



**WITHOUT PREJUDICE**

December 5, 2023

**VIA EMAIL**

Ms. Kasia Czajkowski  
Solicitor, Planning & Administrative Tribunal Law  
City of Toronto, Legal Services Division  
Metro Hall, 26th Floor  
55 John Street  
Toronto, Ontario M5C 3C6

Dear Ms. Czajkowski:

**RE: 4174 DUNDAS ST. W  
1386072 ONTARIO INC.**

**APPLICATION FOR ZONING BY-LAW AMENDMENT  
CITY FILE NO. 21196623 WET 02 OZ  
OLT CASE NO. OLT-22-001909**

**APPLICATION FOR OFFICIAL PLAN AMENDMENT  
CITY FILE NO. 22178815WET020Z  
OLT CASE NO. OLT-22-004847**

**OFFER TO SETTLE**

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We are the lawyers for 1386072 Ontario Inc. ("**Dunpar Homes**"), the owner of the property municipally known as 4174 Dundas St. W. (the "**Property**").

This Offer to Settle is being made in respect of the above-noted application filed by Dunpar Homes for Zoning By-law Amendment Approval and Official Plan Amendment Approval (the "**Application**"), which is the subject of the above-noted appeal (the "**Appeal**") before the Ontario Land Tribunal (the "**Tribunal**"). The Appeal is scheduled to proceed to a 14-day hearing beginning on February 12, 2024 (the "**Hearing**").

**The Revised Proposal**

Following a series of comments received through the circulation process and discussions with City staff and counsel, our client has filed a revised proposal, as set out in the architectural plans

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and drawings dated December 4, 2023 (the “**Revised Proposal**”), which are enclosed as Appendix “**A**” to this Offer to Settle. A summary of the revisions Dunpar Homes has made to the Original Proposal based on discussions with City staff and Counsel are as follows:

	<b>Original Proposal</b>	<b>Revised Proposal</b>
<b>Upper Storey Stepback</b>	N/A	2.5 m (13 <sup>th</sup> and 14 <sup>th</sup> storey)
<b>East Elevation Central Lightwell</b>	n/a	6 m by 8.9 m Main wall of the central internal unit east side is setback 6 m from the east lot line with primary windows, and max. balcony projection of 2 m, with min. unencumbered 4 m setback from east lot line
East Elevation Setback	1-1.50 m	0 m for first 6 storeys 2.5 m above 6 <sup>th</sup> storey
West Elevation Setback	6 m	3 m

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<b>TRCA Conveyance</b>	N/A, encumbered with loading space and outdoor amenity / POPs	Unstable top of slope, long-term stable top of slope, and adjoining 10 m buffer be designated and zoned Natural Areas and Open Space-Natural Zone, free and clear of all encumbrances
<b>Height</b>	50.855 m, excluding MPH	47.750 m, excluding MPH
<b>Storeys</b>	15-storeys	14-storeys
<b>FSI</b>	6.41	6.02
<b># of Units</b>	117	107
<b>Unit Mix</b>	59% 2-bedroom; 3% 3-bedroom; and 2% 4-bedroom	72% 2-bedroom; 8% 3-bedroom; and 3% 4-bedroom

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If City Council approves the Revised Proposal, Dunpar Homes is agreeable to presenting the Revised Proposal at the Hearing. Dunpar Homes will lead the required evidence at the Hearing in support of the Revised Proposal and agrees that the following conditions must be satisfied prior to the issuance of the Tribunal's final order:

- a. The final form and content of the Official Plan Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- b. The final form and content of the Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- c. The proposed Zoning By-law Amendments includes the existing holding ("H") conditions identified in Section 4(i) of Zoning By-law 717-2006, as amended, on the site, including revisions as required, with the hold symbol not to be lifted until City Council is satisfied as to the availability of all road improvements, infrastructure, servicing and school capacity, to accommodate the proposed development;
- d. The owner has provided a revised Functional Servicing Report, a revised Stormwater Management Report, and a revised Geotechnical Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e. The owner has provided a revised Transportation Impact Study to the satisfaction of the General Manager, Transportation Services;
- f. The owner has made satisfactory arrangements with the City and has entered into the appropriate agreements 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 the development, according to the accepted Functional Servicing Report, Stormwater Management and Geotechnical Reports and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the Traffic Impact Study accepted by the General Manager, Transportation Services;
- g. The owner has provided loading spaces, parking spaces and accessible parking spaces, as well as drive aisle widths and turning radii, in accordance with the supply and dimensional requirements of city-wide Zoning By-law 569-2013 to the satisfaction of the General Manager of Transportation Services;
- h. The owner has provided a revised Arborist Report, Tree Inventory and Preservation Plan, Natural Heritage Impact Study, and Landscape Plan which identifies and labels via shading and notation the areas to be conveyed/restored/renaturalised, the new property boundary and the fencing, and addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the General Manager, Parks, Forestry & Recreation, the

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Chief Planner and Executive Director, City Planning, and the TRCA;

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- i. The owner agrees to restore and renaturalise the lands located below the long-term stable top-of-bank and the adjoining buffer zone lands located within 10 metres of the long-term stable top-of-bank to the satisfaction of the General Manager, Parks, Forestry & Recreation, the Chief Planner and Executive Director, City Planning, and the TRCA;
  - j. The owner has satisfied the requirements of the Toronto and Region Conservation Authority regarding requested revisions to reports, and policy and/or zoning revisions requested to address the long-term stable top-of-bank issue;
  - k. The owner has satisfied the requirements of the Toronto District School Board and the Toronto Catholic District School Board regarding signage and warning clauses; and
  - l. The owner revises the draft Zoning By-law Amendments to rezone the lands located below the long-term stable top-of bank and the buffer zone lands located within 10 metres of the long-term stable top-of-bank as Open Space-Natural Zone (ON), and revises plans to show a two metre building setback to the future ON zoned lands, to the satisfaction of Toronto and Region Conservation (TRCA) and the Chief Planner and Executive Director, City Planning.
3. Prior to Site Plan Approval, the owner prepare all documents and convey a 0.4-metre road widening along the frontage of the property on Dundas Street West, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor.
  4. Prior to the issuance of the first above-grade building permit, the owner convey all lands below the long-term stable top of slope and adjoining 10-metre buffer from the long-term stable top of slope to the TRCA, to the satisfaction of the TRCA, the Chief Planner and Executive Director, City Planning and the City Solicitor.
  5. In accordance with Section 42 of the Planning Act, the Owner agrees to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

In advance of the Hearing, Dunpar Homes and the City will work together to resolve the final form of the Zoning By-law Amendment, the Official Plan Amendment, and other ancillary matters to put into effect the Revised Proposal, including the aforementioned conditions of approval.

This Settlement Offer is open until the day before the Hearing of the Appeal, being February 11, 2024, following which it will become null and void if not accepted. In this regard, the Settlement

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Offer is being submitted for consideration by City Council at its meeting on December 13, 2023.

If the Settlement Offer is accepted, Dunpar Homes consents to the Settlement Offer and City Council's consideration thereof being made public.

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Sincerely,

A handwritten signature in black ink, appearing to be 'L. Johnston', with a horizontal line extending to the right.

Luke Johnston

Executive Vice President of Development and General Counsel  
Dunpar Homes  
416 236 9800 x256  
l.johnston@dunpar.ca

cc. Michael Nemanic  
Giouzelin Mutlu

Encls. Appendix "A"

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