



Sidonia J. Tomasella
Direct: 416.865.7763
E-mail: stomasella@airdberlis.com

January 19, 2024

By E-Mail: Kasia.Czajkowski@toronto.ca

Michelle.LaFortune@toronto.ca

Kasia Czajkowski and Michelle LaFortune
Solicitor, Planning and Administrative Tribunal Law
City of Toronto Legal Services
Metro Hall, 26th Floor
55 John Street
Toronto, ON
M5V 3C6

Dear Mses. Czajkowski and LaFortune

Re: **WITH PREJUDICE SETTLEMENT OFFER**
141 Roehampton Avenue
22 168974 STE 12 OZ
OLT-23-000479

Aird & Berlis LLP are lawyers for Lifetime 141 Roehampton Inc. (“**Lifetime**”), the owner of the property municipally known as 141 Roehampton Avenue, Toronto (the “**Site**”).

Zoning By-law Amendment Appeal

On June 22, 2022, Lifetime filed applications for a Zoning By-law Amendment and Site Plan Approval to permit the redevelopment of the Site. In response to feedback by City Staff, external agencies, members of the public and the desire for revisions to the development on the part of the owner, Lifetime submitted a revised proposal on April 28, 2023 (the “**Revised Proposal**”). The Revised Proposal contemplated a height of 58-storeys atop a 4 to 6-storey podium element. The number of residential units increased from 614 to 809.

On May 19, 2023, Lifetime appealed its Zoning By-law Amendment application to the Ontario Land Tribunal (“**Tribunal**”) on account of City Council's failure to make a decision on the Zoning By-law Amendment Application within the time period legislated by the Planning Act (the “**Appeal**”). It was made clear in the Appeal submission that Lifetime remained committed to working with City staff and other interested stakeholders in order, to narrow and, if possible, resolve the issues related to this Appeal.

A Case Management Conference was held by the OLT on September 14, 2023 and a second Case Management Conference is scheduled for January 25, 2024.

Since filing the Appeal, our client and City Staff have engaged in extensive and constructive discussions to resolve the City's concerns with the Revised Proposal. As a result of those discussions, we are writing to set out the terms of a with prejudice settlement offer which we are

confident would resolve the Appeal and enable the parties to ask the Tribunal to schedule a one day settlement hearing and allow the Appeal in part, in accordance with the Settlement Proposal.

Settlement Proposal

Lifetime is prepared, on a with prejudice basis, to proceed to a settlement hearing to obtain the approval of the Settlement Proposal, as reflected in the attached Plans, dated January 19, 2024, and this letter (collectively the “**Settlement Proposal**”). The draft Zoning By-law Amendment is also attached. This offer shall expire at the close of the City Council meeting scheduled to commence on February 6, 2024. Further details of the Settlement Proposal are described below:

1. **Height:** The overall height of the building is 58-storeys (179.6 metres excluding mechanical penthouse).
2. **Density:** The total building gross floor area will be 47,620 m² of residential uses, resulting in an FSI of 16.10. This is based on the GFA calculations in By-law 569-2013, with permitted additional exclusions related to above-grade bike parking, above-grade storage space, locker rooms, and other areas.
3. **Built Form and Stepbacks:** In accordance with feedback from Planning and Urban Design staff, the built form of the proposed building now incorporates a variety of tower setbacks and stepbacks, including the following revisions from the Revised Proposal:
 - The podium height is decreased from 7-storeys, and now ranges from 4 to 6-storeys. The Settlement Proposal includes a 4-storey podium along the west side, and along part of the north frontage facing Roehampton Avenue which transitions to a 6-storey podium along the north frontage facing Roehampton Avenue, continuing along the east side, The width of the 6-storey portion of the podium will be no greater than 20.71 metres.
 - Podium setbacks are increased from 0.0m to 5.50m from the east property line, from 5.50m to 7.50m from the southern property line, and from 0.0m to 5.50m from the west property line.
 - The Settlement Proposal includes an 8-storey mid-rise element (reduced from 12-storeys) which sits on top of the 4 to 6-storey podium. The mid-rise element incorporates a 22.0m setback from the north property line, and 7.50m setbacks from the east and west property lines. The mid-rise element is generally oriented towards the rear of the building.
 - Cantilevered portions of the 9th floor amenity are pulled away from the corners of the podium by 3.0m.
 - Tower setbacks are modified. The north face of the tower steps back 2.5 metres from the podium face, and above that, the tower setback from the north property line is increased from 8.20m to 10.00m. The tower setback from the east property line is increased from 9.40m to 10.00m. The tower setback from the west property line is slightly decreased from 11.90m to 11.40m. The rear (south) tower setback transitions from 12.5m on the west to 11.5m on the west at the mid point of the tower width.
4. **Unit Mix:** The Settlement Proposal will include 10% - 3 bedroom units and 15% - 2 bedroom units. An additional 15% of all units will need to be a combination of two- and

three-bedroom units, or can be converted to a combination of two- and three-bedrooms units through adaptable design measures.

5. **Amenity Space:** Amenity space in the Settlement Proposal will be provided at a rate of 1.21 m² of indoor space per unit (total of 915 m²) and a 0.53 m² of outdoor space per unit (total of 402 m²).
6. **Mid-Block Connection/POPS:** The mid-block connection located at the east side of the Site (at the ground floor level) is increased in width from 3.00 m to 7.90m, and provides adequate pedestrian clearway and planting areas. The mid-block pedestrian connection is intended to allow for a north-south connection from Roehampton Avenue to the proposed development to the south, and beyond to Eglinton Avenue.
 - The Applicant will provide the City with a surface pedestrian easement over the entirety of the midblock connection, as illustrated on the Level 1 Floor Plan A2.03 of the attached Plans, dated January 19 2024 (“A2.03”), details of which will be worked out during the Site Plan Application process.
 - The City acknowledges that there is currently a pedestrian easement in favour of TCP2763 as illustrated in A2.03 which covers the area approximately one metre to the west of the Northeast property line, for a portion of the midblock connection. The City understands this easement is not exclusively for the use of TCP2763. The Applicant will make best efforts to ensure that the City’s pedestrian easement will be placed on this land as well during the Site Plan Application process.
 - With respect to the portions of Parts 4 and 5 directly abutting the southern terminus of the midblock connection as shown on A2.03, it is the Applicant and City’s intention to continue the mid-block connection to the southern property line. The parties will work together with the adjoining landowner using best efforts to complete this connection.
 - Details with respect to any permitted projections, encroachments and easements within the mid-block connection/POPS lands will be confirmed through the Site Plan Application process.
7. **Reconfigured Ground Floor:** Vehicular access in the Settlement Proposal is relocated to the west side of the Site which allows for a contiguous POPS with the adjacent development site to the south. As a result, the ground floor has been reconfigured, and now includes 2 short term parking spaces, pet spa station, pet relief area, and dog run within the ground floor amenity area.
8. **Finalizing Instrument:** The City and Lifetime shall work together to finalize the form of the Zoning By-law Amendment to permit the Settlement Proposal. The City will not object to Lifetime filing the attached draft Zoning By-law Amendment as an exhibit at the Tribunal settlement hearing.
9. **Community Benefit Charge:** The City and Lifetime agree that no in-kind contributions are contemplated as part of the subject development.
10. **Tribunal Hearing:** The City and Lifetime shall jointly ask the Tribunal to convene a written or virtual settlement hearing at its earliest opportunity with the preferred timing

being early April 2024, and shall jointly ask the Tribunal to allow the Appeal in part and approve the Zoning By-law Amendment to permit the Settlement Proposal.

11. Final Order Withheld: The City and Lifetime shall ask the Tribunal to withhold its Final Order until the Tribunal is advised that:

- a) The final form and content of the draft Zoning By-law Amendment(s) are to the satisfaction of Lifetime and the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) Lifetime has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that holding provisions are required in the Zoning By-law amendment;
- c) Lifetime has entered into a Municipal Infrastructure Agreement, to financially secure the construction of any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, should it be determined that improvement to such infrastructure are required to support the development to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services;
- d) Lifetime has submitted an updated Pedestrian Level Wind Study (CFD and signed Template A) demonstrating there are no uncomfortable or unsafe wind conditions to the satisfaction of the Chief Planner and Executive Director, City Planning; and,
- e) Lifetime has conducted a QL-A daylighting investigation of the underground utilities with the Roehampton Avenue road allowance. If the daylighting investigation reveals any deviations from the utility data currently shown on the Landscape Plans and Sections, including but not limited to types, sizes, materials, locations, and depths, then the Landscape Plans and Sections shall be updated to align with the daylighting investigation data. The owner shall also submit all daylighting investigation data to the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District. Following completion of the utility daylighting investigation, the applicant shall submit confirmation that the tree planting and soil trench infrastructure proposed within the Roehampton Avenue road allowance demonstrates the provision of adequate soil volume to the satisfaction of the Supervisor, Urban Forestry – Tree Protection & Plan Review, Toronto & East York District.

Should you have any questions, please do not hesitate to contact the undersigned.

January 19, 2024
Page 5

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in cursive script, appearing to read "Sidonia J. Tomasella".

Sidonia J. Tomasella
SJT:MH:tp

55179278.11

AIRD BERLIS