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August 7, 2024

VIA EMAIL

Ms. Amanda Hill and Mr. Jason Davidson
Solicitors, Planning & Administrative Tribunal Law
City of Toronto, Legal Services Division
Metro Hall, 55 John Street, 26th Floor
Toronto, ON, M5V 3C6

Dear Ms. Hill and Mr. Davidson

RE: 33-37 Maitland Street (City of Toronto)
Ontario Land Tribunal Lead Case No. 23-000374
Zoning By-law Amendment - City File No. 22 203333 STE 13 OZ
Official Plan Amendment - City File No. 22 203333 STE 13 OZ
Heritage Designation By-law No. 1120-2023

With-Prejudice Settlement Offer

We are the lawyers for Carlyle Investments Inc. ("**Carlyle**"), owner of the lands municipally known as 33-37 Maitland Street (the "**Site**").

This letter constitutes our client's offer to settle the appeals that are currently before the Ontario Land Tribunal (the "**Tribunal**") regarding Carlyle's Zoning By-law Amendment and Official Plan Amendment applications, (OLT Case Nos. OLT-23-000374 and OLT-23-000375, collectively, the "**Appeals**"). This offer to settle is being submitted on a with-prejudice basis.

Background Information

The Site is rectangular in shape and located on the south side of Maitland Street between Yonge Street and Church Street, with approximately 35.1 metres of frontage on Maitland Street. Additional access to the Site is provided from Sky Gilbert Lane which is located along the rear of the Site. The Site is approximately 0.14 hectares (0.36 acres) in size and is currently occupied by two low-rise buildings, one of which is a 3-storey apartment building (33 Maitland Street) and the other which is a 2-storey office building (37 Maitland Street).

From a transportation context, the Site has excellent access to higher-order transit and is less than 500 metres from both the College and Wellesley Subway Stations. Maitland Street is also serviced by existing TTC streetcars and/or buses such as the transit routes along Carlton and College Street (Routes 506 and 19) which provide east/west service along Carlton/College Street and connect to the Yonge-Subway Line and the future Ontario Line.

Ontario Land Tribunal Appeals

The Zoning By-law Amendment and Official Plan Amendment applications were appealed to the Tribunal on April 18, 2023, based on City Council's refusal or neglect to make a decision within the statutory timeframe set out in the *Planning Act*. The Site was subsequently designated by the City on November 8, 2023 in accordance with Section 29, Part IV of the *Ontario Heritage Act*. Designation By-law No. 1120-2023 was appealed to the Tribunal on December 22, 2023 (OLT Case No. 23-001314).

Carlyle brought a motion to consolidate its appeals under the *Planning Act* (of its applications for a Zoning By-law Amendment and Official Plan Amendment) with its appeal under the *Heritage Act* (of Designation By-law No. 1120-2023). Carlyle's Notice of Motion was filed on April 19, 2024, and the City's Notice of Response to Motion was filed on May 1, 2024. The affiants were subsequently cross-examined on May 6 and 7, 2024 and a motion date before the Tribunal is scheduled for August 9, 2024. The 15-day Tribunal hearing that was originally scheduled to begin on November 4, 2024 was adjourned until January 20, 2025 (the "**Hearing**"), on account of ongoing settlement discussions referred to below.

Carlyle and City staff have been engaged in a highly-iterative mediation process to resolve issues identified in the Request for Directions Report (dated September 29, 2023). Through this process, the proposal has been modified to address concerns raised throughout mediation. Having resolved City staff's concerns with respect to heritage and as a result of the interim result reached with City staff, Carlyle withdrew its appeal of the Designation By-law and the motion to consolidate its appeals under the *Planning Act* and the *Heritage Act*.

Settlement Proposal

As appealed, the proposed development is comprised of a 49-storey residential building containing 439 apartment dwelling units (including 36 rental replacement units), which would conserve a portion of the existing structure at 37 Maitland Street and demolish the existing structure at 33 Maitland Street (the "**Original Proposal**").

Carlyle is offering to settle the Appeals by revising the Original Proposal in accordance with the Architectural Plans prepared by BDP Quadrangle (dated July 26, 2024), a copy of which is attached as Schedule A (the "**Settlement Proposal**"). The Settlement Proposal is predicated on the following modifications to the Original Proposal:

- Conservation of 33 and 37 Maitland Street: The Settlement Proposal includes the in-situ retention of a portion of the east elevation of 33 Maitland Street, and the rebuilding of the north and partial west elevations. The Original Proposal proposed the full demolition of 33 Maitland Street. Carlyle has also agreed to rebuild the east elevation of the rear additions of 37 Maitland Street in addition to retaining the main building of 37 Maitland in-situ.

- Heritage Permit Applications: The heritage permit applications that were filed by Carlyle on May 2, 2024 in accordance with Sections 33 and 34 of the *Ontario Heritage Act* are being revised to implement the Settlement Proposal. City Staff has advised that it will report on the revised permit applications to the Toronto Preservation Board (TPB) so that the TPB's recommendations can be considered at the City Council meeting commencing on October 9, 2024. As noted below, Carlyle's offer to settle the Appeals based on the Settlement Proposal is conditional upon City Council approving the revised heritage permit applications, subject to conditions that are agreed to between the City and Carlyle.
- Proposed Tower: The building footprint has been reconfigured to ensure a minimum tower separation distance of 20.0 metres from the 17-storey building to the west and 25.0 metres from the 18-storey building to the south. As revised, the building is set back a minimum of 3.4 metres from the north, 3.8 metres from the east, 6.5 metres from the south, and 9.1 metres from the west. The tower floorplate size has been reduced from 703 to 678 square metres and the height of the proposed tower has increased from 49 to 62 storeys. The tower cantilever over 37 Maitland has been increased in height to reduce the visual impact on the heritage resources. The unit mix shall include 15% two-bedroom units and 10% three-bedroom units.
- Affordable Housing: Carlyle offers to provide an in-kind contribution pursuant to Section 37(6) of the *Planning Act* in the form of affordable rental housing units (the "**Affordable Housing Units**"), with the value of the Affordable Housing Units to be equal to 4 percent of the value of the Site, in full satisfaction of the applicable community benefit charges. The value in terms of number of affordable rental housing units shall be determined in accordance with Section 37 of the *Planning Act* and in consultation with the Chief Planner. Carlyle and City staff will work cooperatively to confirm the quantum of affordable housing units to be provided acceptable to Carlyle and City staff.

Matters of Implementation

As stated above, this offer to settle is conditional on City Council approving the heritage permit applications subject only to such conditions that are agreeable to Carlyle and the City.

Should this offer to settle be accepted by City Council, Carlyle and the City will jointly advise the Tribunal that all of the City's issues have been resolved and that the City has no objection to the Settlement Proposal. Carlyle will be responsible for leading planning evidence in support of the Settlement Proposal, including filing any sworn affidavit evidence with the Tribunal.

Carlyle and the City shall jointly request that the Tribunal withhold its final Orders in respect of the Zoning By-law Amendment and Official Plan Amendment applications until Carlyle and the City have advised that the preconditions listed in Schedule B have been satisfied.

The Settlement Offer is open until the conclusion of the City Council meeting that is scheduled to commence on October 9, 2024, following which it will become null and void if not accepted. If you have any questions, please contact the undersigned and Michael Cara (mcara@overlandllp.ca).

Yours truly,
Overland LLP



Per: Daniel Artenosi
Partner

Schedule A

Architectural Plans prepared by BDP Quadrangle (dated July 26, 2024)

BDP. Quadrangle

Quadrangle Architects Limited
The Well, 8 Spadina Avenue, Suite 2100, Toronto, ON M5V 0S8
t 416 598 1240 www.bdpquadrangle.com

35 MAITLAND STREET

33-37 Maitland Street
Toronto, ON, M4Y 1C8

for
Carlyle Communities

Project No. 22024
Date 2024-07-26
Issued for Issued for Settlement

A100.S	Statistics	A401.S	Building Elevations
		A402.S	Building Elevations
		A403.S	Building Elevations
A102.S	Site and Context Plan	A451.S	Building Sections
A103.S	P1 Underground		
A201.S	Ground Floor Plan		
A202.S	Floor 2 and Floor 3 Plan		
A203.S	Floor 4 and Floor 5-6 Plan		
A204.S	Floor 7 and Floor 8-9 Plan		
A205.S	Typical Floor and Mechanical Penthouse Plan		

ARCHITECTURAL DRAWINGS

BDP. Quadrangle

Quadrangle Architects Limited
The Well, 8 Spadina Avenue, Suite 2100, Toronto, ON M5V 0S8
t 416 598 1240 www.bdpquadrangle.com

PROJECT STATISTICS SUMMARY	
Municipal Address: 33-37 Maitland Street	
Total Site Area	1444.5 sm
Zoning Bylaw 569-2013	R (d2.0) (x875)
Average Grade	106.04
Building Height (Storeys): (excl. Mech Penthouse)	62
Building Height above Average Grade: (excl. Mech Penthouse)	199 m
GFA - Residential Uses	38,054.5 sm
GFA - Non-Residential Uses	0.0 sm
By-Law 569-2013, Total GFA	38,054.5 sm
Floor Space Index (FSI) Total Site Area	26.34
Number of Residential Suites	520
Min. Total Residential Amenity Space Required	2,080.0 sm
Total Residential Amenity Space Provided	2,080.0 sm
Vehicular Parking Total Provided	0
Bicycle Parking Total Required	582
Bicycle Parking Total Provided	582
Total Loading Spaces Required	2
Total Loading Spaces Provided	2

3 SUMMARY
A100.S SCALE: NTS

The STATS below are based on requirements as per the Toronto City-Wide Zoning bylaw 569-2013 and the Toronto Green Standard v4			
VEHICULAR PARKING	Provided		Residential
			Occupant
			Visitor
			pickup/Drop-off
			TOTAL
			Included in the TOTAL above:
			Number of Accessible Parking Spaces
			*Number of parking spaces dedicated for priority LEV parking
			*Number of parking spaces with EVSE
BICYCLE PARKING	Required Provided		Bicycle Zone 1
			Residential
			Long Term (1.0/unit)
			Short Term (0.1/unit)
			Short Term* (10 min.)
			TOTAL
			*Additional 10 min. publicly accessible, short-term bicycle parking spaces provided.
			NOTE:
			78 Long term bicycle spaces (15%) are equipped with energized outlets (120 V)

VEHICULAR PARKING LOCATION	Parking Space Location			
	Level		RESIDENTIAL	TOTAL
			Occupant	Visitor
			Surface	P1
AMENITY SPACE	Residential		Required	Provided
			TOTAL Res Amenity = 4.0sm/dwelling unit	
			Indoor Amenity min. 2.0sm/dwelling unit	
			Required Indoor Amenity Deducted from Gross Floor Area	
			Outdoor Amenity min. 40sm	

LOADING / GARBAGE	Loading Spaces		Required	Provided
	Residential			
			520 units	
			Type G	Type C
NOTES	GFA Exclusions assumed above:			

2 PROJECT STATISTICS - PARKING, LOADING AND AMENITY
A100.S SCALE: NTS

Floor		GBA Gross Building Area (no exclusions)		569-2013 GFA Exempt (sm)		City-Wide By-Law 569-2013				Studio					1 Bdrm	2 Bdrm	3 Bdrm	Total Suites	Notes:
						GFA (Res)		GFA (Non-Res)											
						sm	Retail (sm)	Office / Retail (sm)											
TOWER	Mech Penthouse	677.9	677.9	0.0	0														
	62	678.0	57.0	621.0	0.0		1	5	2	1	9								
	61	678.0	57.0	621.0	0.0		1	5	2	1	9								
	60	678.0	57.0	621.0	0.0		1	5	2	1	9								
	59	678.0	57.0	621.0	0.0		1	5	2	1	9								
	58	678.0	57.0	621.0	0.0		1	5	2	1	9								
	57	678.0	57.0	621.0	0.0		1	5	2	1	9								
	56	678.0	57.0	621.0	0.0		1	5	2	1	9								
	55	678.0	57.0	621.0	0.0		1	5	2	1	9								
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11	678.0	57.0	621.0	0.0		1	5	2	1	9									
10	678.0	57.0	621.0	0.0		1	5	2	1	9									
9	659.5	57.0	602.5	0.0		1	6	1	1	9									
8	659.5	57.0	602.5	0.0		1	6	1	1	9									
7	617.6	57.0	560.6	0.0		0	0	0	0	0							Amenity		
PODIUM	6	790.1	57.0	733.1	0		0	7	2	1	10								
	5	790.1	57.0	733.1	0.0		0	7	2	1	10								
	4	790.1	57.0	733.1	0.0		0	2	1	1	4								
	3	834.0	258.0	576.0	0.0		0	1	0	0	1								
	2	1,001.3	388.0	613.3	0.0		0	0	0	0	0							Open to below excluded from GBA and GFA.	
BELOW GRADE	Ground	1,098.5	204.0	894.5	0.0		0	0	0	0	0								
	P1	1,070.2	937.4	132.8	0.0														
TOTALS				39,094.5			55	294	113	58	520								
				Indoor Amenity Deduction	1,040.0		10.6%	56.5%	21.7%	11.2%	100%							% of Suite Type	
	Above grade	43,852.6		38,054.5	0.0	0.0													
	Inc. Below Grade	44,922.8																	
GFA USE Breakdown	Total Non-Res GFA		0.0 sm		RENTAL REPLACEMENT														
	Total RESIDENTIAL GFA		38,054.5 sm		Existing Unit Count Average Size Proposed Unit Count Average Size A total of 36 units from the proposed units will be allocated as Rental Replacement Units. Location of these units are noted on the plans. The existing units range from 302sf to 524sf. The proposed Studio units average size is 326sf. The proposed proposed 1-Bedroom unit average area is 468sf.														
Area Totals & FSI	TOTAL Gross Floor Area		38,054.5 sm		Studio 34 326 sf 34 326 sf 1-Bedroom 2 468 sf 2 468 sf														
	FSI		26.34		Total 36 36														

GBA: Aggregate area of each floor measured from the exterior side of the exterior walls. Includes all shafts, stairs, loading areas, below grade areas and mechanical penthouse.

GFA: *As per By-law 569-2103, Gross Floor Area (GFA) is reduced by the area in the building used for: parking, loading and bicycle parking below-ground; required loading spaces at the ground level and required bicycle parking spaces at or above-ground; storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement; shower and change facilities required by this By-law for required bicycle parking spaces; amenity space required by this By-law; elevator shafts; garbage shafts; mechanical penthouse; and exit stairwells in the building.

NOTE: All open to below areas are excluded in GBA and GFA, unless otherwise indicated in the Notes column above.

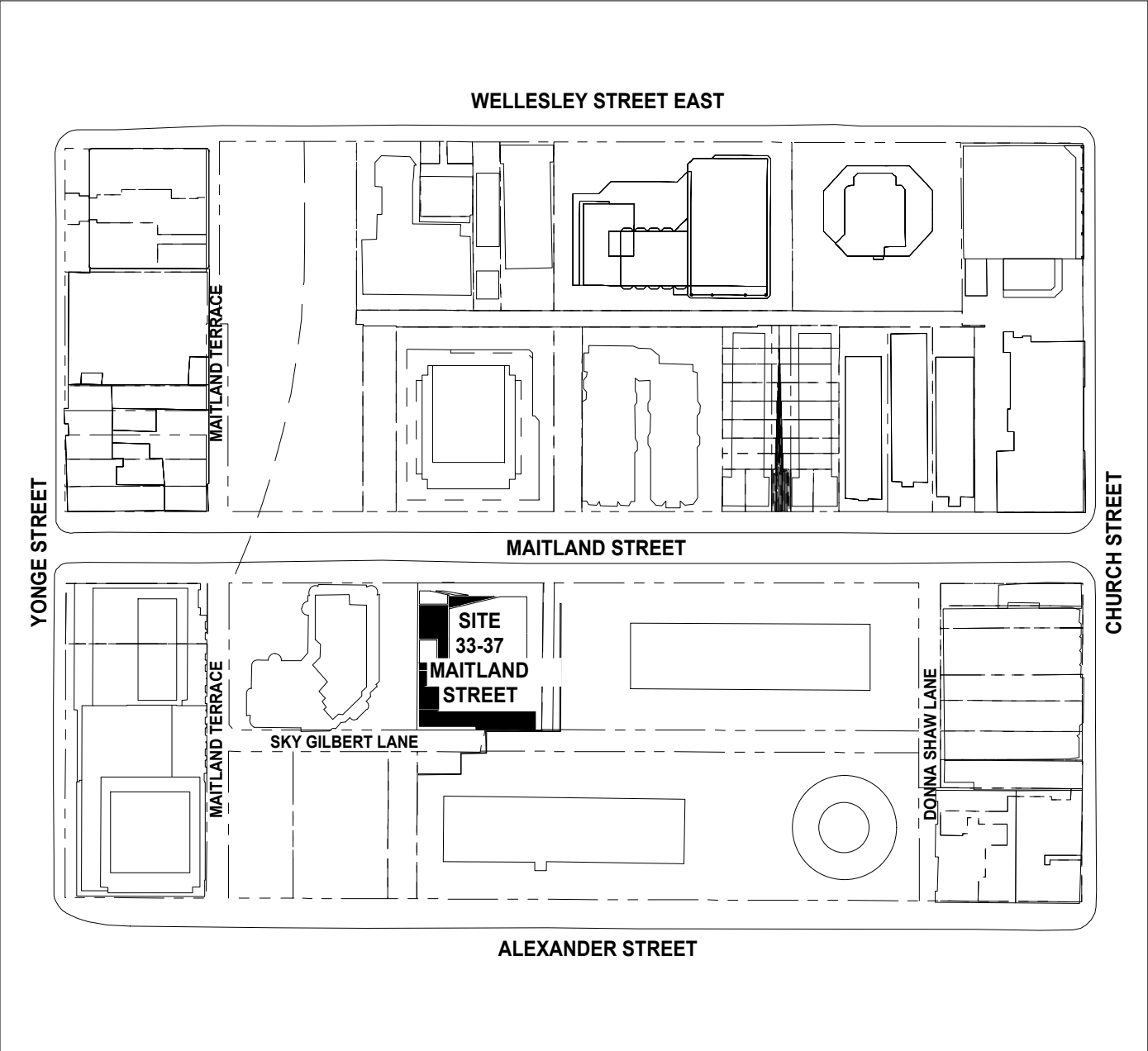
1 PROJECT STATISTICS - AREAS
A100.S SCALE: NTS

REVISION RECORD

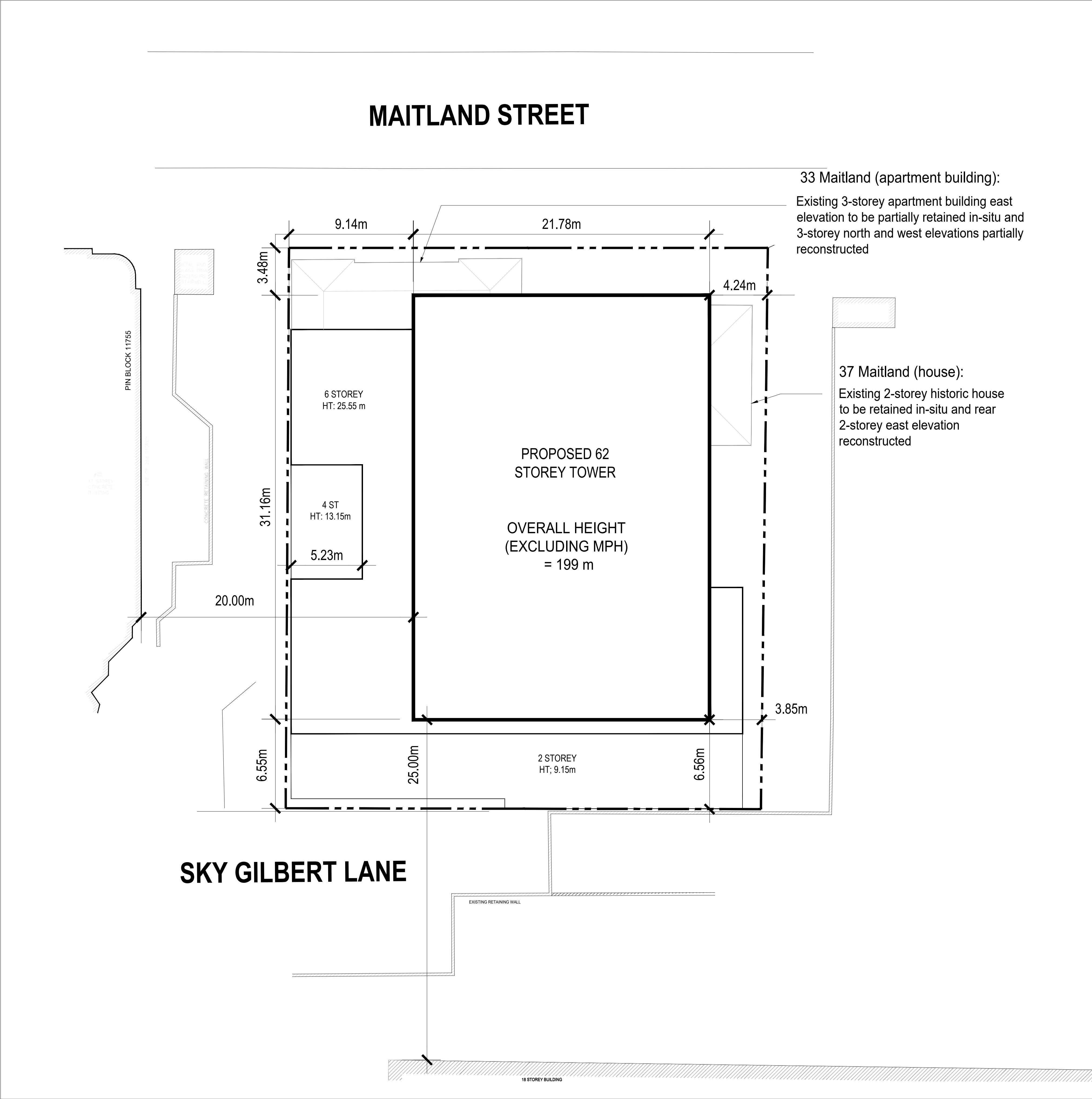
2024-07-26 Issued for Settlement

ISSUE RECORD

Quadrangle Architects Limited
The Well, 8 Spadina Avenue, Suite



3 CONTEXT PLAN
A102.S SCALE: 750

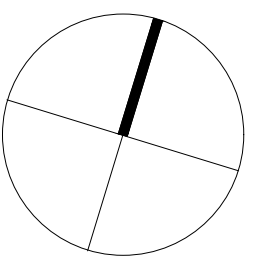


1 SITE PLAN
A102.S SCALE: 1:150

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t 416 598 1240 www.bdpquadrangle.com

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Toronto, ON, M4Y 1C8

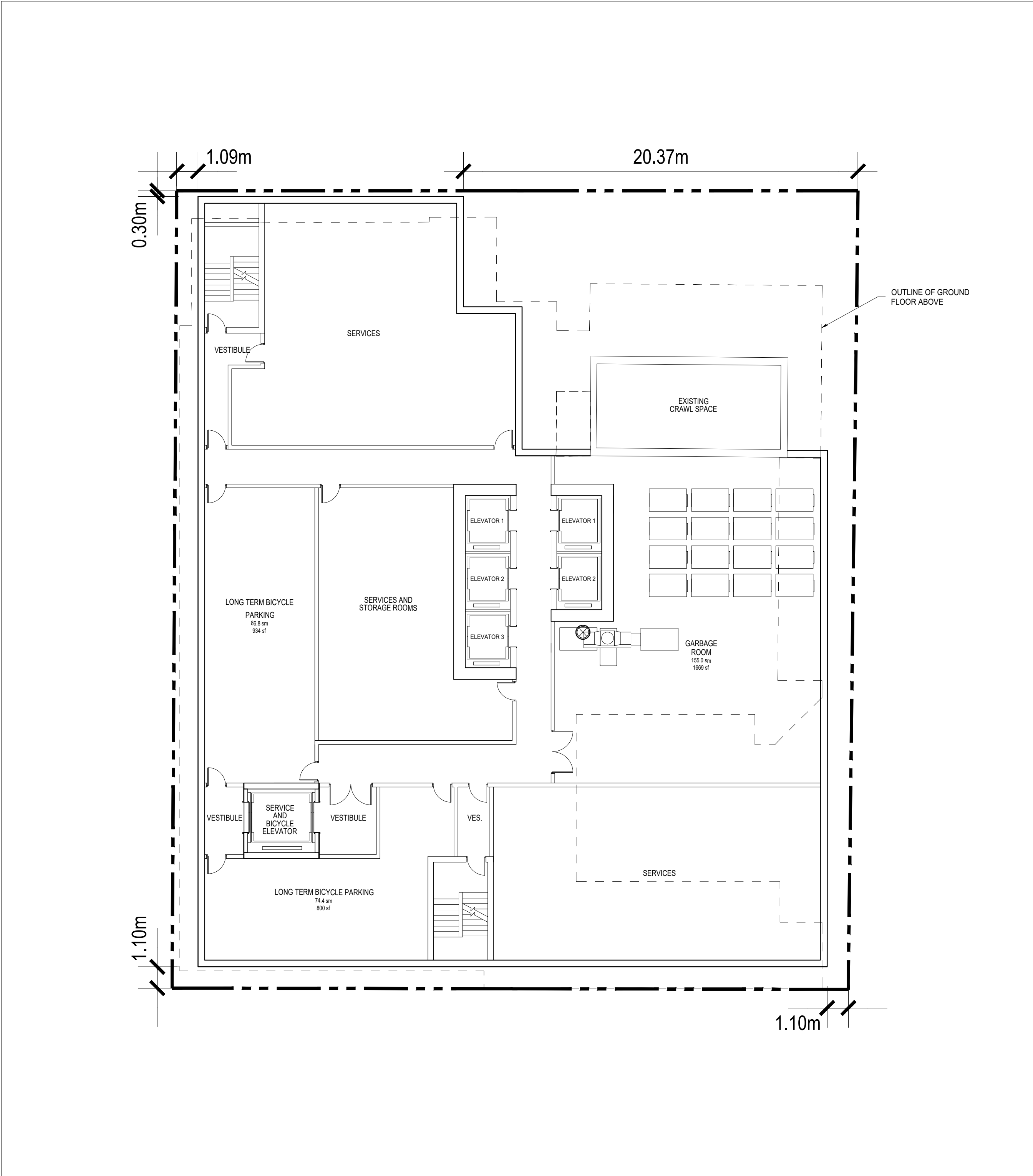
Carlyle Communities

2024 PROJECT 1:150 SCALE SP DRAWN SK REVIEWED

Site Plan

A101.S

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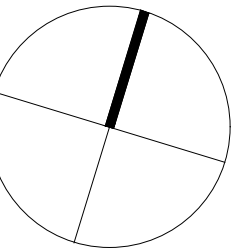


1
A103.S
P1 PARKING PLAN
SCALE: 1:150

REVISION RECORD

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Carlyle Communities

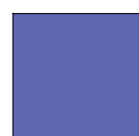
22024 1:150 SP SK
PROJECT SCALE DRAWN REVIEWED

P1 Underground

A103.S

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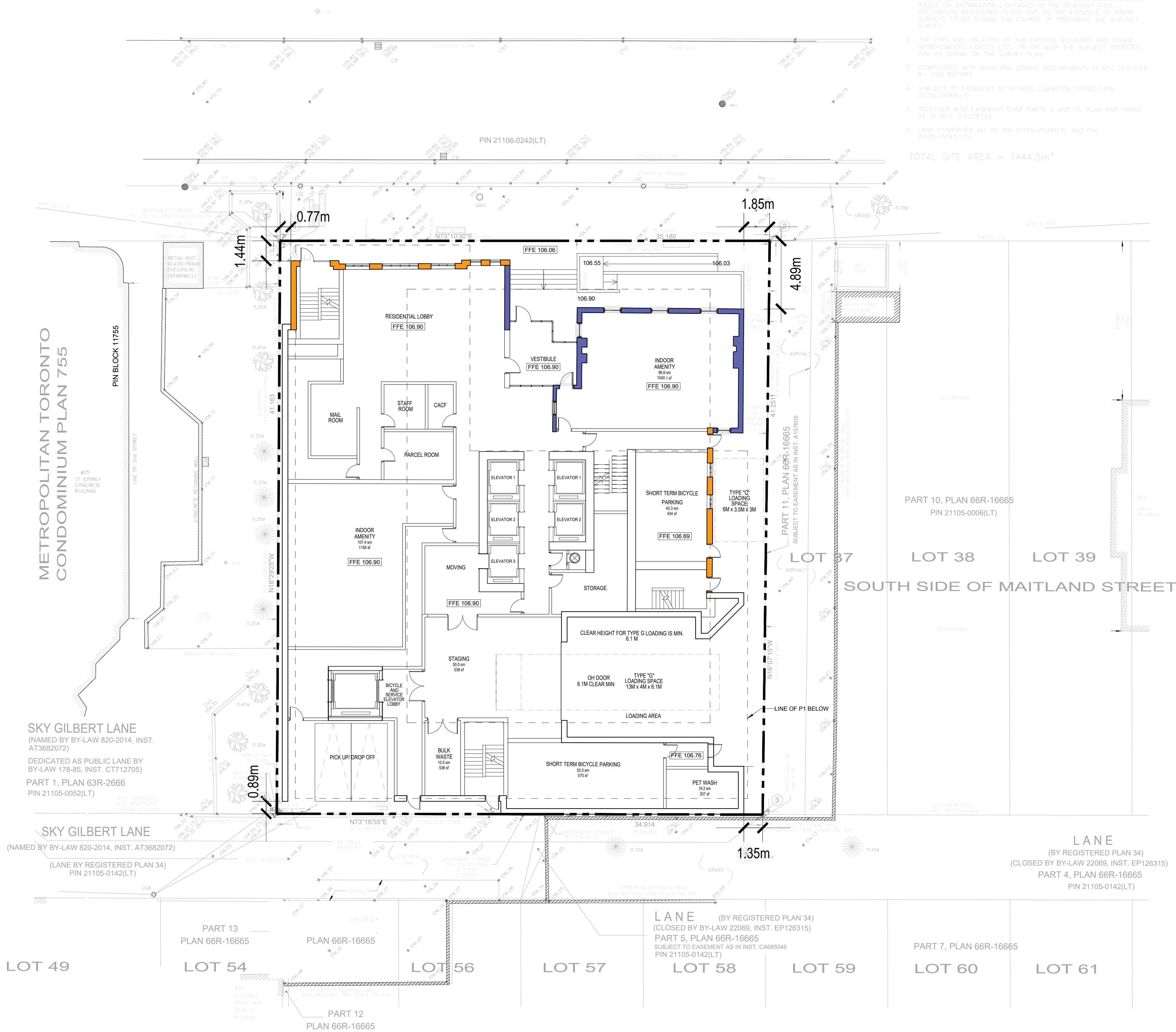
GROUND FLOOR PLAN LEGEND



EXISTING WALL
TO BE RETAINED IN SITU



EXISTING WALL TO BE
RECONSTRUCTED



SURVEY REPORT

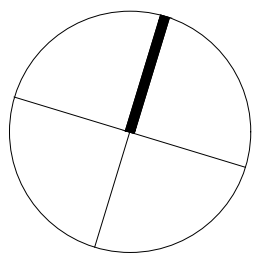
1. THE RE-ESTABLISHMENT OF THE SUBJECT PROPERTY BOUNDARIES IS BASED ON INFORMATION CONTAINED IN THE RELEVANT TITLE DOCUMENTS, REGISTERED PLANS AND ON THE EVIDENCE OF PRIOR SURVEYS FOUND DURING THE COURSE OF PREPARING THE SUBJECT SURVEY.
2. THE TYPE AND LOCATION OF THE EXISTING BUILDINGS AND OTHER IMPROVEMENTS, FENCES ETC., ON OR NEAR THE SUBJECT PROPERTY ARE AS SHOWN ON THE SURVEY PLAN.
3. COMPLIANCE WITH MUNICIPAL ZONING REQUIREMENTS IS NOT CERTIFIED BY THIS REPORT.
4. SUBJECT TO EASEMENT AS IN INST. CA645704 (AFFECT PIN 21105-0046(LT)).
5. TOGETHER WITH EASEMENT OVER PARTS 5 AND 11, PLAN 66R-16665 AS IN INST. CA278739.
6. LAND COMPRISES ALL OF PIN 21105-0046(LT) AND PIN 21105-0047(LT).

TOTAL SITE AREA = 1444.5m²

REVISION RECORD

2024-07-26 Issued for Settlement

ISSUE RECORD



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35 MAITLAND STREET
33-37 Maitland Street
Toronto, ON, M4Y 1C8

Carlyle Communities

22024 1:150 SP SK
PROJECT SCALE DRAWN REVIEWED

Ground Floor Plan

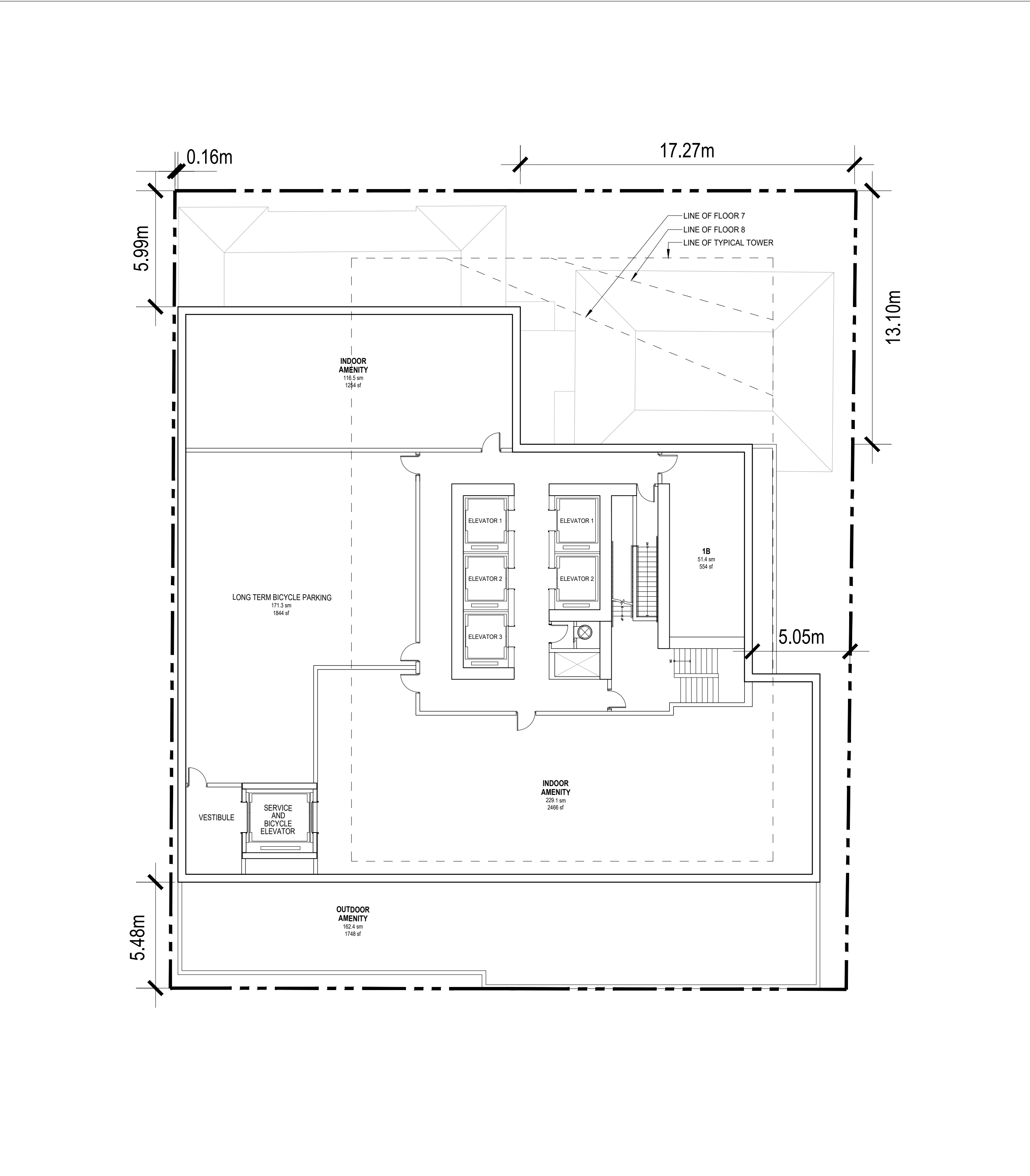
A201.S

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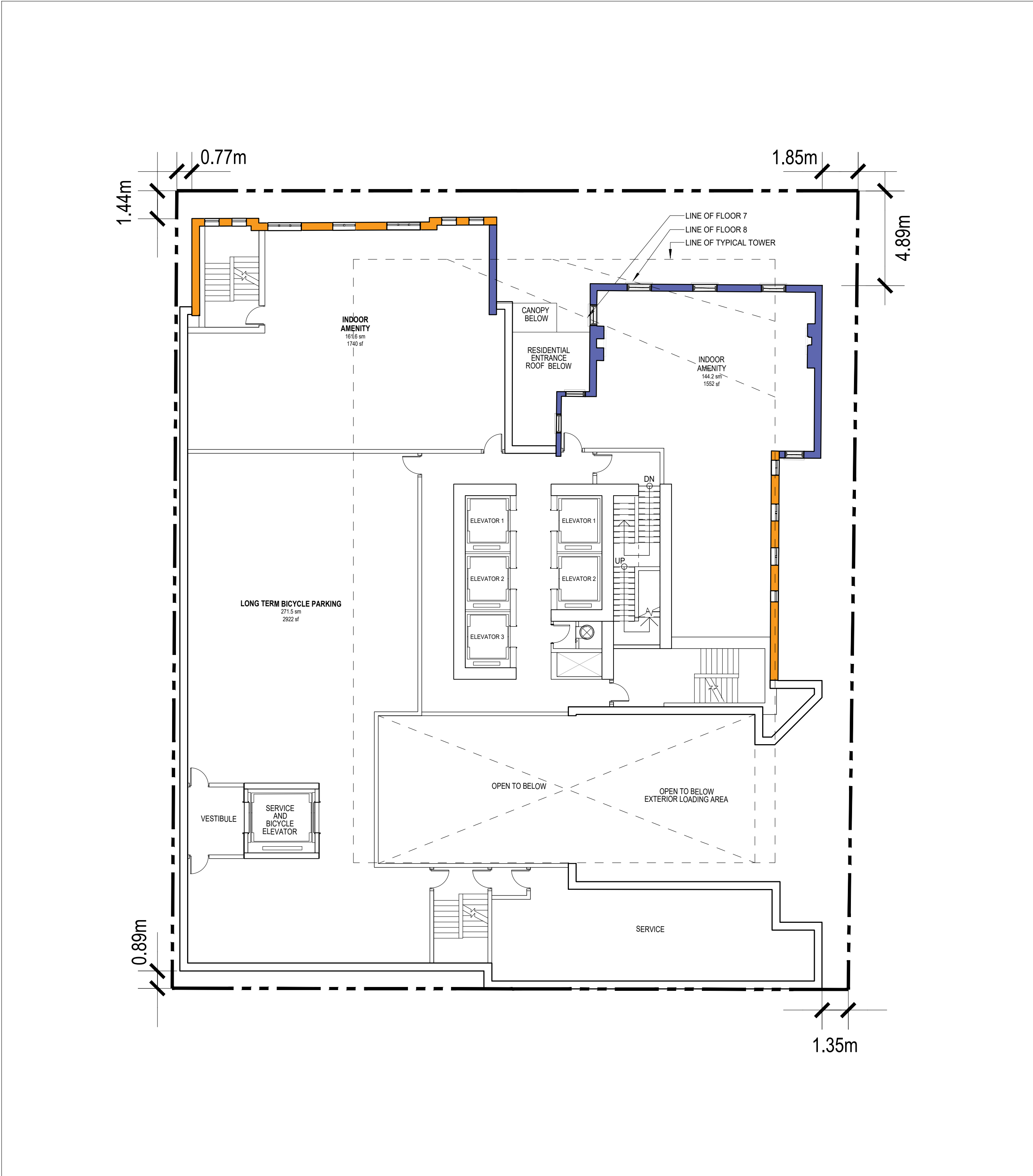
SECOND FLOOR PLAN LEGEND

EXISTING WALL
TO BE RETAINED IN SITU

EXISTING WALL TO BE
RECONSTRUCTED



2 FLOOR 3 PLAN
A202.S SCALE: 1:150

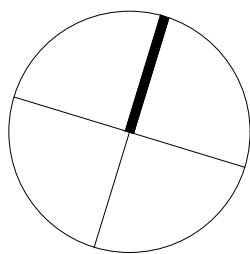


1 FLOOR 2 PLAN
A202.S SCALE: 1:150

REVISION RECORD

2024-07-26 Issued for Settlement

ISSUE RECORD



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t 416 598 1240 www.bdpquadrangle.com

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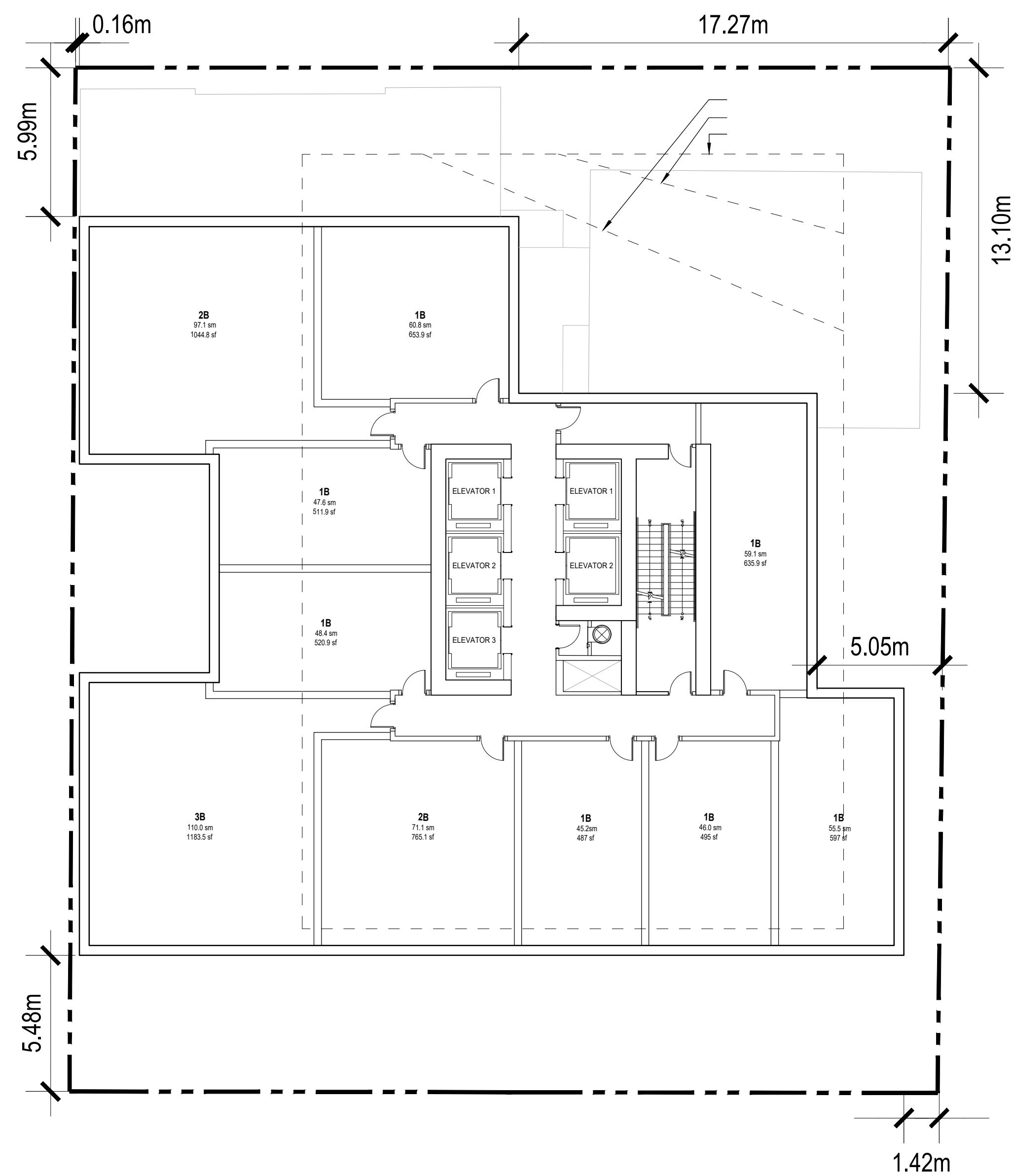
Carlyle Communities

22024 1:150 SP SK
PROJECT SCALE DRAWN REVIEWED

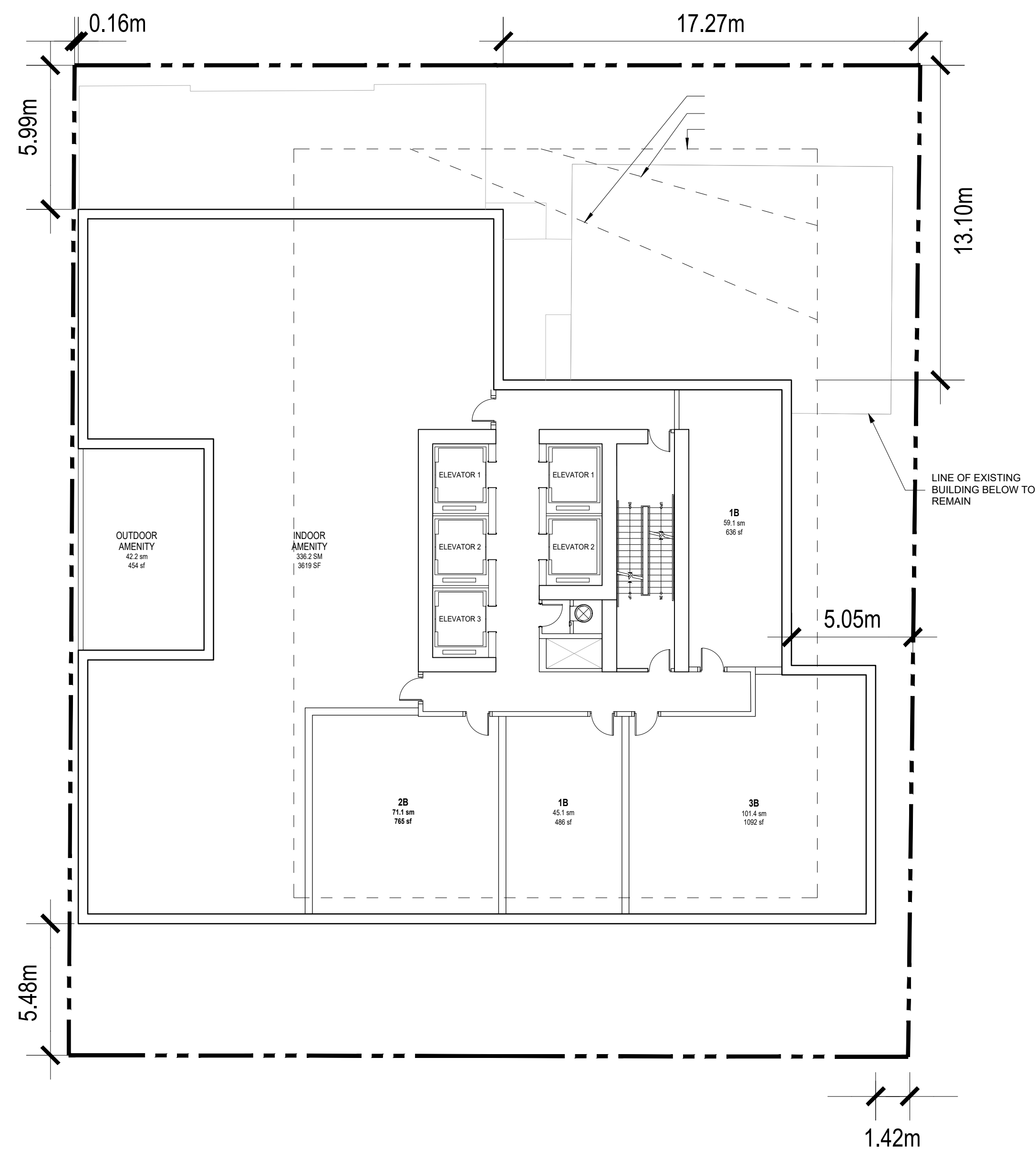
Floor 2 and Floor 3 Plan

A202.S

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2 FLOOR 5 - 6 PLAN
A203.S SCALE: 1:150

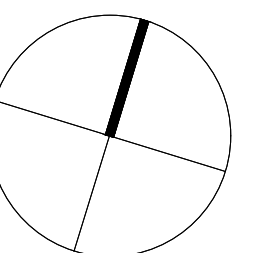


1 FLOOR 4 PLAN
A203.S SCALE: 1:150

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Carlyle Communities

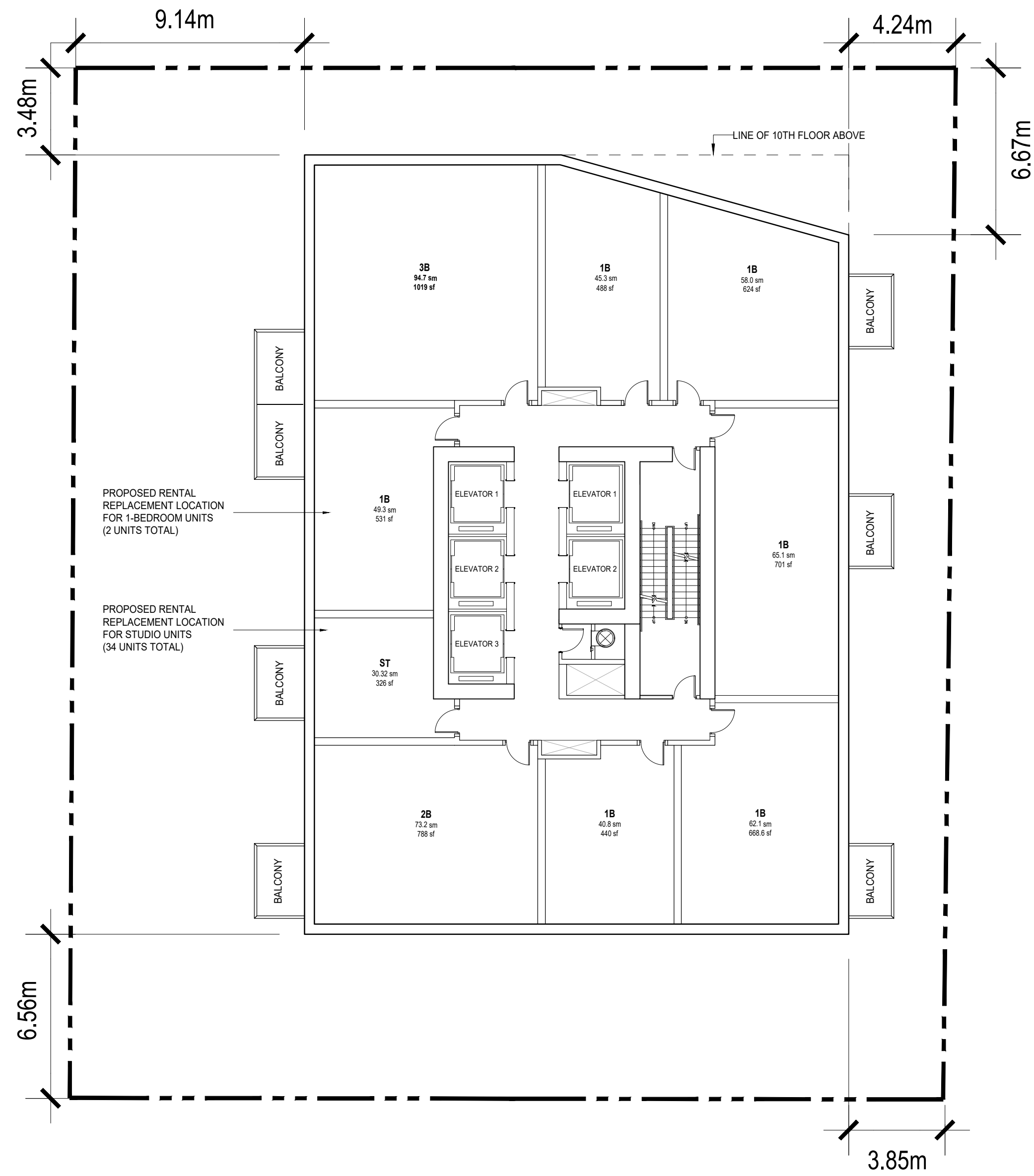
22024 1:150 SP SK
PROJECT SCALE DRAWN REVIEWED

Floor 4 and Floor 5-6 Plan

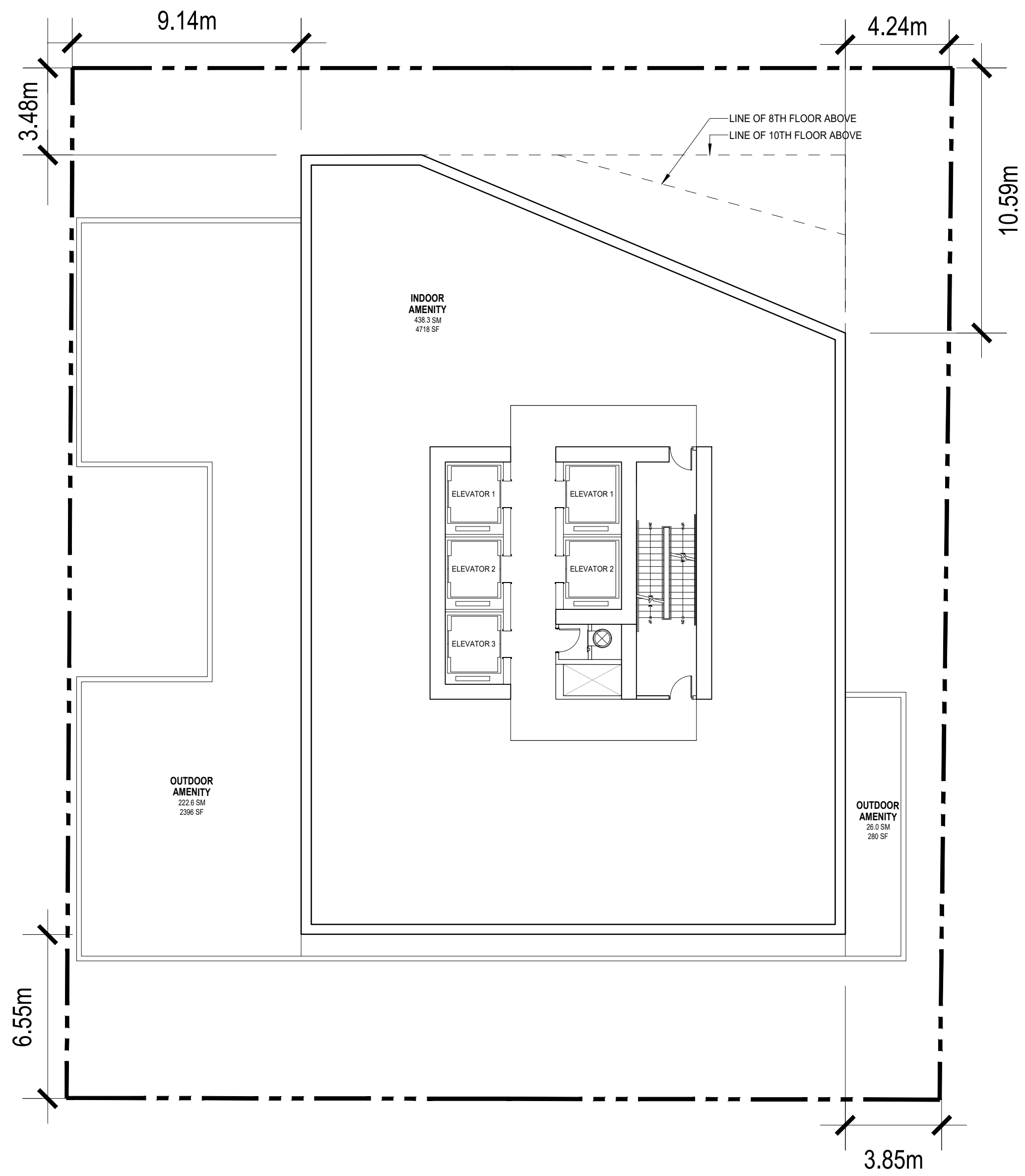
A203.S

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NOTE:
RENTAL REPLACEMENT UNITS ARE IN CONTIGUOUS (VERTICAL
OR HORIZONTAL) GROUP OF SIX OR MORE UNITS



2 FLOOR 8 - 9 PLAN
A204.S SCALE: 1:150

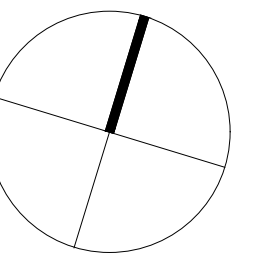


1 FLOOR 7 PLAN
A204.S SCALE: 1:150

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22024 1:150 SP SK
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Floor 7 and Floor 8-9 Plan

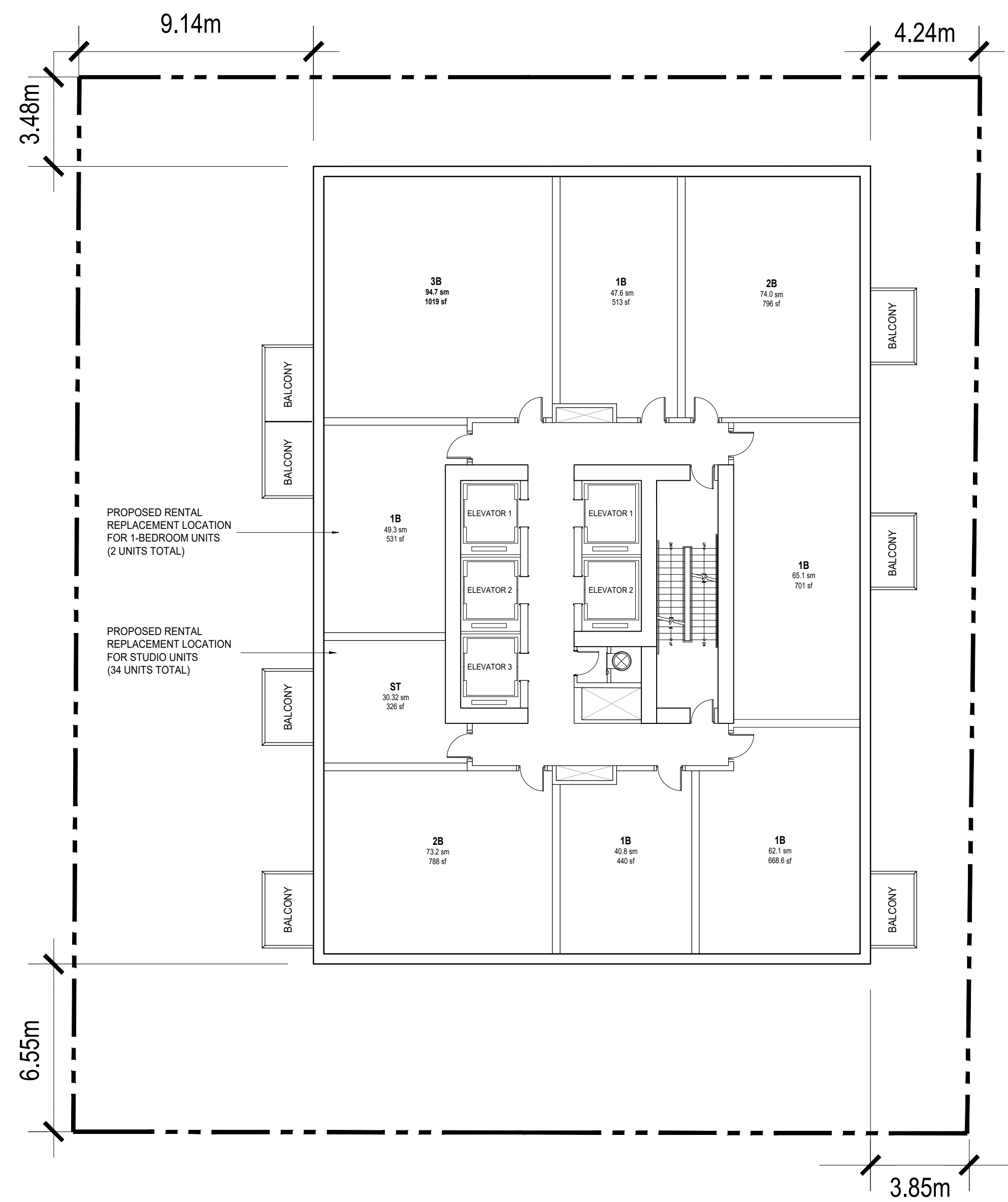
A204.S

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2 MPH FLOOR PLAN
A205.S SCALE: 1:150

NOTE:
RENTAL REPLACEMENT UNITS ARE IN CONTIGUOUS (VERTICAL
OR HORIZONTAL) GROUP OF SIX OR MORE UNITS

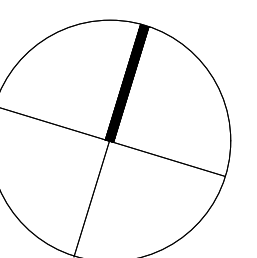


1 TYPICAL FLOOR PLAN
A205.S SCALE: 1:150

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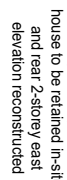
22024 1:150 SP SK
PROJECT SCALE DRAWN REVIEWED

Typical Floor Plan and
Mechanical Penthouse

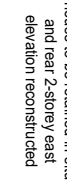
A205.S

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2 EAST E
A401.S SCALE: 1:450



1 NORTH
A401.S SCALE: 1:450

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Carlyle Communities

22024 1:450 SP SK
PROJECT SCALE DRAWN REVIEWED

Building Elevations

A401.S

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Carlye Communities

22024 1:450 SP SK
PROJECT SCALE DRAWN REVIEWED

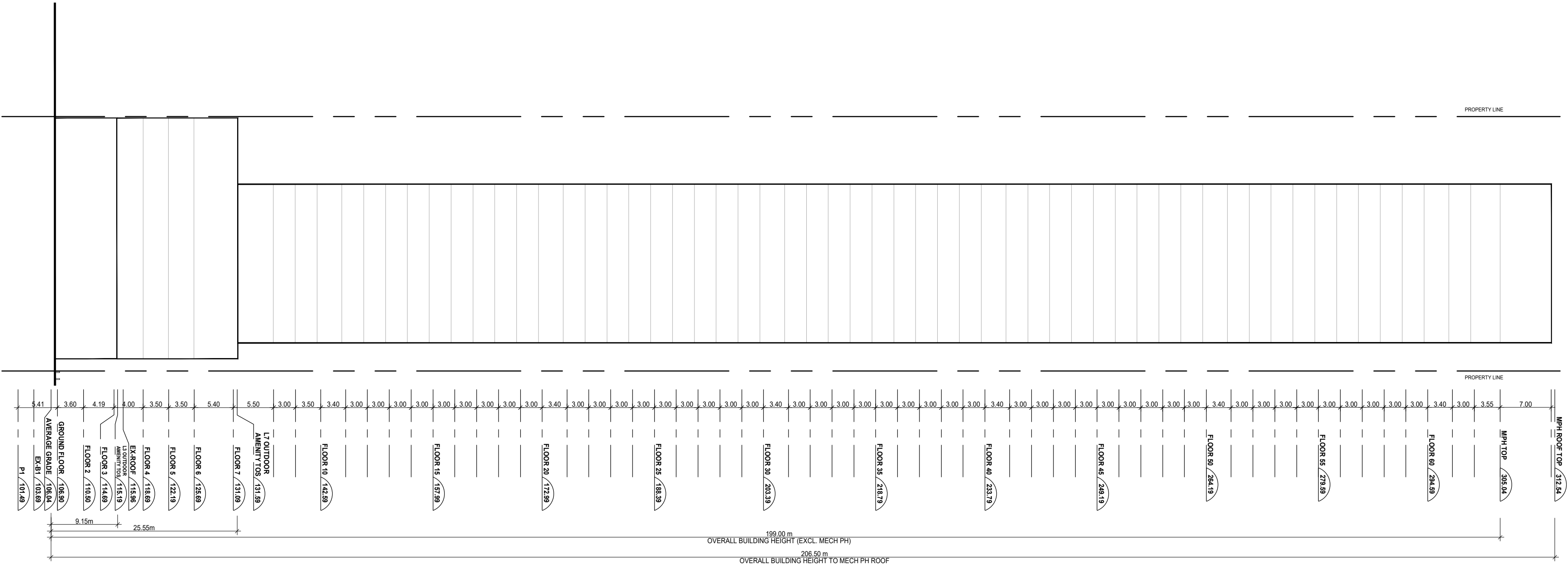
Building Elevations

A402.S

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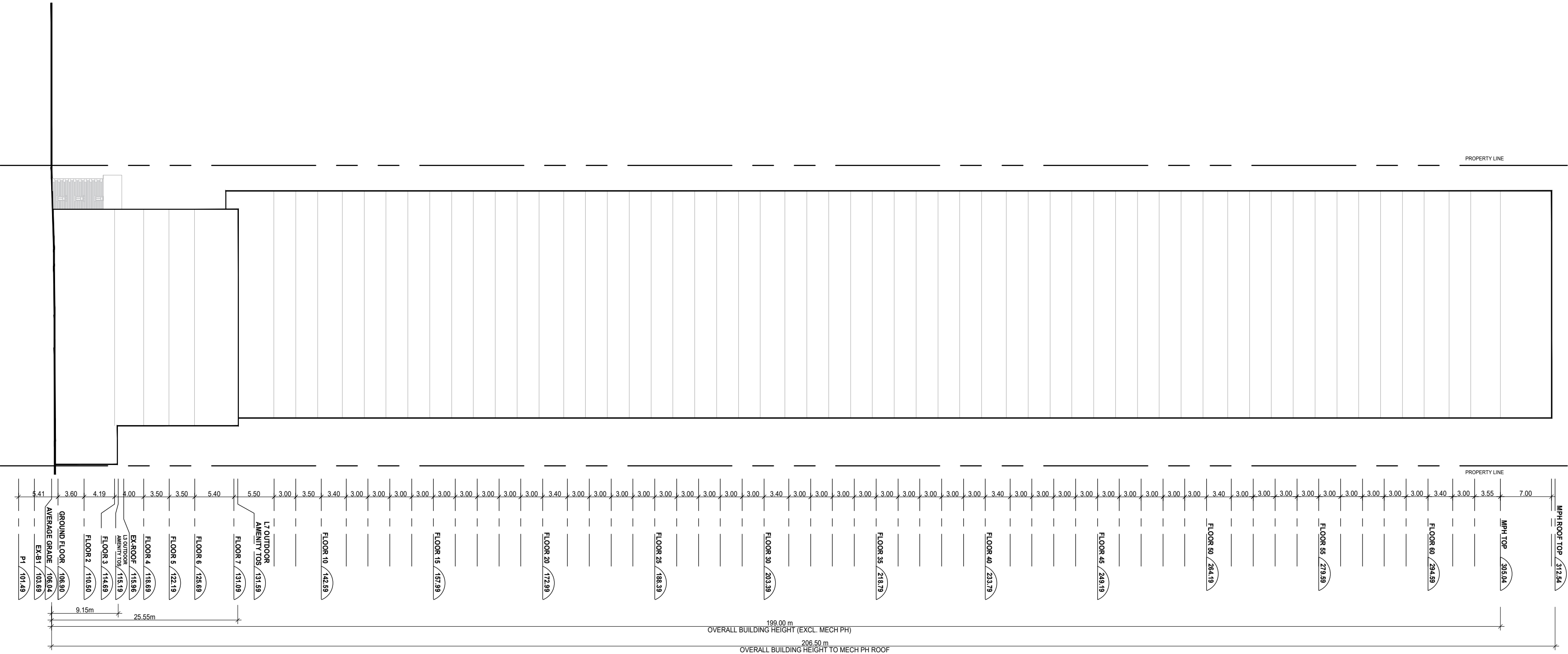
1 SOUTH ELEVATION

A402.S / SCALE: 1:450



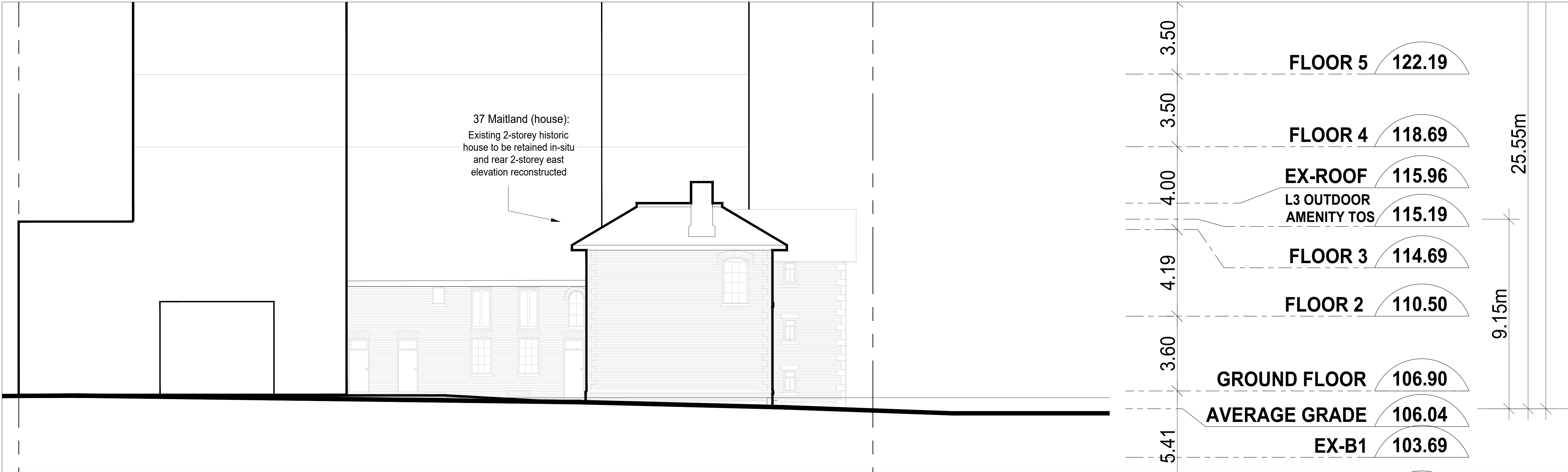
2 WEST ELEVATION

A402.S / SCALE: 1:450





1 NORTH ELEVATION
A403.S SCALE: 1:100



2 EAST ELEVATION
A403.S SCALE: 1:100

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22024 1:100 SP SK
PROJECT SCALE DRAWN REVIEWED

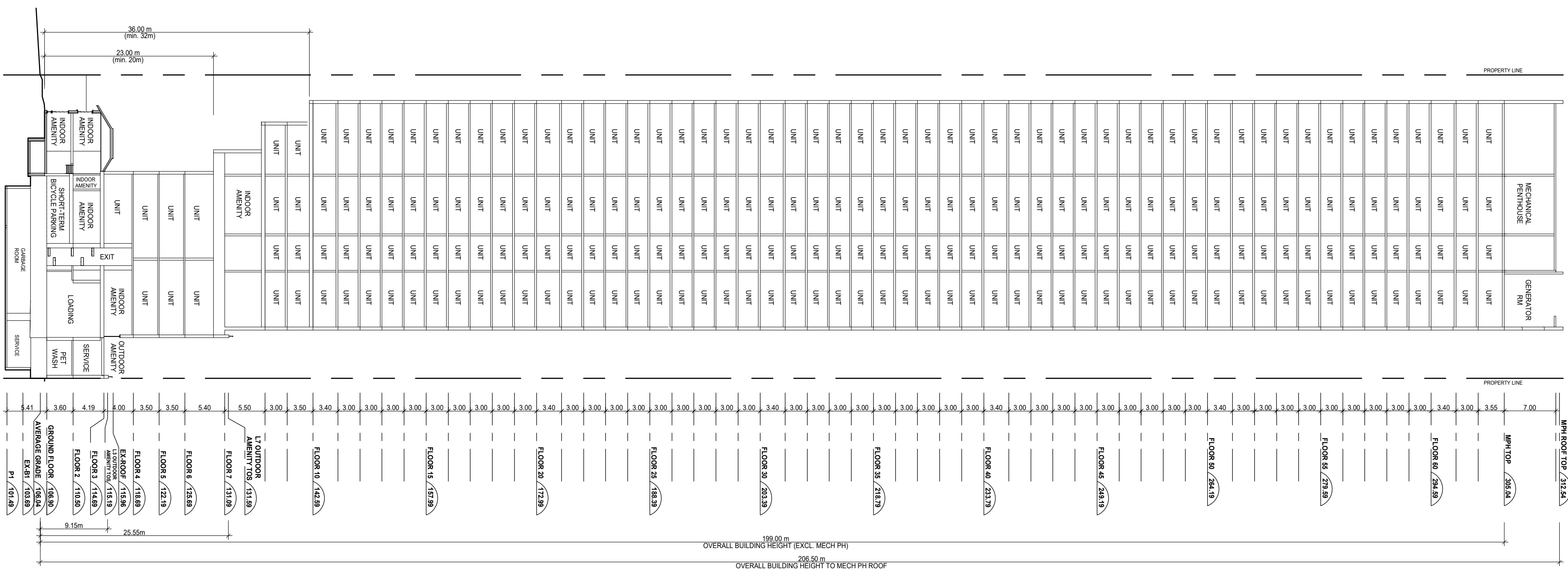
Building Elevations

A403.S

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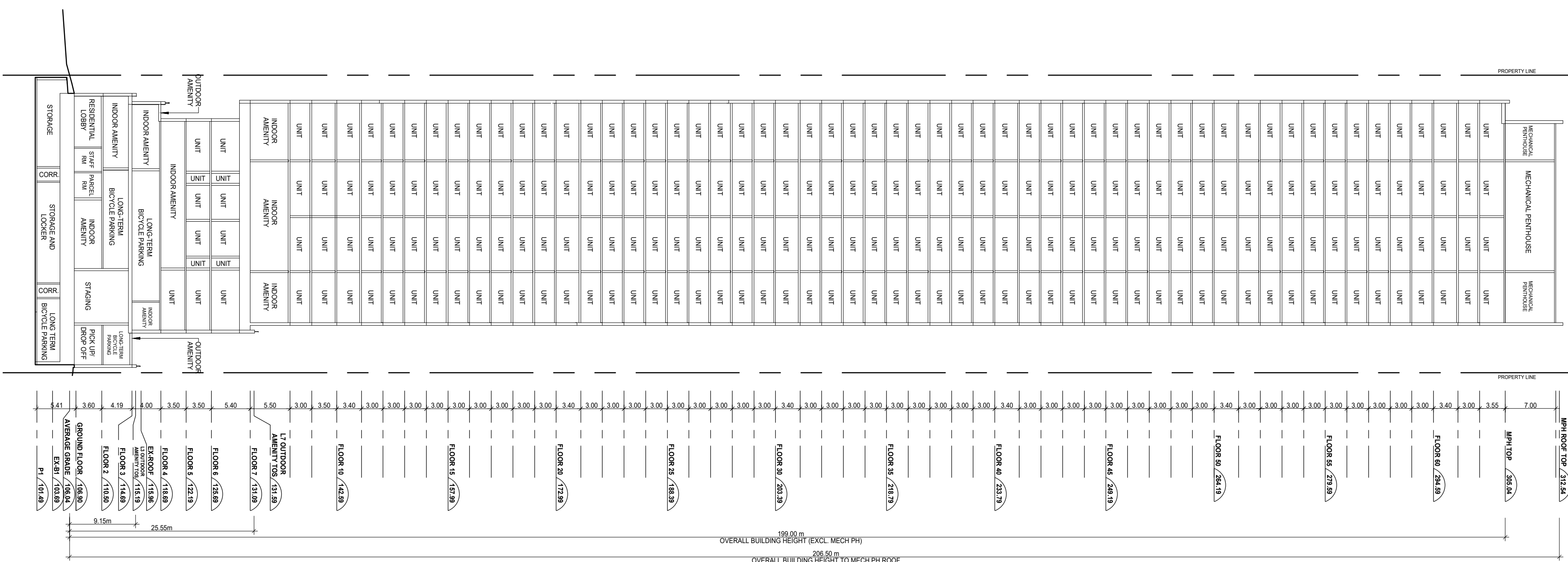
2 SECTION 2

A451.S SCALE: 1:450



SECTION 1

A451.S SCALE: 1:450



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22024 1:450 SP SK
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Building Section

A451.S

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Schedule B

List of Preconditions for Final Order(s)

1. The final form and content of the draft Official Plan Amendment and Zoning By-law Amendment(s) are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.
2. The Owner has provided confirmation of water, sanitary and stormwater, and traffic capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.
3. The Owner has secured replacement of the existing 36 rental housing units, including the same number of units, bedroom type and size and with similar rents.
4. The Owner has secured an acceptable Tenant Relocation and Assistance Plan addressing the right for existing and former tenants to return to a replacement rental unit 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.
5. City Council has approved the Rental Housing Demolition Application 22 199096 STE 13 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 dwelling units 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 all rental housing-related matters necessary to implement City Council's decision.
6. The Owner has, at its sole expense, submitted a revised Heritage Impact Assessment that includes a detailed conservation strategy for the properties at 33 and 37 Maitland Street to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, and City Planning.
7. The Owner has fulfilled all conditions that may be imposed by City Council regarding the heritage permit applications (for demolition and alteration in respect of 33 and 37 Maitland Street), including any requirement to enter into a Heritage Easement Agreement.
8. The Owner has provided confirmation that no new construction will be undertaken within 3 metres of existing Toronto Transit Commission infrastructure.

9. The Owner has 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. The Transportation Impact Study or addendum will further include a parking study to the satisfaction of the General Manager, Transportation Services.
10. 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.