



Eileen Costello  
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E-mail: [ecostello@airdberlis.com](mailto:ecostello@airdberlis.com)

June 23, 2023

Our File No. 152245

BY EMAIL

Ray Kallio & Colin Dougherty  
City of Toronto, Legal Services  
Metro Hall, 26th Floor  
55 John Street  
Toronto ON, M5V 3C6

Dear Messrs. Kallio and Dougherty:

**Re: OLT-22-002141, OLT-22-002142 & OLT-22-003090  
294, 296, 298 & 300 Sherbourne Street  
With Prejudice Settlement Proposal - Addendum**

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Aird & Berlis LLP represents MPI Sherbourne Inc. with respect to its property located at 294, 296, 298 and 300 Sherbourne Street (the "Site") and the above-noted Ontario Land Tribunal ("OLT") appeals.

We provide this correspondence as an addendum to our with prejudice settlement offer letter dated June 12, 2023, which is enclosed.

Following further discussions with yourselves and City staff, our client is prepared to increase the proposed north and west setbacks in order to ensure a full 10 metre setback measured from the residential property lines abutting the lanes to the north and west of the Site. Accordingly, the further revised proposal reflected in the revised plans provides:

- a total gross floor area (GFA) of 12,920 m<sup>2</sup>;
- indoor and outdoor amenity area of 1,536 m<sup>2</sup> and 377.3 m<sup>2</sup>, respectively (with a total of 1,914.2 m<sup>2</sup> of amenity area to be provided); and
- building setbacks as follows:
  - to the north: 10.0 m from the closest residential property line to the north to the face of the tower at levels 5-17;
  - to the east: approximately 4.0 m for levels 1-4 (accounting for the varied property line) to align with adjacent heritage properties and 14.0 m for levels 5-17;
  - to the south: 1.0 m for levels 1-4 and 10.0 m from the Site's southern property line to the face of the tower;
  - to the west: 10.0 m from the closest residential property line to the west to the face of the tower at levels 5-17; and

**June 23, 2023**

**Page 2**

- tower floorplates of approximately 637 m<sup>2</sup> (Gross Construction Area, "GCA") for levels 4-17 and approximately 429 m<sup>2</sup> GCA for levels 18-20.

As you are aware the revised proposal has been purposefully designed to respond to the housing needs of the community, and in particular the stated need for increased student housing. The precise nature and layout of suites is anticipated to evolve through the site plan approval process and, as such, there is no fixed unit count or layout at this time.

In support of this revised with prejudice settlement offer, we provide the following:

1. Architectural plans illustrating the further revised proposal, including shadow study and 3D Massing Models, prepared by Superkül Inc. dated June 21, 2023; and
2. Further revised Heritage Impact Assessment prepared by ERA Architects Inc. dated June 23, 2023.

### **Implementation**

Based on our discussions with you, we understand that this with prejudice settlement offer will form the basis of a report to Council at the meeting commencing on July 19, 2023. In the event that Council does not accept our client's settlement offer, our client will proceed to prepare for the hearing scheduled to begin on September 18, 2023 based on the attached architectural plans.

Should the Tribunal grant our client's appeal and approved the Revised Proposal, any Final Order will be conditional upon our client receiving a permit pursuant to Section 42 of the *Ontario Heritage Act*.

Thank you for your ongoing assistance and cooperation in resolving these matters. We would be happy to discuss any questions regarding the above or enclosed.

Yours truly,

AIRD & BERLIS LLP



Eileen Costello

EPKC/MTB

Encl.

- c. Peter Smith/Courtney Heron-Monk, Bousfields Inc.  
Philip Evans/Emily Collins, ERA Architects Inc.  
Client

53418521.2

**AIRD BERLIS**

June 12, 2023

Our File No. 152245

BY EMAIL

***WITH PREJUDICE***

Ray Kallio & Colin Dougherty  
City of Toronto, Legal Services  
Metro Hall, 26th Floor  
55 John Street  
Toronto ON, M5V 3C6

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294, 296, 298 & 300 Sherbourne Street  
With Prejudice Settlement Proposal**

---

As you are aware, Aird & Berlis LLP represents MPI Sherbourne Inc. with respect to its property located at 294, 296 and 298 Sherbourne Street and the above-noted Ontario Land Tribunal (“OLT”) appeals. Our client has recently also acquired the adjacent property to the north at 300 Sherbourne Street.

**Background**

On July 2, 2021, Bousfields Inc. submitted applications for an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) to permit the development of a 10-storey student residence building at 294, 296 and 298 Sherbourne Street. The July 2021 proposal contemplated 178 student beds, the majority of which were proposed as studio style units, in addition to 25 two-bedroom units.

In addition to the Official Plan Amendment and rezoning applications, an application was submitted pursuant to Section 42(1) of the *Ontario Heritage Act* to permit the erection of a new building within the Garden District Heritage Conservation District (HCD).

Our client appealed its OPA and ZBA applications to the OLT on January 14, 2022 based on Council’s failure to render a decision within the statutory timeframe pursuant to subsections 22(7) and 34(11) of the *Planning Act*. Our client filed an additional appeal on the basis of Council’s refusal to approve the application submitted under the *Ontario Heritage Act* on April 6, 2022. These three appeals have been consolidated and are scheduled to be heard together at a three week hearing commencing on September 18, 2023.

On January 12, 2023, Planning Staff facilitated a virtual community consultation meeting which was attended by local residents. Attendees at this meeting expressed strong support for additional student housing as well as support for additional height and density beyond what was proposed.

Our client has since been engaged in discussions with Planning staff to revise the proposal and implement the feedback from the community. Flowing from these discussions, the development site has been expanded to include the 300 Sherbourne Street property. This change has permitted a redesign of the proposal, which is explained in detail below.

### Revised Proposal

Further to our recent discussions with yourself and Planning staff, we are pleased to provide you with the enclosed revised plans, prepared by Superkül Inc. dated June 9, 2023 on behalf of our client (the “Revised Proposal”).

The Revised Proposal makes a number of modifications to the July 2021 proposal, including:

- Expansion of the development site to include the property at 300 Sherbourne Street, which results in an overall new site area of approximately 1,848 sq. m.;
- An increase in the number of student beds from 178 beds to 423 beds;
- A significantly higher number of larger, more affordable 2-bedroom and 4-bedroom student units, with the proposed unit mix as follows:
  - 107 studio beds (25%)
  - 120 2-bedroom beds (60 units) (28%)
  - 196 4-bedroom beds (49 units) (46%)
- An increase in building height from 10-storeys to 20-storeys, with no proposed shadow on Allan Gardens;
- An increase to the gross floor area (GFA) by 8,967 sq. m., for a total GFA of 14,217 sq. m.;
- A larger, reconfigured floor plate to accommodate the larger units, with successive step-backs that ensure appropriate transition to adjacent *Neighbourhoods*;
- An overall increase in indoor and outdoor amenity space (an increase of 416 sq. m. and 126 sq. m., respectively);
- An increase to the visitor parking (from 2 spaces to 4 spaces), as well as 110 additional bicycle parking spaces to accommodate the increased unit and bed count; and
- Integration and retention of the front portion of the building at 300 Sherbourne Street, which will appropriately address the relationship between this heritage resource and the proposed student residence building, in accordance with the Garden District HCD Plan.

The plans depicting the Revised Proposal are being provided to you on a **with prejudice basis** in an effort to resolve, in full, the City’s issues related to our client’s development appeals.

In support of this with prejudice settlement offer please find enclosed:

1. Resubmission Cover Letter prepared by Bousfields Inc. dated June 12, 2023;
2. A Completed City of Toronto Development Approval Resubmission form for the OPA and rezoning application;
3. Owner Authorization Form for 300 Sherbourne Street;
4. A completed *Project Data Sheet*;
5. Architectural plans illustrating the Revised Proposal, including shadow study and 3D Massing Models, prepared by Superkül Inc. dated June 9, 2023;
6. Planning and Urban Design Rationale Addendum Letter prepared by Bousfields Inc. dated June 12, 2023;
7. Revised Heritage Impact Assessment prepared by ERA Architects Inc. dated June 9, 2023, 2023;
8. Transportation Impact Study Addendum prepared by LEA Consulting Ltd. dated June 12, 2023;
9. Revised draft Official Plan Amendment prepared by Bousfields Inc.; and
10. Revised draft Zoning By-law Amendment prepared by Bousfields Inc.

### **Implementation**

Based on our discussions with you, we understand that this with prejudice settlement offer will form the basis of a report to Council at the meeting commencing on July 19, 2023. In the event that Council does not accept our client's settlement offer, our client will proceed to prepare for the hearing scheduled to begin on September 18, 2023.

Should the Tribunal grant our client's appeal and approved the Revised Proposal, any Final Order will be conditional upon our client receiving a permit pursuant to Section 42 of the *Ontario Heritage Act*.

Thank you for your ongoing assistance and cooperation in resolving these matters. We would be happy to discuss any questions regarding the above or enclosed.

**June 12, 2023**  
**Page 4**

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "Eileen Costello". The signature is fluid and cursive, with the first name being more prominent.

Eileen Costello

EPKC/MTB

Encl.

c. Peter Smith, Bousfields Inc.  
Philip Evans, ERA Architects Inc.  
Client

53330224.1

AIRD BERLIS



# HOEM2



PERSPECTIVE VIEW FROM SHERBOURNE TOWARDS ENTRANCE

## CLIENT PROJECT ADDRESS

**MPI Group Inc**  
11 Church Street, Suite 200  
Toronto ON, M5E 1W1

**294 - 300 SHERBOURNE STREET**  
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**TRAFFIC**  
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DRAWING NUMBER	DRAWING TITLE
A-000	COVER SHEET
A-001	SURVEY
A-010	PROJECT STATISTICS
A-020	GFA DIAGRAMS PER ZBL 569-2013
A-031	PERSPECTIVE VIEWS - BUILDING
A-032	PERSPECTIVE VIEWS - COURTYARD
A-040	SHADOW STUDY - MARCH 21
A-041	SHADOW STUDY - SEPTEMBER 21
A-042	SHADOW STUDY - DECEMBER 21
A-050	SITE PLAN
A-101	FLOOR PLAN - BASEMENT
A-102	GROUND FLOOR PLAN
A-103	L02 FLOOR PLAN
A-104	L03 FLOOR PLAN
A-105	L04 FLOOR PLAN
A-106	TYPICAL TOWER PLAN - L05-L17
A-110	TYPICAL UPPER TOWER PLAN - L18-L20
A-111	ROOF PLAN
A-200	BUILDING ELEVATION - SOUTH
A-201	BUILDING ELEVATION - EAST
A-202	BUILDING ELEVATION - NORTH
A-203	BUILDING ELEVATION - WEST
A-210	PARTIAL ELEVATIONS - 300 SHERBOURNE
A-300	BUILDING SECTION - NORTH/SOUTH
A-301	BUILDING SECTION - WEST/EAST



1 CONTEXT PLAN  
1:1000

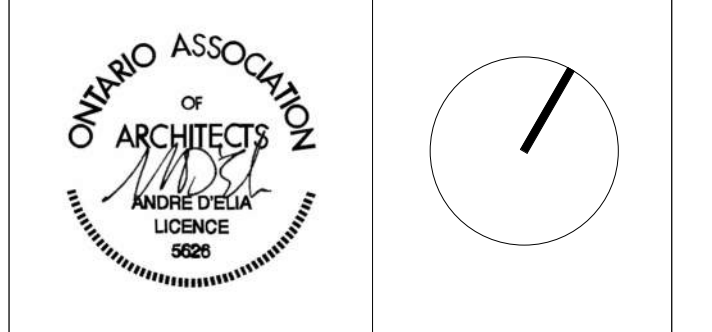
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**superkul**

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No.	Date	Issue/Revision
2	June 21, 2023	Issued for ZAA
1	May 3, 2021	Issued for ZAA



**HOEM2**  
294-300 Sherbourne Street  
Toronto

Title:  
**COVER SHEET**

Project No. 1933 Scale 1:1000  
Drawing No.

**A-000**



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**Gross Floor Area (ZBL 569-2013)**

- Gross Floor Area (GFA)
- 569-2013 exclusion

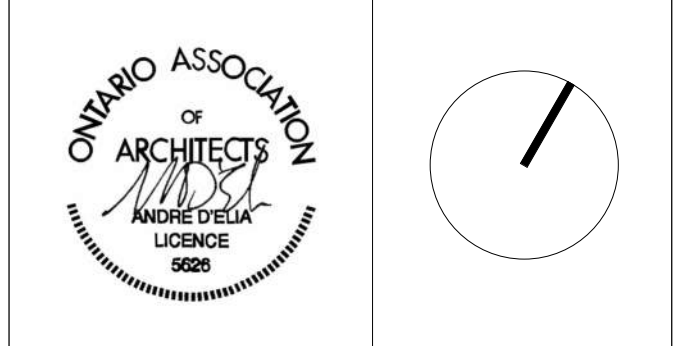
\*Gross Floor Area Calculations for an Apartment Building in the Commercial Residential Zone Category per ZBL 569-2013, Section 40.5.40.40 (5).

In the Commercial Residential Zone category the gross floor area of an apartment building is reduced by the area in the building used for:

- (A) parking, loading and bicycle parking below-ground;
- (B) required loading spaces at the ground level and required bicycle parking spaces at or above ground;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (D) shower and change facilities required by this By-law for required bicycle parking spaces;
- (E) amenity space required by this By-law;
- (F) elevator shafts;
- (G) garbage shafts;
- (H) mechanical penthouse; and
- (I) exit stairwells in the building.

2 June 21, 2023 Issued for ZAA  
1 May 3, 2021 Issued for ZAA

No.	Date	Issue/Revision

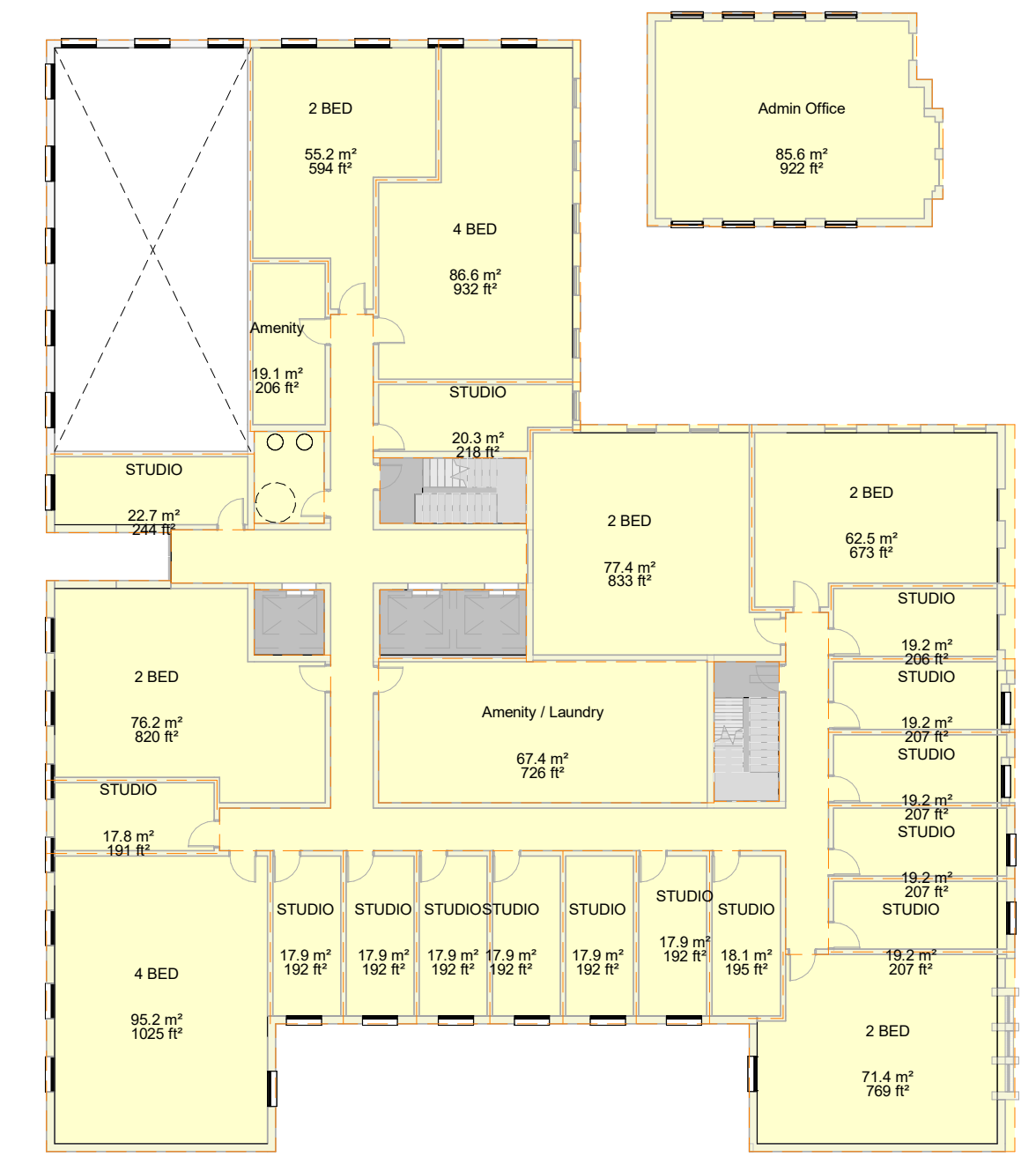


**HOEM2**  
294-300 Sherbourne Street  
Toronto

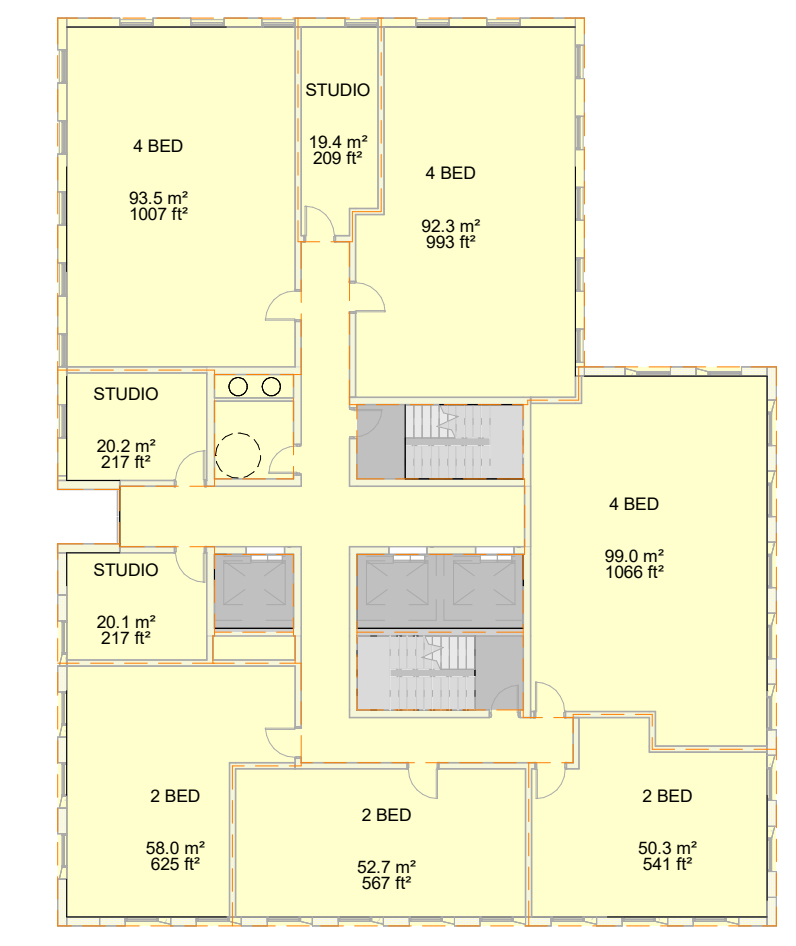
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Project No. 1933	Scale As indicated
Drawing No.	

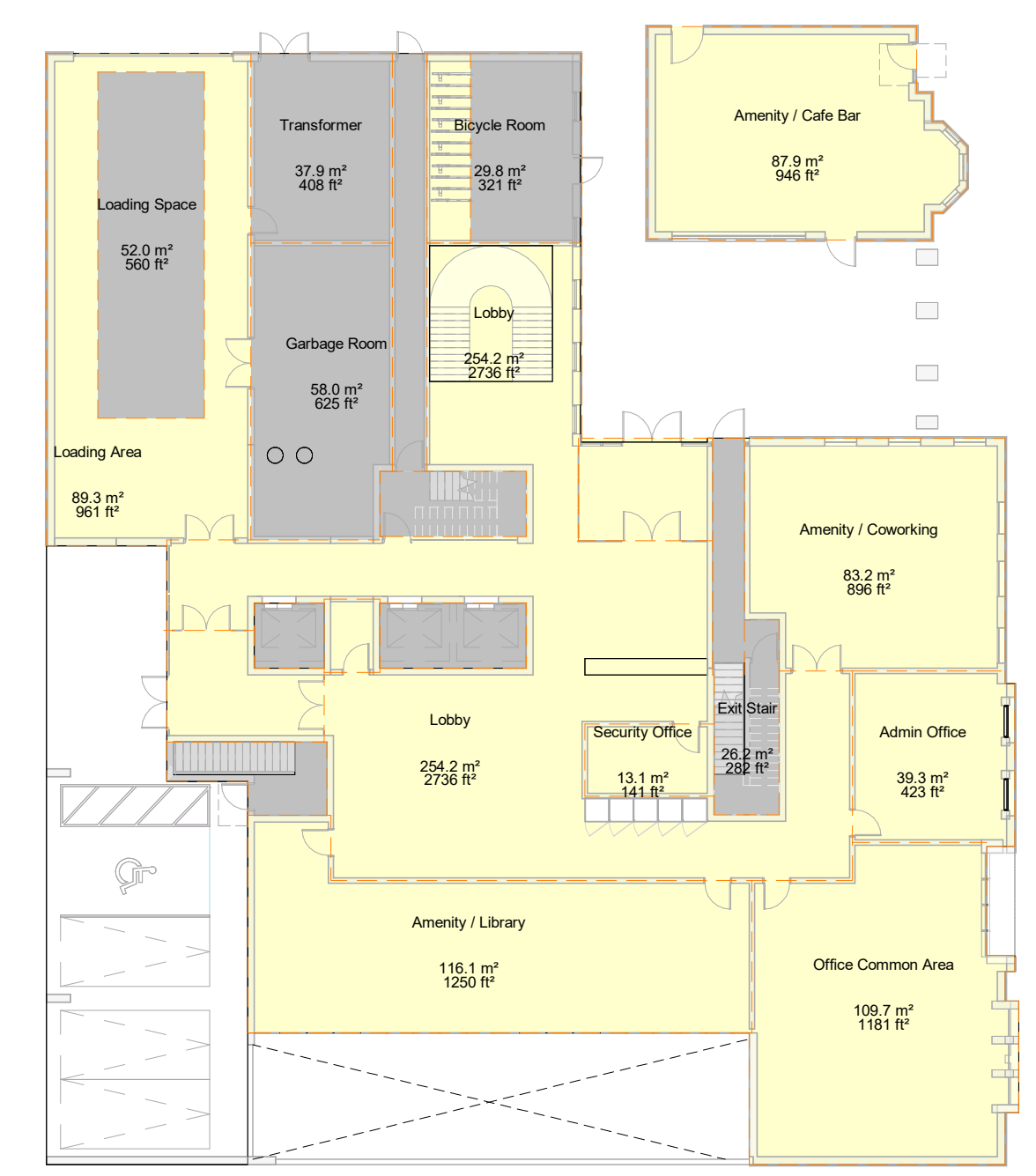
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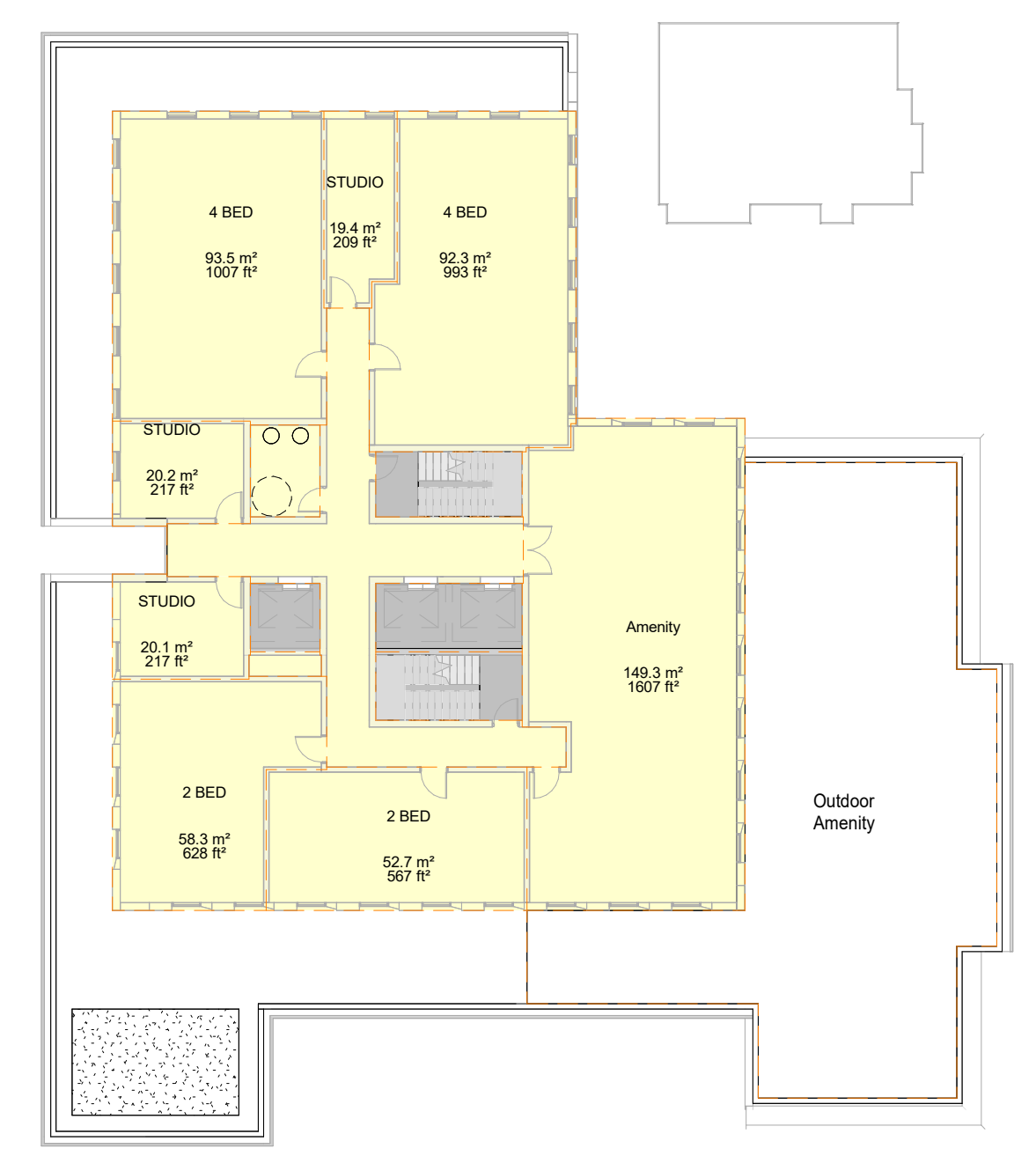
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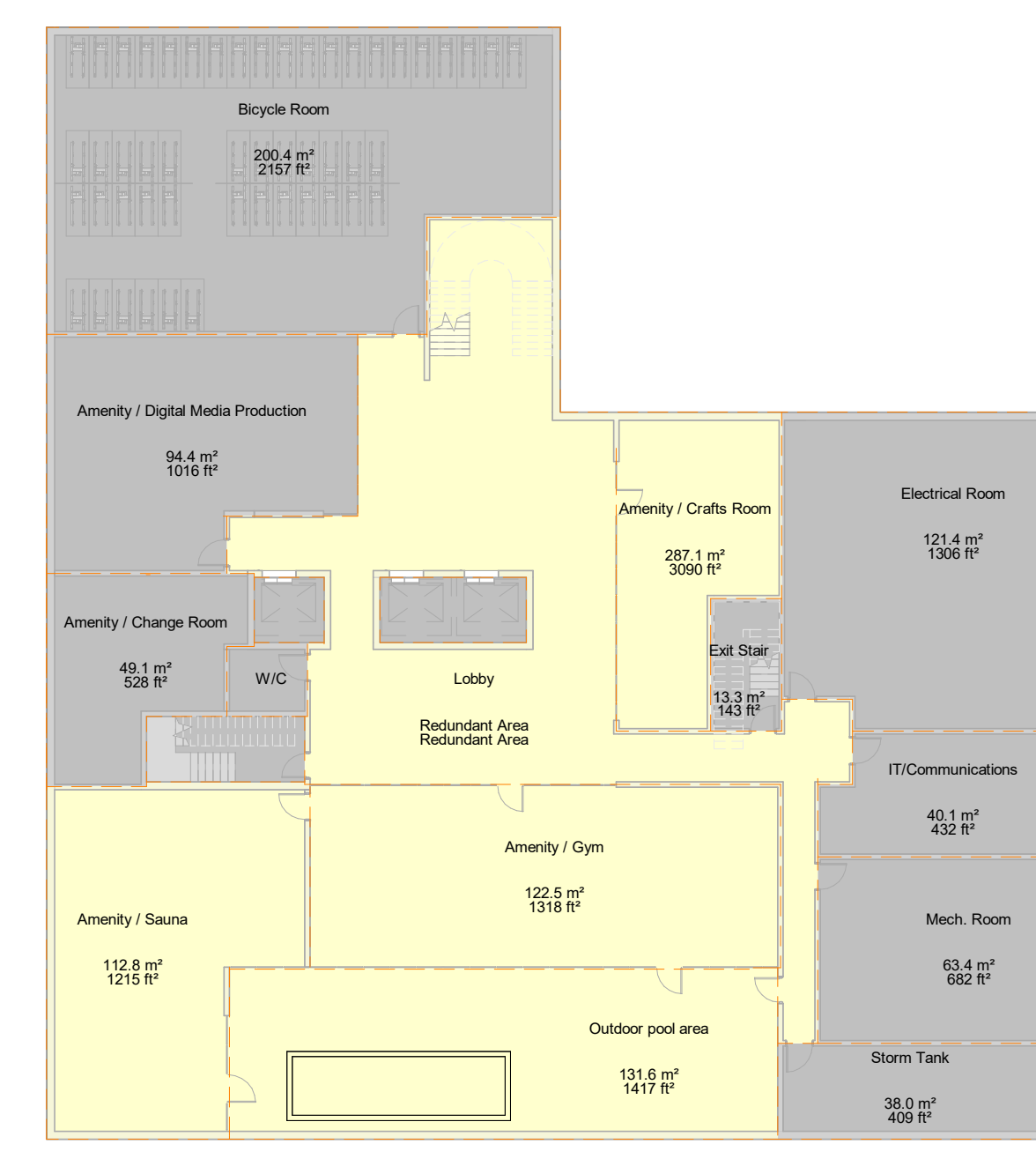
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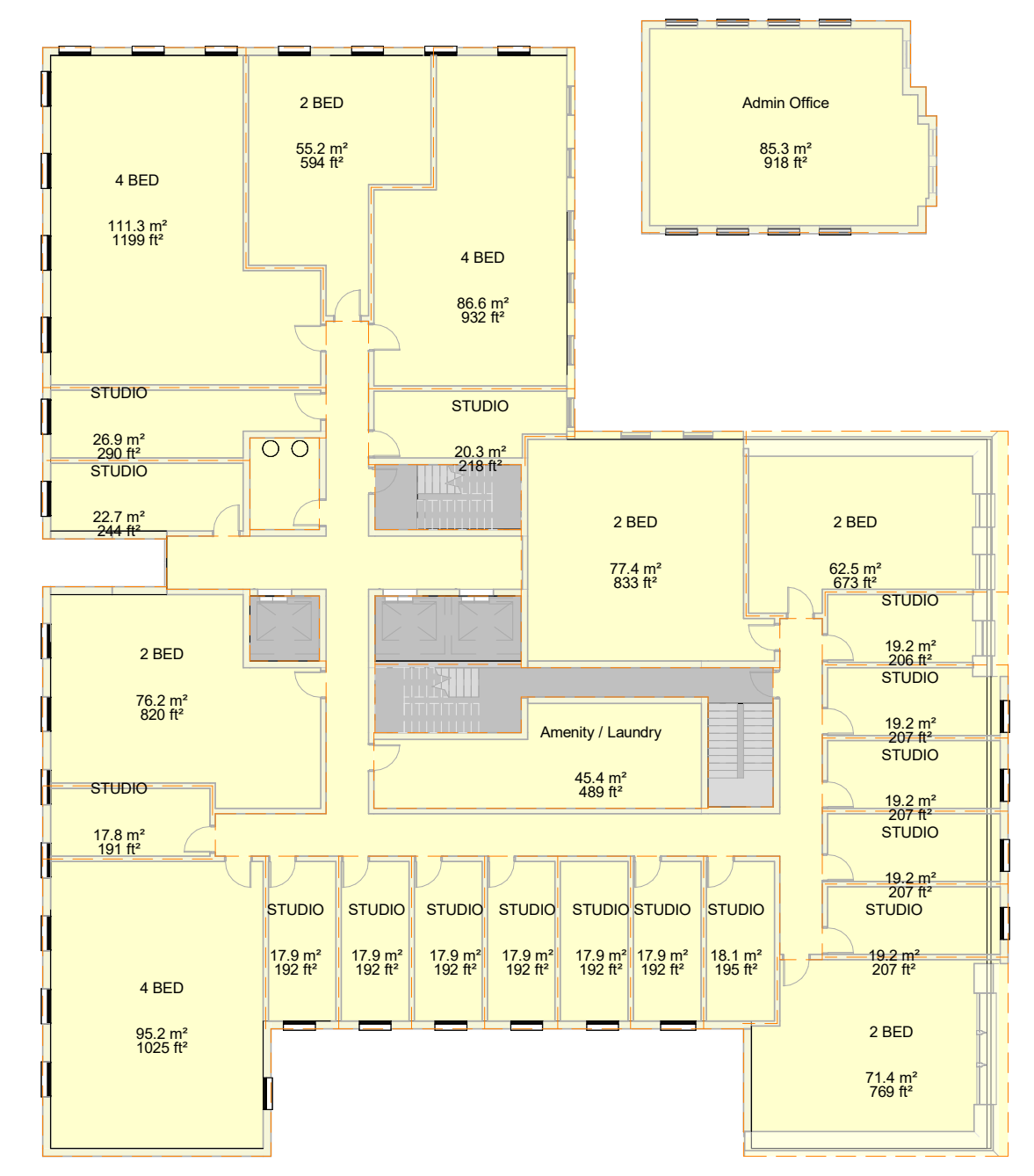
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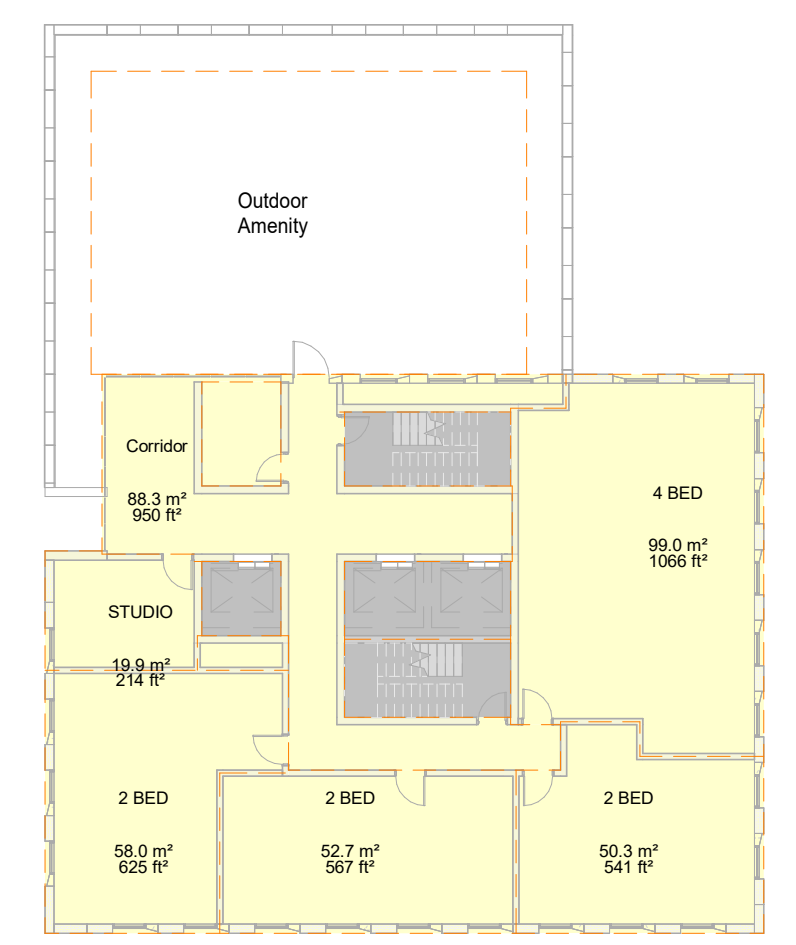
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1 569 BASEMENT PLAN  
1: 250



4 569 Level 3  
1: 250



7 569 Levels 18-20  
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NORTH EAST AERIAL VIEW FROM SHERBOURNE ST.



SOUTH WEST AERIAL VIEW FROM PEMBROKE ST.



SOUTH EAST STREET VIEW FROM SHERBOURNE ST.



NORTH EAST STREET VIEW FROM SHERBOURNE ST.

2	June 21, 2023	Issued for ZAA
1	May 3, 2021	Issued for ZAA

No.	Date	Issue/Revision
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**HOEM2**  
294-300 Sherbourne Street  
Toronto

Title:  
**PERSPECTIVE VIEWS -  
BUILDING**

Project No. 1933    Scale  
Drawing No.

**A-031**

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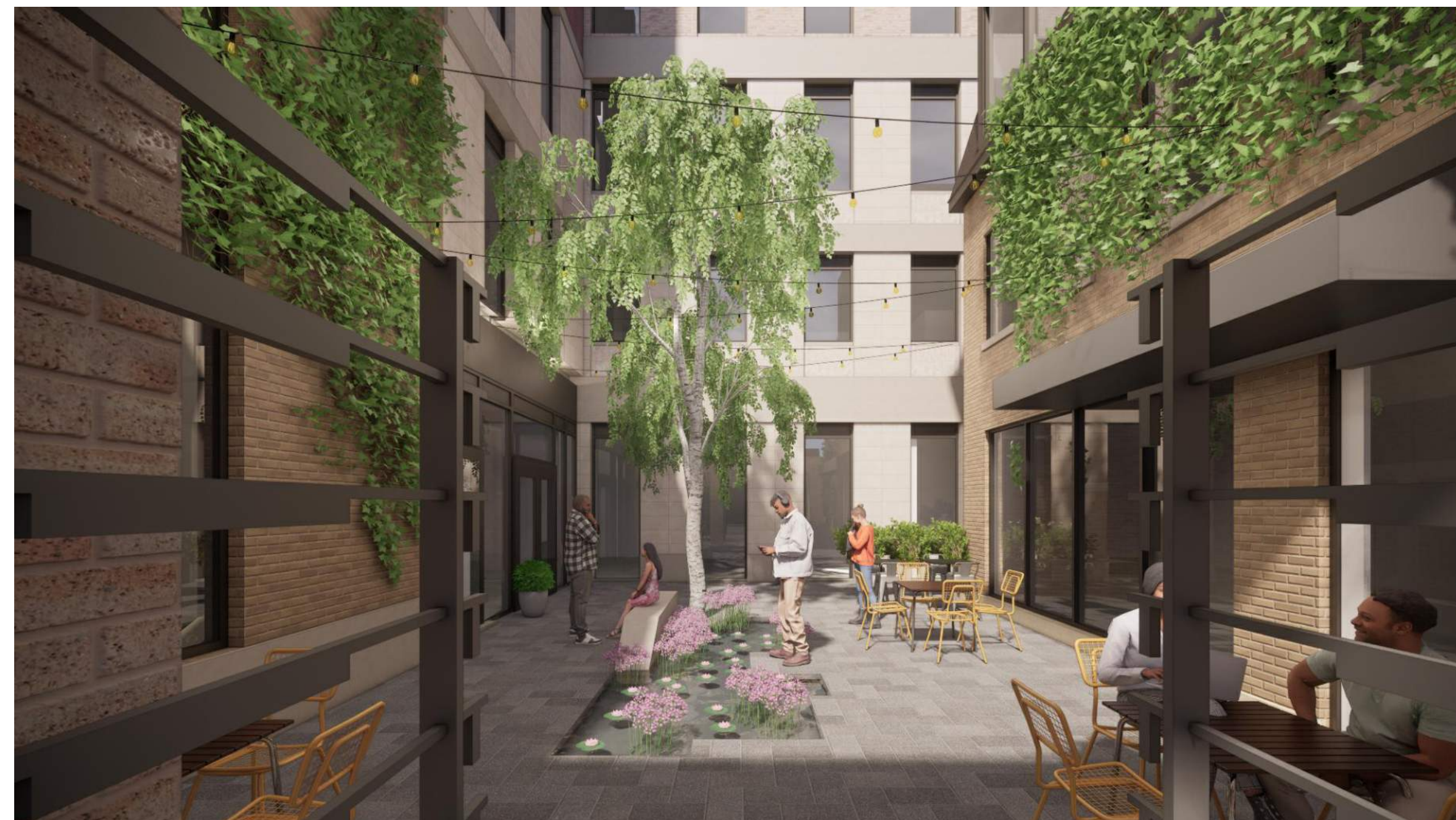




PUBLIC REALM BIRD'S EYE VIEW



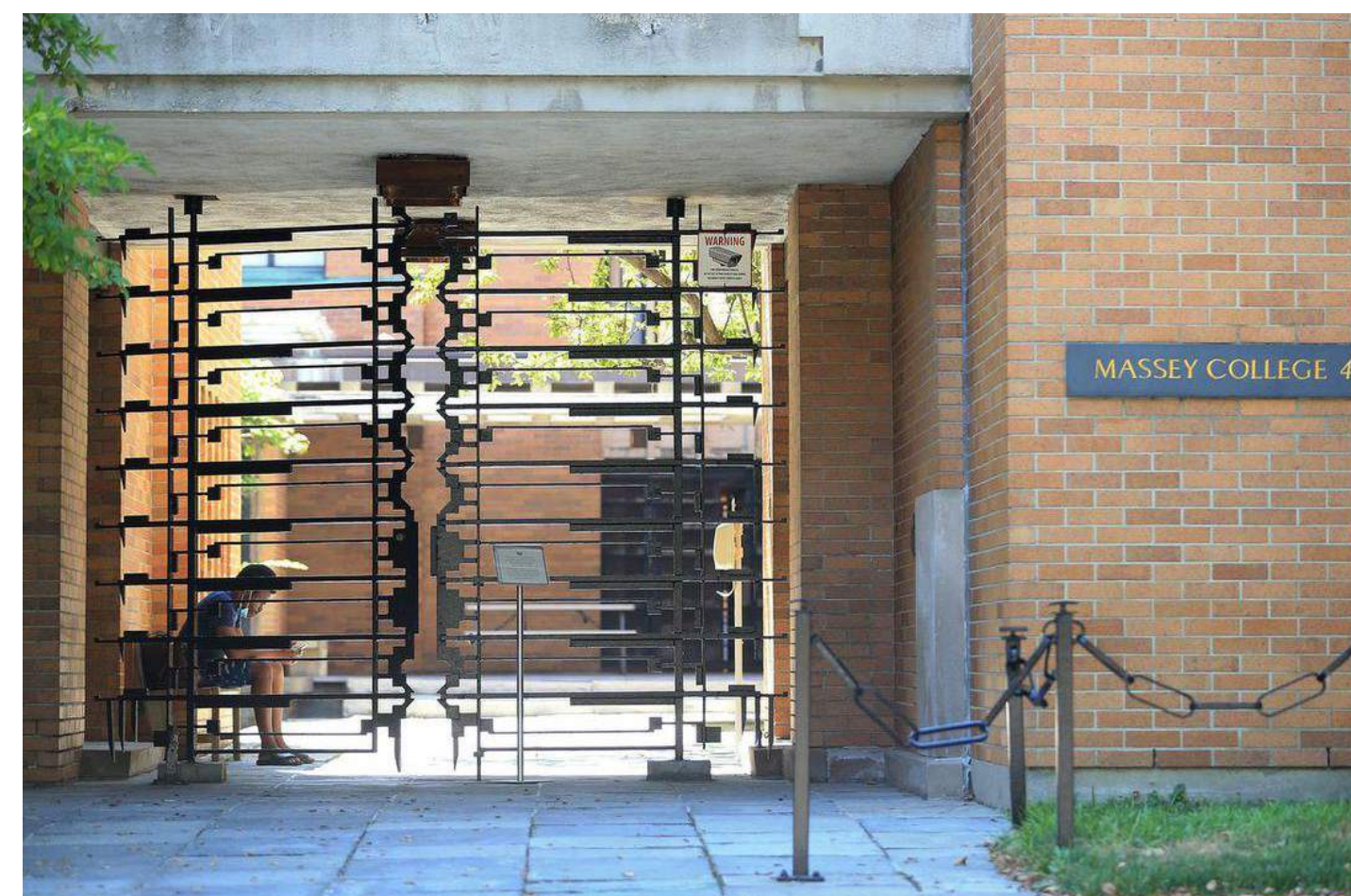
COURTYARD VIEW FROM EAST



COURTYARD VIEW FROM ENTRANCE GATE



COURTYARD VIEW BIKE ROOM



COURTYARD PRECEDENT - MASSEY COLLEGE



COURTYARD PRECEDENT - MONTCREST SCHOOL



COURTYARD PRECEDENT - GREEN SPACE

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HOEM2  
294-300 Sherbourne Street  
Toronto

Title:  
PERSPECTIVE VIEWS -  
COURTYARD

Project No. 1933 Scale  
Drawing No.

**A-032**

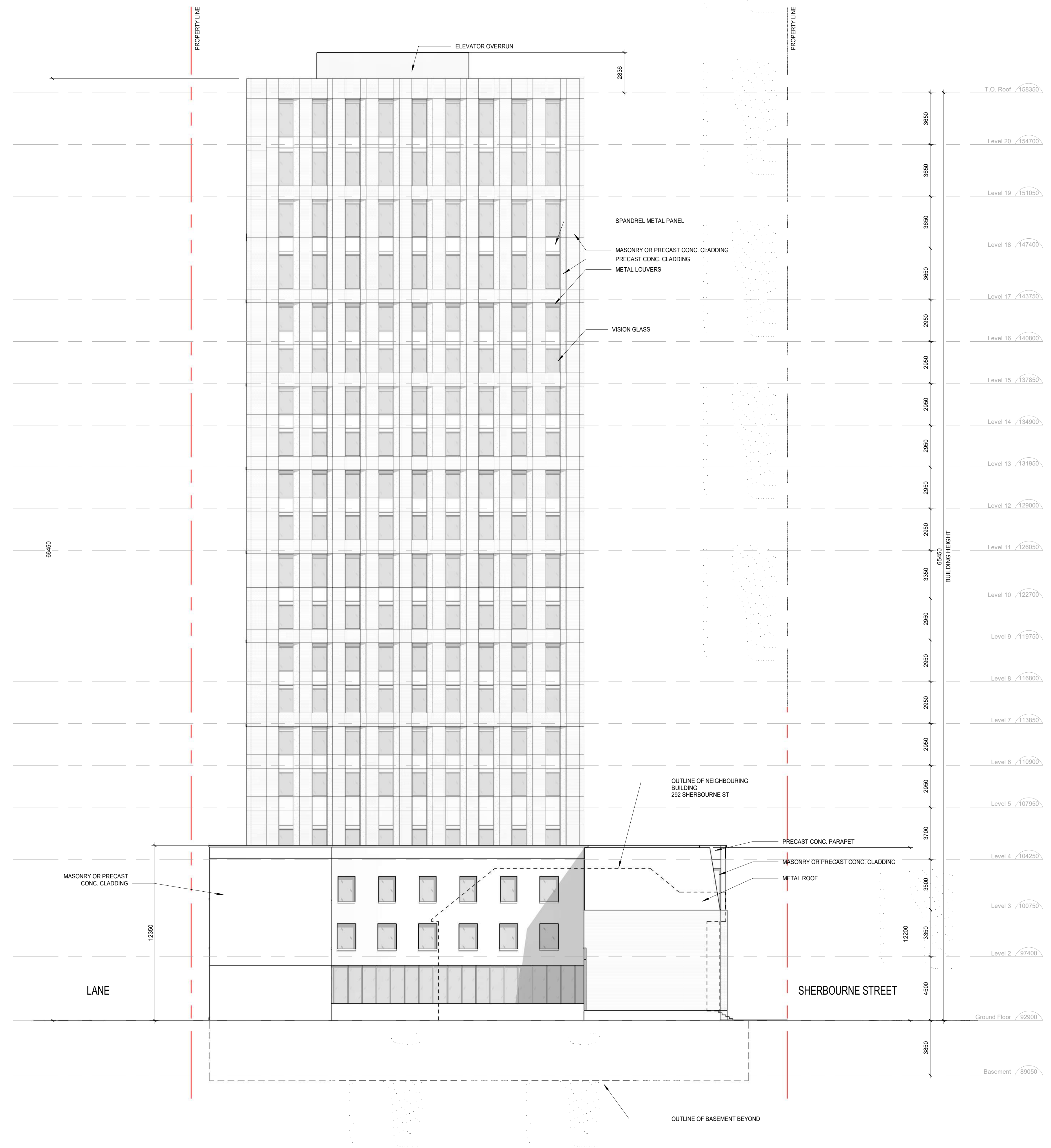


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2	June 21, 2023	Issued for ZAA
1	May 3, 2021	Issued for ZAA

No.	Date	Issue/Revision
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**HOEM2**  
294-300 Sherbourne Street  
Toronto

Title:  
**BUILDING ELEVATION - SOUTH**

Project No. 1933    Scale 1 : 150

Drawing No.

**A-200**

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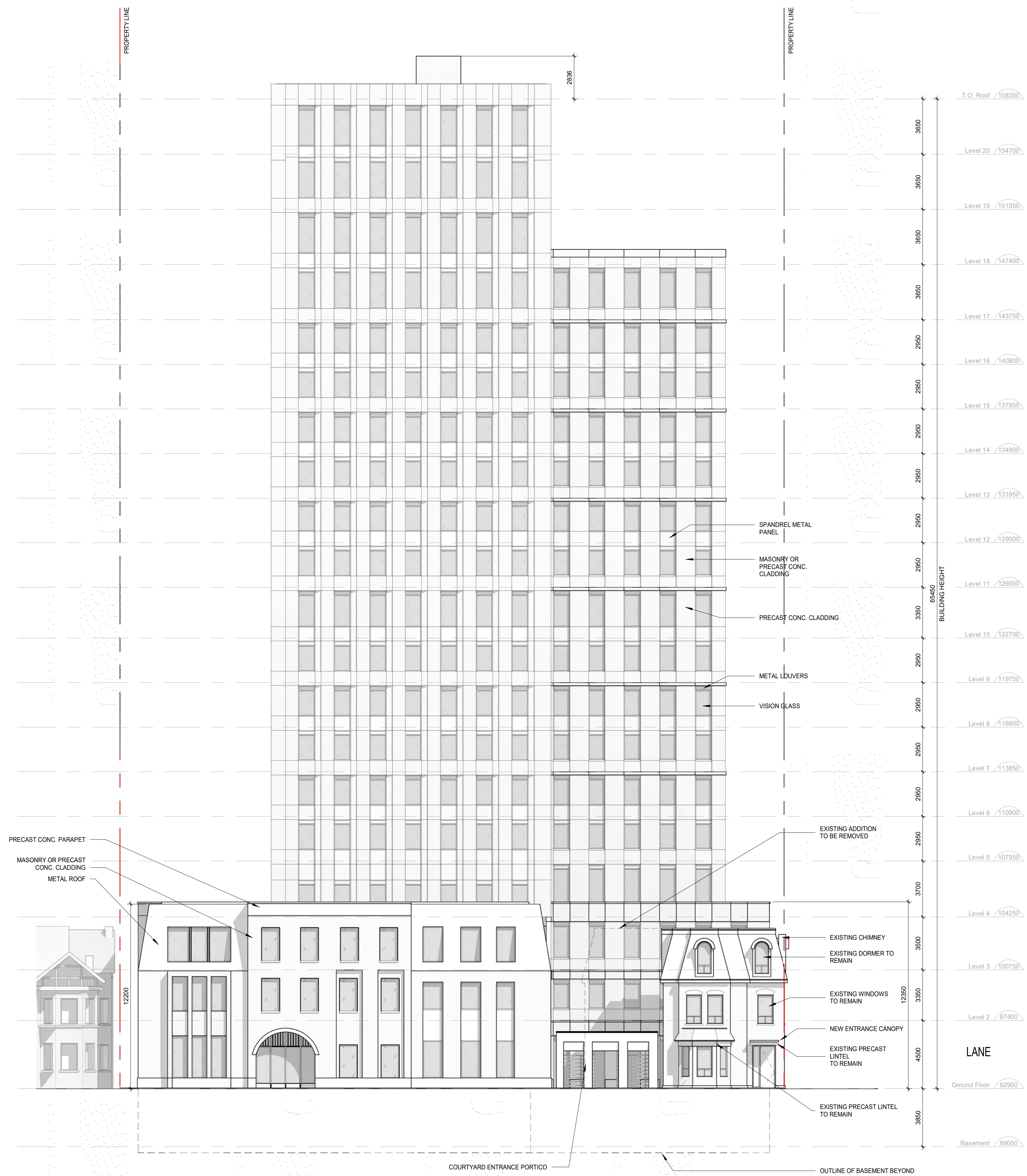


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No.	Date	Issue/Revision
2	June 21, 2023	Issued for ZAA
1	May 3, 2021	Issued for ZAA



**HOEM2**  
294-300 Sherbourne Street  
Toronto

Title:  
**BUILDING ELEVATION - EAST**

Project No. 1933 | Scale 1 : 150  
Drawing No.

**A-201**

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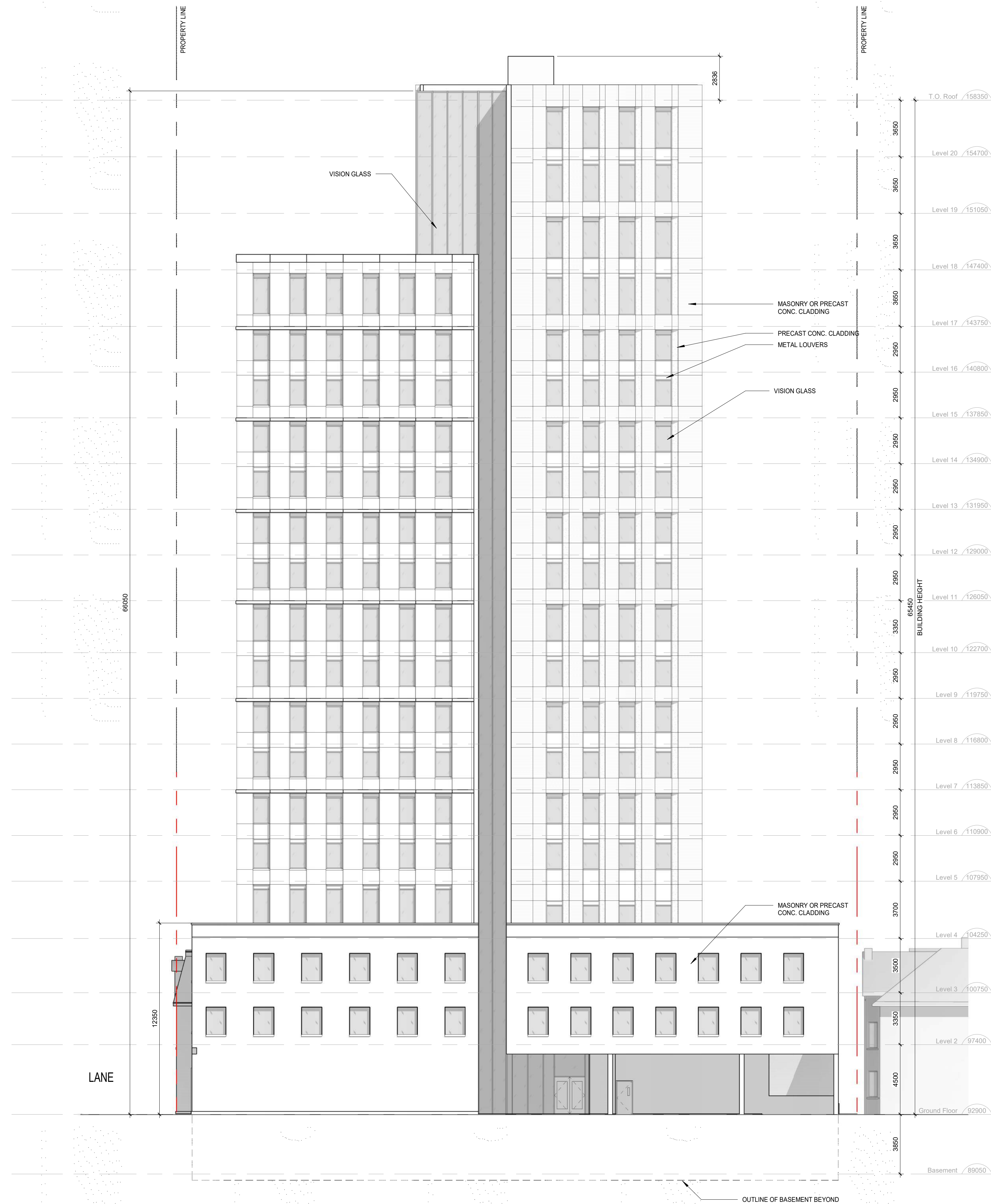


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No.	Date	Issue/Revision
2	June 21, 2023	Issued for ZAA
1	May 3, 2021	Issued for ZAA



**HOEM2**  
294-300 Sherbourne Street  
Toronto

Title:  
**BUILDING ELEVATION - WEST**

Project No. 1933    Scale 1 : 150  
Drawing No.

**A-203**

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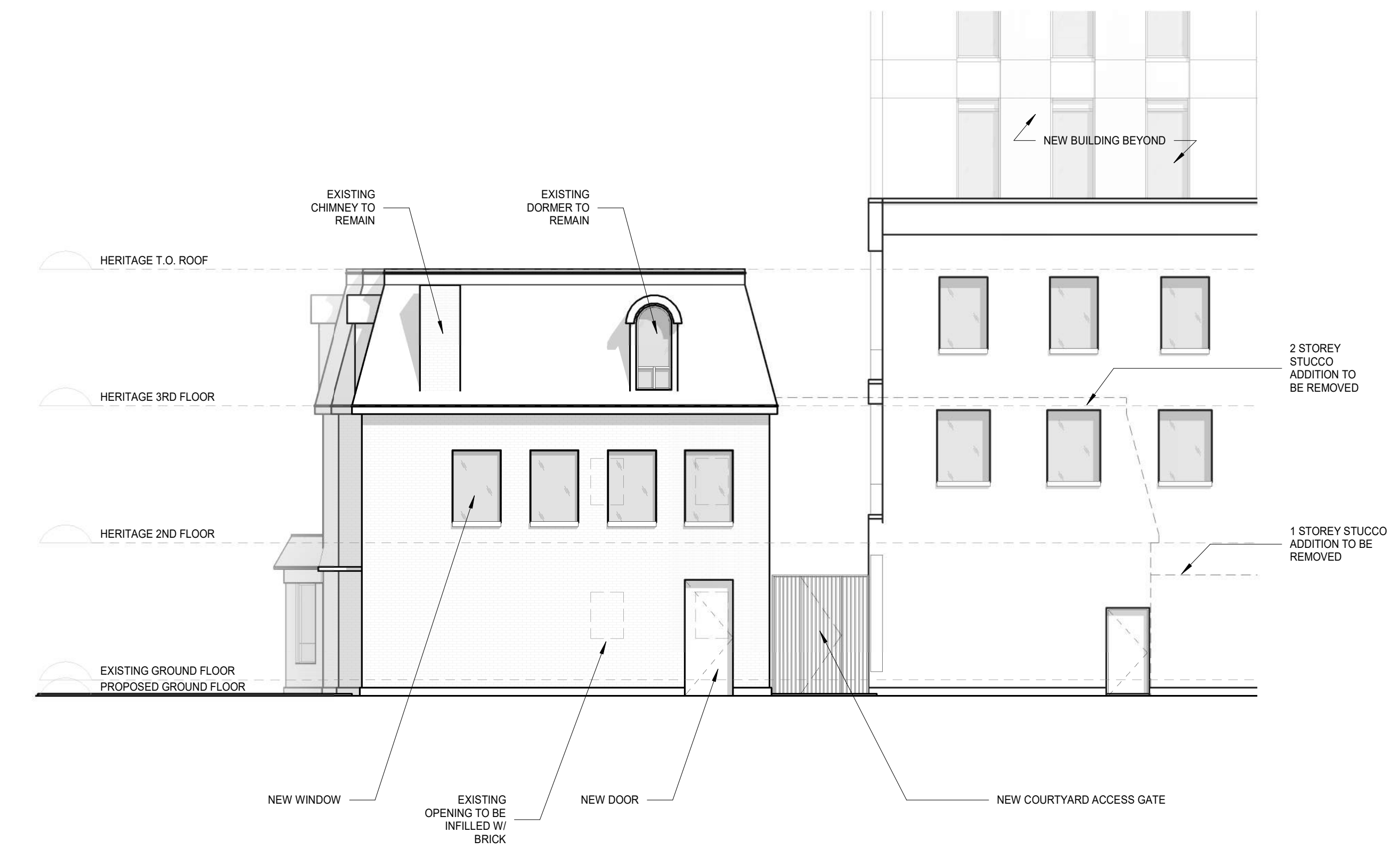


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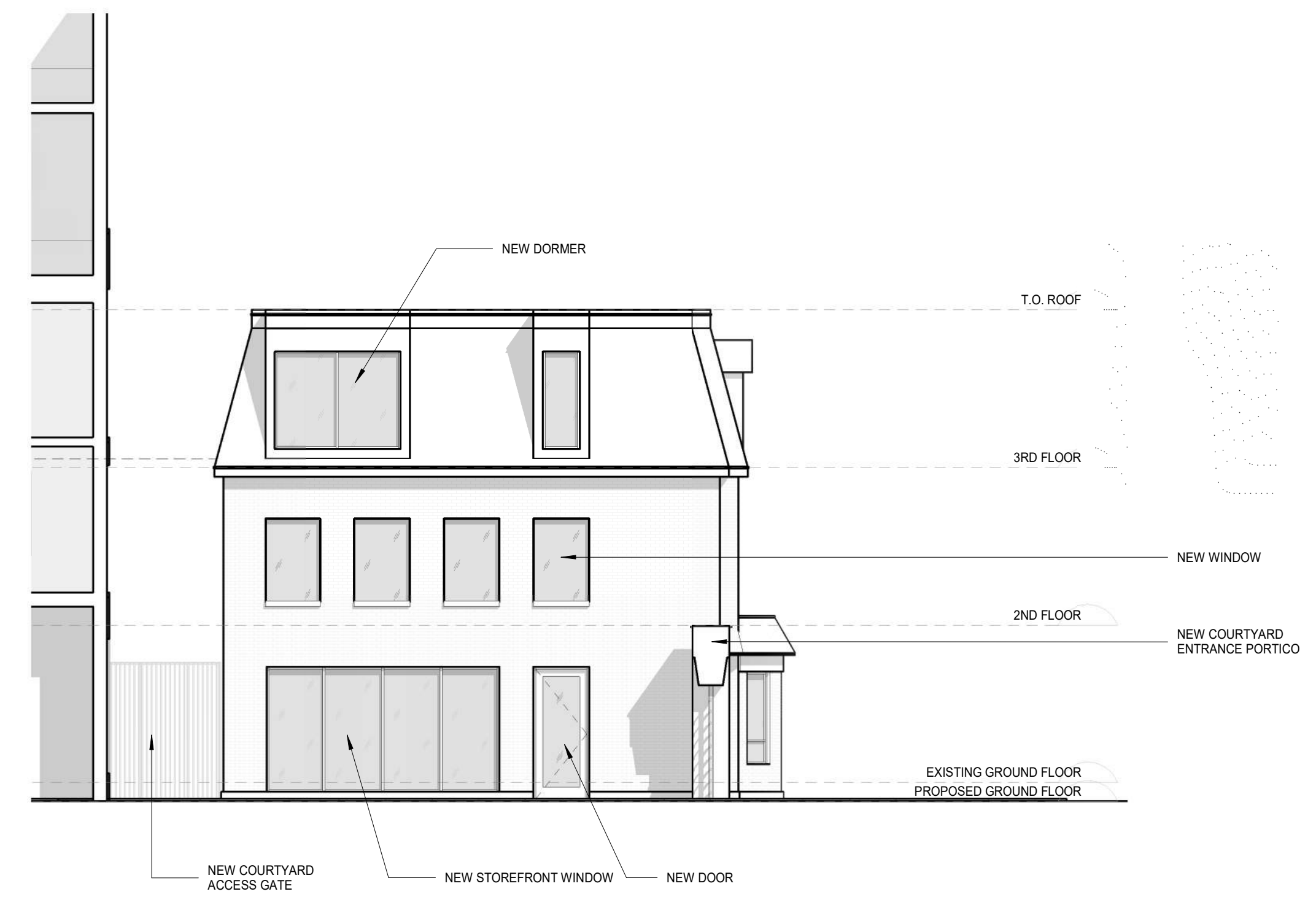
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**superkul**

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2 Partial Elevation - North  
1:100



3 Partial Elevation - South  
1:100



1 Partial Elevation - East  
1:100

1 June 21, 2023 Issued for ZAA

No.	Date	Issue/Revision

**HOEM2**  
294-300 Sherbourne Street  
Toronto

Title:  
**PARTIAL ELEVATIONS -  
300 SHERBOURNE**

Project No. 1933 Scale 1:100  
Drawing No.

**A-210**

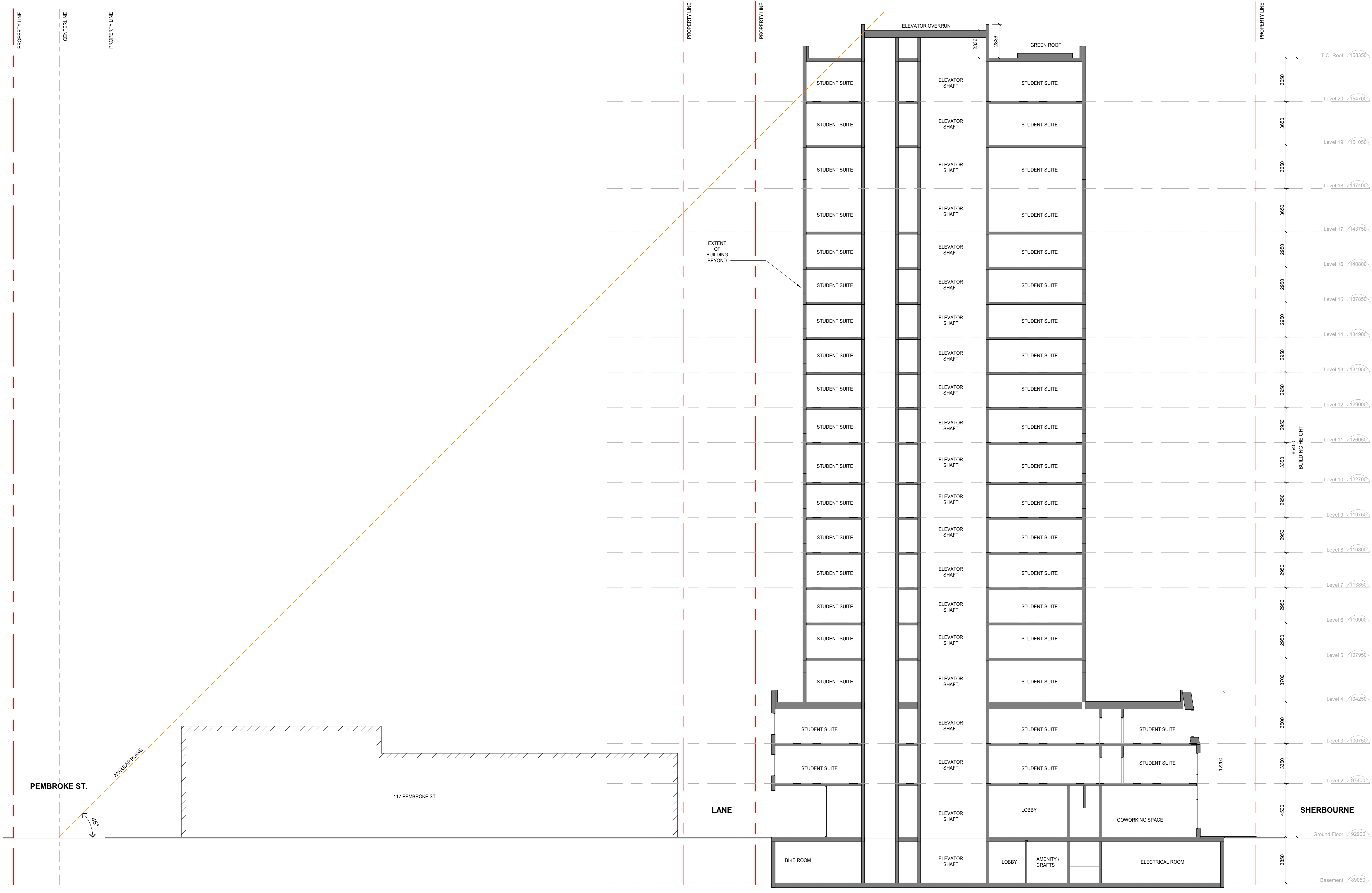
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**superkul**

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Level	Elevation	Building Height
T.O. Roof	158350	
Level 20	154700	3650
Level 19	151050	3650
Level 18	147400	3650
Level 17	143750	3650
Level 16	140800	2950
Level 15	137850	2950
Level 14	134900	2950
Level 13	131950	2950
Level 12	129000	2950
Level 11	126050	2950
Level 10	122700	3350
Level 9	119750	2950
Level 8	116800	2950
Level 7	113850	2950
Level 6	110900	2950
Level 5	107950	2950
Level 4	104250	3700
Level 3	100750	3500
Level 2	97400	3350
Ground Floor	92900	4500
Basement	89050	3850

No.	Date	Issue/Revision
2	June 21, 2023	Issued for ZAA
1	May 3, 2021	Issued for ZAA



**HOEM2**  
294-300 Sherbourne Street  
Toronto

**SHERBOURNE**

Title:  
**BUILDING SECTION - NORTH/SOUTH**

Project No. 1933    Scale 1 : 150  
Drawing No.

**A-300**

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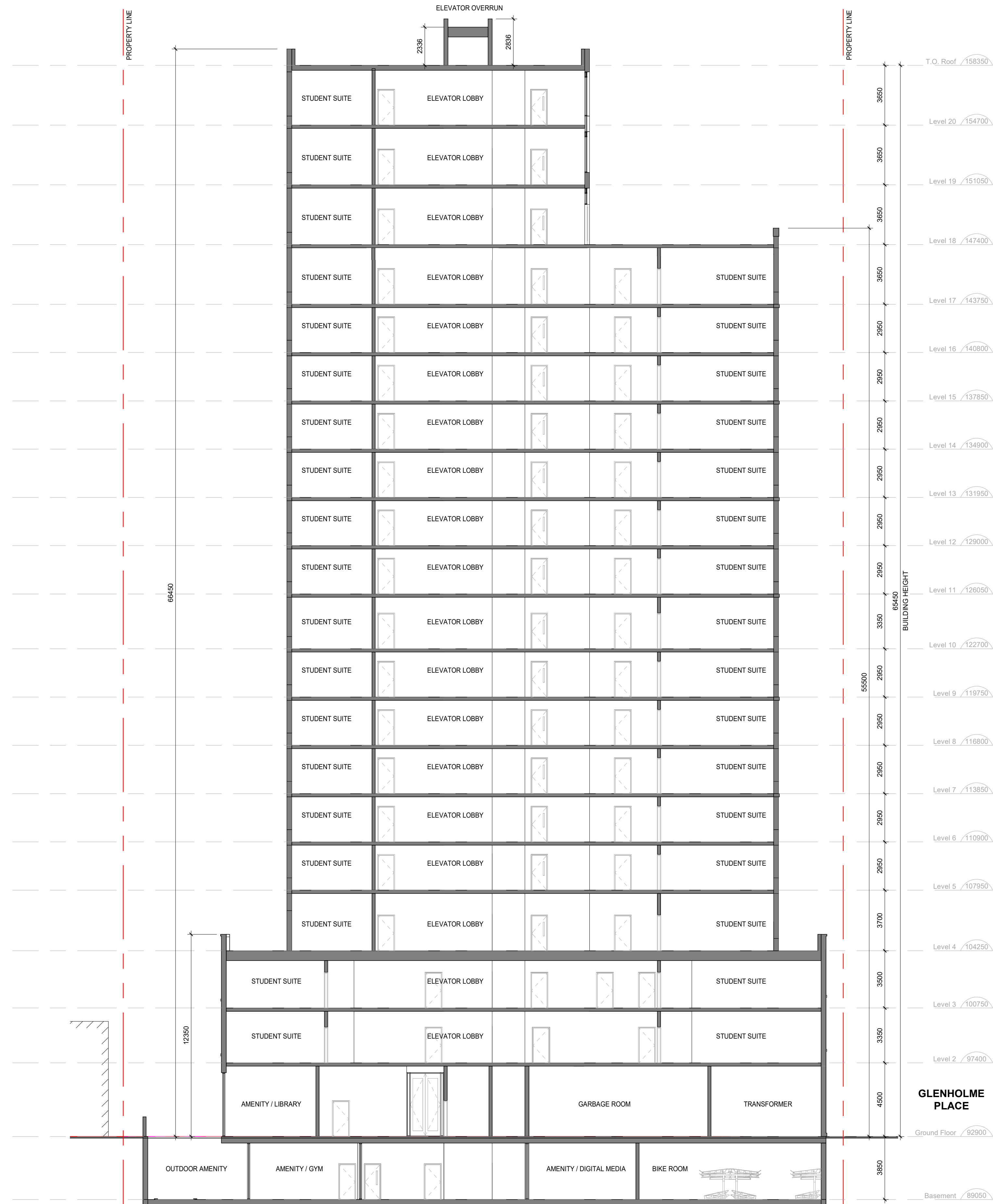


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Prior to commencement of the Work the Contractor shall verify all drawing dimensions, datums, and levels with the Contract Documents and with the conditions on site; ascertain any discrepancies between the site and the Contract Documents, and bring these items to the attention of the Architect for clarification.

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2	June 21, 2023	Issued for ZAA
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Toronto

**GLENHOLME PLACE**

Title:  
**BUILDING SECTION - WEST/EAST**

Project No. 1933    Scale 1 : 150  
Drawing No.

**A-301**

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