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January 24, 2023

Our File No.: 211782

WITHOUT PREJUDICE

City of Toronto
Legal Services
26th Floor, 55 John Street
Metro Hall
Toronto, ON M5V 3C6

Attention: Sara Amini

Dear Sirs/Mesdames:

Re: Case No. OLT-22-002097 – 5238 Dundas Street West and 28 Jopling Avenue South

We are solicitors for Rimap and Main Developments Inc. in respect of the lands known municipally known as 5238 Dundas Street West and 28 Jopling Avenue South (the “**Property**”). We are writing on behalf of our client with a without prejudice settlement offer in respect of the above-noted matter, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on February 7, 2023.

As you know, our client engaged in without prejudice discussions with City staff over the last several months regarding the redevelopment proposal for the Property. These discussions have resulted in revised plans, prepared by IBI Group and dated January 24, 2023, which are attached to this letter as Schedule “A” (the “**Revised Plans**”). Our client greatly appreciates the efforts of City staff in achieving this proposed settlement.

The terms of this without prejudice settlement offer are as follows:

1. The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law amendment(s).
2. The Revised Plans implement the following matters:
 - a. The overall height of the building is 126.8 metres to the top of the roof (41-storeys) and 132.9 metres to the top of the mechanical penthouse, with an additional 3.0 metre projection that would apply only for the elevator overrun, which results in a building height lower than the building height approved for the property known municipally as 5239-5249 Dundas Street West. The owner agrees to work with the

City on the final design and configuration of the mechanical penthouse as part of the site plan approval process.

- b. The podium has been redesigned to include a 4-storey element not exceeding 15.85 metres and a 6-storey element not exceeding 22.55 metres, with increased stepbacks as shown on the Revised Plans.
- c. The tower floor plate has been reduced from 825 square metres to 780 square metres.
- d. Lands will be dedicated to the City for a public park (300 square metres) to the north of the unopened road allowance to enable the potential for an expanded public park running between Jopling Avenue South and Auckland Road. This dedication would satisfy all of the owner's obligations pursuant to Section 42 of the *Planning Act*. The lands to the south of the potentially expanded park will be used as outdoor amenity space, as shown on the Revised Plans.
- e. Amenity space will be provided at a minimum rate of at least 4.0 square metres per unit, with indoor amenity space at a minimum rate of at least 2.0 square metres per unit and outdoor amenity space at a minimum rate of 2.0 square metres per unit.

Our client agrees that, in the event City Council accepts this without prejudice settlement offer, the final order of the Ontario Land Tribunal would be withheld, pending completion of the following:

- the form and content of the Official Plan and Zoning By-law Amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- the owner has submitted a revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive, Director of Engineering and Construction Services, and such report shall determine the stormwater run-off, sanitary flow and water supply demand resulting from the development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development and/or any upgrades that may be required;
- the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review, as they relate to the Official Plan and Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review and the General Manager, Parks, Forestry and Recreation;
- the owner has provided a revised Transportation Impact Study to the satisfaction of the General Manager, Transportation Services;

- the owner has provided a revised Pedestrian Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning, with recommendations implemented as part of the amending Zoning By-laws to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and
- the submitted Noise Feasibility Assessment has been peer reviewed by a qualified third-party consultant retained by the City of Toronto at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- the Electromagnetic Field Management Report has been reviewed and accepted by Toronto Public Health.

Our client further acknowledges that, should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing and Storm Water Management Report and the Traffic Impact Study, a Holding Provision (H) may be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on February 7, 2023, at which point it should be considered as withdrawn if not accepted by City Council.

Our client greatly appreciates the hard work of City staff that has enabled the presentation of this without prejudice settlement offer to City Council.

Yours truly,

Goodmans LLP



David Bronskill
DJB/