

December 1, 2023

File No. 587917-1

VIA EMAIL: Matthew.Longo@toronto.ca

Mr. Matthew Longo
Solicitor, City of Toronto Legal Services
Planning & Administrative Tribunal Law Section
55 John Street, 26th Floor
M5V 3C6, Toronto

WITHOUT PREJUDICE

Dear Mr. Longo:

**Re: Eastway International Inc.
172, 176, 180 Finch Avenue West, 1-33 Grantbrook Street, and 305-313 Hendon Avenue
Offer to Settle – OLT-22-004882 and OLT-22-004883 (the “Appeals”)**

We are counsel for Eastway International Inc. (“**Eastway**”) with respect to the above noted matter.

We are pleased to provide this letter and attached material as a settlement offer to the City of Toronto (the “**City**”) for the purpose of resolving the above noted Appeals to the Ontario Land Tribunal (the “**OLT**”) (collectively the “**Settlement Offer**”).

1. Background

Eastway is the owner of lands in the City municipally known as 172-186 Finch Avenue West, 1-33 Grantbrook Street, and 305-313 Hendon Avenue (the “**Subject Lands**”). The Subject Lands are located along the north side of Finch Avenue West, between Bathurst Street and Yonge Street, and have municipal frontage onto three municipal roads, being Finch Avenue West, Grantbrook Street, and Hendon Avenue.

On March 9, 2021, Eastway submitted Official Plan Amendment and Zoning By-law Amendment applications (the “**Applications**”) to the City for a mixed-use, high-density development comprised of low and mid-rise buildings on the Subject Lands. The Applications were deemed complete on September 28, 2021.

On November 30, 2022, Eastway filed the Appeals pursuant to Sections 22(7) and 34(11) of the *Planning Act* for non-decision. Both prior to and after filing the Appeals, Eastway made significant revisions to the Applications on the basis of comments from City Staff and various stakeholders. As a result of these efforts, Eastway provided the City with a formal resubmission of the Applications in July 2023 (the “**Resubmission**”).

Fernanda Lopes & Associados ► Guevara & Gutierrez ► Paz Horowitz Abogados ► Sirote ► Adepetun Caxton-Martins Agbor & Segun ► Davis Brown ► East African Law Chambers ► Eric Silwamba, Jalasi and Linyama ► Durham Jones & Pinegar ► LEAD Advogados ► Rattagan Macchiavello Arocena ► Jiménez de Aréchaga, Viana & Brause ► Lee International ► Kensington Swan ► Bingham Greenebaum ► Cohen & Grigsby ► Sayarh & Menjra ► For more information on the firms that have come together to form Dentons, go to [dentons.com/legacyfirms](https://www.dentons.com/legacyfirms)

On October 17, 2023, City Staff provided comments on the Resubmission on a without prejudice basis. Since that time, Eastway and City Staff have been engaged in extensive good faith and without prejudice settlement discussions for the purposes of resolving the Appeals on the basis of a revised draft development concept that is acceptable to both parties.

2. The Revised Draft Conceptual Plan

As a result of these discussions, Eastway prepared the revised draft conceptual plan attached to this letter as **Appendix "A"** (the "**Revised Draft Conceptual Plan**") to inform the Settlement Offer. The Revised Draft Conceptual Plan provides for a significantly increased on-site parkland dedication (increasing the proposed park from 730 sq. m. to 1,610 sq. m.), revised building locations, significant outdoor amenity space for residents and the public, the creation of a prominent view and pedestrian access to a relocated and maintained heritage house, significantly less surface parking and asphalt, and the consolidation of parking and loading areas.

More specifically, the Revised Draft Conceptual Plan includes:

1. A total of 524 residential units with a maximum density of 2.20 FSI, broken down in 7 blocks, as follows:
 - a. Block A – 13-storey mixed use apartment building fronting onto Finch Avenue West, with 319 residential units, 6 retail units, and a maximum height of 46 m.
 - b. Block B – 4-storey apartment building with frontage onto Grantbrook Street, with 67 units and a maximum height of 16 m.
 - c. Block C – 4-storey apartment building with frontage onto the new public road, with 65 units and a maximum height of 16 m.
 - d. Block D – 4-storey walk-up apartment building with frontage onto the new proposed public road, with 55 units and a maximum height of 16 m.
 - e. Block E – 3-storey street-related townhouses with frontage onto the new public road, with 8 units and a maximum height of 9.5 m.
 - f. Block F – 3-storey street-related townhouses with frontage onto the new public road, with 10 units and a maximum height of 9.5 m.
 - g. Block G – relocated heritage building with adjacent outdoor amenity space, visible and accessible from both Finch and Grantbrook Street.
2. A total of 350 parking spaces, of which 330 will be located in an underground parking garage, 2 for street parking, and 18 spaces have been allocated for the townhouses within driveways and garages.
3. A public park in the northwest corner of the site comprising 1,610 sq. m.

4. Relocation and conservation of the heritage house, with a significant pedestrian mews providing a prominent sight line and pedestrian access from both Finch Street and Grantbrook Street.
5. Significant outdoor amenity space for residents and the public, in particular: (1) a 910 sq. m. pedestrian mews from Grantbrook Street to the interior of the Subject Lands that establishes pedestrian access and a prominent visual connection to the heritage house, (2) 540 sq. m. of outdoor amenity space as between Blocks C and D, and (3) approximately 750 sq. m. of green space in the area surrounding the heritage house.
6. A north-south street (the “**New Public Road**”) designed in accordance with applicable municipal standards that connects Senlac Street to Hendon Avenue. The New Public Road has been designed to have a less pronounced curve as it moves north.

3. **The Settlement Offer**

Eastway proposes to settle the Appeals as follows:

1. The City and Eastway will jointly advise the OLT that they have reached a settlement and request, on consent, that a settlement conference be scheduled during the period that is currently set aside for the hearing of the Appeals (the “**Settlement Conference**”).
2. At the Settlement Conference:
 - a. Eastway and the City shall jointly request that the OLT approve an official plan amendment (the “**OPA**”) and zoning by-law amendments (the “**ZBLAs**”, and collectively with the OPA, the “**Planning Instruments**”) for the proposed development as depicted in the Revised Draft Conceptual Plan. Eastway and the City agree that the OLT will withhold its final order pending satisfaction of a number of conditions, including the Planning Instruments being in a final form satisfactory to the City;
 - b. Eastway will present oral and/or written evidence in support of the approval of the Planning Instruments. The City may present evidence, if it deems it necessary, consistent with and in support of the settlement;
 - c. Eastway and the City will make such submissions at the Settlement Conference as are necessary to support the approval of the Planning Instruments;
 - d. Eastway and the City may ask the OLT to withhold its Order until the final forms of the Planning Instruments are finalized, if needed; and
 - e. Eastway and the City shall call no evidence and make no submissions which are inconsistent in letter or spirit with the Planning Instruments or the Revised Draft Conceptual Plan.
3. The New Public Road will be 18.5 m in width and in the location depicted in the Revised Draft

Conceptual Plan. The New Public road will be conveyed to the City as a public road through a subdivision application or another method determined appropriate by the City.

4. Retail and/or non-residential uses will be located in Block A on the Finch Avenue West frontage and comprise no less than 1000 sq. m (in total), and will be secured in the ZBLAs, as applicable.
5. On-site circulation, including at grade parking, pick-up and drop-off facilities, and pedestrian circulation will be further refined through site plan review. A public access easement as a midblock connection from Grantbook Street to the New Public Road will also be explored at the site plan stage.
6. Prior to the OLT's final order, Eastway will resolve "zoning" comments included in the November 23, 2023 memorandum (the "**Memorandum**") from Development Engineering, North York District, including:
 - a. Eastway will provide an updated Transportation Impact Study, including acceptable parking study and vehicle maneuvering diagrams. The Revised Draft Conceptual Plan includes a proposal for a maximum of 350 parking spaces which will be secured in the implementing ZBLA as a parking rate.
 - b. Eastway will deliver a revised Functional Servicing, Stormwater Management Report, and Hydrogeological Report deemed acceptable to Engineering and Construction Services.
 - c. The implementing ZBLA will be subject to a holding provision until such time as sanitary sewer upgrades as identified in the Memorandum are completed.
7. The on-site heritage building will be relocated as depicted in the Revised Draft Conceptual Plan using conservation approaches satisfactory to the City's Heritage Planning department. Within 60 days of City Council accepting the Settlement Offer, Eastway's heritage consultants will provide an updated Heritage Impact Assessment and Conservation Plan to the satisfaction of the Senior Manager of Heritage Planning that will reflect:
 - a. the Revised Draft Conceptual Plan;
 - b. the heritage resource's current condition;
 - c. the current viability of the relocation strategy (to be confirmed by a letter from a structural engineer); and
 - d. details regarding the heritage house's proposed future use and any proposed alterations.

It is understood that a heritage alteration permit will be required pursuant to Part IV of the *Ontario Heritage Act*, and an approval of that permit will be required prior to the issuance of the OLT's final order with respect to the Planning Instruments.

8. Eastway will provide a total parkland dedication requirement that will not exceed 1,677 sq. m. (in accordance with its understanding of its maximum obligations under the *Planning Act* and the applicable City by-law), which is to be fulfilled in the following manner:

- a. The total parkland depicted in the Revised Draft Conceptual Plan of 1,610 sq. m. will be conveyed to the City at the time of the registration of plan of subdivision (or other timing as determined appropriate with Parks in consultation with the City Solicitor), free and clear of all physical encroachments and obstructions above and below grade and not encumbered by any easements or interests in land above and below grade, in accordance with all City policies in respect of the environmental condition of the lands conveyed to the City. 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. Details of the conveyance, including base park improvements, will be secured through the site plan approval process.
 - b. The remaining parkland dedication of 67 sq. m. will be satisfied through cash-in-lieu, with payment to be made prior to the issuance of the first above-ground building permit for the land to be developed.
9. As a condition of site plan approval, Eastway will provide a Soil Volume Plan and Public Utilities Plan, to the satisfaction of Urban Forestry, demonstrating that the Subject Lands can satisfy Toronto Green Standard performance measures EC 1.1 - Tree Planting Areas and Soil Volume and EC 1.2 - Trees Along Street Frontages. On-site planting of trees will be prioritized through the site plan approval process.
 10. For absolute clarity, Eastway and the City will jointly request that the OLT render its decision and approve the Planning Instruments in principle, but withhold its final order approving the Planning Instruments pending the completion of the additional technical items or the provision of additional technical information by Eastway to the City, as set out above.

Eastway remains committed to (1) providing the City with all outstanding information to the City's review and satisfaction, and (2) working with the City to finalize the form of the implementing Planning Instruments in advance of the Settlement Conference.

Through its land use planning consultant, Eastway has worked with the Toronto Catholic District Schoolboard ("TCDSB") to address compatibility between the Subject Lands and the TCDSB lands. The Revised Draft Conceptual Plan and this Settlement Offer has been provided to counsel for the TCDSB on a strictly confidential and without prejudice basis.

The Settlement Offer has been provided on the understanding that it will be considered at the December 13-15 meeting of City Council and, if accepted, this letter and its attachments will be made public.

We thank you in advance for your attention to and consideration of the Settlement Offer. If there is anything further you would like to discuss, please do not hesitate to contact me or Max Reedijk.

Yours truly,

Dentons Canada LLP



Per: Katarzyna Sliwa
Partner

KS/mr

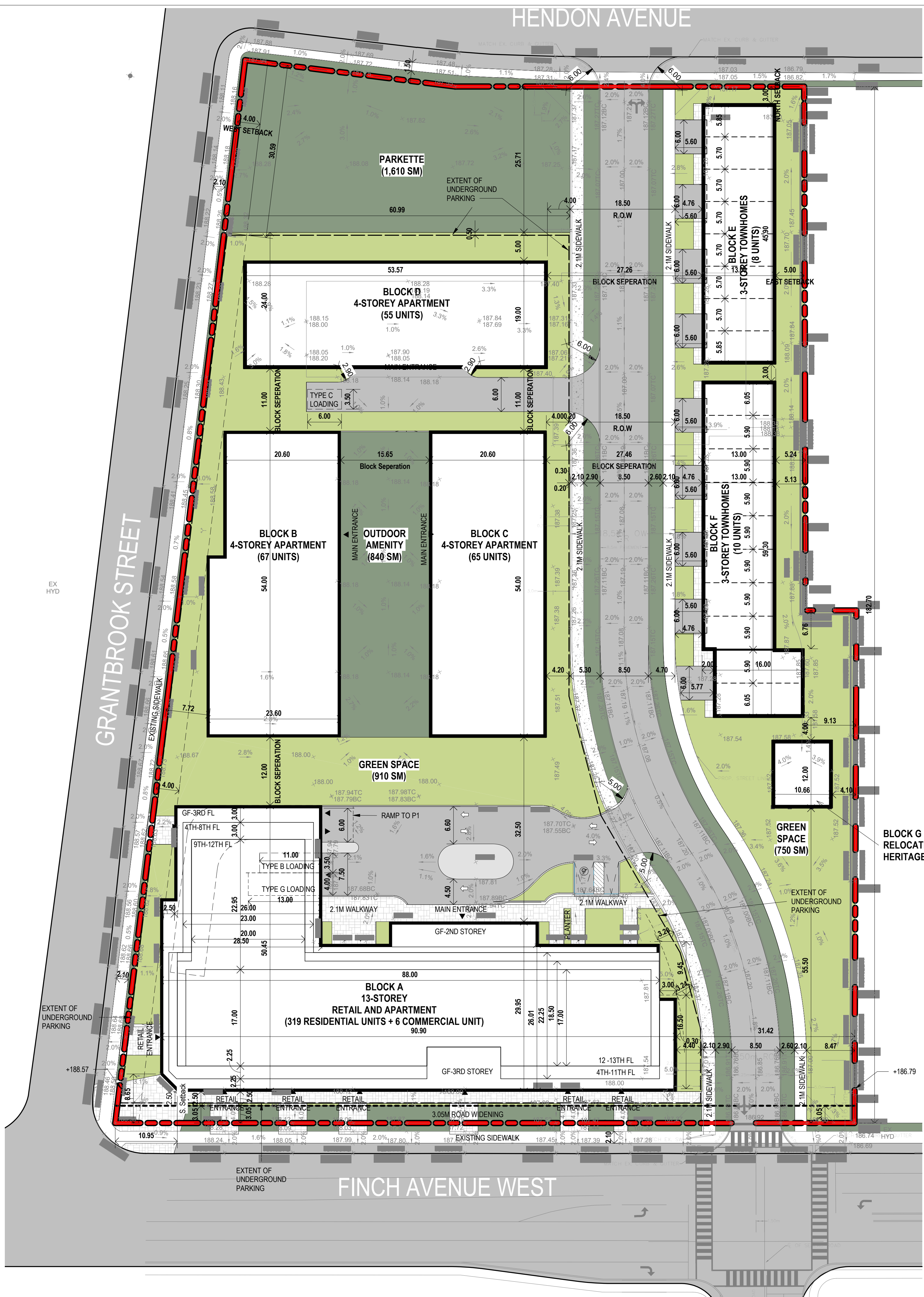
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Mr. Andrew Baker and Ms. Julie Lesage, counsel for the Toronto Catholic District Schoolboard

APPENDIX "A"

REVISED DRAFT CONCEPTUAL PLAN

See attached.



SITE STATISTICS

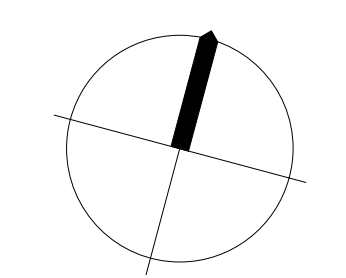
LOT AREA:	21,060.64 SM
AREA OF PUBLIC ROAD:	3,468 SM
AREA OF 3.05 ROAD WIDENING (FINCH AVE.):	340 SM
PROPOSED PARKETTE AREA:	1,610 SM
PARKETTE DIMENSIONS:	~25.71M x 60.99M
TOTAL GROSS FLOOR AREA (GFA):	-46,323 SM (498,633 SF)
NON-RESIDENTIAL GFA	
COMMERCIAL AREA:	1000 SM
TOTAL NUMBER OF COMMERCIAL UNITS:	6 UNITS
TOTAL RESIDENTIAL GROSS FLOOR AREA (GFA):	-45,323 SM (497,868 SF)
-BLOCK A:	27,800 SM
-BLOCK B:	4,820 SM
-BLOCK C:	4,440 SM
-BLOCK D:	4,060 SM
-BLOCK E:	1,788 SM
-BLOCK F:	2,415 SM
FSI:	-2.20
TOTAL BUILDING AREA:	-7,958 SM
-BLOCK A:	3,100 SM
-BLOCK B:	1,205 SM
-BLOCK C:	1,110 SM
-BLOCK D:	1,015 SM
-BLOCK E:	596 SM
-BLOCK F:	805 SM
-BLOCK G:	127 SM
BUILDING COVERAGE (calculation based on total lot area excluding public road & road widenings)	46.1 %
TOTAL INDOOR AMENITY PROVIDED:	1,080 SM
TOTAL OUTDOOR AMENITY:	1,010 SM
TOTAL NUMBER OF RESIDENTIAL UNITS:	-524 UNITS
-BLOCK A:	319
-BLOCK B:	67
-BLOCK C:	65
-BLOCK D:	55
-BLOCK E:	8
-BLOCK F:	10
UNIT TYPES BREAKDOWN	
-1 BEDROOM:	393 (75%)
-2 BEDROOM:	79 (15%)
-3 BEDROOM:	52 (10%)
SETBACKS	
NORTH SETBACK (HENDON AVE):	6.00 M
SOUTH SETBACK (FINCH AVENUE):	2.50 M
SOUTH ROAD WIDENING:	3.05 M (10'-0")
EAST SETBACK:	5.00 M
WEST SETBACK (GRANTBROOK ST.):	3.00 M

TOTAL PARKING SPACE PROVIDED: 350 (330U.G. + 2 STREET PARKING + 18 STREET ROW TOWNHOUSE PARKING)

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No.	Issued	Date	By
1	ISSUED FOR REZONING / SPA	2021-02-25	SA
21	ISSUED FOR REVIEW	2022-05-18	SA
22	ISSUED FOR REVIEW	2022-08-26	SA
23	ISSUED FOR REZONING / SPA	2022-11-03	SA
24	ISSUED FOR REZONING / SPA	2023-05-16	SW/KH
25	ISSUED FOR REVIEW	2023-11-24	SW



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98 SCARSDALE ROAD,
TORONTO, ONTARIO, M3B 2R7
T: 416 800 3284
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New Development

180 Finch Ave. W., North York

Project No.	T2020024
Drawn	Scale 1:400
Checked	Date 2023-12-01 4:29:48 PM

Site Plan Option 1

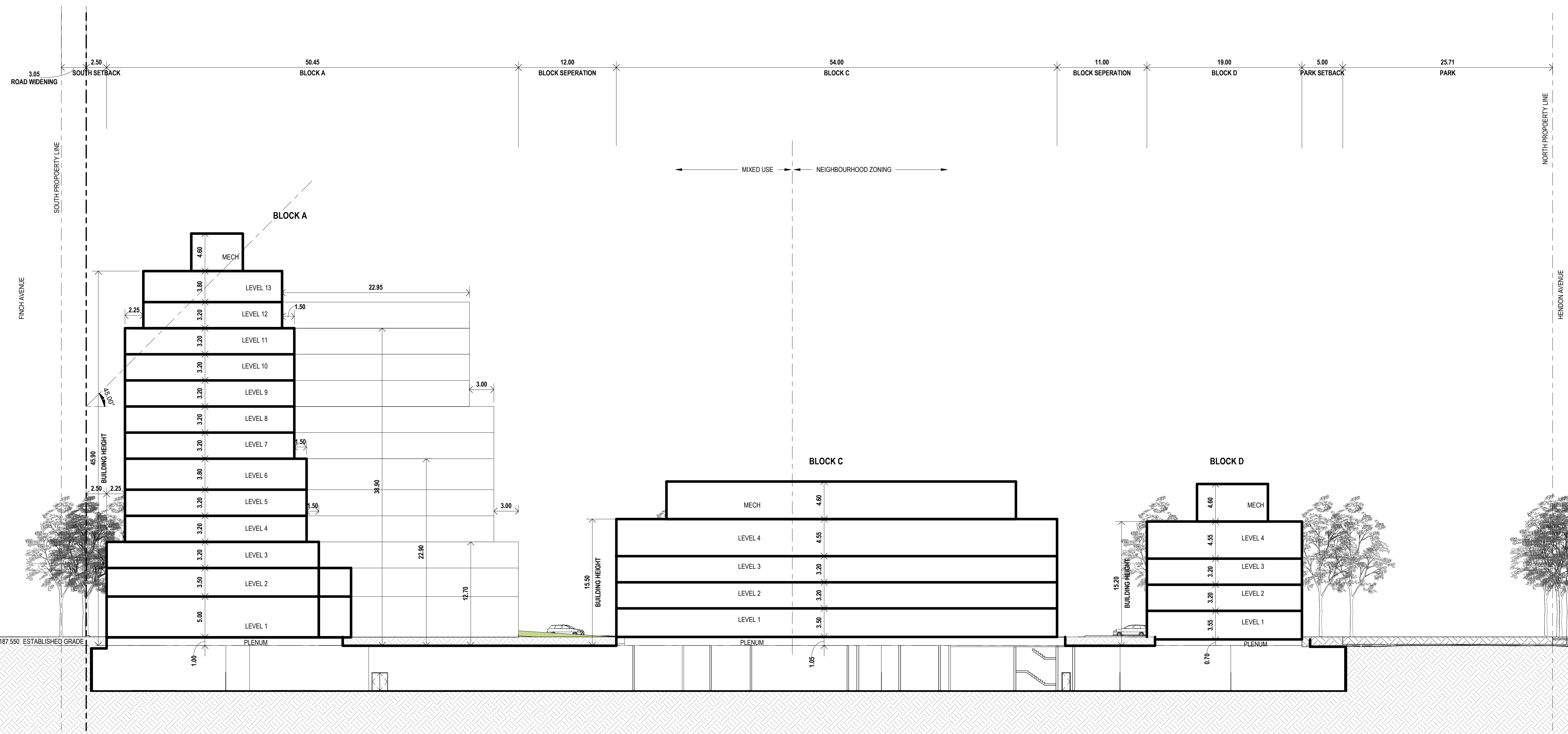
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New Development

180 Finch Ave. W., North York

Project No. T2020024

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Site Sections

Drawing No.

A301

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