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January 25, 2023

Our File No. 136691

BY EMAIL

With Prejudice

Michael Mahoney
Planning and Administrative Law
Legal Services, City of Toronto
Metro Hall, 26th floor
55 John Street
Toronto ON M5V 3C6

Dear Mr. Mahoney:

**Re: With Prejudice Settlement Proposal
156-160 John Street, Toronto
OLT Case No. OLT-22-003516**

Aird & Berlis LLP acts for C Squared Properties 160 John Inc. with respect to the proposed development of the properties municipally known as 156-160 John Street (collectively, the "Site"). The Site is located on the west side of John Street, south of Queen Street West. The Site is currently occupied by a 5 storey office building with retail/commercial uses at grade.

We are pleased to provide you with the enclosed revised plans, prepared by SvN Architects + Planners ("SvN"), dated January 4, 2023 on behalf of our client (the "Revised Proposal") and related draft Zoning By-law Amendment. The Revised Proposal is intended to address concerns raised by the City and neighbouring property owner related to built form that were raised during mediation led by the Ontario Land Tribunal ("OLT") on December 8, 2022.

Background

On September 17, 2018, SvN submitted applications for Zoning By-law Amendment and Site Plan Approval to permit a 6-storey vertical addition to the existing building on the Site. The addition will add 1,825.4 square metres of new non-residential gross floor area ("GFA") and improve the 1,925.9 square metres of existing GFA on the Site. The enlarged building will be a total of 3,751.3 square metres of non-residential GFA, of which 3,089.3 square metres will be devoted to commercial office uses and the remainder to a proposed restaurant use.

In January 2019, comments on the applications were received from City departments and commenting agencies, including Community Planning. A public meeting on the applications was held in the same month. In response to staff's comments and feedback provided at the public meeting, a second submission was made on February 14, 2020, and then a third submission to the City on February 4, 2022 in response to the technical information requested by Staff.

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On April 11, 2022, on behalf of our client, we appealed Council's failure to make a decision within the statutory time frame to the OLT pursuant to Section 34(11) of the *Planning Act*, R.S.O, c P. 13, as amended (the "Appeal").

On December 8, 2022, we participated in OLT-led mediation with the City and the neighbouring property owner.

The OLT has scheduled a second Case Management Conference in respect of the Appeal on February 24, 2023. No hearing has yet been scheduled.

Settlement Proposal

We are writing to provide a full and final settlement offer to resolve the Appeal (the "Settlement Proposal") in its entirety, based on the following terms:

- As shown on drawing A-320 of the revised plans, new openings in the existing building as well as the first four levels of the north façade of the proposed addition will be treated with spandrel rather than glazing for approximately half of the depth of the Site in order to address concerns about Ontario Building Code compliance and to allow for future development of the adjacent property at 307 Queen Street West;
- As further noted on drawing A-320 of the revised plans, "privacy glazing" will be used on a portion of the windows on the 7th floor of the north façade of the building. This privacy glazing will be glass block or opaque glazing (to be determined through the site plan approval process) that ensures zero visibility while allowing for light penetration; and
- In response to concerns raised by the adjoining neighbour to the north with respect to the location of the proposed addition as a vertical extension of a permitted encroachment onto lands immediately north of the Site, our client has revised its proposal so that the proposed addition is setback from the north face of the existing building on the Site by approximately 1.01m (actual depth varies due to irregular lot line).

The enclosed draft Zoning By-law Amendment implement the above changes and also address comments from City Planning staff in the mediation. We would ask that staff in the City's Buildings Department expedite its review of the Zoning By-law Amendment to ensure no additional modifications are required.

In our view, the enclosed plans and draft Zoning By-law Amendment respond in full to the matters raised by the parties in mediation. We would respectfully request that you confirm that the City will prepare the necessary solicitor's report to ensure this matter is considered by City Council at its meeting commencing on February 7th, 2023 and that the City consent to the February 24th CMC being converted into a settlement hearing.

Should you require any further information, please do not hesitate to contact the undersigned or my colleague Meaghan Barrett at mbarrett@airdberlis.com.

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Eileen P. K. Costello
EPKC/MTB

Encl.

c: Client
Drew Sinclair, SvN Architects + Planners

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