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File No. 23027

May 6, 2024

CONFIDENTIAL  
WITHOUT PREJUDICE

VIA EMAIL: [jessica.braun@toronto.ca](mailto:jessica.braun@toronto.ca)

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

Dear Ms. Braun:

Re: 5318-5334 Yonge Street and 11 Churchill Avenue, City of Toronto  
Planning Application Nos.: 22 193284 NNY 18 OZ & 22 193283 NNY 18 SA  
OLT Case Nos. OLT-23-000610, OLT-23-00611 and OLT-23-0612  
Appeals of OPA, Rezoning and Site Plan Approval Applications  
Without Prejudice Settlement Offer

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As you know, we are the solicitors for A1 Developments Inc. (the "Applicant"), the registered owner of the lands municipally known as 5318-5334 Yonge Street and 11 Churchill Avenue in the City of Toronto (the "Site"), and an appellant with respect to the above-noted appeals (the "Appeals").

Further to our settlement discussions with respect to the above-noted appeals via OLT mediation, we are pleased to provide the following settlement offer on a without prejudice basis in full settlement of this appeal:

- (1) Our client agrees to revise its development proposal for the Appeals in accordance with the architectural plans dated April 19, 2024 prepared by DIALOG (the "Proposed Development"). The revised proposal includes, amongst other things, the following revisions:
  - a. The south tower setback for Building A has been increased to 10 metres and its tower floorplate is now 723 square metres GCA. The tower setback for this building to the north is 3 metres. The proposed depth of the balconies on the south side of Building A has been reduced to 1.2

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metres. The 7 storey podium for Building A is flush with the property lines to the north and south;

- b. Building B maintains a 12.5 metre tower setback to the south. The tower setback to the north has decreased to 2.7 metres. This building now has a tower floor plate size of 790 square metres GCA. The height of this building has also increased from 33 storeys to 35 storeys;
  - c. The tower separation between Buildings A and B is 24.3 metres;
- (2) Our client is agreeable to a new servicing alignment along Churchill Avenue and Canterbury Place for the Proposed Development substantially as shown on the attached servicing alignment plan prepared by Masongsong Associates dated April 29, 2024 ("Proposed Servicing Solution"). Please be advised that once the Proposed Servicing Solution has been designed and constructed to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services, our client, in conjunction with the owner of the lands known municipally as 5336 Yonge Street ("5336 Yonge"), will be requesting the City release the existing servicing easements in favour of the City over portions of the Site and 5336 Yonge be released and expunged from title. We understand there may be costs associated with the release of these easements;
  - (3) Our client is agreeable to providing a minimum of 10 percent 3 bedroom units and a minimum of 15 percent 2 bedroom units for the Proposed Development;
  - (4) The Proposed Development would be subject to the City's Community Benefits Charge By-law 1139-2022;
  - (5) In terms of parkland, the Proposed Development would be subject to a cash-in-lieu payment pursuant to the City's parkland dedication by-law; and
  - (6) In terms of the site plan appeal, our client agrees to work with City staff to resolve the remaining site plan issues in order to finalize a NOAC following the approval by the OLT of the necessary OPA and zoning by-law amendment for the Proposed Development.

With respect to the issuance of the final Order for the OPA and Zoning By-law Amendment(s) appeals, our client is agreeable to the final Order being withheld subject to the following conditions being satisfied:

- (1) the Applicant has submitted a revised Functional Servicing Report to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed

development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- (2) the Applicant has provided a revised Pedestrian Wind Study, such report to be reviewed with recommendations implemented as part of the amending Zoning By-law(s) and/or secured in a development agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (3) the form and content of OPA and Zoning By-law Amendment(s) are satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (4) should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report, the Applicant will have entered into appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager of Transportation Services, or alternatively a Holding Provision shall be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- (5) City Council has approved the Rental Housing Demolition application (Application 22 193302 NNY 18 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 to permit the demolition of the existing rental units on the Site, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing the following:
  - i. the replacement of the existing residential rental units on the lands;
  - ii. the rents, rental tenure, unit mix, and unit sizes of the replacement rental units;
  - iii. an acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to replacement rental units on the lands at similar rents, the provision of alternative

- accommodation at similar rents, and other assistance to mitigate hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- iv. any other rental housing-related matters in conformity with Policy 3.2.1.6 of the Toronto Official Plan and Chapter 667 of the Toronto Municipal Code

In support of this settlement offer, please find enclosed the following documents:


- (1) Architectural Plans prepared by DIALOG dated April 19, 2024; and  
(2) Servicing Plan prepared by Masongsong Associates dated April 29, 2024.

We can confirm that if City Council accepts the above noted settlement terms, this offer will become without prejudice and this settlement offer can be released to the public.

If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at [jpark@ksllp.ca](mailto:jpark@ksllp.ca).

Yours truly,

**KAGAN SHASTRI DeMELO WINER PARK LLP**



Jason Park  
JIP/ss

Please reply to the:      Downtown Office

Enclosures

cc:      Ultra Gautam, City of Toronto Legal Services  
         A1 Developments Inc.