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File No. 23357

October 21, 2023

By Email

Mr. Nathan Muscat, Nathan.Muscat@toronto.ca
City of Toronto Legal Services
26th Floor, Metro Hall, Stn. 1260, 55 John Street
Toronto Ontario M5V 3C6

Dear Mr. Muscat:

**Re: Betovan Construction Limited (“Betovan”)
1 Richview Road, Toronto (the “Subject Property”)
Appeal to the Ontario Land Tribunal – Case No. 23-OLT-000603
City File No. 18 270572 WET 02 OZ**

Our client, Betovan, is the owner of the Subject Property and has appealed its rezoning application to the Ontario Land Tribunal (“OLT” or the “Tribunal”). The Tribunal has scheduled a hearing of the appeal for five (5) days commencing May 6, 2024. Betovan and the City and the only parties to the hearing. In preparation for that hearing, the City is required to provide its Issues List by Wednesday December 20, 2023, and the parties are required to exchange their Witness Statements by March 8, 2024. Despite the filing of the appeal, our client and city staff have continued discussions respecting the development. Our client believes that it has addressed all of staff’s concerns and that its revised development warrants approval. Accordingly, in an effort to avoid the preparation of an Issues List, the preparation of Witness Statements and the time and expense of a contested hearing, our client hereby offers to settle its appeal, in its entirety, on the following terms.

1. Betovan hereby revises its proposed development in accordance with the revised plans and drawings. As the file size is 25MB, they can be downloaded at this link [updated drawings 1 Richview Rd. - \(Oct 16 2023\).pdf](#)
2. The Parties will jointly request, at the Ontario Land Tribunal (“OLT” or “Tribunal”) hearing scheduled to commence on May 6, 2024, that the Tribunal allow the rezoning appeal, in part, and thereby approve the draft Zoning By-law Amendment attached as Attachment “A”. If the Parties determine that a companion amendment is also required to the Etobicoke Zoning Code, then they will co-operate to prepare it and have it approved by the Tribunal in like manner as the amendment to Zoning By-law 569-2013.

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3. The Parties will work together, in a timely fashion, to finalize the draft Zoning By-law Amendment such that an Order respecting same will be issued by the Tribunal. Unless the parties have been able to agree on the final form of the Zoning By-law Amendment by the time of the OLT settlement hearing, then the Parties will jointly request that the Tribunal issue a Decision allowing the appeal, in part, but withhold its Order pending written confirmation from the Parties that the Zoning By-law Amendment is in a final form acceptable to both Parties.
4. Betovan will lead evidence in support of the settlement at the OLT hearing (or in advance through affidavit evidence should that be preferred or requested by the Tribunal). The City may choose to lead evidence in support of the settlement but is not required to do so; and
5. The parties will bear their own costs throughout.

Enhanced Construction Management Plan

Betovan also offers to address a post-zoning construction issue which is often a concern of the community. Since this commitment can only be implemented after the Zoning By-law Amendment is in full force and effect, it is not a condition of the Zoning By-law Amendment coming into force but is a commitment that Betovan is making to the City should this offer be accepted.

Betovan offers to prepare and abide by an enhanced Construction Management Plan on the following terms.

- A. The Construction Management Plan Construction Management Plan will be prepared by Betovan and to the satisfaction of the General Manager, Transportation Services as well as the Chief Planner and Executive Director, City Planning, prior to the commencement of any shoring or excavation work.
- B. The Construction Management Plan will include the City's standard terms and the following additional enhanced terms:
 - a. Establishment of a Construction Liaison Committee made up of local residents and businesses, including a representative of the local Residents Associations, to the satisfaction of the local Councillor. The Committee is to meet monthly commencing at the beginning of construction. Notes/action items from the meetings are to be shared with the members and the Councillor's office in a timely way following each meeting.
 - b. Betovan will sweep its site daily and nightly, or more frequently as needed, to be cleared of any construction debris and made safe.
 - c. Betovan will pressure wash its construction site and adjacent sidewalks, laneways and roadways weekly, or more frequently as needed to be cleared of any construction debris and made safe. For clarity, Betovan is not responsible for the Mextrolinx site or construction which abuts the Betovan site.

- d. Betovan will ensure that the existing sidewalks and all pedestrian walkways have proper lighting to ensure safety and visibility at all times of the day and night. For clarity, Betovan is not responsible for the Mextrolinx site or construction which abuts the Betovan site.
- e. Betovan will consult and communicate all construction, parking and road occupancy impacts with local businesses and residents in advance of any physical road modifications.
- f. Betovan will install appropriate signage and converging mirrors where necessary to ensure that pedestrians', cyclists' and motorists' safety is considered at all times.
- g. Betovan will post a 24 hours a day / 7 days a week contact number for the site superintendent on the construction hoarding; and
- h. Betovan will create a publicly accessible website with regular construction updates and post the website address on the subject site.

My client thanks the City for its consideration of this settlement offer and looks forward to the City's response.

KAGAN SHASTRI DeMELO WINER PARK LLP

Yours very truly,



Ira T. Kagan

Enclos. [updated plans/drawing; proposed Zoning By-law Amendment]

Please reply to the: Yorkville Office

Authority: Etobicoke York Community Council Item _____
as adopted by City of Toronto Council on _____
Enacted by Council:

CITY OF TORONTO
BY-LAW No. _____

**To amend Zoning By-law No. 569-2013, as amended, with respect to lands
known municipally as 1 Richview Road.**

Whereas the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2018 as 1 Richview Road; and

Whereas the Council of the City of Toronto has provided adequate information to the public and has conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

Whereas the Council of the City of Toronto has determined to amend Zoning By-law No. 569-2013, as amended, of the former City of Toronto;

The Council of the City of Toronto enacts:

1. This by-law applies to the lands delineated by heavy lines on Diagram 1 and Diagram 2 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined in heavy lines to RA(XXX), as shown on Diagram 1 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.7.10 Exception number _____ as follows:

Exception RA XXX

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

-
- (A) On 1 Richview Road, Regulations 15.5.40.10, 15.5.40.40, 15.5.40.81, 15.10.40.70 and 15.10.40.80 do not apply to prevent the erection or use of an **apartment building** that complies with the following:
- (B) The **gross floor area** of all **buildings** on the **lot** must not exceed 69,200 square metres;
- (C) **Building** height is measured from the Canadian Geodetic Datum of 118.10 metres for **Building 3**, as identified on Diagram 2 for By-law [clerks to insert];
- (D) The height of **Building 3** must not exceed the height in metres specified by the numbers following the symbol “HT” on Diagram 2 of by-law [clerks to insert];
- (E) The following elements of a **building** may encroach into a required **building setback** or **building** separation distance as follows:
- (i) 3.0 metres for canopies, awnings, screens landscape and ornamental features;
 - (ii) 2.0 metres for balconies or platforms;
 - (iii) 1.5 metres for stair enclosures, cornices, lighting features, trellises, eaves, window sills, guardrails, balustrades, railings, vents;
 - (iv) Stair enclosures and associated structures including railings used for the purpose of accessing the underground parking levels may be located anywhere on the lot;
 - (v) 2.5 metres for satellite dishes, eaves, screens, landscape and ornamental features, trellises, cabanas, lightning rods, window washing equipment, light fixtures, antennae, flag poles.
- (F) The following elements of a **building** may project above the maximum **building** height as follows:
- (i) 5.0 metres for a mechanical penthouse on **Building 3**, as shown on Diagram 2 of By-law [clerks to insert], and
 - (ii) 2.5 metres for guardrails, railings, retaining walls, wheelchair ramps, roofing assembly and drainage, elements of green roof, parapets, cornices, balustrades, bollards .
- (G) Despite regulation 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** at a minimum rate of 0.80 **parking spaces** per **dwelling unit** for residents and a minimum of 0.07 **parking spaces** per **dwelling unit** for visitors;
- (H) A **building** or **structure** may not be closer to a **lot line** or another **building** than the **building** separation and **building setback** distances shown on Diagram 2 of By-law [clerks to insert]

- (I) Despite any existing or future severance, partition, or division of the **lot**, the provisions of this by-law must apply to the whole of the **lot** as if no severance, partition or division occurred.

Prevailing By-laws and Prevailing Sections: Former City of Etobicoke by-law 2014.

ENACTED AND PASSED this day of , A.D. 2023.

JENNIFER MCKELVIE
Deputy Mayor

JOHN D. ELVIDGE,
City Clerk

(Corporate Seal)

WITHOUT PREJUDICE



