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June 14, 2022
File No.: 139209.1006

Without Prejudice
By E-mail

City of Toronto
Legal Services
Metro Hall
55 John Street, 26th Floor
Toronto, ON M5V 3C6
Attention: Ms. Sarah O'Connor

Dear Ms. O'Connor:

Re: OLT Case No. OLT-22-002021 (Legacy Case No. PL210319)
5203-5215 Yonge Street & 11 Parkview Avenue
Without Prejudice Settlement Offer

We are counsel to 5205 Yonge Inc. in respect of the proposed redevelopment of its property at 5203-5215 Yonge Street and 11 Parkview Avenue, Toronto (the "**Property**").

Our client filed appeals of its Official Plan and Zoning By-law Amendment applications, which are currently proceeding before the Ontario Land Tribunal (the "**Tribunal**") under OLT Case No. OLT-22-002021 (Legacy Case No. PL210319) (the "**Appeals**"), with an 8-day hearing scheduled to commence on January 16, 2023.

On April 29, 2022, we submitted a "with prejudice" settlement offer to the City in an effort to resolve the Appeals (the "**With Prejudice Offer**"). The With Prejudice Offer was included as Public Attachments 1 and 2 to the Report from the City Solicitor, dated May 4, 2022, which was considered by City Council at its meeting on May 11 and 12, 2022 (Item CC43.21). Despite our client's efforts at reaching a resolution, City Council rejected the With Prejudice Offer.

In a further effort to pursue a settlement of the Appeals, we are pleased to present the following revised settlement offer, which is being submitted to you on a "without prejudice" basis:

Our client reiterates the principles of settlement outlined in the With Prejudice Offer, with the exception of Paragraph 5, which shall be revised as follows:

5. Pursuant to Section 37 of the *Planning Act*, prior to the issuance of the first above-grade building permit for the Building (excluding building permits for any sales office), the owner shall provide to the City a monetary contribution toward the cost of the North York Central Library Revitalization and/or towards the provision of needed park-based facilities as identified in the Parks and Recreation Facilities Master Plan Implementation Strategy **acquiring or improving parkland serving the North York Centre area, or constructing and furnishing a public recreational centre or social or community facility serving the North York Centre area**, in an amount equal to ~~\$3,276,230.00~~

\$4,000,000.00, indexed upwardly in accordance with Statistics Canada's Construction Price Index (being the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01 or its successor) calculated from the date of final approval of the zoning by-law amendment to the date of payment; and

We appreciate City staff's past efforts in working with our client through the mediation process to address and resolve the issues related to the proposed development, and we are hopeful that with this substantial increase in our client's proposed Section 37 contribution, the Appeals can now proceed to a negotiated resolution.

Should this present settlement offer be accepted by the City, we and the City will jointly request the Tribunal to schedule a settlement hearing as soon as practicable prior to August 12, 2022, with a view of requesting the Tribunal's issuance of the final Official Plan Amendment and Zoning By-law Amendment for the settlement scheme on or before August 12, 2022.¹

The settlement offer presented under this letter supersedes and replaces all prior offers, agreements, negotiations, and understandings in respect of these matters and will remain open until the end of the City Council meeting scheduled to commence on June 15, 2022.

We trust that you will forward the terms of this final settlement offer for City Council's review and consideration at its meeting commencing June 15, 2022.

Yours truly,



For: Calvin Lantz

CL/jsc

Enclosures

cc. Gabriela Dedelli, *City of Toronto*
Jonathan S. Cheng, *Stikeman Elliott LLP*
Michael Goldberg, *Goldberg Group*
Client

¹ By way of background, if a Zoning By-law Amendment for the proposed development containing Section 37 bonusing terms is not passed by the City or approved by the Tribunal before the earlier of September 18, 2022 and the date that the City passes a Community Benefits Charge By-law ("**CBC By-law**"), then the City will not have the ability to secure benefits related to Section 37 bonusing for the proposed development. It is anticipated that City Council will be considering the passage of a CBC By-law at its meeting commencing August 15, 2022.