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March 14, 2023

Our File No.: 202396

WITHOUT PREJUDICE

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

Attention: Jessica Braun

Dear Sirs/Mesdames:

Re: Case No. OLT-22-002710 – 3377 Bayview Avenue

We are solicitors for Markee Developments Inc. and Tyndale University in respect of the lands known municipally known as 3377 Bayview Avenue (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 March 29, 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 resulted in a revised set of plans, prepared by KPMB Architects and dated March 14, 2023, which is attached to this letter as Schedule "B" (the "**Revised Plans**"). Further discussions have resulted in a list of additional modifications that will be included as part of any updated plans and drawings provided to the Ontario Land Tribunal. 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, as well as updated plans of drawings based on the list of additional modifications, to the satisfaction of City staff, which would be implemented through the resulting official plan amendment and zoning by-law amendment(s), as set out below.
2. The settlement offer is also based on an updated Phasing Plan, attached to this letter as Schedule "A" that will secure, among other matters:

- a. the conveyance of approximately 3,100 square metres of required parkland in the central portion of the plan to be conveyed in Phase 1 with the remainder of this park to be provided in Phase 2;
 - b. the conveyance of the public road in phases, which include the conveyance of part of the public road in Phase 1 and the remainder provided by Phase 3; and,
 - c. the provision of a minimum amount of affordable housing.
3. The zoning by-law amendment(s) will be revised to require that the area identified as publicly accessible private open space (“POPS”) and referred to as the Academic Green, which is located directly west of the Tyndale University building, will be included in the block that forms the Tyndale University block and will be revised to prohibit above-grade development in the POPS. The owner agrees that it will not request that the proposed POPS satisfy any part of the owner’s parkland obligations under Section 42 of the Planning Act in respect of the Property. As such, the proposed POPS will not constitute a conveyance pursuant to Section 42 of the *Planning Act*.
4. The updated plans and drawings will be revised to implement the numerous modifications confirmed with City staff since submission of the applications in December 2021, including:
- a. the extension of the public road, with a right-of-way width of 18.5 metres, to create a continuous loop with two access points to Bayview Avenue that would be conveyed to the City in its entirety;
 - b. an agreement to convey the lands below the top-of-bank as well as the land within the buffer setback (generally 10 metres from the top-of-bank) into public ownership;
 - c. the total proposed gross floor area is approximately 120,339 square metres, including non-residential gross floor area of approximately 1,079 square metres;
 - d. reallocation of density and units across the site and the removal of Building 1A;
 - e. revisions to the heights of certain buildings, including:
 - Building 1B has increased in height from 6 storeys to 7 storeys and will now include the proposed daycare;
 - Building 2A has decreased in height from 7 storeys to 6 storeys and a 4-storey component has been added;
 - Building 2B has increased in height from 6 storeys to 7 storeys;

- Building 2C has increased in height from 7 storeys to 8 storeys;
 - the separation distance between Buildings 2B and 2C was increased by 7 metres, providing a separation of greater than 23 metres;
 - Buildings 3A through 3E have been re-massed and integrated with each other to create Buildings 3A and 3B with components that have heights of 6, 8, 10, and 15 storeys and 6, 16, and 24 storeys, respectively;
 - Building 3G has increased in height from 7 storeys to 8 storeys; and
 - Building 3H has maintained a height of 8 storeys but a 6-storey component has been added along the new public road;
- f. revisions to the massing of buildings in the northern quadrant of the plan to reduce the number of buildings and provide setbacks, stepbacks and articulation to provide mid-rise and taller elements;
- g. indoor amenity space will be provided at a rate of 1.02 square metres per unit and outdoor amenity space will be provided at a rate of 2.0 square metres per unit; and,
- h. an updated unit composition to increase the number of 2-bedroom units (minimum 27%) and 3-bedroom units (minimum 8%).
5. As part of settling this matter with the City of Toronto, our client agrees to provide and secure two hundred and five (205) affordable housing units for a period of 99 years provided in phases and with the unit mix outlined in Schedule “A” attached to this letter. Our client acknowledges and agrees that these affordable housing units shall not comprise an in-kind contribution pursuant to subsection 37(6) of the *Planning Act* for which a credit would be provided pursuant to subsection 37(8) of the *Planning Act*.

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:

- confirmation that the required official plan amendment and zoning by-law amendment(s) are in final form and content, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- confirmation from the City of Toronto that any outstanding *Planning Act* application fees have been paid to the City of Toronto, to the satisfaction of the City Solicitor;
- confirmation from the City of Toronto of approval of the draft plan of subdivision;

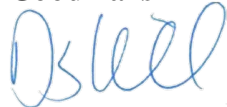
- execution of a Municipal Housing Facility Agreement, as part of the City's Open Door Affordable Housing Program, to secure the above-noted affordable housing units;
- provision of a detailed Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the accepted Heritage Impact Assessment for the Property and execution of a heritage easement agreement with the City in accordance with the accepted Heritage Impact Assessment for the Property and the above-noted Conservation Plan, to the satisfaction of the City Solicitor and the Senior Manager, Heritage Planning; and,
- the owner has submitted any updated engineering reports, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on March 29, 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



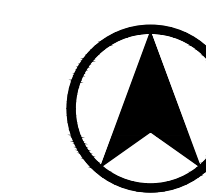
David Bronskill
DJB/

SCHEDULE "A"

PHASING PLAN/AFFORDABLE HOUSING

Tyndale Green Affordable Housing Units Matrix

		0 BED	1 BED	2 BED	3 BED	TOTAL
PHASE 1		0	0	0	0	0
<i>m²</i>		0	0	0	0	0
<i>ft²</i>		0	0	0	0	0
PHASE 2		8	57	14	2	81
<i>m²</i>		216.00	2,363.50	905.60	161.70	3,646.80
<i>ft²</i>		2,325.02	25,440.71	9,747.88	1,740.54	39,254.16
PHASE 3		4	46	13	4	67
<i>m²</i>		108.00	1,920.00	815.10	347.20	3,190.30
<i>ft²</i>		1,162.51	20,666.88	8,773.74	3,737.26	34,340.39
PHASE 4		3	39	12	3	57
<i>m²</i>		99.40	1,622.40	769.00	228.90	2,719.70
<i>ft²</i>		1,069.94	17,463.51	8,277.52	2,463.88	29,274.85
TOTAL		15	142	39	9	205
<i>m²</i>		423.40	5,905.90	2,489.70	737.80	9,556.80
<i>ft²</i>		4,557.48	63,571.11	26,799.13	7,941.68	102,869.40



PORTION OF ROAD IS NOT YET CONSTRUCTED

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00	MM-DD-YY	INT	REVISION NOTE

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MOVEMENT ENVIRONMENTS
 ENVIRONMENTAL CONSULTANTS

TYNDALE GREEN

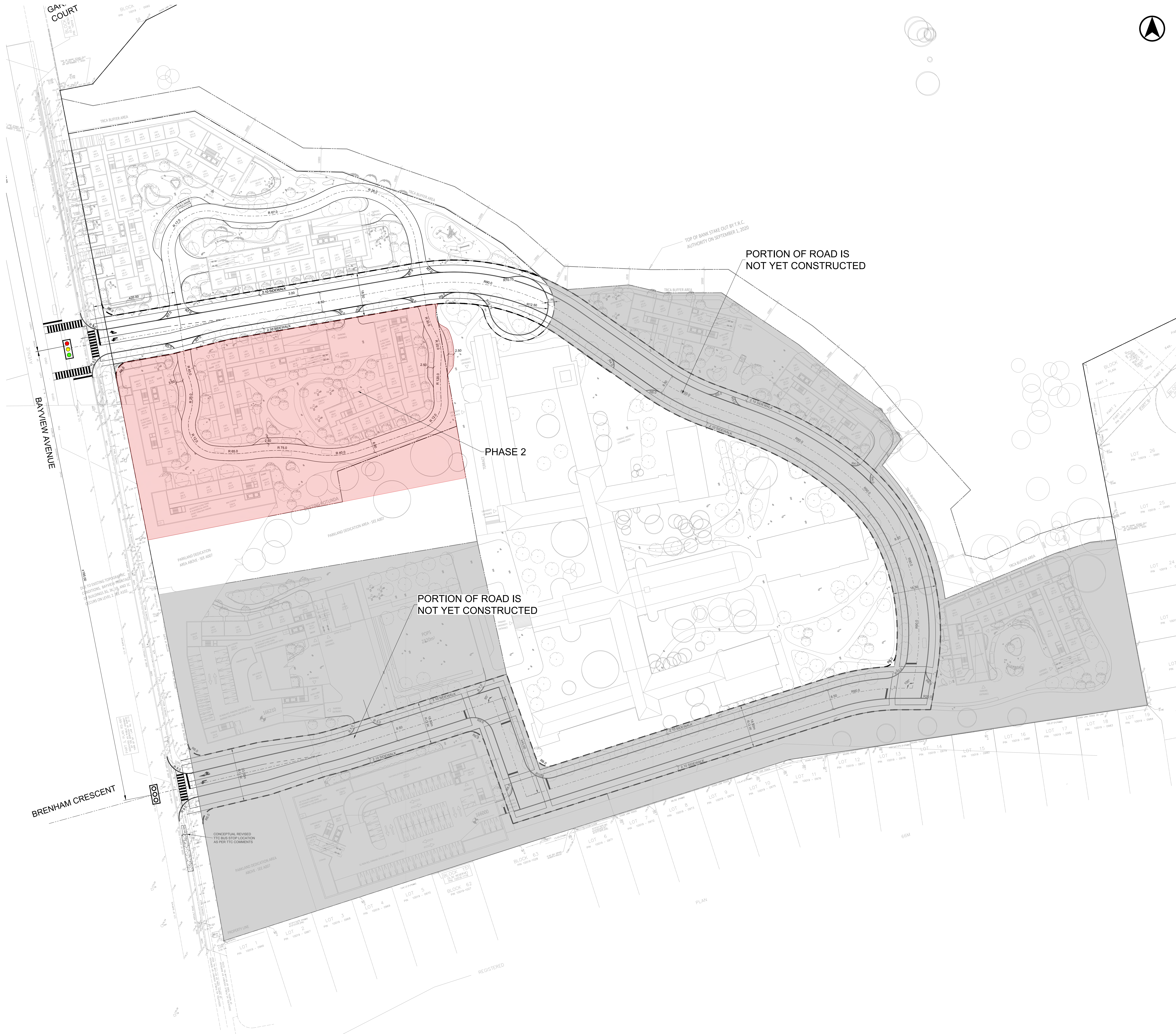
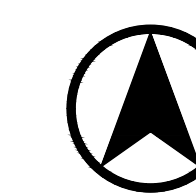
CONCEPTUAL BLOCK PHASING PLAN

PHASE 1

Date: February 28, 2023

Project No.: 8079-01

Scale: 1:500



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TYNDALE GREEN

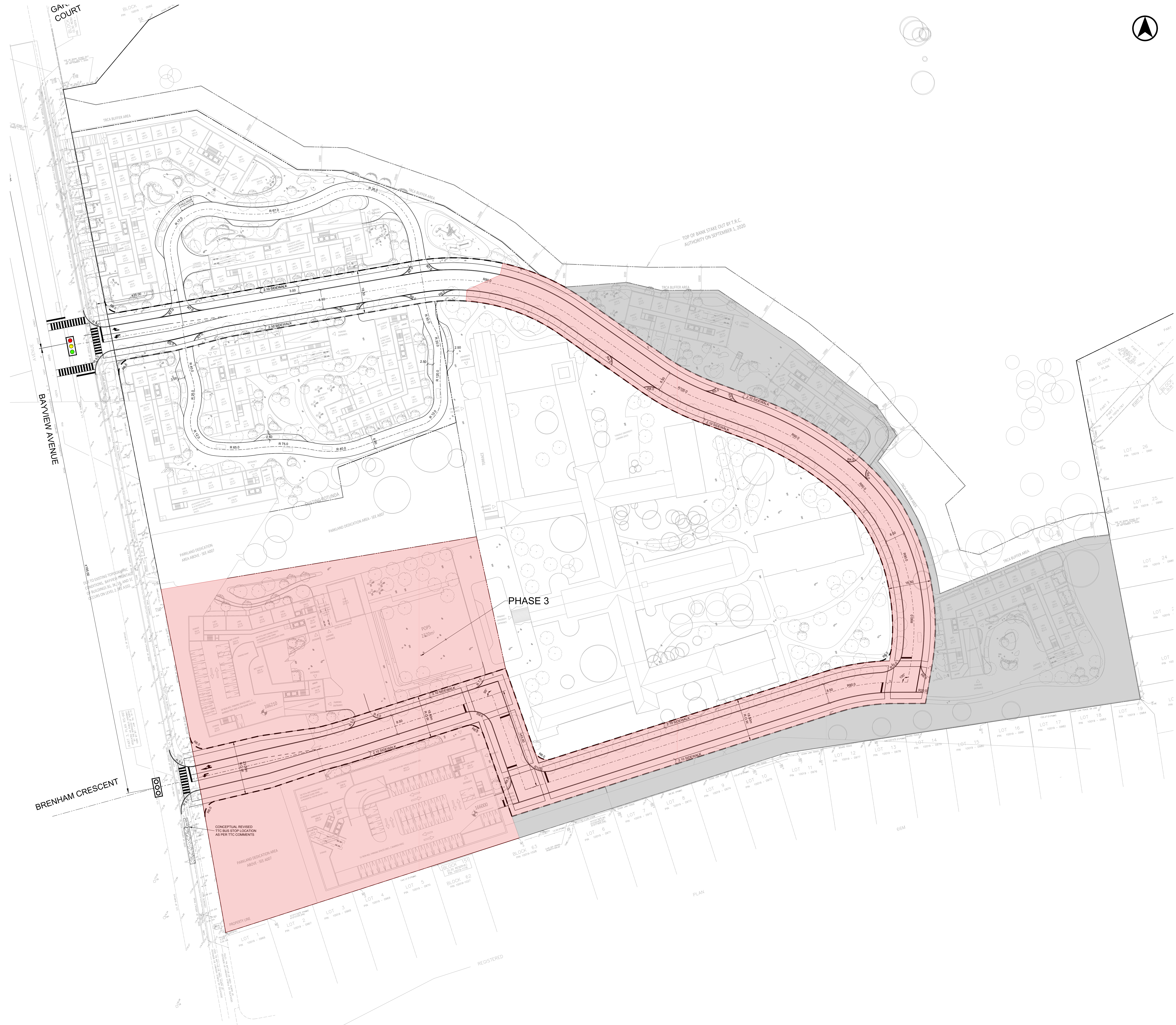
**CONCEPTUAL BLOCK PHASING
PLAN**

PHASE 2

Date: February 28, 2023

Project No.: 8079-01

Scale: 1:500



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**MOVEMENT
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**CONCEPTUAL BLOCK PHASING
PLAN**

PHASE 3

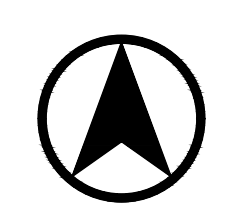
Date: February 28, 2023

Project No.: 8079-01

Scale: 1:500



PHASING LEGEND
 WORK TO BE COMPLETED IN PHASE
 NOT PROPOSED AS PART OF PHASE



PHASE 4

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TYNDALE GREEN

**CONCEPTUAL BLOCK PHASING
PLAN**

PHASE 4

Date: February 28, 2023

Project No.: 8079-01

Scale: 1:500

PP-04

SCHEDULE "B"
REVISED PLANS