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October 29, 2024

Without Prejudice/Confidential

Via Email

City of Toronto
c/o Daniel Elmadany and Laura Bisset, Solicitors
26th Floor - Metro Hall
55 John Street
M5V 3C6 Toronto ON

Dear Sirs/Mesdames:

**Re: Settlement Offer
Cadillac Fairview Corporation Limited
OLT Case Nos. OLT-22-001933 – OPA 469, Sherway Area Secondary Plan
OLT Case No. OLT-22-002175 – 25 The West Mall**

We are the solicitors for The Cadillac Fairview Corporation Limited (the "Company"), in respect of the above-captioned matter, related to the Company's appeal of proposed Official Plan Amendment No. 469 under OLT File No. OLT-22-001933 ("OPA 469") and the Company's appeal of its Site Specific Official Plan Application under OLT File No. OLT-22-002175 ("Site Specific OPA") in connection with its lands known as 25 The West Mall (the "Property"). The Property includes the existing CF Sherway Gardens and two surrounding areas for development, being generally located along the south side of The Queensway to the west of North Queen Street (the "Phase 1 Lands") and along the south side of The Queensway to the east of North Queen Street (the "Phase 2 Lands").

On behalf of the Company, we are writing to propose the settlement of the Company's appeal of OPA 469 and appeal of its Site Specific OPA in respect of the Property in accordance with the terms set out below.

1. Modifications to OPA 469

The City of Toronto and the Company (collectively, the "Parties") will jointly request the approval of modifications to OPA 469 in accordance with Schedule "1" attached hereto. The Parties will further jointly request that:

- (a) Policy 5.16 be modified so that it reads as follows:

“Notwithstanding Policy 5.15, on the lands designated Mixed Use Areas ‘C’ known as CF Sherway Gardens, retail uses are permitted to a maximum floor space index of 1.0 of the gross site area”; and

- (b) Map 43-5 be modified in accordance with the map attached hereto as Schedule “2”.

2. Timing and Implementation

This without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on November 13, 2024, subject to extensions satisfactory to the Company, at which point it should be considered as withdrawn if not accepted by City Council. If City Council accepts the without prejudice settlement offer, our client consents to the release of this without prejudice settlement offer, including all enclosures.

Subject to City Council’s acceptance of this settlement offer, the Company will bring evidence in support of the settlement at a subsequent settlement hearing before the OLT and the City shall support such evidence.

We look forward to hearing from you.

Yours truly,

McCarthy Tétrault LLP



Cynthia A. MacDougall

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