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October 27, 2023

Our File No.: 222424

WITHOUT PREJUDICE

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

Attention: Ray Kallio, Solicitor, Legal Services Division

Dear Sirs/Mesdames:

Re: **6167 Yonge Street, 10 Newton Drive and 9 Madawaska Avenue**
City of Toronto File No. 22 108032 NNY 18 OZ
Appeal of Official Plan Amendment and Rezoning Applications pursuant to
subsections 22(7) & 34(11) of the *Planning Act*

We are solicitors for Streetside Capital Holdings Inc., Shivani Ruparell and 2126754 Ontario Inc., who are the owners of the properties known municipally in the City of Toronto as 6167 Yonge Street, 10 Newton Drive and 9 Madawaska Avenue (the “**Property**”), which falls within the boundaries of the lands subject to the Yonge Street North Planning Study. On January 25, 2022, after pre-consultation with City staff, our client filed official plan amendment and rezoning applications for the Property (the “**Applications**”), which the City of Toronto (the “**City**”) declared complete as of February 11, 2022. The City did not make a decision on the Applications within the applicable statutory timeline and our client appealed the Applications to the Ontario Land Tribunal (the “**Tribunal**”) pursuant to subsections 22(7) and 34(11) of the *Planning Act* (the “**Appeals**”).

We are writing on behalf of our clients with a without prejudice settlement offer in respect of the Appeals, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on November 8, 2023.

As you know, our clients’ design team has been engaged in extensive without prejudice discussions with City staff about how the Property, currently underutilized primarily as a Mazda car dealership with associated surface parking, can be developed in a manner that is supportive of the current planning policy regime, the local context, and the planned and existing transit infrastructure in close proximity to the Property, including the planned new subway station approximately 500 metres from the Property. These discussions have resulted in revised plans, prepared by Arcadis and dated October 5, 2023, which are attached to this letter (the “**Revised Plans**”). We are pleased to be

presenting to City Council a proposed resolution that achieves appropriate intensification on the Property while delivering a public park.

The terms of this without prejudice settlement offer are as follows:

1. The settlement offer would continue to request City Council's support for an Official Plan Amendment to permit the proposed development.
2. The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law amendment(s).
3. The Revised Plans will implement the following matters:
 - a. Two 14 storey mid-rise residential buildings with mechanical penthouses with indoor and outdoor amenity spaces and stepbacks as shown on the Revised Plans;
 - b. A residential unit mix that will be required to comply with the Growing up Guidelines such that at least 10% of the units are 3 bedroom units and at least 15% of the units are 2 bedroom units to be secured in the Zoning By-law Amendment;
 - c. provide 121 parking spaces for cars which are underground, and 459 bicycle parking spaces, with 46 of the spaces being available for short-term bicycle parking;
 - d. reinforces the vision in the Yonge Street North Planning Study by providing a substantial public park that is adjacent to the Lane East Yonge South Madawaska and enhancing the connectivity of the lane by providing sidewalks on either side, with the exception of the east side of the laneway adjacent to the location of the public park that is to be conveyed; and,
 - e. provides an on-site public park dedication of a minimum of 430.8 square metres, to be conveyed to the City prior to the issuance of the first above grade building permit, free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition; the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor, and such an encumbrance will be subject to the payment of fair market value compensation to the City, as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management acting reasonably.
4. The settlement offer would expand the current laneway from 3.67 metres in width to a full 6 metres in width.

5. In exchange for the land associated with the dedication of the lands for the laneway widening, the owner will be granted encumbrances for tiebacks on those lands and the existing laneway, where such an encumbrance is deemed acceptable by the General Manager, Transportation Services, in consultation with the City Solicitor, and such an encumbrance will be subject to the payment of fair market value compensation to the City, as determined by the General Manager, Transportation Services and the Executive Director, Corporate Real Estate Management acting reasonably

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 proposed Official Plan Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor to implement Paragraph 1 above;
- b) the final form and content of the proposed Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- c) The owner has submitted an acceptable Functional Servicing Report, Stormwater Management Report, Hydrogeological Report and associated plans, for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- d) In the event the Functional Servicing Report, Stormwater Management Report, and/or Hydrogeological Report identify any required upgrades to existing municipal infrastructure to support the development, the Owner has entered into a financially secured agreement(s) with the City requiring the Owner to design, financially secure, construct and make operational, any upgrade or required improvements, prior to the issuance of final site plan approval for any development on the lands, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e) 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 such matters arising from such study be secured if required; and,
- f) the Owner has withdrawn its appeal of the Yonge Street North Secondary Plan (OPA 615) (By-law 1016-2022) to the Ontario Land Tribunal within Ontario Land Tribunal Case OLT-22-004346.

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, at which point it should be considered as withdrawn if not accepted by City Council. If City Council accepts the Settlement Offer, our client consents to the release of this Settlement Offer, including all enclosures.

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
RJG/
encl.