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July 4, 2024

**WITHOUT PREJUDICE**

Matter No. 300950

**VIA EMAIL** [Uttra.Gautam@toronto.ca](mailto:Uttra.Gautam@toronto.ca)  
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Uttra Gautam and Ray Kallio  
City of Toronto  
Legal Services Division  
Metro Hall, 26<sup>th</sup> Floor  
55 John Street  
Toronto ON M5V 3C6

Dear Ms. Gautam and Mr. Kallio:

**Re: Without Prejudice Settlement Offer  
1728 Bloor West Dev Inc.  
OLT Case No. OLT-23-001020  
City File No. 23 119823 STE 04 OZ**

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Aird and Berlis LLP represents 1728 Bloor West Dev Inc. (our “**client**”) in the above-noted proceeding with respect to the proposed development of the property municipally known as 1728 Bloor Street West (the “**Site**”).

The Site is located at the northeast corner of Bloor Street West and Indian Grove, one block east of Keele Street, the Keele Subway Station and High Park. The Site has approximate frontages of 15.24 metres along Bloor Street West and 29.85 metres along Indian Grove, providing for a lot area of 455.7 square metres. The Site’s topography is unique as it is situated at the base of two hills where Bloor Street’s grade decreases towards Keele Street/Parkside Drive.

The Site is currently occupied by a single storey coffee shop (Tim Horton’s) and surface parking.

## **Background**

On February 28, 2023, WND Associates, our client’s planning consultant, filed applications for rezoning and site plan approval. The applications proposed the redevelopment of the Site with a 19-storey mixed-use commercial and residential building with at-grade commercial uses proposed at the southwest corner of the building. The proposal includes a total gross floor area (GFA) of 6,860 square metres, composed of 99 new residential units and a non-residential GFA of 86.8 square metres, resulting in a total density of 15.27 times the area of the lot. The total building height is 61.6 metres, exclusive of mechanical penthouse.

The City issued the Notice of Complete Application on April 5, 2023. Preliminary comments from City Planning were provided June 5, 2023 and a Community Consultation Meeting (“**CCM**”) was held on June 6, 2023. On behalf of our client, Aird Berlis LLP appealed those applications on October 3, 2023.

The Ontario Land Tribunal has set a ten (10) day hearing to commence on August 12, 2024.

### **Settlement Proposal**

Arising from extensive without prejudice discussions with City Staff our client has revised its development proposal and is prepared to resolve its appeal on the basis of the below revisions to the built form which are illustrated in the attached plans, dated July 2, 2024:

- Reduction in overall height from nineteen (19) to eighteen (18) storeys;
- Definition of a base building three (3) storeys in height;
- Tower setback of 1.5 m above the base building for the entirety of the south (Bloor Street) elevation and for a portion of the west (Indian Grove) elevation;
- Revision to building floorplate to provide for a 1.5x7.8 (approx.) reveal along the eastern property line, commencing above the first floor and for the entire height of the building;
- Attainment of a generous provision of two (2) and three (3) bedroom units;
- Residential amenity space thoughtfully designed and co-located on the second levels and the rooftop with a total combined amenity ratio of 3.1m<sup>2</sup> per unit;
- Inclusion of an accessible vehicular parking space at grade, interior to the building, to facilitate pickup/drop off activity; and
- Elimination of below-grade vehicular parking in recognition of the proximity of the Site to higher order transit.

Given the size of the Site it is our understanding that the City is requesting cash in lieu of any on or off-site parkland dedication; kindly confirm this understanding.

Based on the above, it is our understanding that the City will consent to the following in respect of OLT-23-001020:

1. Granting of the appeal of the Zoning By-law Amendment Application in, in part and subject to matters in item 3, below;
2. Adjournment, *sine die*, of the referral of the Site Plan Control Application so that a resubmission can be made reflecting the Settlement Plans and subsequently reviewed by the City;
3. Approval, in principle by the OLT of the Zoning By-law Amendment Application, substantially in accordance with the Settlement Plans and subject to the following conditions:
  - a. Updated Noise and Vibration Study to the satisfaction of the Chief Planner or their designate;

- b. Updated Pedestrian Level Wind Study to the satisfaction of the Chief Planner or their designate;
- c. Updated Sun Shadow Study to the satisfaction of the Chief Planner or their designate;
- d. Updated Functional Servicing Report to the satisfaction of the Chief Engineer, Engineering and Construction Services, or their designate;
- e. Updated Transportation Impact Study to the satisfaction of the Chief Planner or their designate; and
- f. Necessary agreements to secure any improvements to municipal infrastructure are identified in the above reports as being required to support the development on the Site; and
- g. The final form and content of the ZBLA be revised to reflect the Settlement Plans and any other matters arising from items a – e above, and to the satisfaction of the Chief Planner and the City Solicitor, or their designates.

It is understood and agreed by our client that the above items a – f will be included as conditions to any interim approval in principle by the OLT and must be resolved prior to any Final Order by the OLT in this matter.

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

It is our understanding that this **without prejudice** settlement offer will be the subject of an in camera report to be considered by Toronto City Council at its meeting commencing on July 24<sup>th</sup>, 2024. We respectfully request confirmation of same.

In the event that City Council rejects this offer it shall remain confidential and shall be considered to be withdrawn on the date of the City Council decision.

In the event that City Council accepts this offer the City will also consent to:

1. Immediately advising the OLT and other parties to the proceeding of the fact of the settlement;
2. Attending before the OLT during the dates schedule for the original hearing, or on another date to be secured, in support of the settlement; and
3. To continue to cooperate with our client on the expeditious clearance of any conditions to the OLT order arising from the proceeding.

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.

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

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello  
EPKC/gg  
Att.  
cc. Client  
WND

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