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October 24, 2023

Our File No.: 210038

WITHOUT PREJUDICE

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

Attention: Adam Ward

Dear Sirs/Mesdames:

**Re: Case No. OLT-23-000538 – Settlement Offer
150-160 Cactus Avenue, City of Toronto**

We are solicitors for 160 Cactus Avenue Limited in respect of the properties known municipally as in the City of Toronto as 150-160 Cactus Avenue (the “**Lands**”). We are writing on behalf of our client to provide 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 November 8, 2023, unless otherwise indicated.

As you know, our client engaged in without prejudice discussions with City staff over the last several months regarding the redevelopment proposal for the Lands. These discussions resulted in a revised set of plans, prepared by Arcadis and attached to this without prejudice settlement offer as Schedule “A” (the “**Revised Plans**”). 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, which would be implemented through the resulting zoning by-law amendment(s). Key aspects of the Revised Plans include:
 - a. building heights of 12-storeys and 14-storeys for the proposed apartment buildings;
 - b. a new public park of approximately 1417.4 square metres (representing 10% of the area of the Lands);

- c. increased setbacks along Steeles Avenue West to minimize building penetrations into the angular plane;
- d. re-organized site plan to enable appropriate setbacks along Cactus Avenue and setbacks from adjacent residential properties; and,
- e. the unit mix will include a minimum 20% two-bedroom units and 10% three-bedroom units.

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 final form and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; ;
- b. the Owner has satisfactorily addressed the Transportation Services and Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated December 7, 2022, and any outstanding issues arising from further technical review (including provision of acceptable reports and studies), as they relate to the Official Plan and Zoning By-law Amendment application to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services;
- c. the Owner has submitted a revised Transportation Demand Management Plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that matters arising from such study be secured, if required;
- d. the Owner has addressed all outstanding issues raised by Urban Forestry and Tree Protection and Plan Review as they relate to the Official Plan and Zoning By-law Amendment application, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- e. the Owner has delivered a revised Pedestrian Level Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning;
- f. the Owner has secured replacement of the existing rental housing, including the same number of units, bedroom type and size and with similar rents;
- g. the Owner has secured an acceptable Tenant Relocation and Assistance Plan addressing the right for existing and former tenants to return to a replacement rental

- unit on the lands at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- h. City Council has approved the Rental Housing Demolition application (Application 21 226756 NNY 18 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006*, which allows for the demolition of the sixty (60) existing rental dwelling units on the site, and the Owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision;
 - i. The Owner has registered a Section 118 restriction on title, under the Land Titles Act, agreeing not to transfer or charge the Parkland without the consent of the City, which restriction may be released only upon the owner transferring the Parkland to the City, all to the satisfaction of the Chief Planner and Executive Director, City Planning or designate and the City Solicitor.

Additional Matters

In addition to the above matters to be secured in a revised site specific Zoning By-law Amendment for the Site, our client agrees to the following:

1. Holding Provision to Secure Upgrades to Municipal Infrastructure
 - a. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report, a Holding provision (H) may be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City, for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
2. Parkland
 - a. In accordance with Section 42 of the Planning Act and Chapter 415-28 of the City of Toronto Municipal Code, prior to the issuance of the first above-grade permit, the Owner will dedicate to the City a minimum of 1,417.38 square metres of unencumbered on-site parkland in the southwest portion of the site, with the exact size, location and configuration of the on-site parkland dedication to be to the

satisfaction of the General Manager, Parks, Forestry and Recreation, and such on-site parkland dedication to be transferred to the City, free and clear, above and below grade, of all physical obstructions, easements, encumbrances and encroachments, including surface and subsurface easements, in an acceptable environmental condition.

- b. The terms requiring the conveyance of the parkland free and clear, above and below grade, of all physical obstructions, easements, encumbrances, and encroachments, in an acceptable environmental condition, will be secured in the site plan agreement.

3. Above Base Park Improvements for Development Charge Credit

- a. The Owner may pursue the completion of above base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation in exchange for a development charge credit. The development charge credit shall be in an amount that is the lesser of the cost to the Applicant of designing and constructing the above base park improvements, as approved by the General Manager, Parks, Forestry and Recreation and the Parks and Recreation component of the development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
- b. The terms regarding the above base park improvements will be secured in the site plan agreement.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on November 8, 2023, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

Yours truly,

Goodmans LLP



David Bronskill

DJB/