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November 29, 2023

Our File No.: 211815

Confidential and Without Prejudice

Planning & Administrative Tribunal Law
City of Toronto Legal Services
55 John Street, 26th Floor, Metro Hall
Toronto, ON M5V 3C6

Attention: Amanda Hill and Jason Davidson, City Legal

**Re: 836 and 838 Roselawn Avenue and 131 Lyon Court, City of Toronto
City of Toronto File No. 21 235591 NNY 08 OZ
OLT Case No. OLT-22-004574
Confidential and Without Prejudice Offer to Settle**

We are solicitors for 2806275 Ontario Inc., 2478443 Ontario Inc. and 2469882 Ontario Inc., the owners of the properties known municipally as 836 and 838 Roselawn Avenue and 131 Lyon Court in the City of Toronto (the "**Property**"). We are writing on behalf of our clients with a confidential and without prejudice settlement offer in respect of the above-noted matter.

As you know, our clients have engaged in discussions with City staff over several months regarding the redevelopment proposal for the Property, that has resulted in the revised plans, prepared by Turner Fleischer Architect Inc., attached to this letter (the "**Settlement Plans**"). We are pleased to provide this settlement offer, which is the product of a comprehensive and collaborative discussions with City staff.

Background

The Property is located in the Briar Hill-Belgravia neighbourhood northwest of the Eglinton Avenue West and Allen Road intersection. The Property is approximately 3,222 sq.m. in size and is "L" shaped, with frontages along Roselawn Avenue to the south, and Lyon Court to the west and north. The Property is an assembly of three lots that collectively contain three rental buildings containing a total of 53 residential units and one retail unit.

On November 8, 2021, after pre-consultation with City staff, our client filed a rezoning application (the "**Original Rezoning Application**") together with a Rental Housing Demolition and Conversion Application for the Property. Since the initial submission, the Original Rezoning Application was circulated, and comments were received from staff departments, agencies and the



public. A Preliminary Staff Report was prepared and was considered at the North York Community Council meeting on February 23, 2022. In accordance with the recommendations of the Staff Report, a virtual Community Consultation Meeting was held on March 28 2023. A separate consultation meeting was held exclusively for tenants who reside within the existing buildings on the Property on May 23, 2023.

The Original Rezoning Application sought permission for a 35 storey residential building, comprised of a 7 storey podium, a transitional element between floors 8 to 15 and a tower element above. The transitional element had a floorplate of 1,087 sq.m., while the tower element had a floor plate of 750 sq.m. Subsequently, in response and to address City staff comments, the Original Rezoning Application was revised to remove the transitional element, and replace it with a transitional tower element above the podium, with a height of 39 storeys and a tower floorplate of 872 sq.m. (the “**Revised Rezoning Application**”).

The Settlement

Through ongoing discussions with City staff a number of revisions have been made to the Original Rezoning Application, which have been incorporated into the Revised Rezoning Application, and as part of this without prejudice settlement offer, further revisions are now proposed, which are shown in the Settlement Plans and are fundamental components of this without prejudice settlement offer. In particular, we note the following fundamental components of the settlement:

Podium and Tower

- The maximum height to the top of roof inclusive of mechanical has been reduced from 126.9 metres to 110.00 metres. Mechanical within the building may include wrapped mechanical with residential uses and may involve a geothermal exchange system for the project, the feasibility of which our clients agree to explore. The geodetic height of 110.00 metres inclusive of mechanical is comparable in height to a 33 storey building plus a mechanical penthouse. Standard projections above the top of roof would be secured, including permissions for an elevator overrun and shaft, enclosed stairwells, window washing and maintenance equipment, and architectural and landscaping features, among other projections, through the finalization of the Zoning By-law Amendment to the satisfaction of City staff.
- The tower floorplate has been reduced in size from 872 sq.m. to 800.0 sq.m.
- The podium of the building is 7 storeys tall, with the 7th storey setback 1.5 metres from all faces of the 6th storey below.
- Podium floors have been further setback from the east property line that abuts 822 Roselawn Avenue, to provide a 7.5 metre setback, and further setback from the west-east



oriented segment of the east property line that abuts 141 Lyon Court, to provide a 7.33 metre setback.

- The length of the tower is oriented in a north-south direction, achieving at least a 12.5 metre setback from the north property line and the east property line abutting 141 Lyon Court, as well as 27.78 metre setback from the east property line abutting 822 Roselawn Avenue.
- Balcony projections from the tower, will be spaced to mitigate massing impacts. No wraparound balconies or corner balconies will be proposed.

Public Realm, Site Organization and Bicycle Parking

- The site has been reorganized with continuous internal circulation, improved public realm and improvements to the safety and attractiveness of the site. This was done creating the single lobby at the corner of Lyon Court and Roselawn Avenue and by relocating and consolidating the driveway, parking ramp, loading area and drop off area internally with one point of access from the northern segment of Lyon Court, which results in a substantial reduction of the amount of paved area and increased at grade outdoor amenity space.
- The number of bicycle parking spaces provided will meet the requirements in City of Toronto Zoning By-law 569-2013.
- Landscaped areas are provided along Roselawn Avenue and Lyon Court, including a feature at the corner of these two streets.
- The front air shaft has been relocated off of the landscaped area along Roselawn Avenue, and into the service court, in order to provide continuous landscaping/amenity area wrapping around the building.

Non-Residential Uses

- A minimum of 95 sq.m. of retail is provided on ground floor of the building facing Roselawn Avenue.

Residential Use

- A minimum of 15% of total units (not including rental replacement units) will be two-bedroom and a minimum of 10% of total units (not including rental replacement units) will be three-bedroom.

Amenity

- Indoor amenity space has been relocated from the 16th floor to 8th floor to create one large consolidated indoor amenity space with direct access to outdoor amenity space on the roof



of the podium to the north and east of the tower. Indoor amenity space is also provided on the ground floor, contiguous to the ground floor outdoor amenity space, which wraps around the eastern portion of the podium, with appropriate measures to keep the space for residents and their visitors only. The combination of indoor and outdoor amenity space is provided at a ratio of 4.0 sq.m. per unit, of which a minimum of 2.0 sq.m. will be for outdoor amenity space.

Conclusion

Our client is prepared to proceed to the Ontario Land Tribunal (the “**OLT**”) on the basis of the without prejudice Settlement Plans attached to this letter to achieve a settlement with the City. In addition to the revisions which are shown in the Settlement Plans, and described above, our clients would agree to request that the OLT withhold its final Order for the Zoning By-law Amendment for the Property pending:

- the final form of the Zoning By-law Amendment has been finalized to the satisfaction of the City;
- the Owner has submitted a revised pedestrian level wind study, including the identification of any required mitigation measures to be secured in the Zoning By-law amendment and through the site plan control process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- approval of Rental Housing Demolition Application by City Council, which shall address the following:
 - a. the development will contain fifty-three (53) replacement rental units. For greater clarity, the total gross floor area, bedroom types, and unit layouts of the replacement rental units will be finalized in consultation with City Planning staff, to the satisfaction of the Chief Planner and Executive Director, City Planning. The rents of the fifty-three (53) replacement rental units will be based on the rents of the existing rental units by their respective bedroom types at the time of application, determined based on rent rolls for all fifty-three (53) existing rental units, which has been submitted to the Chief Planner and Executive Director, City Planning, and will be secured for a period of at least 10 years beginning from the date of first occupancy of each unit; and
 - b. the Owner agrees to secure an acceptable tenant relocation and assistance plan for all existing tenants of the fifty-three (53) existing rental units proposed to be demolished. The tenant relocation and assistance plan will be developed in consultation with City Planning staff, and will be to the satisfaction of the Chief Planner and Executive Director, City Planning;



- the Owner has submitted a revised Functional Servicing Report and Stormwater Management Report, and Hydrogeological Review, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
- the Owner has submitted a revised Transportation Impact Study, to the satisfaction of the General Manger, Transportation Services and thereafter implement any such requirements as part of Site Plan Control application;
- the Owner has submitted a revised Travel Demand Management Plan acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
- the Owner has, at its sole cost and expense facilitated the City undertaking a peer review of the submitted Noise and Vibration Assessment, and secured any recommended mitigation measures in the amending by-law, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- the Owner has submitted an updated complete Toronto Green Standards Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- the Owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and General Manager, Toronto Water, where it has been determined that improvements or upgrades are required to support the development. In requiring any off-site municipal infrastructure upgrades, the Owner is to make satisfactory arrangements with Engineering and Construction Services for Work on the City's Right-of-Way.

Our client and its consultant team appreciate City staff's extensive efforts to meet to work with our client, with such discussions resulting in this without prejudice settlement offer. Our client believes the Settlement Plans represents good planning and an appropriate resolution for the Property, and we are hopeful that City Council will instruct the City solicitor to support approval of the settlement at the OLT.

The settlement offer remains open until the end of the City Council meeting scheduled to commence on December 13, 2023.

Please let us know if any additional information is required.

Goodmans^{LLP}

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "Joe Hoffman".

Joe Hoffman
JBH/

1403-6209-6904