

**Kagan
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LAWYERS

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File: 21158

WITHOUT PREJUDICE

July 7, 2022

By Email

Mr. Cameron McKeich (Cameron.McKeich@toronto.ca) and

Ms. Laura Bisset (Laura.Bisset@toronto.ca)

City of Toronto Legal Department

55 John Street, 26th Floor, Metro Hall

Toronto, ON., M5V 3C6

Dear Mr. McKeich and Ms. Bisset:

Re: Appeal No. 1 (10 QEW Inc. et al, “Queenscorp”)

Appeal of OPA 231 (the “Appeal”)

Properties: 2, 7, 10 & 12 Queen Elizabeth Boulevard, 506, 514, 516, 520 & 522 Royal York Road, 3, 5, 15, & 17 Sinclair Street

On behalf of our client, Queenscorp., we are pleased to offer to settle the above-noted Appeal to the following terms.

1. Queenscorp will withdraw its appeal as it applies to the properties known municipally as 12 Queen Elizabeth Boulevard (currently occupied by TD Insurance and others) and 17 Sinclair (Toronto Hydro). Accordingly, those properties will retain their present land use designations.
2. The Parties will jointly request, at the Ontario Land Tribunal (“OLT” or “Tribunal”) hearing scheduled to commence on Monday, November 7, 2022, that the Tribunal allow the Appeal, in part, and modify OPA 231 to give effect to the terms of this settlement, including the Site and Area Specific Policy (“SASP”) attached to this letter.
3. Queenscorp will lead evidence in support of the settlement at the OLT hearing (or in advance through affidavit evidence should that be preferred or requested by the Tribunal). The City may chose to lead evidence in support of the settlement but is not required to do so; and

4. The parties will bear their own costs throughout.

Should this offer be accepted by the City, I propose to advise the Tribunal and the other parties to the November 7, 2022 OLT hearing of this settlement. 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,

A handwritten signature in cursive script that reads "Ira Kagan".

Ira T. Kagan
Encl. [SASP]

cc. Client

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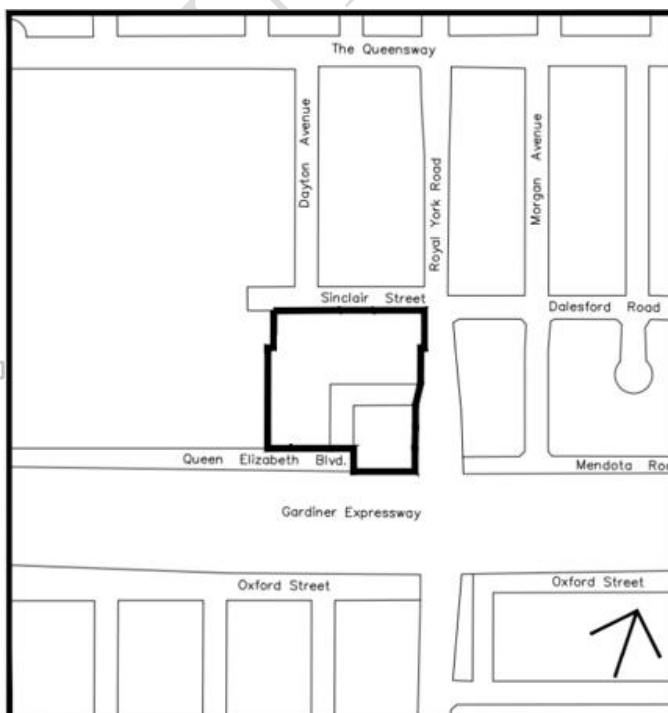
Queenscorp Draft SASP (July 7/22), OPA 231 Appeal No. 1, PL140860

NOTE: This SASP does not apply to the lands known municipally as 12 Queen Elizabeth Boulevard and 17 Sinclair Street.

A. OPA 231 is modified with respect to 2, 7 & 10 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street as follows:

1. Map 2, Urban Structure, shown as Appendix 1, is modified by deleting *Employment Areas* on the lands municipally known in 2022 as 2, 7 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street and a portion of 10 Queen Elizabeth Boulevard, as shown on attached Schedule A.
2. Map 41 of 48, shown in Appendix 2, is modified by redesignating the lands municipally known in 2022 as 2, 7 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street and a portion of 10 Queen Elizabeth Boulevard from *Core Employment Areas* to *Mixed Use Areas* except the lands identified as Area ‘A’ which are designated *Core Employment Areas*, as shown on attached Schedule B.
3. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. XX for the lands known municipally in 2022 as 2, 7 & portions of 10 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street, as follows:

“XX. 2, 7 & 10 Queen Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street

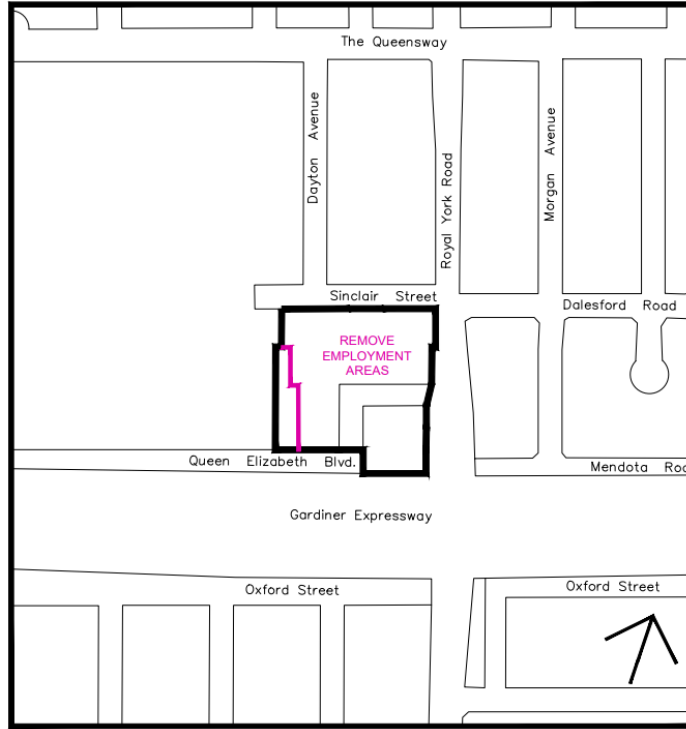


A mixed-use and mixed-income development is permitted provided that:

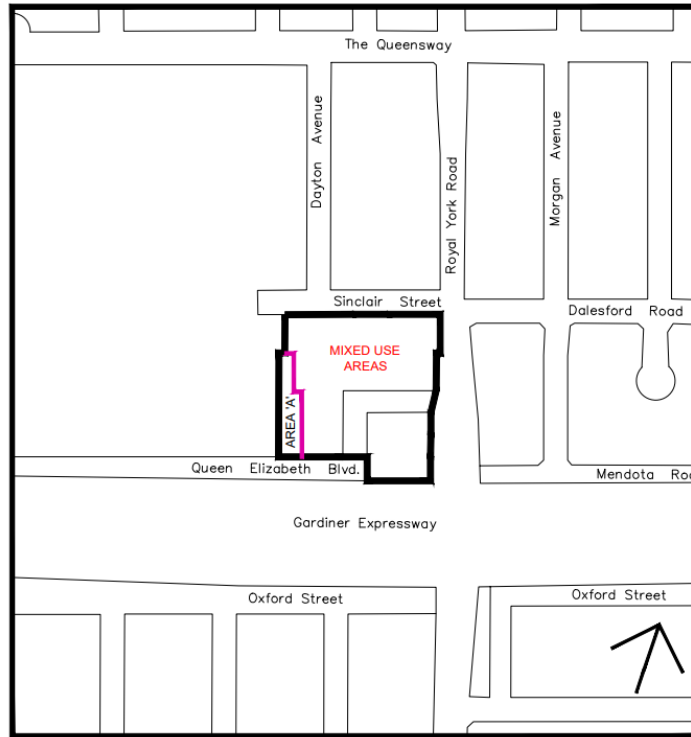
- a) A minimum of 6,000 square metres of employment gross floor area is developed at full build out of the lands. This employment gross floor area will:
 - i) be developed prior to or concurrent with any residential uses on the part of the lands designated *Mixed Use Areas*;
 - ii) include a minimum of 5,000 square metres developed on the part of the lands designated *Core Employment Areas* in Area A;
 - iii) be comprised of *Core Employment Areas* uses on the part of the lands designated *Core Employment Areas* (Area A) and these *Core Employment Areas* uses will be limited to those uses compatible with residential uses as determined through a Compatibility/Mitigation study; and
 - iv) include a minimum of 1,000 square metres of *General Employment Areas* uses on the part of the lands designated *Mixed Use Areas* or within Area A, and these *General Employment Areas* uses will be limited to those uses compatible with residential uses as determined through a Compatibility/Mitigation study.
 - v) No building setbacks are required along the common property line between *Core Employment Areas* designation (Area A) and the *Mixed Use Areas* designation.
 - vi) Area A may be used for underground parking, loading, service, access and/or mechanical facilities to serve the uses on the *Mixed Use Areas* portion of Site and Area Specific Policy No. XX but residential uses are not permitted within Area A.
- b) New development containing residential units on the lands will secure a minimum amount of affordable housing as follows:
 - i) if a condominium development is proposed, a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing; or
 - ii) if a purpose-built rental development is proposed after 2025, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing;
 - iii) the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and

- iv) the unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.
- c) Where a complete application for a Zoning By-law Amendment has not been filed prior to January 1, 2025, the affordable rental housing required in Policy (b)(i) will increase by 1.5 percent per year. Affordable ownership housing requirements will be set at one point four times the affordable rental housing requirements.
- d) The provision of affordable housing required by Policy b) shall be secured through one or more agreements with the City.
- e) Conditions to be met prior to the removal of a holding ("H") provision on the lands shall include the following:
 - i) Entering into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing; and
 - ii) The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.
- f) If an Inclusionary Zoning By-law takes effect and is applicable to development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in Policy b) and Policy c) will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of Policy b) and Policy c) above.
- g) A new public park will be provided on the lands.
- h) A Community Services and Facilities Report will be provided to identify area services and facility needs and to inform the type(s), location(s) and amount(s) of facility space to be developed on the part of the lands designated *Mixed Use Areas*."

Schedule A (modification to Map 2, Urban Structure)



Schedule B (modification to Land Use Plan)



Cameron McKeich

From: Ira Kagan <ikagan@ksllp.ca>
Sent: July 8, 2022 12:25 PM
To: Cameron McKeich; Laura Bisset
Cc: Sarah Kagan
Subject: RE: Queenscorp appeal of OPA 231 (South Etobicoke)
Attachments: draft SASP (without prejudice settlement) clean.pdf

Yes, I confirm that will be the case. I was Also advised by my client that there is a typo in the SASP. The word “for” is missing between the words used and underground parking in section a) vi). The updated SASP is attached.

Ira T. Kagan



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This email is confidential.
Rights to privilege are not waived.

From: Cameron McKeich
Sent: Friday, July 8, 2022 11:01 AM
To: Ira Kagan ; Laura Bisset
Cc: Sarah Kagan
Subject: RE: Queenscorp appeal of OPA 231 (South Etobicoke)

Without Prejudice

Good morning,

Confirming receipt.

One further point of clarification: can you provide written confirmation that if the without prejudice settlement offer is accepted by City Council, the rezoning application your client has submitted for the lands known as 2-10 and 7 Queen

Elizabeth Boulevard, 506-522 Royal York Road and 3-15 Sinclair Street would be revised to conform to the terms of the proposed SASP?

Thank you,

Cameron McKeich

Solicitor, Planning & Administrative Tribunal Law
City of Toronto Legal Services
55 John Street, 26th Floor, Toronto, ON, M5V 3C6
(416) 338-4891 | cameron.mckeich@toronto.ca

From: Ira Kagan [<mailto:ikagan@ksllp.ca>]

Sent: July 7, 2022 7:25 PM

To: Cameron McKeich <Cameron.McKeich@toronto.ca>; Laura Bisset <Laura.Bisset@toronto.ca>

Cc: Sarah Kagan <skagan@ksllp.ca>

Subject: RE: Queenscorp appeal of OPA 231 (South Etobicoke)

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Please see the attached settlement offer.

Ira T. Kagan



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Toronto, Ontario, Canada
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From: Cameron McKeich <Cameron.McKeich@toronto.ca>

Sent: Thursday, July 7, 2022 1:23 PM

To: Ira Kagan <ikagan@ksllp.ca>

Cc: Laura Bisset <Laura.Bisset@toronto.ca>

Subject: RE: Queenscorp appeal of OPA 231 (South Etobicoke)

Good afternoon Ira,