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Our File No. 159841

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***WITHOUT PREJUDICE***

Amanda Hill and Jessica Amey  
Planning and Administrative Tribunal Law  
Legal Services, City of Toronto  
Metro Hall, 26<sup>th</sup> floor  
55 John Street  
Toronto ON M5V 3C6

Dear Ms. Hill and Ms. Amey:

**Re: Without Prejudice Settlement Proposal  
126-134 Parliament Street, 529 Richmond Street East and a Portion of Worts Lane  
OLT Case Nos. OLT-24-000179**

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Aird and Berlis LLP represents BJJ Parliament Corp. (our “client”), the owners of lands municipally known as 126-134 Parliament Street and 529 Richmond Street East.

Our client initially filed applications proposing to redevelop the lands at 529 Richmond Street East and 130-134 Parliament Street at the southwest corner of Parliament and Richmond Streets. Following discussions with City staff, our client revised its applications to include properties it owned to the south, at 126-128 Parliament Street, and a portion of Worts Lane, a public “L” shaped lane that bisects our client’s holdings between 130 and 134 Parliament Street. The City of Toronto consented to the filing of a resubmission in March 2023 of the development applications on the enlarged parcel and including a portion of Worts Lane as part of the development site (the “Development Site”).

The Development Site now comprises 1,196 sq.m of private lands, plus 86 sq.m of Worts Lane, for a total of 1,282 sq.m. Present currently on the Development Site are two commercial buildings containing commercial and automotive uses (134 -132 Parliament Street and two-storey residential buildings (130, 128 and 126 Parliament Street).

**Background**

A Pre-Consultation Checklist was provided by City Staff on April 30, 2021. In November 2021, on behalf of BJJ Parliament Corp., we submitted a Zoning By-law Amendment Application (“ZBLA”). Additional information was provided to the City in December 2021 and May 2022, and the City deemed the ZBLA complete as of May 9, 2022.

A Preliminary Report and Revised Report dated February 1 and February 7, 2022, respectively, were considered by Toronto and East York Community Council on February 16, 2022 and a

Community Consultation meeting took place on April 7, 2022. As noted above, in March, 2023 our office made a resubmission in respect of the enlarged Development Site including a portion of Worts Lane.

### **Summary of Original Proposal**

The original proposal in respect of the smaller site contemplated a 44 storey mixed use building comprised of 188 square metres of grade-related commercial uses and 327 residential units above. A total of 19,696 sq.m. of gross floor area (residential and commercial) was proposed.

Widenings of the north/south and east/west portions of the L-shaped Worts Lane were proposed as part of the redevelopment. Loading and parking access was proposed from the east/west portion of Worts Lane with the proposed underground vehicular parking area to be accessed by two parking elevators.

### **Settlement Proposal**

Our client and its consultant team have engaged in extensive discussions with City of Toronto staff to address comments in the Preliminary and Revised Reports issued by the City. As a result of those discussions, substantial modifications have been made to the proposal which are set out in the attached architectural plans prepared by aA and dated March 12, 2024 and which form the basis of this **without prejudice settlement offer**.

The settlement proposal is in keeping with the heights and densities of other existing and approved developments in the area. The building has been carefully designed to provide an appropriately scaled base building along Parliament and Richmond Street frontages, with the tower portion of the development proposed to step back from the street frontages above appropriately scaled streetwalls.

The Development Site is designated *Regeneration Area* by the City of Toronto Official Plan and *Mixed Use Areas 2 - Intermediate* by the Downtown Secondary Plan (OPA 406). Some tall buildings are permitted in the *Mixed Use Areas 2 - Intermediate* designation. The Development Site is also located in the King-Parliament Secondary Plan area which is an area in transition and an urban growth centre and comprised predominately of mixed use buildings. The Development Site is well served today by the municipal road network as well as existing and proposed public transit. The Development Site will be within 265 m of the proposed Corktown Station.

The proposed development conforms to the in-force Official Plan and Downtown Plan policies.

The intensification of the Development Site is in keeping with the policy directions of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the City of Toronto Official Plan, the downtown Secondary Plan and the in-force King-Parliament Secondary Plan.

The Development Site is currently zoned CRE(x1) by Toronto By-law 569-2013. The in-force zoning permits the proposed range of uses but an amendment to the in-force zoning standards related to built form (i.e. height, density, setbacks, stepbacks, etc.) is proposed in order to implement the development proposal.

The Development Site is also located within the Council adopted King Parliament Secondary Plan (OPA 525) and is proposed to be zoned CR SS1 (x339) pursuant to By-law 393-2021, both of which are under appeal by our client and other landowners in the area in separate OLT File Nos. OLT-21-001024 and OLT-21-001041, respectively, (lead Case File No. OLT-21-001024). In accordance with the May 8, 2023 OLT Order, our client agrees to resolve its appeals in accordance with the terms set out in that decision.

The principal modifications made in response to the direction from City staff include the following:

- Expanding the original application to include 126 – 128 Parliament Street and a portion of Worts Lane (the “Development Site”);
- An increase in the amount of indoor and outdoor amenity to achieve a rate of 1.95 sq.m of indoor and 1.18 sq.m of outdoor amenity;
- Maintaining the 10m tower setback to the centerline of Worts Lane and a separation distance of 20 metres to the neighbouring tower to the south;
- Increased setback for the units facing Worts Lane
- An increased setback has been provided for the cantilevered portion of the base building;
- Maintaining the green roof feature on Level 5;
- Reconfiguration of the loading to reduce the overall loading area so that it is no longer along the Parliament Street frontage to achieve improved site access and configuration including pedestrian access from Parliament Street;
- Addition of bike parking on Parliament Street and addition of a bike repair area on P1 of the parking garage;
- Introduction of outdoor pet relief and off-leash area;
- Increased setback to Parliament Street and Richmond Street to provide 6 m from curb to building face and reduction in podium height from 8 storeys to 5 storeys at the north and from 8 storeys to 4 storeys in the south to respond to existing and emerging context;
- Relocation of lobby to northwest corner on Richmond to reflect that Parliament is a Priority Retail Street and expand the footprint of the retail space with improved glazing;
- Maintain a unit mix of 15% two bedroom, 10% 3 bedroom and an additional 15% of units that can be converted to 2 or 3 bedroom units through the use of accessible or adaptive design measures.
- Increase in height from 44 storeys to 46 storeys; and
- Increase in unit count from 327 units to proposed 419 units.

### **Conditions to Without Prejudice Settlement Offer**

The Settlement Proposal is conditional upon the following matters also being achieved and/or confirmed:

1. City staff will prioritize the preparation of a solicitor's report recommending acceptance of the settlement offer to the City Council meeting scheduled to commence on April 17<sup>th</sup>, 2024;
2. Should City Council accept the settlement offer, the City will consent to requesting the next appearance before the OLT be converted into a settlement hearing.
3. The City and our client will jointly request that the OLT:
  - a. Grant the appeals, in part and approve in principle the development proposal set out in the architectural plans prepared by aA and dated March 12, 2024;
  - b. Grant an interim decision setting out the conditions to a Final Order for the Zoning By-law Amendment, which conditions shall include:
    - ii. The final form and content of the draft Zoning By-law Amendment are to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor;
    - ii. The Owner has, at its sole cost and expense:
      - a. resubmitted the Functional Servicing and Stormwater Management Report and Hydrogeological Report, which includes 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;
      - b. entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the Functional Servicing and Stormwater Management Report and Hydrogeological Report, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
      - c. submitted a revised Transportation Impact Study or addendum, including streetscape and curb extension provisions and resolved matters related to road widenings, lane widenings and conveyances acceptable to, and to the satisfaction of, the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and that such matters arising from such study, be secured if required;

- d. submitted a revised Landscape Plan (with a public utility plan underlay in an updated soil volume plan) acceptable and satisfactory to the General Manager, Parks, Forestry and Recreation;
  - e. submitted an Archeological Assessment to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - f. submitted a revised Pedestrian Level Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning, with any required wind mitigation measures to be secured through the Site Plan approval process;
  - g. resolved its appeals of the King Parliament Secondary Plan (OPA 525) OLT File Nos. OLT-21-001024 and OLT-21-001041, respectively (lead Case File No. OLT-21-001024) in accordance with the May 8, 2023 OLT Order to the satisfaction of the City Solicitor;
  - h. has applied to Transportation Services and obtained City Council's approval on the closure and purchase of the City-owned lands included as part of the development site and entered into and finalized any appropriate agreements with the City to purchase City-owned lands to the satisfaction of the City Solicitor;
  - i. provided confirmation that the development will be constructed and maintained the development in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan Control application;
  - j. has secured an acceptable Tenant Relocation and Assistance Plan in accordance with Official Plan Policy 3.2.1.12 for tenants of the existing rental dwelling units proposed to be demolished, addressing financial compensation and other assistance to lessen hardship, and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and implemented prior to the issuance of Notice of Approval Conditions for Site Plan Control approval; and
  - k. has provided an undertaking or agreement to the City, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, to secure the Tenant Relocation and Assistance Plan as required in j. above;
4. Should City Council not accept the settlement offer prior to the close of the meeting that is scheduled to commence on April 17<sup>th</sup>, 2024, this settlement offer will remain confidential and considered to be revoked. Should this settlement offer be accepted by City Council, this letter as well as the attachment may be released publicly.

We respectfully request that the City confirm each of the above matters.

On behalf of our client and its consultant team, please accept our thanks and appreciation of the efforts that you and City staff have undertaken to reach a resolution of this matter.

Should you require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

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Encl. (Architectural plans prepared by aA and dated March 12, 2024)

cc: Client

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