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June 30, 2022

Our File No.: 192653

Without Prejudice

Via Email

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

Attention: Daniel Elmadany and Laura Bissett

Dear Sirs/Mesdames:

Re: OLT-22-001933 - Sherway Area Secondary Plan – Without Prejudice Offer to Settle

As you know, we are the solicitors for Calloway REIT (Etobicoke) Inc., and Calloway REIT (Etobicoke-Index) Inc., the owners of the lands known municipally in the City of Toronto (the “City”) as 150 North Queen Street (also known as 162 North Queen Street) and 98 Index Road (collectively the “**Index Lands**”), as well as the lands known municipally in the City as 165-179 North Queen Street (the “**North Queen Lands**”).

We are writing on behalf of our client to provide a Without Prejudice settlement offer in respect to our clients’ appeals to Official Plan Amendment 469 (“**OPA 469**”), which should be considered as open until the end of Council’s meeting, which commences on **July 14, 2023**.

As you know, our client engaged in Tribunal-led mediation with City staff and other Without Prejudice discussions with City staff. These discussions have resulted in various modifications to OPA 469 that were approved by the Ontario Land Tribunal by its order dated September 9, 2022. Further discussions have resulted in other proposed modifications to OPA 469, which are attached to this letter as Schedule “A” (the “**Proposed Modifications**”). Our client greatly appreciates the efforts of City staff in achieving this proposed settlement to our clients’ appeal of OPA 469.

The terms of this Without Prejudice settlement offer are as follows:

1. The settlement offer is based on the Proposed Modifications.
2. The City would agree to an adjournment of our clients’ appeal with respect to the Index Lands *sine die*. As you may know, our clients submitted a conversion request to re-

designate the Index Lands. This conversion request, along with other requests considered as part of the City's Municipal Comprehensive Review process, is currently before the Minister of Municipal Affairs and Housing for a final decision.

As noted above, this Without Prejudice settlement offer will remain open until the end of Council's meeting, which commences on **July 14, 2023**, at which point it should be considered as withdrawn if not accepted by the City. We will await your confirmation that this letter resolves our clients' appeal of OPA 469.

Our client greatly appreciates the hard work of City staff that has enabled the presentation of this Without Prejudice offer to the City.

Please contact the undersigned if you have any questions.

Yours truly,

Goodmans LLP



Matthew Lakatos-Hayward
MLH/DB

**SCHEDULE A
PROPOSED MODIFICATIONS**

The Proposed Modifications would further amend Policy 5.9A of OPA 469, as follows (amendments shown for comparison)

- 5.9A *Despite Policy 5.9, residential and other sensitive land uses may be ~~considered~~ permitted on part of the lands designated Mixed Use Areas 'B' that are immediately abutting Mixed Use Areas 'A', where a sufficient non-residential land use buffer and/or separation from major transportation facilities is provided for in Mixed Use Areas 'B', and provided it has been demonstrated that:*
- 5.9.1 *the liveability of the proposed residential dwelling units and/or occupancy of other sensitive land uses will not be adversely impacted with respect to noise, odour, vibration and air quality, existing and planned adjacent land uses; and*
 - 5.9.2 *there is sufficient municipal servicing and transportation capacity to serve residential units proposed in Mixed Use Areas 'B'.*