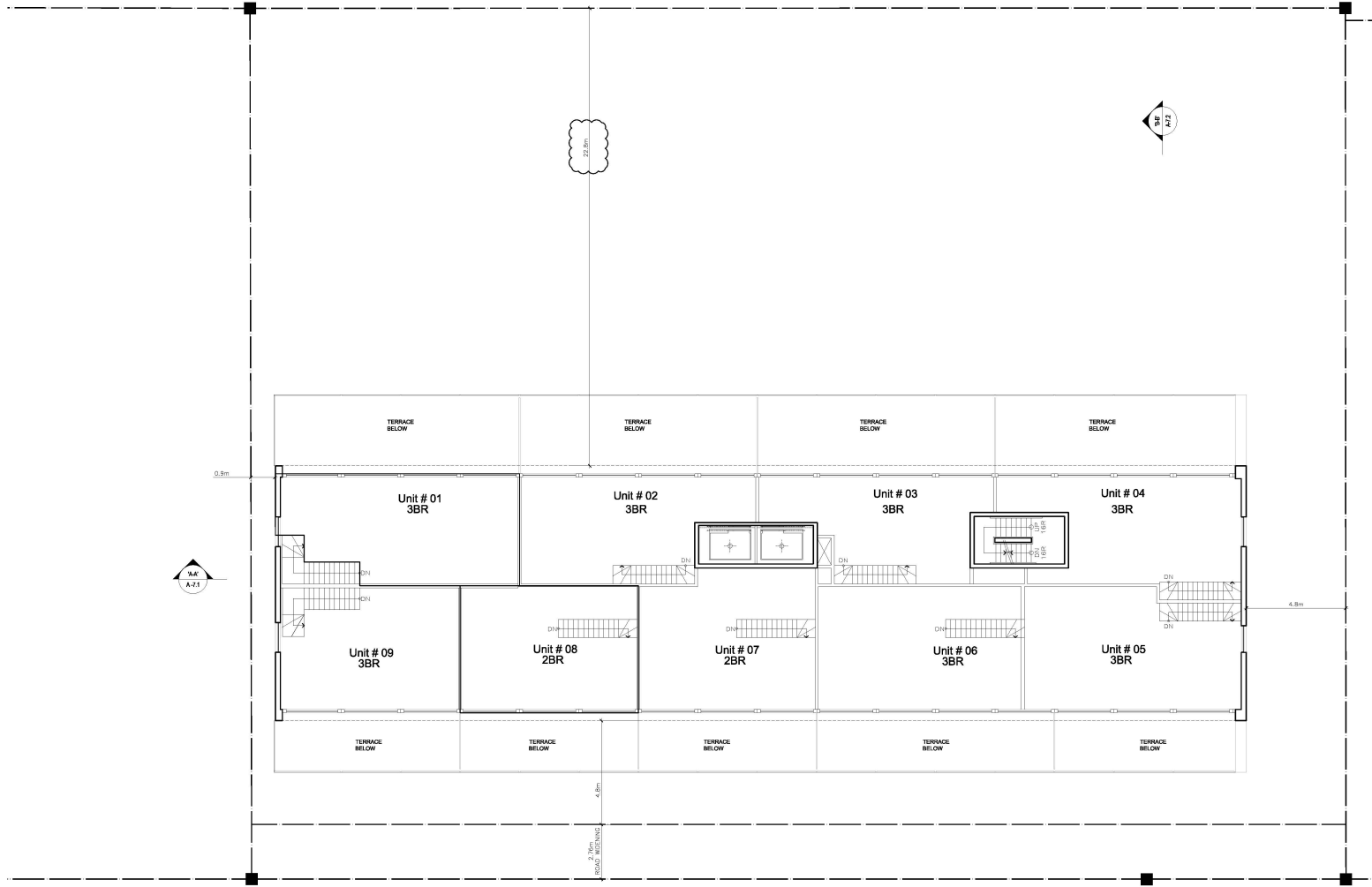


Per: Daniel B. Artenosi
Partner

Encl.

Schedule "A"

Architectural Plans prepared by Tregobov Cogan Architecture (dated May 10, 2022)



DATE	No.	ISSUE
10-MAY-2022	04	ISSUED FOR C.I.T. REVIEW
09-FEB-2021	03	ISSUED FOR OPA/29A/50A
05-MAR-2018	02	ISSUED FOR OPA/29A/50A
1-JUL-2017	01	ISSUED FOR OPA/29A/50A

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 416-924-0200

CONSULTANTS:
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 LAND INFORMATION SPECIALISTS
 CIVIL
VALDOR ENGINEERING INC.
 LANDSCAPE
MHC - PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
 TRAFFIC
TRANSPALN TRANSPORTATION INC.

OWNER:
 PROJECT NAME:
**1326 WILSON AVENUE
 TORONTO, ON**
 • 16 123717 NNY 09 OZ
 • 16 123726 00 SA

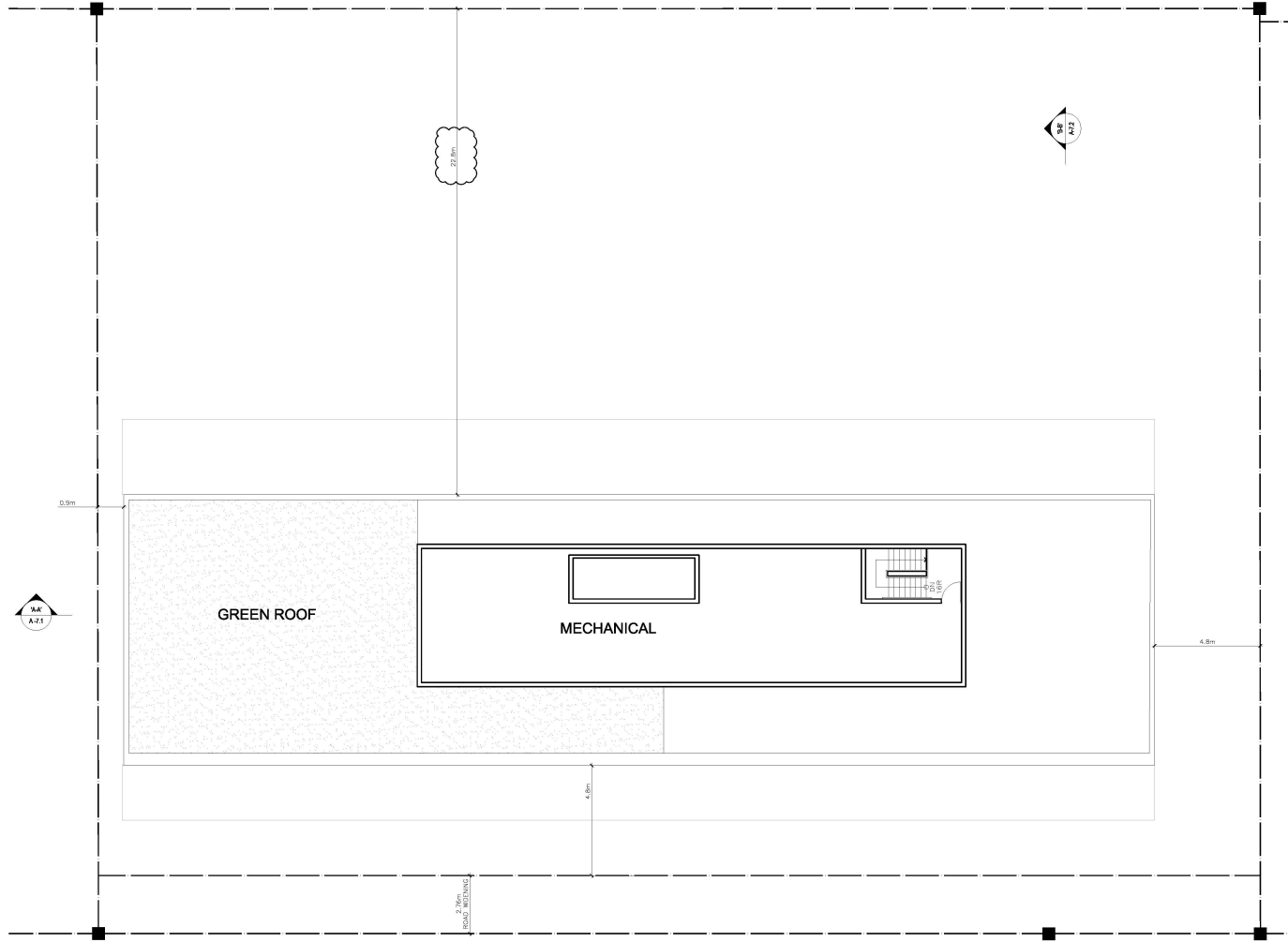
DRAWING TITLE:
-F10 LEVEL

PRINT DATE:
14-SEP-2021

	ONARIO ASSOCIATION OF ARCHITECTS <small>REGISTERED PROFESSIONAL ARCHITECTS SINCE 1924</small>

PROJ. NO.: **1061** REVISION NO.:
 SCALE: **1:100** DWG. NO.:
 DRAWN: **MC,PPR,SK**
 DATE: **12-DEC-2019**

A-2.13
 SITE PLAN AGREEMENT



10-MAY-2022	04	ISSUED FOR QLT REVIEW
09-FEB-2021	03	ISSUED FOR OPA/ZBA/SPA
05-MAR-2018	02	ISSUED FOR OPA/ZBA/SPA
1-JUL-2017	01	ISSUED FOR OPA/ZBA/SPA

DATE	No.	ISSUE
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 info@tcogan.com
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 CIVIL
 VALDOR ENGINEERING INC.
 LANDSCAPE
 MHC - PLANNING URBAN DESIGN &
 LANDSCAPE ARCHITECTURE
 TRAFFIC
 TRANSPALN TRANSPORTATION INC.

OWNER:
 PROJECT NAME:
1326 WILSON AVENUE
TORONTO, ON

• 16 123717 NNY 09 OZ
 • 16 123726 00 SA

DRAWING TITLE:
-F11 LEVEL
(FINISHED ROOF LEVEL)

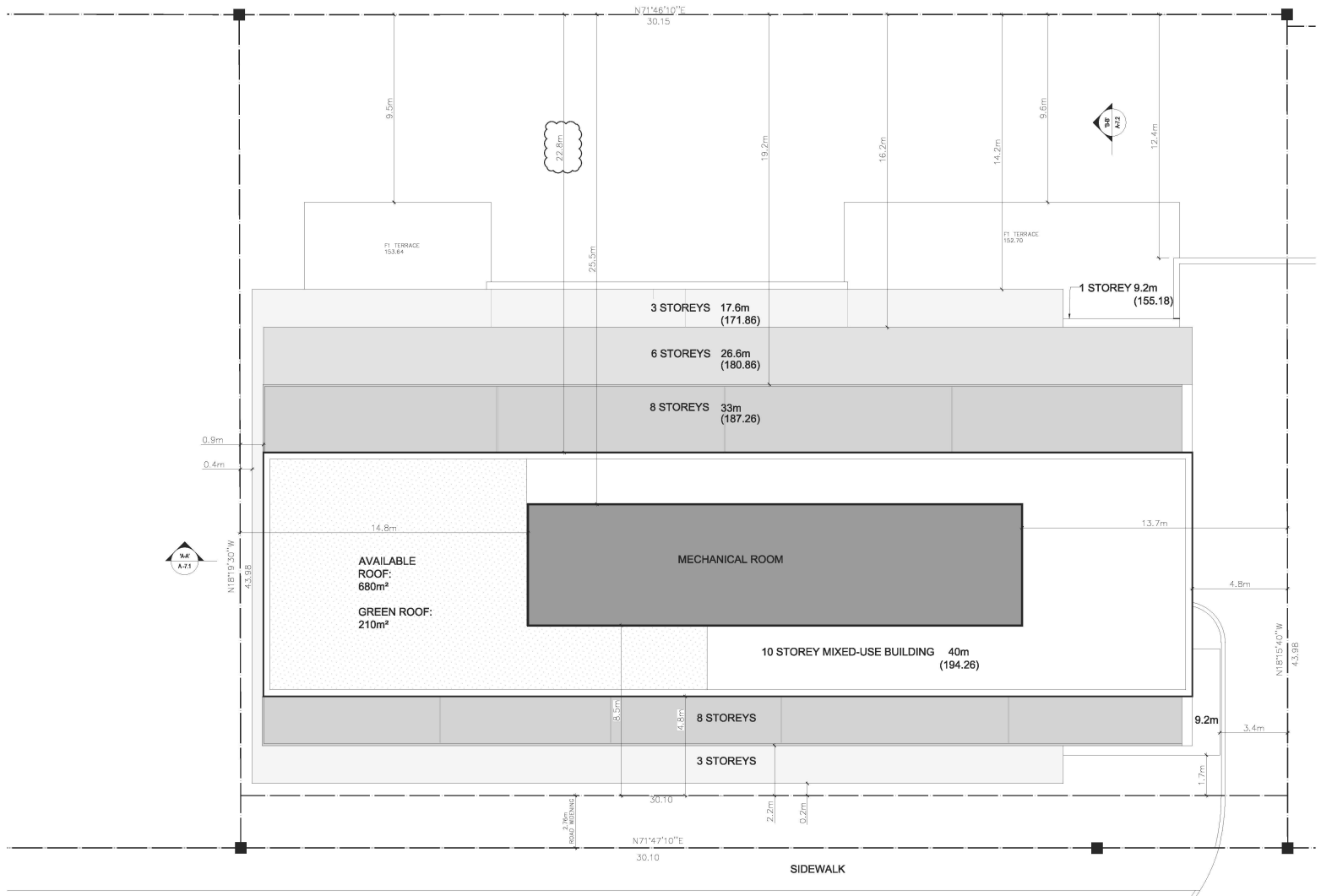
PRINT DATE:
14-SEP-2021



PROJ. NO.: **1061** REVISION NO.:
 SCALE: **1:100** DWG. NO.:
 DRAWN: **MC,PPR,SK**
 DATE: **12-DEC-2019**

A-2.14
 SITE PLAN AGREEMENT

WITHOUT
 PREJUDICE



DATE	No.	ISSUE
10-MAY-2022	04	ISSUED FOR Q.L.T. REVIEW
09-FEB-2021	03	ISSUED FOR OPA/ZBA/SPA
05-MAR-2018	02	ISSUED FOR OPA/ZBA/SPA
1-JUL-2017	01	ISSUED FOR OPA/ZBA/SPA

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 CIVIL
VALDOR ENGINEERING INC.
 LANDSCAPE
MHC - PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
 TRAFFIC
TRANSPALN TRANSPORTATION INC.

OWNER:
 PROJECT NAME:
1326 WILSON AVENUE
TORONTO, ON
 • 16 123717 NNN 09 OZ
 • 16 123726 00 SA

DRAWING TITLE:
-ROOF PLAN

PRINT DATE:
14-SEP-2021

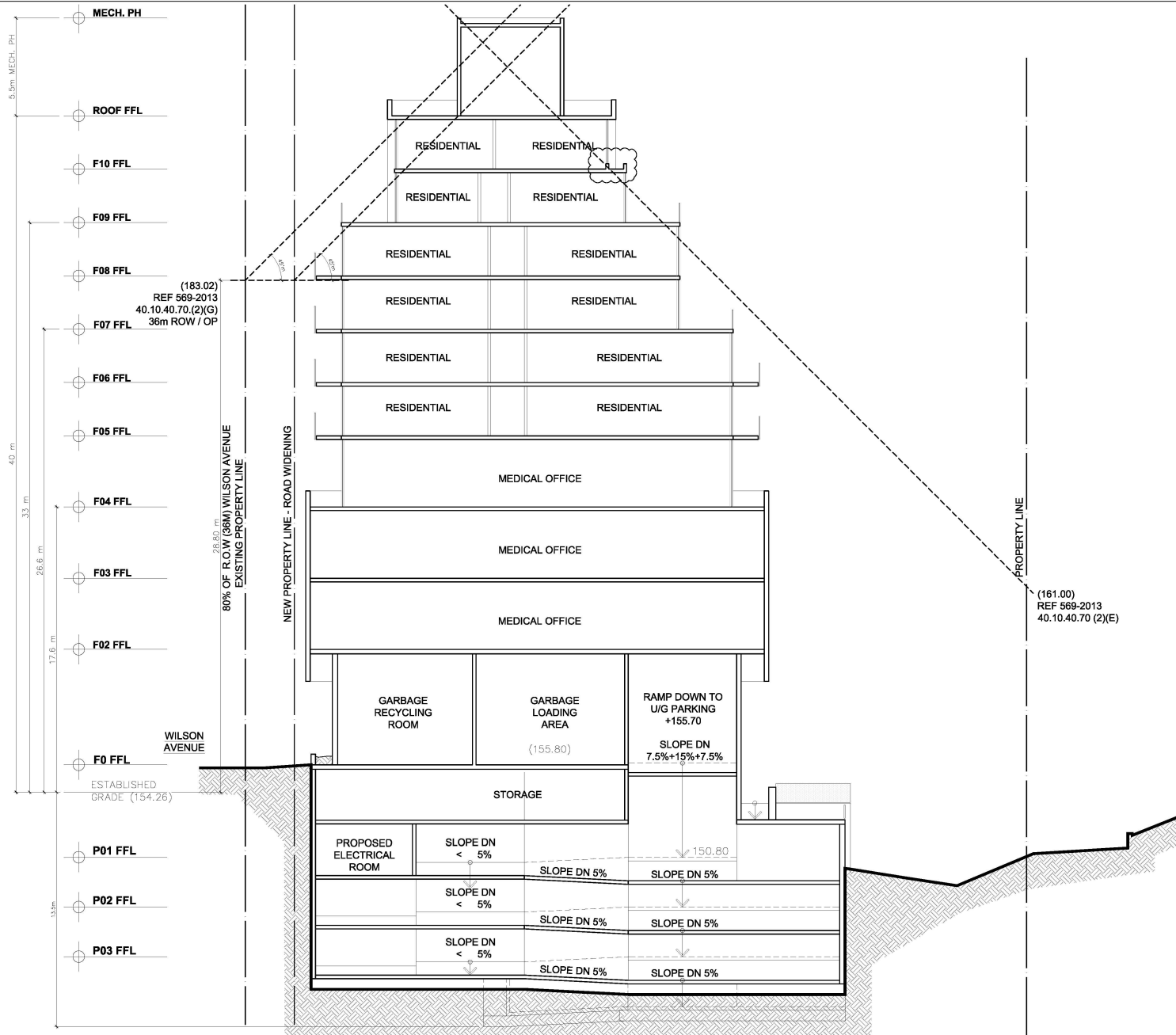
NORTH

ONTARIO ASSOCIATION
OF ARCHITECTS
REGISTERED PROFESSIONAL
ARCHITECTS
1994

PROJ. No.: **1061** REVISION No.:
 SCALE: **1:100** DWG. No.:
 DRAWN: **MC, PPR, SK**
 DATE: **12-DEC-2019**

A-2.15
 SITE PLAN AGREEMENT

WITHOUT
PREJUDICE



(183.02)
REF 569-2013
40.10.40.70.(2)(G)
36m ROW / OP

28.80 m
80% OF R.O.W (36M) WILSON AVENUE
EXISTING PROPERTY LINE

WILSON AVENUE

ESTABLISHED GRADE (154.26)

(161.00)
REF 569-2013
40.10.40.70 (2)(E)

DATE	No.	ISSUE
10-MAY-2022	04	ISSUED FOR QLT REVIEW
09-FEB-2021	03	ISSUED FOR OPA/29A/29A
05-MAR-2018	02	ISSUED FOR OPA/29A/29A
1-JUL-2017	01	ISSUED FOR OPA/29A/29A

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LAND INFORMATION SPECIALISTS
ONS
VALDOR ENGINEERING INC.
LANDSCAPE
MHC - PLANNING URBAN DESIGN &
LANDSCAPE ARCHITECTURE
TRAFFIC
TRANSPPLAN TRANSPORTATION INC.

OWNER:

PROJECT NAME:
**1326 WILSON AVENUE
TORONTO, ON**

• 16 123717 NNY 09 0Z
• 16 123726 00 5A

DRAWING TITLE:
SECTION: 'B-B'

PRINT DATE:
14-SEP-2021

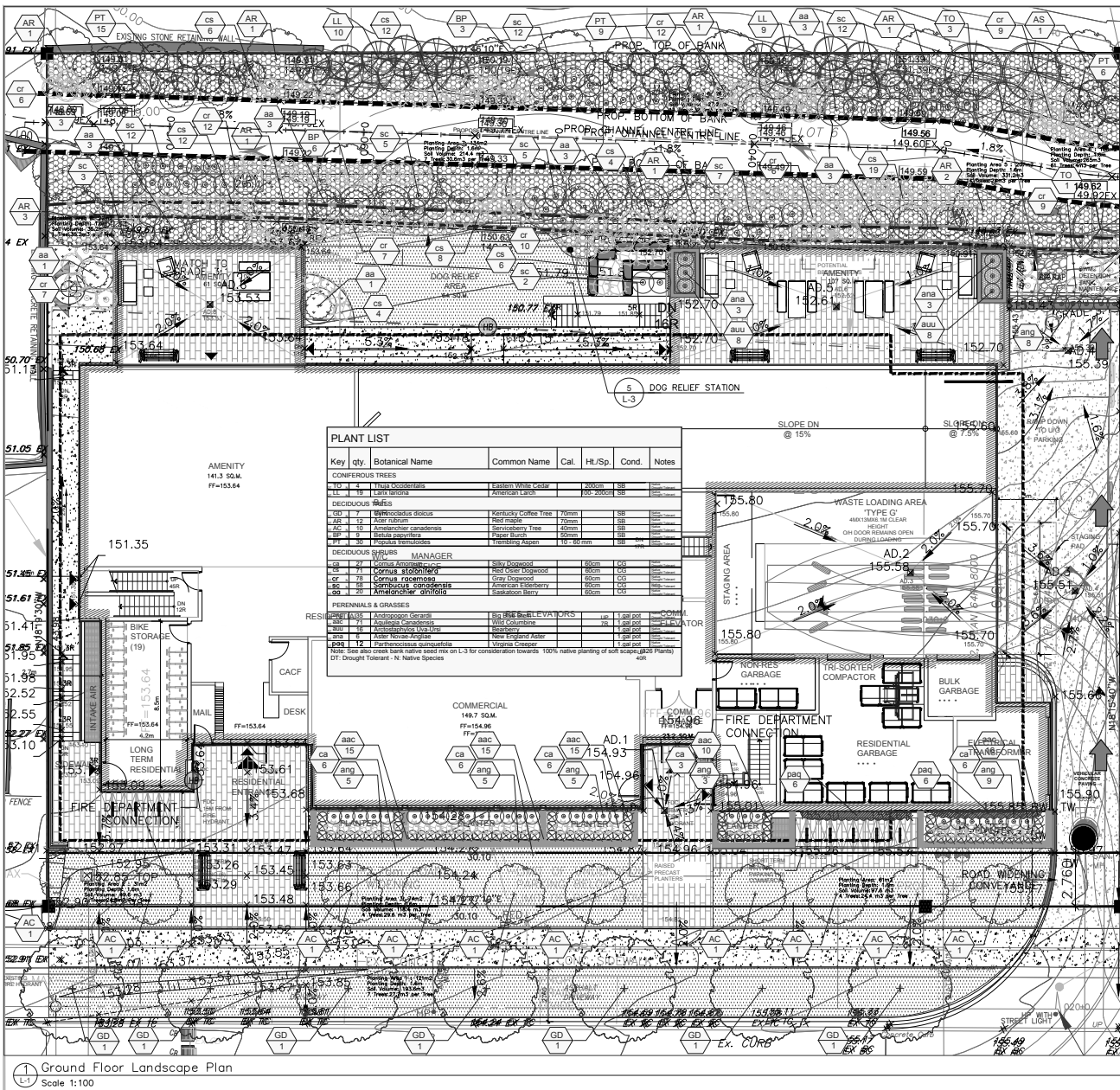


PROJ. NO.: **1061** REVISION NO.:
SCALE: **1:100** DWG. NO.:
DRAWN: **MC, PPR, SK**
DATE: **12-DEC-2019** **A-7.2**
SIT. PLAN AGREEMENT

WITHOUT
PREJUDICE

Schedule "B"

Landscape Plans prepared by MHBC (dated June 30, 2022)



Key	Qty	Botanical Name	Common Name	Cal.	Ht./Sp.	Cond.	Notes
CONIFEROUS TREES							
TO	4	Tree Occidentalis	Eastern White Cedar	200cm	38	38	
LL	18	LIFE LARIX	American Larch	100-200cm	38	38	
DECIDUOUS TREES							
GD	7	<i>Fraxinus dioica</i>	Kentucky Coffee Tree	70mm	38	38	
AP	10	<i>Aster laevis</i>	American Aster	100mm	38	38	
AP	10	<i>Aster multiflorus</i>	Smooth Aster	100mm	38	38	
AP	10	<i>Aster multiflorus</i>	Smooth Aster	100mm	38	38	
AP	10	<i>Aster multiflorus</i>	Smooth Aster	100mm	38	38	
AP	10	<i>Aster multiflorus</i>	Smooth Aster	100mm	38	38	
DECIDUOUS SHRUBS							
CR	17	<i>Cornus rugosa</i>	Silky Dogwood	60cm	05	05	
CR	17	<i>Cornus rugosa</i>	Silky Dogwood	60cm	05	05	
CR	17	<i>Cornus rugosa</i>	Silky Dogwood	60cm	05	05	
CR	17	<i>Cornus rugosa</i>	Silky Dogwood	60cm	05	05	
CR	17	<i>Cornus rugosa</i>	Silky Dogwood	60cm	05	05	
CR	17	<i>Cornus rugosa</i>	Silky Dogwood	60cm	05	05	
PERENNIALS & GRASSES							
RES	1	<i>Andropogon scoparius</i>	Andropogon Scoparius	1.2m	00	00	
RES	1	<i>Andropogon scoparius</i>	Andropogon Scoparius	1.2m	00	00	
RES	1	<i>Andropogon scoparius</i>	Andropogon Scoparius	1.2m	00	00	
RES	1	<i>Andropogon scoparius</i>	Andropogon Scoparius	1.2m	00	00	
RES	1	<i>Andropogon scoparius</i>	Andropogon Scoparius	1.2m	00	00	
RES	1	<i>Andropogon scoparius</i>	Andropogon Scoparius	1.2m	00	00	

- GENERAL NOTES**
- Do not scale the drawings. All dimensions are in millimeters unless noted otherwise.
 - This drawing is to be read in conjunction with the architectural drawings prepared by project architect and project engineers.
 - The contractor shall check and verify all dimensions and conditions on the project and immediately report any discrepancies to the Landscape Architect before proceeding with the work.
 - The contractor is to be aware of all existing and proposed services and utilities. The contractor is responsible for locating all underground services and utility lines marked by each agency having jurisdiction prior to commencing work.
 - Do not leave any holes open overnight.
 - Keep area suitable construction zone clean and usable by others at all times. Contractor shall thoroughly clean area surrounding the construction zone at the end of each work day.
 - Contractor shall maintain a detailed record of all authorized changes in the form of a revised planting drawing. These records shall be submitted to the Landscape Architect as a condition of obtaining substantial completion.
 - Contractor is to make good all damage resulting from the work of an additional party. Plant quantities indicated on the plan supersede the quantities from the plant list (report any discrepancies to the Landscape Architect).
 - Contractor shall notify the Landscape Architect prior to installation of any site furniture. Final location of site furniture to be confirmed on site with Owner and Landscape Architect.
 - This drawing is Copyright MHC Planning, 2022.

NATURALIZED PLANTING DENSITY CALCULATIONS.

NATURAL PLANTING AREA
373 METERS SQUARE

There are 271 Trees and Shrubs in this area (75 Trees and 196 Shrubs).

This is a density of 7265 stem per hectare.

72% Shrubs
28% Trees.

LEGEND

- EXISTING DECIDUOUS TREE
- PROPOSED DECIDUOUS TREE
- PROPOSED CONIFEROUS TREE
- PROPOSED CONTINUOUS SHRUB & PERENNIAL
- PLANTER SEE DETAIL 6 ON DRAWING L-3
- SODDED AREA
- CREEK BANK NATIVE SEED MIX SEE DETAIL 3 ON DRAWING L-3
- PLANT KEY
- DETAIL KEY
- CONCRETE PAVING SEE DETAIL 6 ON DRAWING L-2
- CONCRETE UNIT PAVING SEE DETAIL 2 ON DRAWING L-3
- ARMOUR STONE RETAINING WALL SEE DETAIL 4 ON DRAWING L-3
- HOSE BIB
- EDGE OF THE WATER COURSE
- EDGE OF THE PARKING GARAGE

WITHOUT PREJUDICE

Revision No.	Date	Issued / Revision	By
8	June 30, 2022	Issued for review	SL
7	June 16, 2022	Issued for review	P.D.
6	May 12, 2022	Issued for review	P.D.
5	January 12, 2021	Issued for SPA	P.D.
4	December 16, 2020	Issued for SPA	P.D.
3	May 12, 2020	Issued for OPA/2A	P.D.
2	April 28, 2020	Issued for review	G.C.
1	April 02, 2020	Issued for review	P.D.

MHC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE

222-700 WEDON ROAD WOODBINE, ON L4E 6G7 | P: 905.761.5588 F: 905.761.5589 | WWW.MHCPLAN.COM

Stamp:

Date: April, 2020

Drawn By: P.D.

Plan Scale: 1:100

File No.: 17120 C

Checked By: G.C.

City File: #16 12377 NYV OF CE and 12373 091A

Note:
Two *Gymnocladus dioica* trees are being removed due to grading in the boulevard and will be replaced with the same species, of a larger caliper, and in new top soil. It is our opinion that this will be an improvement on the current condition.

Ground Floor Landscape Plan
Scale 1:100

LANDSCAPE SPECIFICATIONS

SOIL
All soil shall conform to the standards of the Nursery & Growers Association of Ontario. All sodded areas shall be prepared with the following: **Native** versus **import**

- Soil must be placed in accordance with generally accepted practices including, but not limited to:
- Place soil over minimum 6" subgrade layer.
 - Use topsoil to finished contour, starting at the bottom.
 - Stagger soil and water to adjacent means are not adjacent.
 - Tightly seal all seams together.
 - Anchor soil with staples or staples on 3' x 3' grid with 1" x 1" x 1/2" galvanized steel fasteners.
 - Roll of soil areas after installation and
 - Compaction achieved immediately and repeat application if required.

Refer to specifications on this page for seeding and hydro seeding of sodded or sodded grasses indigenous to the local area.

Contractor to ensure installation timing for maximum growth and appearance before show opening. Active irrigation system completion of final areas.

PLANTING DEETS

Width of a planting job must be two times the diameter of the root ball, or maximum of the plant being installed. Depth of all planting jobs must be from the bottom of the root ball to the root line, or maximum of the plant being installed, and root ball must be from center back to the bottom of the planting job to avoid settling.

Soil used in planting jobs must be free of contaminants, materials, concrete, and rocks to a depth of 1 foot below and around 50% of the soil removed and 25% outside a minimum of 18 inches, and 18 inches around a 60 inch plant, and 24 inches well around a 72 inch plant, and one 12 inch plant, and 18 inches around the bottom of the planting job.

Plant material shall conform to the standards of the Canadian Nursery Trade Association. All plant material is to be dry green stock. Rooted all plant material to crown on the planting site and stock. Use only native species grown in situ in accordance with proper horticultural practices which shall be free from sprays, poisons, and diseases.

Plants sold for use in the planting job must be a minimum of 1/2" diameter.

2 inches deep to back water around the plant.

Water plants thoroughly upon installation. Backfill any settling of soil around root ball to establish initial grade and ensure.

All jobs are to be covered with a 75mm depth of clean, shredded pine bark mulch by 1/2" Back or equivalent equal unless noted otherwise. Spacing and styling of trees shall conform to the planting details. Map of driveway trees as per the specifications of the Ontario Landscape Contractors Association.

TOPSOIL AND THE GRADING REQUIREMENTS

- Grading contractor must develop detailed topsoil plan and submit the same for review.
- Contractor must submit representative samples of the excavated topsoil, and soil in which the landscaping is to be installed, to a certified soil and plant laboratory for analysis.
- Take a minimum of three samples each from landscape areas adjacent to all four sides of the building.
- Take three samples from representative areas within the planting area where landscape areas can be installed, and
- Take two samples each from the landscape areas adjacent to all sides of the parking areas.

The soil and plant laboratory report must provide recommendations for fertilizer and soil amendments that may be required to ensure healthy growth of turf and plant materials to be installed in the respective areas from which the soil samples were taken. Provide two copies of the report to the Owner's Site Representative to distribute via email to the Property Manager.

- Grading contractor must install minimum 6" topsoil layer in finish site grade, and 12" topsoil layer in elevated planters. Topsoil must:
 - Meet requirements of OHS 2526.
 - Contain no more than 5% detritus material by weight.
 - Contain no less than 5% material by weight with a size of #10 sieve. If no #10 sieve, include a detritus screen for 1 inch detritus.
 - Landscape contractor shall perform for grading and soil amendments to the topsoil and approved report for all lawn and landscape areas as recommended by the soil analysis. The grading contractor shall be responsible for the topsoil and approved report for all lawn and landscape areas as recommended by the soil analysis.
 - If within one year of a year of grading shown on the Site Construction Contracting Schedule Plan:
 - Transition between different plantings.

Grades below curb for areas to receive mulch must be 3/8" inches below top of curb and 2 inches below top of curb for all wall draining below island, and

planting areas must be higher to ensure drainage from curb to the 25% and 50% and 75% and 100% and 150% and 200% and 250% and 300% and 350% and 400% and 450% and 500% and 550% and 600% and 650% and 700% and 750% and 800% and 850% and 900% and 950% and 1000% and 1050% and 1100% and 1150% and 1200% and 1250% and 1300% and 1350% and 1400% and 1450% and 1500% and 1550% and 1600% and 1650% and 1700% and 1750% and 1800% and 1850% and 1900% and 1950% and 2000% and 2050% and 2100% and 2150% and 2200% and 2250% and 2300% and 2350% and 2400% and 2450% and 2500% and 2550% and 2600% and 2650% and 2700% and 2750% and 2800% and 2850% and 2900% and 2950% and 3000% and 3050% and 3100% and 3150% and 3200% and 3250% and 3300% and 3350% and 3400% and 3450% and 3500% and 3550% and 3600% and 3650% and 3700% and 3750% and 3800% and 3850% and 3900% and 3950% and 4000% and 4050% and 4100% and 4150% and 4200% and 4250% and 4300% and 4350% and 4400% and 4450% and 4500% and 4550% and 4600% and 4650% and 4700% 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