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June 30, 2023

Our File No.: 201248

**WITHOUT PREJUDICE**

City of Toronto  
Metro Hall, 26<sup>th</sup> Floor  
55 John Street  
Toronto, ON M5V 3C6

**Attention: Mark Crawford, Solicitor, Legal Service Division**

Dear Sir:

**Re: OLT Case No. – OLT-22-002424 - 4121 Kingston Road  
City of Toronto File No. 21 138377 ESC 24 OZ  
Appeal of Zoning By-law Amendment Application pursuant to subsection 34(11) of  
the *Planning Act***

We are solicitors for Timbertrin (Guildwood) GP Inc. (the “**Owner**”) who are the owners of the property known municipally in the City of Toronto as 4121 Kingston Road (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 July 19, 2023.

As you know, our client engaged in without prejudice discussions with City staff and Metrolinx over the last several months with two mediation sessions regarding the redevelopment proposal for the Property. These discussions have resulted in revised plans and sections, prepared by IBI Group and dated May 25, 2023, which are attached to this letter (the “**Revised Plans**”). Please also find attached drawings and plans as follows:

- Revised Road Network prepared by LEA Consulting;
- Concept Servicing Plan prepared by Counterpoint; and,
- Soil Volume Calculations prepared by LandArt Design Landscape Architects Inc.

This without prejudice settlement offer will allow the road network around the Property, the access to the Guildwood Go station in particular, to be enhanced to great benefit of the surrounding community and transit users more generally. Specifically, this proposal has our client providing land to the City for public street creation or expansion on all four sides of the Property. The enhanced road network and public realm that will be achieved by this Proposal will include two new public streets running

north and south, a new connecting public street running east and west (Street D), and the expansion of the Kingston Road right of way. It will accommodate pedestrians and cyclists as well who seek to access the newly revitalized Guildwood Go Station, further unlocking government investment into transit infrastructure.

A portion of the revised road network is made up of lands currently owned by Metrolinx and that function as the driveway to the Guildwood Go Station. The Owner will work with Metrolinx and the City to deliver the enhanced road network as provided for in the Proposal and to be further refined in the future plan of subdivision discussed below. With respect to Street D, the Proposal provides for an interim condition with a future condition that might be realized at a time where there is development on the lands to the south of the Property.

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), followed by a draft plan of subdivision. A complete subdivision application will be submitted prior to the submission of any individual site plan applications for the site proceeding.
2. The Revised Plans implement the following matters:
  - a. Two mixed use midrise buildings fronting Kingston Road that are 12 and 13 storeys respectively with ground floor retail uses, and residential uses above, with stepbacks as shown on the Revised Plans.
  - b. Two residential towers that are 29 and 38 storeys respectively, with ground floor retail uses, and residential uses above, with stepbacks as shown on the Revised Plans.
  - c. The two residential towers have 6 storey podiums with a maximum height of 24.4 metres.
  - d. The Revised Plans provide for 1029 residential units in total, 3,548 square metres of retail space, and 481 parking spaces within the buildings.
  - e. Total amenity space of 4,224 square metres is provided with 2,071 being indoor amenity space.
  - f. There is an enhanced landscape area of approximately 388 square metres that is immediately adjacent to the proposed public park. The enhanced landscape area will be a privately-owned publicly accessible open space within the site which our client is committed to working with City staff to secure through use and performance standards in the zoning by-law amendment.

- g. A park of approximately 719 square metres, located immediately to the east of building D and to the north of anticipated future tower redevelopment satisfying a portion of the parkland dedication requirement, to be conveyed as a component of the registration of Plan of Subdivision. The parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements.
- h. A cash-in-lieu payment will be made prior to the issuance of the first above-ground building permit to satisfy any parkland dedication shortfall.

This proposal delivers much needed housing near higher order transit, improves the public realm and public infrastructure in very important ways, and delivers public parkland for the community. We hope that City staff and City Council receive this proposal well.

To facilitate the ultimate redevelopment of the Property in accordance with the Revised Plans, our client will be making a future application for a plan of subdivision. It is anticipated and understood that development in accordance with the Revised Plans will required Draft Plan Approval for a Plan of Subdivision, securing conditions, providing for amongst other things as appropriate; a new street network within the site, on-site parkland dedication, and off-site improvements as deemed appropriate, all of which will be addressed in the future application for a plan of subdivision.

The underground parking proposed in the Revised Plans includes a small portion of parking located within the City's current right of way and will require Council approval to sell those surplus lands to the Owner or be part of a land exchange with the City. This offer is contingent on a correspondingly lower parking ratio being permitted until the City has completed its process of evaluating the surplus lands proposed to form part of the parking structure in the Revised Plans.

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:

- a) the form and content of the Zoning By-law Amendment, that includes a Holding provision pursuant to section 36 of the Planning Act that will be lifted when the new public street and servicing internal to the site, and any required external infrastructure, are secured in an agreement, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the owner has addressed the major outstanding issues raised by Engineering and Construction Services in their memo dated June 8, 2021 as they relate to the Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- c) The Conceptual Servicing Plan shows the existing storm drainage patters are altered in post-development. The Owner has conducted downstream storm sewer capacity analysis and overland flow route capacity analysis to justify the alteration;

- d) Transportation Services has confirmed that the proposed transportation impact, parking and loading are acceptable;
- e) the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review in their memo dated June 8, 2021 as they relate to the Zoning By-law amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review and the owner has submitted a revised Landscape Plan and/or Tree Inventory and Preservation Plan Report and that Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
- f) the owner has addressed the comments from the TTC in their letter dated June 1, 2021.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on July 19, 2023, at which point it should be considered as withdrawn if not accepted by City Council. If the settlement is accepted by City Council, the Owner consents to the public release of this letter and the Revised Plans.

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**



Rodney Gill  
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