



Barristers & Solicitors
Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7
Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4136
rgill@goodmans.ca

November 29, 2023

Our File No.: 222567

WITHOUT PREJUDICE

City of Toronto
City Hall, 13th Floor
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Kasia Czajkowski, Solicitor, Legal Services Division

Dear Sirs/Mesdames:

Re: **2451 Dufferin Street**
City of Toronto File No. 21 252235 NNY 08 OZ
Appeal of Rezoning Application pursuant to subsection 34(11) of the *Planning Act*

We are solicitors for Silver Hotel Management Inc. (2432905 Ontario Inc.), who is the owner of the property known municipally in the City of Toronto as 2451 Dufferin Street (the "**Property**"). On December 30, 2021, after pre-consultation with City staff, our client filed a rezoning application for the Property (the "**Application**"), which the City of Toronto (the "**City**") declared complete as of December 31, 2022. The City did not make a decision on the Application within the applicable statutory timeline and our client appealed the Application to the Ontario Land Tribunal (the "**Tribunal**") pursuant to subsection 34(11) of the *Planning Act* (the "**Appeal**").

We are writing on behalf of our clients with a without prejudice settlement offer in respect of the Appeal, which should be considered as open until the end of City Council's meeting scheduled to commence on December 13, 2023.

As you know, our client's design team has been engaged in extensive without prejudice discussions with City staff about how the Property, currently underutilized primarily as a car dealership comprising of a two-storey building 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. These discussions have resulted in revised plans, prepared by Arcadis and dated November 10, 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 Property is a unique parcel that has a singular ability to achieve the proposed types of built form.

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).
2. The Revised Plans will implement the following matters:
 - a. Two buildings, one mixed-use building fronting Dufferin St. at 20-storeys with a 6-storey podium and a tower floor plate of 765 square metres, and the second residential building on Castlefield Ave. at 27 storeys with a 6-storey podium and a tower floor plate of 800 square metres, with a 6-storey connecting building between the two towers, and indoor and outdoor amenity spaces, setbacks and stepbacks as shown on the Revised Plans;
 - b. The two towers will not have wrapped balconies, and there will be no projecting balconies for the first 10 metres on the Roselawn Ave. and Castlefield Ave. sides of the podium;
 - c. 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;
 - d. Indoor and outdoor amenity space (1345 square metres and 1478 square metres, respectively) that goes beyond the City requirement of 4 square metres of amenity space per unit; and
 - e. An on-site public park dedication of a minimum of 610.7 square metres, to be conveyed to the City prior to the issuance of the above grade building permit, free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition, with a minimum 5-metre setback between the park boundary and any abutting building face.

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 Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- b) the owner has satisfactorily addressed the matters in the Engineering and Construction Services Memorandum dated February 23, 2022, and the Transportation Services Memorandum dated February 25, 2022, and any outstanding issues arising

- from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the Zoning By-law Amendment application to the satisfaction of the General Manager, Transportation Services, and Chief Engineer and Executive Director, Engineering and Construction Services;
- c) the owner has submitted a Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - d) the owner has made satisfactory arrangements with Engineering and Construction Services and entered into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
 - e) the owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10;
 - f) 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 & Construction Services for Work on the City's Right-of-Way;
 - g) the owner has submitted revised architectural and landscape plans, revised sun/shadow and wind studies reflecting the proposal as approved in whole or in part, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- h) the owner has submitted a revised Travel Demand Management Plan and Vehicle Maneuvering Diagram acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
- i) the owner has submitted a methane gas investigation report and associated certified letter regarding the investigation of subsurface methane gas acceptable to, and to the satisfaction of the General Manager, Solid Waste Management Services;
- j) the owner has addressed all outstanding issues raised by Urban Forestry and Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
- k) the owner has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning.

As noted above, this without prejudice settlement offer will remain open until the end of City Council's meeting scheduled to commence on December 13, 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.