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**WITH PREJUDICE**

January 25, 2023

**VIA EMAIL**

Kasia Czajkowski  
Solicitor, Planning & Administrative Tribunal Law  
City of Toronto, Legal Services Division  
Metro Hall, 26th Floor  
55 John Street  
Toronto, ON M5V 3C6

Dear Ms. Czajkowski:

**RE:           10 Ruddington Drive, City of Toronto  
Application for Zoning By-law Amendment  
City File No. 20 230695 NNY 17 OZ  
Ontario Land Tribunal Case No. 22-001924  
With Prejudice Settlement Offer**

We are the solicitors for Novi Properties Inc. (“**Novi Properties**”), being the owner of the property municipally known as 10 Ruddington Drive (the “**Site**”). This letter constitutes our client’s offer to settle the appeal filed in respect of the above-noted application for a Zoning By-law Amendment.

**The Subject Site**

The Site is located on the northeast corner of Ruddington Drive and Bayview Avenue with a frontage of approximately 72.2 metres along Bayview Avenue and approximately 264.7 metres along Ruddington Drive. The Site has a total lot area of approximately 1.4 hectares (3.46 acres) and is currently occupied by a 13-storey rental apartment building which is proposed to be retained in situ.

The Site has access to surface transit services along Bayview Avenue, Cummer Avenue and Finch Avenue East. Bus routes along each of these arterial roads connect with the TTC Yonge-University-Spadina Line (southwest of the Subject Site) and the Old Cummer GO Station (east of the Subject Site).

### **Site-Specific Application and Appeal**

On December 18, 2020, Novi Properties filed an application for a Zoning By-law Amendment identified as City File No. 20 230695 NNY 17 OZ (the “**Application**”). The Application was deemed complete by the City on December 31, 2020. As originally submitted, the Application proposed a 14-storey building fronting on Bayview Avenue, a 10-storey building fronting on Ruddington Drive, and an on-site parkland dedication.

On December 23, 2021, Novi Properties appealed the Application to the Ontario Land Tribunal (the “**Tribunal**”) pursuant to Section 34(11) of the *Planning Act*, on the basis of City Council’s refusal or neglect to make a decision within the statutory timeline (the “**Appeal**”). On July 11, 2022, the Tribunal held the first Case Management Conference in respect of the Appeal. At that time, the Tribunal was advised that the City and Novi Properties were interested in pursuing Tribunal-led mediation to attempt to resolve any issues that the City had with the proposed development.

### **Mediation and Settlement Proposal**

The Appeal has been the subject of extensive mediation efforts between the parties, including four days of Tribunal-led mediation which were held on December 5, 12, 13, and 20, 2022. As a result of the mediation, our client is offering to settle the Appeal by modifying the proposed development and implementing Application in accordance with, and to permit the form of development shown on, the architectural plans prepared by Studio A/C (dated January 17, 2023), a copy of which is attached as Appendix A (the “**Settlement Proposal**”).

The Settlement Proposal continues to reflect our client’s commitment to retain the existing 13-storey apartment building on the Site. In response to issues raised by the City, the original proposal has been revised to reduce the scale of the building along Bayview Avenue from 14-storeys to 13-storeys with two 10-storey “wing” components at the north and south ends of the building, including stepping back the building above the 10<sup>th</sup> storey a minimum of 3 metres, and the mechanical penthouse to be set back from the edge of all sides of the building as generally shown on the architectural plans, with a height of approximately 4.5 metres. In addition, the 10-storey building along Ruddington Avenue has been replaced by 24 townhouse units.

The Settlement Proposal also includes a 741.2 m<sup>2</sup> realigned parkland dedication at the north-east corner of the Site, which constitutes 10% of the net site, with a minimum frontage on Ruddington Drive of 20 metres. A number of pedestrian connections linking the proposed 13-storey Bayview building, the existing 13-storey apartment building, the 24 townhouse units and the parkland have been created.

The Bayview building will meet the Growing Up Urban Design Guidelines through the provision of 10% 3 bedroom units and 15% 2 bedroom units.

The Settlement Proposal is the product of considerable efforts that have been made by both parties, and it is our understanding that City Staff is now satisfied with the revised proposal.

**Implementation of Proposed Settlement**

As part of our discussions, Novi Properties and City Staff have agreed that if the Settlement Offer is accepted by City Council, the parties will jointly seek to have the Case Management Conference scheduled for March 6, 2023 converted to a one-day settlement hearing (the “**Settlement Hearing**”).

At the Settlement Hearing, the parties will jointly request that the Tribunal withhold its final Order in respect of the Appeal until it has been advised that the list of preconditions attached as Appendix B have been satisfied (the “**Preconditions**”). If the Settlement Offer is accepted by City Council, the parties will work expeditiously to satisfy the Preconditions.

This Settlement Offer is open until the end of the City Council meeting commencing on February 7, 2023, following which it will become null and void if not accepted.

Yours truly,  
**Overland LLP**



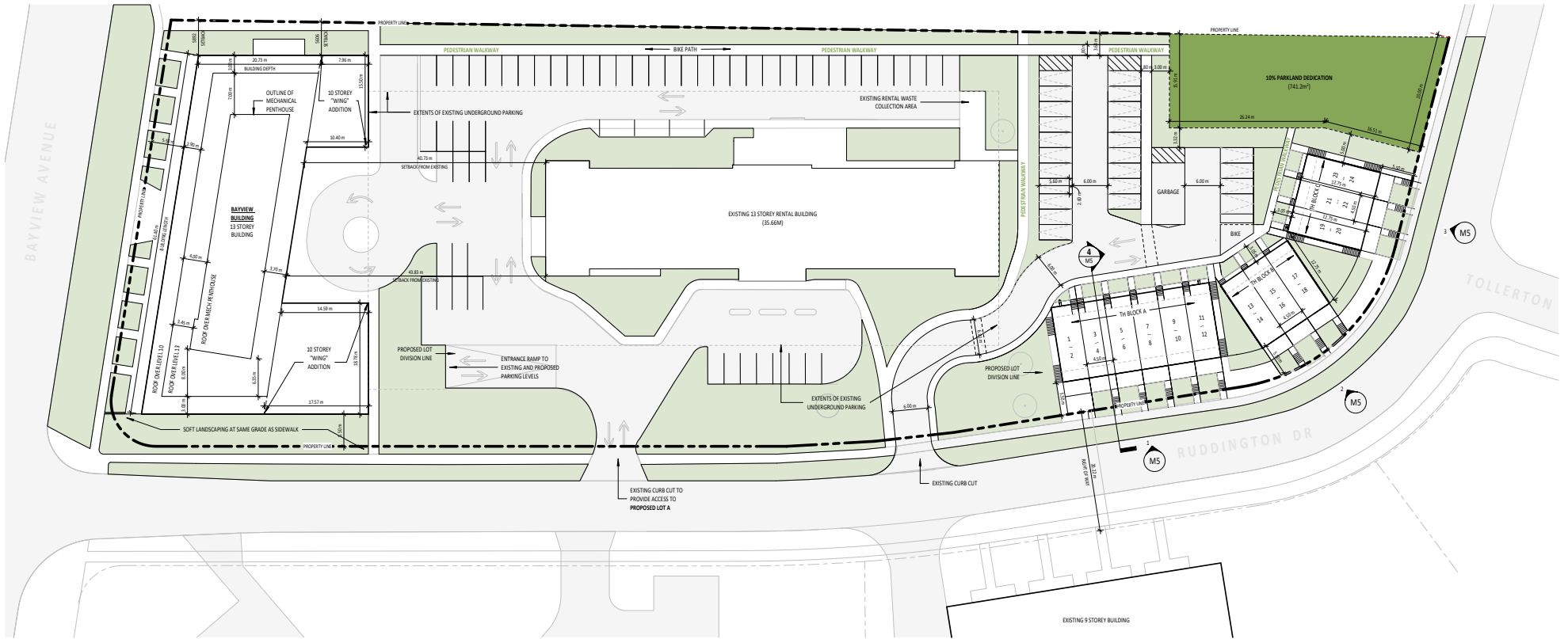
Per: Daniel B. Arsenosi  
Partner

Encl.

c. D. Ezer, Novi Properties Inc.

**Appendix "A"**

**Architectural Plans prepared by Studio AC dated January 17, 2023**



**SITE STATS AND AREAS**

<b>SITE AREA</b>	<b>14,380 m2</b>
BAYVIEW BUILDING	18,016 m2
EXISTING RUDDINGTON	16,428 m2
RUDDINGTON TOWNS	2,376 m2
<b>TOTAL GROSS FLOOR AREA</b>	<b>36,820 m2</b>
<b>F.S.I</b>	<b>2.56</b>
ZBA APPLICATION F.S.I	2.88

NOTE: PROPOSED GROSS FLOOR AREAS ARE APPROXIMATE AND WILL BE REFINED DURING THE DETAILED DESIGN STAGE

**DEVELOPMENT STATS**

BAYVIEW BUILDING - 13 STOREYS WITH 10 STOREY "WING" ADDITIONS TO THE NORTH AND SOUTH  
 RUDDINGTON - STACKED + STANDALONE TOWNHOUSE DEVELOPMENT

**UNIT COUNTS**

EXISTING RENTAL	155 UNITS
BAYVIEW	+/- 220 UNITS
RUDDINGTON	24 UNITS

**UNIT MIX**

MINIMUM 15% 2-BEDROOM AND 10% 3-BEDROOM UNIT MIX TO BE PROVIDED IN PROPOSED BAYVIEW BUILDING

**AMENITY**

EXISTING 13 STOREY RENTAL BUILDING TO PROVIDE A MINIMUM OF 175m<sup>2</sup> OF OUTDOOR AMENITY SPACE  
 PROPOSED BAYVIEW BUILDING TO PROVIDE MINIMUM 2m<sup>2</sup> INDOOR AND 2m<sup>2</sup> OUTDOOR AMENITY SPACE PER UNIT.

**PARKING COUNTS AND RATIOS**

BAYVIEW	+/- 144 PARKING SPOTS (2 UNDERGROUND LEVELS)	RATIO = 0.65:1
RUDDINGTON	+/- 24 PARKING SPOTS (SURFACE PARKING)	RATIO = 1:1

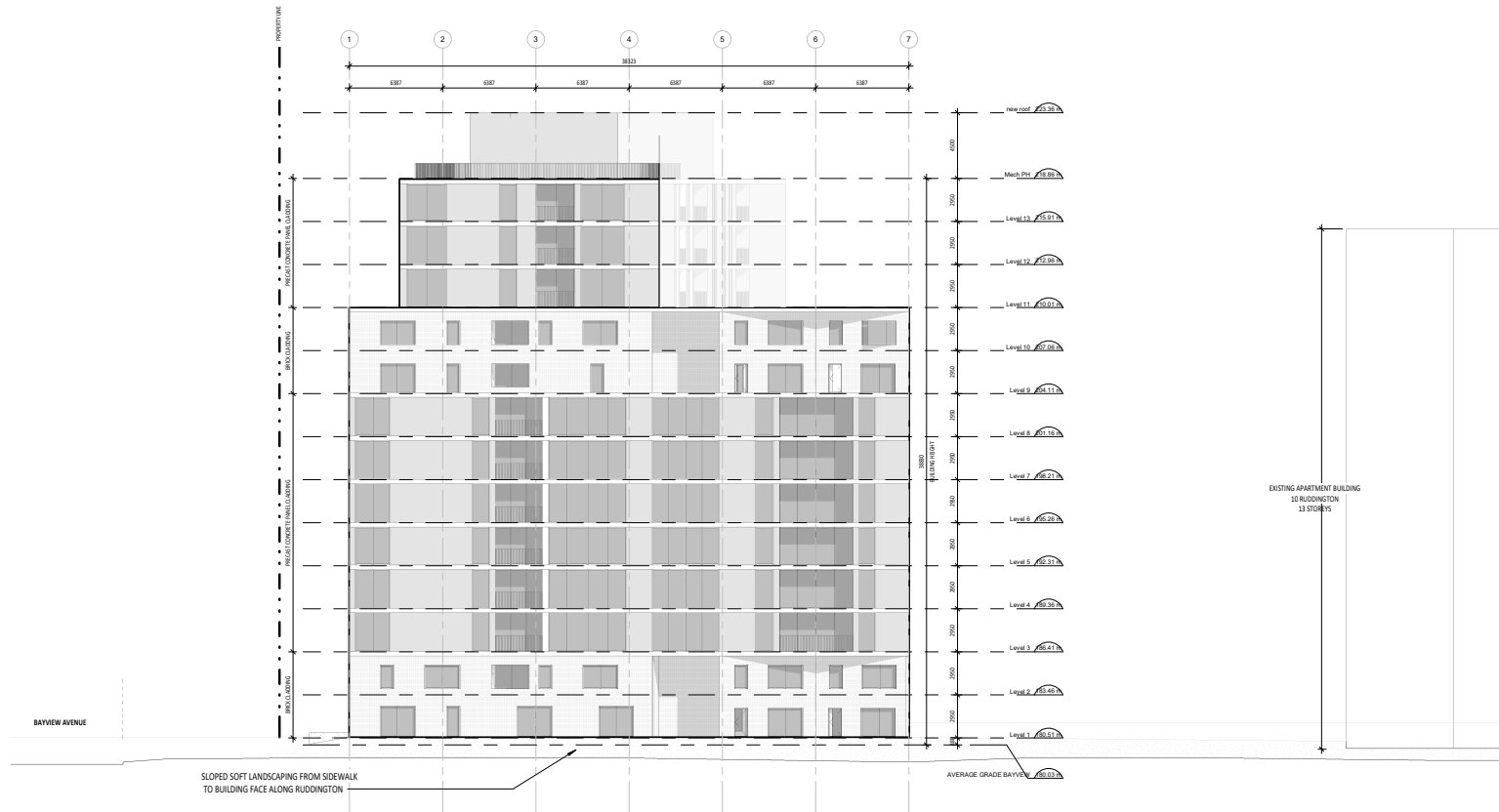
NOTE: TOTAL PARKING COUNTS TO ADHERE TO PARKING STANDARDS AS CONTAINED IN BY-LAW 569-2013 AS AMENDED BY BY-LAW 89-2022 AND BY-LAW 125-2022

**SITE PLAN**

Office Address

PREJUDICE

WITHOUT PREJUDICE



**BAYVIEW BUILDING**

**SOUTH ELEVATION (BAYVIEW)**



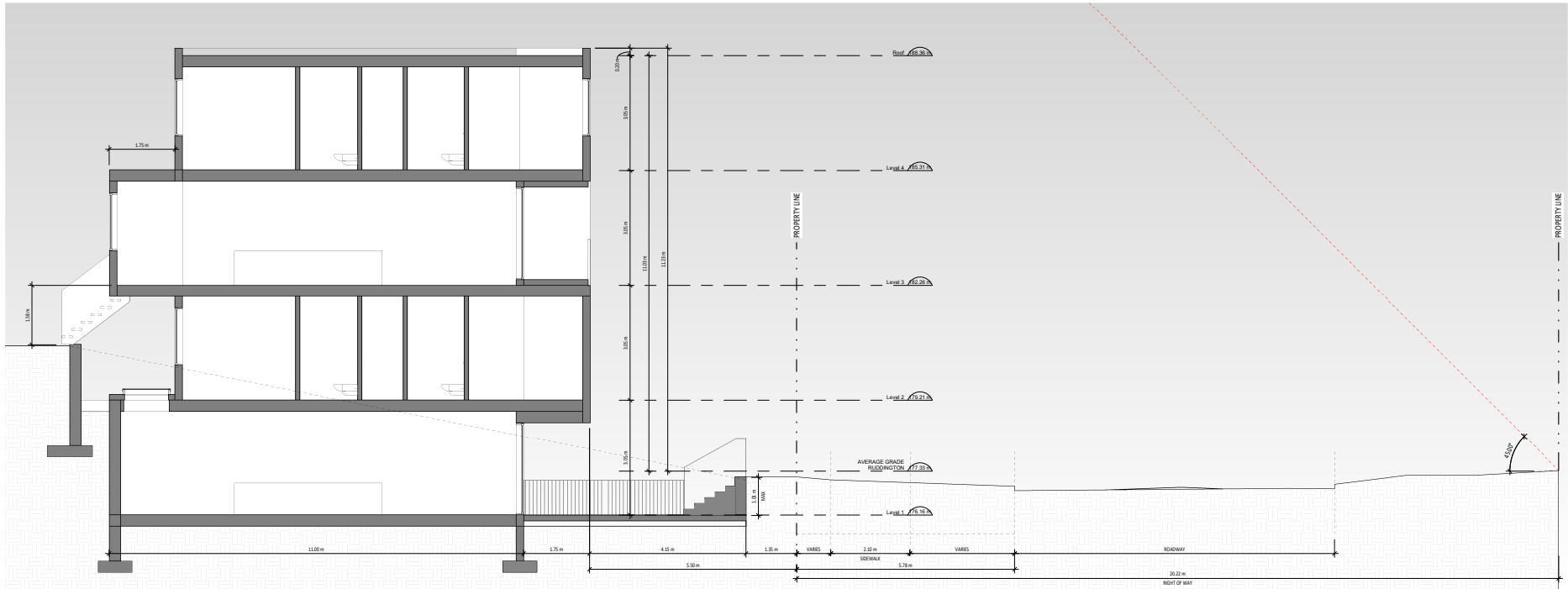
1 TH BLOCK A - ELEVATION - RUDDINGTON



2 TH BLOCK B - ELEVATION - RUDDINGTON



3 TH BLOCK C - ELEVATION - RUDDINGTON



4 TH BLOCK A - CROSS SECTION

**RUDDINGTON TOWNHOMES**

**Mediation - TH ELEVATIONS**

## Appendix “B”

### List of Preconditions to be submitted to Ontario Land Tribunal

In the event the Ontario Land Tribunal allows the appeal, in whole or in part, the Ontario Land Tribunal withholds its Order on the Zoning By-law Amendment until such time as the Tribunal has been advised by the City Solicitor that:

1. The proposed Zoning By-law Amendment to City of Toronto Zoning By-law No. 569-2013 is in a final form satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
2. The Applicant has at its own expense:
  - a) Submitted a revised Functional Servicing Report, including a Stormwater Management Report, Hydrogeological Report and Geotechnical Plan, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
  - b) Submitted a revised Transportation Impact Study and Transportation Demand Management Study to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning;
  - c) Submitted a Computational Fluid Dynamics Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning, with any mitigation measures, if required, to be secured and satisfied through the site plan approval process to the satisfaction of the Chief Planner and Executive Director;
  - d) Submitted a revised Electromagnetic Field Study and Electromagnetic Field Management Plan in accordance with the letter from Toronto Public Health dated November 29, 2022, to the satisfaction of the Chief Medical Officer, with any mitigation measures, if required, to be satisfied through the site plan approval process;
  - e) Submitted a revised Arborist's Report, Tree Preservation Plan and Soil Volume Plan to the satisfaction of the General Manager, Parks, Recreation & Forestry;



- f) Registered or authorized the City to register a Section 118 Restriction on title to the Parkland and the townhouse block, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and the City Solicitor, with the conveyance of the parkland to be secured through the site plan process to take place prior to the issuance of the first above-grade building permit for the townhouse block, and subject to the Owner retaining a right to occupy the parkland for staging during construction of the townhouses, with the final build-out of the parkland to base park standards to be completed prior to the earlier of: (i) three (3) years after the conveyance of the parkland, and (ii) condo registration; and
- g) Conducted a Tenant Rental Improvement Survey in collaboration with City Housing Staff, indicating which improvements will happen to the existing building and on what timeline, to the satisfaction of the Chief Planner and Executive Director, City Planning.