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May 3, 2024

Our File No.: 230041

WITHOUT PREJUDICE

City of Toronto
Legal Services
26th Floor, 55 John Street
Metro Hall
Toronto, ON M5V 3C6

Attention: Amanda Hill and Adam Ward

Dear Sirs/Mesdames:

**Re: Lead Case No. OLT-24-00436 – Without Prejudice Settlement Offer
10-18 Abitibi Avenue**

We are solicitors for Amdev (Abitibi) LP in respect of the properties known municipally as 10-18 Abitibi Avenue (the “**Lands**”). As you know, at its meeting commencing on December 13, 2023, City of Toronto Council refused the official plan amendment and rezoning applications filed by our client in respect of the Lands the (“**Council Decision**”). Our client appealed the Council Decision to the Ontario Land Tribunal, although our client accepted the City invitation to use mediation, conciliation or other dispute resolution techniques pursuant to subsections 22(8.1) and 34(11.0.0.1) of the *Planning Act*.

As a result of such without prejudice discussions, we are pleased to write on behalf of our client to provide a without prejudice settlement offer in respect of the above-noted matter, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on May 17, 2024, unless otherwise indicated. The without prejudice settlement offer is based on the revised set of architectural plans, prepared by Hariri Pontarini (HPA), which are attached to this letter as Schedule “A” (the “**Revised Plans**”). Our client greatly appreciates the efforts of City staff in achieving this proposed settlement.

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). Key aspects of the Revised Plans include:
 - a. the proposed height has been reduced from 50-storeys (160.4 metres) to 48-storeys (151.4 metres), with the metric height reduction being the equivalent of 3-storeys;

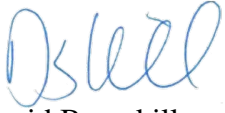
- b. the height of the mechanical penthouse has been reduced from 9.0 metres to 7.5 metres (with an allowance for a 2.0 metre elevator overrun);
 - c. tower setbacks are as shown on the Revised Plans, including 12.5 metres to the east, 12.5 metres to the north, and 7.0 metres to the west, with an overall reduced tower floor plate of 750 square metres (gross construction area excluding balconies);
 - d. the provision of a mid-block connection on the east side of the Lands with an overall area of approximately 280 square metres;
 - e. the podium includes the heights, setbacks and stepbacks as shown on the Revised Plans, including 7.5 metres above-grade to facilitate the above-noted mid-block connection;
 - f. the implementing zoning by-law will secure a minimum amount of indoor amenity space at a ratio of 2.0 square metres per unit and a minimum amount of outdoor amenity space at a ratio of 1.77 square metres per unit;
 - g. the implementing zoning by-law will secure a minimum of 100 square metres of commercial space on the ground floor with a patio space along Abitibi Avenue and access to the mid-block connection; and,
 - h. the implementing zoning by-law will secure a minimum of 10% of the units as 3-bedroom units and a minimum of 20% of the units as 2-bedrooms units.
2. 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 until the City Solicitor advises that the following conditions have been met, with the Ontario Land Tribunal available to be spoken to in the event that an issue arises as a result of completion of these conditions:
- a. the final form and content of the draft Official Plan and Zoning By-law are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b. the Owner has satisfactorily addressed the Transportation Services and Engineering and Construction Services matters contained in the Engineering and Construction Services Memorandum dated September 28, 2023, including the provision of acceptable reports and studies, as they relate to the Official Plan and Zoning By-law Amendment application to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services;

- c. the Owner has entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and/or 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;
- d. the Owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review in their memorandum dated October 2, 2023, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- e. the Owner has 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;
- f. the Owner has withdrawn its party status to the Yonge Street North Secondary Plan (OPA 615) (By-law 1016-2022) appeal to the Ontario Land Tribunal within Ontario Land Tribunal Case OLT-22-004346;
- g. the Owner 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
- h. the Owner 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 g. above.

Should this without prejudice settlement offer be accepted by City Council, our client agrees that this letter and the Schedule “A” Revised Plans can be publicly released. As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on May 17, 2024, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

1389-2943-6939