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File No. 22056

July 9th, 2024

Mr. Marc Hardiejowski  
Solicitor, City of Toronto  
Legal Services  
55 John Street  
26<sup>th</sup> Floor, Metro Hall  
Toronto, ON  
M5V 3C6

**Re: Without Prejudice Settlement Offer**  
**219-221 Roxton Road, Toronto (the "Subject Property")**  
**City File Nos.: 22 137060 STE 11 OZ and 22 137059 STE 11 SA (the**  
**"Applications")**  
**O.L.T. Case Nos.: OLT--23-000651, OLT-23-000652 & OLT-23-000653**

Further to your email of May 15th wherein you have asked that my client confirm certain items please note the responses below.

As you are aware, the owner submitted the Applications on April 4, 2022, to develop a 6-storey mid-rise mixed-use building which was subsequently further revised in February 2023, to a 12-storey, 33-unit mixed use building. The Applications were appealed to the Ontario Land Tribunal (the "Tribunal") on May 23, 2023, as a result of the City of Toronto's failure to make a decision within the statutory time periods. After receiving comments from adjacent landowners and the community and engaging in discussions with the City, the Owner further revised its plans to now facilitate an 8-storey residential development plus rooftop mechanical equipment that will contain a 25-unit mixed use building and is writing on a without prejudice basis to present the Revised Plans to the city as a settlement offer. The revised plans may be downloaded from the following link:

<https://www.dropbox.com/scl/fo/i9gtl7wkk3zs8oi3b7rzf/AHoVK7XtMD0-4TQFz-YQf3w?rlkey=wy0kt9aqhofjfkxdx3ctidi7j&dl=0>

Our client has most recently revised the plans to address some additional comments received from a meeting they held with local residents to provide for some greater architectural details on the south facing wall of the building. If the City is in agreement with the Revised Plans our client is prepared to circulate the same to the other individual

involved in this matter before the Ontario Land Tribunal and to provide the required expert opinion evidence to support the revised proposal at any settlement hearing.

The terms of this without prejudice settlement offer are as follows:

1. This settlement offer is based on the Revised Plans, dated May 30, 2024, which would be implemented through the corresponding zoning by-law amendment(s) and official plan amendment(s). Key features of the Revised Plans include:
  - a) A reduced height from 12-storeys ( 46.1m) to 8-storeys (30.2m) inclusive of a rooftop mechanical penthouse;
  - b) Provision of two at-grade commercial/retail spaces intended for small-scale retail opportunities;
  - c) The incorporation of bike racks that can accommodate larger bikes such as cargo bikes;
  - d) The sole heating source is not facilitated through the use of gas; and
  - e) The incorporation of the previously detailed and provided Sustainability measures.
2. The owner commits to paying for the installation of the loading zone (on the west side of Roxton Road), which would lead to the loss of 2 existing Green P spaces, and in turn, should be relocated elsewhere in the area (location and feasibility to be determined). The cost of facilitating this site plan revision is anticipated to be determined at the site plan stage.
3. The owner agrees that, if City Council accepts this without prejudice settlement offer, the Ontario Land Tribunal's Final Order for this matter would be withheld pending completion of the following:
  - a) the proposed Official Plan Amendment(s) is in a content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

- b) the proposed Zoning By-law Amendment(s) is in a content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- c) the applicant has submitted a revised Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and 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;
- d) the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services;
- e) the applicant has submitted a revised Landscape Plan (with a public utility plan underlay in an updated soil volume plan), to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
- f) the applicant has secured an acceptable Tenant Relocation and Assistance Plan in accordance with Official Plan Policy 3.2.1.12 for the 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 it shall be implemented prior to the issuance of Notice of Approval Conditions for Site Plan Control approval;

As we confirmed previously, we understand that the Local Councillor's office wanted to speak openly about the project with the surrounding community, specifically regarding the owner's Revised Plan and our client has confirmed that is acceptable. In this regard, and with this without prejudice offer, the owner provides the necessary permission for city staff to share the latest without prejudice plans with the surrounding community.

In the event that the City is not in agreement with the Revised Plans and the commitments

identified herein, then our client reserves their right to proceed with its previous plan which included a 12 storey proposal. If, as we hope the offer is accepted, the Owner will work with the city to prepare suitable policy language to implement the revised Proposal and to work out the detailed design through the site plan process.

We would ask that you forward this letter and its enclosures to city staff and Council for their review and instructions.

We look forward to hearing from the city regarding the Offer and please do not hesitate to contact me should you require any further information or wish to discuss this Offer.

Should you have any questions please do not hesitate to contact me.

Yours truly,

**KAGAN SHASTRI DeMELO WINER PARK LLP**

A handwritten signature in black ink, appearing to read 'Paul DeMelo', enclosed within a large, loopy oval flourish.

Paul DeMelo  
Encl.