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**WITHOUT PREJUDICE**

April 26, 2023

**VIA EMAIL**

Laura Bisset and Derin Abimbola  
Lawyers, Planning & Administrative Tribunal Law  
City of Toronto, Legal Services Division  
Metro Hall, 26<sup>th</sup> Floor  
55 John Street  
Toronto, ON M5V 3C6

Dear Ms. Bisset and Ms. Abimbola:

**RE: 221, 225 and 227 Sterling Road, City of Toronto  
Heritage Designation By-law 1130-2022  
OLT Case No. OLT-22-004437  
\*\*Offer to Settle \*\***

We are the lawyers for 221 Sterling Road Holdings Inc. ("**221 Sterling**"), being the owner of the property municipally known as 221, 225 and 227 Sterling Road in the City of Toronto (the "**Property**").

This Offer to Settle is being made in respect of the above-noted appeal to the Ontario Land Tribunal (the "**Tribunal**") of the Heritage Designation By-law filed by 221 Sterling (the "**Heritage Appeal**").

**Site Description and Planning Context**

The Property is located on the east side of Sterling Road, south of Bloor Street West, and is approximately 1.0935 hectares in size. The western portion of the Property fronts onto Sterling Road, while the northern portion of the site has frontage along Ruttan Street. The Property is currently occupied by five 1- to 2-storey buildings, originally constructed for industrial uses.

**Background**

221 Sterling applied for a Zoning By-law Amendment and a Draft Plan of Subdivision Approval (together, the "**Applications**") to permit the redevelopment of the Property with a new residential development comprised of three buildings of 29, 25, and 20-storeys in height (from north to south), with a proposed residential gross floor area of approximately 56,483 square

metres, resulting in an FSI of 5.17, and a total of 892 dwelling units with 33 units proposed to be rental replacement as live-work and residential units (the “**Original Proposal**”).

The Applications were appealed to the Tribunal on May 30, 2022 (OLT-22-003932/OLT-22-003933) on the basis of City of Toronto (the “**City**”) Council’s refusal or neglect to make a decision on the Applications within the statutory timeline (the “**Planning Act Appeals**”).

On May 17, 2022, the City issued a notice of intention to designate the Property under Part IV of the *Ontario Heritage Act*, R.S.O 1990, c. O.18, as amended (the “**Heritage Act**”). On June 16, 2022, 221 Sterling filed an objection to the notice of intention to designate the Property. On August 15, 2022, City Council confirmed its intention to designate the Property and enacted By-law 1130-2022. 221 Sterling subsequently appealed the designation of the Property to the Tribunal on August 30, 2022 (the “**Heritage Appeal**”).

The Original Proposal has been the subject of extensive mediation efforts between 221 Sterling, the City and other parties to the Appeals, and has resulted in a number of changes to the proposal as appealed, including the conservation of various walls as outlined in the Heritage Permit. As a result of these discussions, our client is proposing to settle the Planning Act Appeals on the basis of numerous revisions to the Original Proposal. The proposed revisions and terms of such revisions are detailed in the offer to settle the Planning Act Appeals filed with the City on April 26, 2023, a copy of which is enclosed herewith as **Appendix “A”** (the “**Planning Act Appeals Offer to Settle**”).

As a product of further discussion with the City and at the request of City Staff, 221 Sterling submitted a heritage permit application on February 10, 2023 to permit alteration and removal on the Property pursuant to Section 33, Part IV of the *Ontario Heritage Act*, in accordance with the architectural plans and drawings prepared by Turner Fleischer Architects Inc. and dated February 1, 2023 and the accompanying Heritage Impact Assessment prepared by Goldsmith Borgal & Company Ltd. Architects, a copy of which is enclosed herewith as Appendix “D” of the Planning Act Appeals Offer to Settle (the “**Heritage Permit**”).

### **Offer to Settle the Heritage Designation Appeal**

221 Sterling agrees to withdraw the Heritage Appeal provided that the following two conditions are satisfied:

1. City Council approves the Heritage Permit, subject only to such terms and conditions that are acceptable to 221 Sterling (“**Condition No. 1**”); and,
2. City Council accepts the Planning Act Appeals Offer to Settle.

This Settlement Offer is open until May 13, 2023. In this regard, the Settlement Offer is being submitted for consideration by City Council at its meeting on May 10-12, 2023.

If the Settlement Offer is accepted and 221 Sterling confirms that Condition No. 1 above has been satisfied, 221 Sterling consents to the Settlement Offer and City Council's consideration thereof being made public.

Yours truly,  
**Overland LLP**

A handwritten signature in black ink, appearing to read "Daniel B. Arsenosi", is written over a horizontal line.

Per: Daniel B. Arsenosi  
Partner

Encl.