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October 31, 2024

Via Email

Confidential and Without Prejudice

City of Toronto
Legal Services
Metro Hall, 55 John Street
Station 12600, 26th Floor
Toronto ON M5V 3C6

**Attention: Mr. Jason Davidson and
Ms. Amrit Sandhu, Solicitors**

City of Toronto
Community Planning - Toronto and East York
18th Floor - East Tower, City Hall
100 Queen Street West
Toronto ON M2N 1H2

Attention: Ms. Aviva Pelt, Senior Planner

Dear Sirs/Mesdames:

**Re: Settlement Offer: 40 Walmer Road
OLT Case No. OLT-24-000316; City File No. 23 217877 STE 11 OZ**

We are the solicitors for 2114778 Ontario Inc. (the “**Owner**”), the registered owner of the property municipally known as 40 Walmer Road (the “**Property**”). On behalf of the Owner, as further set out below, the Owner is proposing to settle the above-captioned matter (the “**Settlement Offer**”).

By way of background, the Owner filed an Application to amend the Official Plan and Zoning By-law No. 569-2013, which were deemed complete as of November 15, 2023 (the “**Application**”). The Owner appealed the Application to the Ontario Land Tribunal (the “**Tribunal**”), on the basis of the City’s refusal of the Application (the “**Appeal**”).

The Appeal was assigned OLT Case No. OLT-24-000316. In its decision dated September 23, 2024, the Tribunal set a 14-day hearing of the Appeal to commence February 3, 2025.

The Owner, City staff, and the other parties to the Appeal, have engaged in a number of discussions. Further to such discussions, the Owner is proposing to settle the Appeal on terms and conditions as follows:

Process, Built-Form and Land Use

1. The Parties will appear before the Tribunal in OLT Case No. OLT-24-000316, on the earliest available date, or alternatively through a telephone conference or by way of written submission. Our client is prepared to coordinate this appearance with appearances in OLT Case No. OLT-23-000532, respecting the appeal of the proposed development at 38 Walmer Road, provided that such does not result in an undue delay to resolving our client's appeal. Such appearances will follow Council's approval in principle of the revised proposal for the purposes of a Settlement Hearing respecting the Property on which the City and the Owner will work together to finalize in form and content, which will permit the construction and use of a new residential building (the "**Development**"), substantially in accordance with the following plans and drawings prepared by Turner Fleischer Architects Inc., dated October 31, 2024, which are also attached as **Schedule "A"**.

Drawing Name	Drawing No.	Revision Date	Prepared By:
Statistics	RZ002	October 31, 2024	Turner Fleischer Architects Inc.
Site Plan/Roof Plan	RZ010	October 31, 2024	Turner Fleischer Architects Inc.
Context Plan	RZ011	October 31, 2024	Turner Fleischer Architects Inc.
Landscape Concept	RZ600	October 31, 2024	Turner Fleischer Architects Inc.
3D Perspectives	RZ801	October 31, 2024	Turner Fleischer Architects Inc.
3D Perspectives	RZ802	October 31, 2024	Turner Fleischer Architects Inc.
3D Perspectives	RZ803	October 31, 2024	Turner Fleischer Architects Inc.
3D Perspectives	RZ804	October 31, 2024	Turner Fleischer Architects Inc.
3D Perspectives	RZ805	October 31, 2024	Turner Fleischer Architects Inc.
3D Perspectives	RZ806	October 31, 2024	Turner Fleischer Architects Inc.
3D Perspectives	RZ807	October 31, 2024	Turner Fleischer Architects Inc.

3D Perspectives	RZ808	October 31, 2024	Turner Fleischer Architects Inc.
3D Perspectives	RZ809	October 31, 2024	Turner Fleischer Architects Inc.
Rendering	RZ812	October 31, 2024	Turner Fleischer Architects Inc.

The Development will be substantially in accordance with the following: The building shall comprise a base building (*i.e.* podium) of 7 storeys with a 1-storey structure to enclose driveway access to the underground garage and loading, and a tower with a collective maximum of 25 storeys and a height of approximately 80.65 metres, excluding mechanical penthouse, which is currently anticipated to be not more than 6 metres in height;

- (a) The maximum gross floor area of residential uses will be 17,000 square metres;
- (b) Levels 1-5 of the building will have a minimum setback of 4 metres from the south lot line, while levels 6-25 of the building will have a minimum setback of 2.5 metres from the south lot line. Further, no portion of the façade that is 4 metres or less from the south lot line will include projecting balconies;
- (c) The east façade of the building will be parallel to the curb line of Walmer Road, with setbacks from the east property line that vary from approximately 3.1m to 7.3 metres. Levels 1-5 of the building will be set back an additional 1.5 metres from the east property line. Further, no portion of the east façade will include projecting balconies
- (d) Levels 1-7 of the building will have a minimum setback of 5.5 metres from the north lot line. Levels 8-25 will have a minimum setback for 8 metres from the north lot line;
- (e) The west façade of the building will step back from the lot line. The 1-storey structure enclosing driveway access will be set back approximately 1 metre from the west lot line. Levels 2-7 of the building will be set back a minimum of 5.5 metres from the west lot line. Levels 8-25 will be set back a minimum of 9 metres from the west lot line. Balconies will be limited on the south-west corner of the Development and windows will be placed to address matters of privacy relating to the proximate portions of the proposed development at 38 Walmer Road;
- (f) The tower will have a maximum floor plate of 697 square metres gross construction area, *i.e.* measured from the exterior of the main walls and exclusive of balconies;
- (g) Exclusive of rental replacement units, the proposed Development will include a unit mix consisting of a minimum 10% 3-bedroom units and 16% 2-bedroom units. An additional 15% of the total number of units (exclusive of rental replacement units) will be units that can be converted to 2- and 3-bedroom units through the

use of accessible or adaptable design measures. The balance of units will consist of studio and 1-bedroom units

- (h) Vehicular access to the parking garage and loading will be from Walmer Road, with the driveway and ramp to underground parking and loading abutting the north property line leading to the ramp at the west side of the building. A total of 44 (39 residential and 5 visitor) vehicular parking spaces and 1 Type “G” loading space are provided. A total of 288 (53 short-term and 235 long-term) bicycle parking spaces are provided on the ground floor and P1 levels; and
- (i) Residential amenity space will be provided at a minimum rate of 4.0 square metres per dwelling unit, comprised of indoor and outdoor space, and including a minimum of 40 square metres of outdoor amenity space adjacent to indoor amenity space.

Parkland

- 2. The City acknowledges and agrees that a cash-in-lieu of parkland dedication payment shall be provided by the Owner to the City prior to the issuance of the first above-grade building permit not including a permit for demolition, etc. (the “**First Above-Grade Building Permit**”) for the Development, in fulfillment of all obligations pursuant to section 42 of the *Planning Act*, and the City’s parkland dedication by-law, as amended (as reflected in Chapter 415 of the City’s Municipal Code) and any other applicable legislation.

Rental Replacement

- 3. The Property is currently occupied by a four-storey, residential rental apartment building (the “**Existing Building**”). Accordingly, the Owner has filed an application to demolish the existing dwelling units under c. 667 of the Municipal Code (file no. 23 221261 STE 11 RH), and the Development proposes to replace the existing units and associated parking spaces. The Owner proposes, prior to final order/zoning, to enter into, and register on title, an agreement with the City under s. 111 of the *City of Toronto Act, 2006* to secure the details of the rental replacement and related tenant matters.

Community Benefits

- 4. The Owner proposes, prior to final order/zoning, to enter into, and register on title, an agreement with the City under s. 37 of the *Planning Act*, to provide Community Benefits Charges as an in-kind contribution in the form of on-site affordable rental housing as follows:
 - (a) The provision of six affordable dwelling units, with a unit mix, and minimum sizes consistent with the overall unit mix of the market-rate units in the building;
 - (b) The maintenance of such affordable dwelling units as rental housing for a period of 20 years from the time such units are first occupied;
 - (c) Initial rents for the affordable rental dwelling units to be calculated in accordance with the City’s income-based affordable rent definition as provided in Official Plan Amendment 558, with annual rent increases that do not exceed the Guideline in section 120 of the *Residential Tenancies Act, 2006*;

- (d) The foregoing restrictions on rents to be in place for a period of 20 years from the time such units are first occupied;
- (e) unit finishes to be substantially similar to standard base finishes as market dwelling units within the Development;
- (f) access to and use of all indoor and outdoor amenities at no additional charge;
- (g) access to bicycle and visitor parking and storage lockers on the same terms and conditions as residents of the rental replacement units; and
- (h) ensuite laundry and central air conditioning.

The Owner's proposal to provide and secure such matters is conditional on the City: allowing the Owner to provide to the City facilities, services or matters; advising the Owner that the value attributed to them will not exceed the total value of any Community Benefits Charges that the Owner would otherwise be required to pay for the Development; and requiring the Owner to enter into an agreement with the City that addresses the provision of facilities, services, or matters, all prior to any appearance before the Tribunal, referred to in paragraph 1, above.

Public Realm and Streetscape

5. The Owner proposes to provide improvements to the public realm and streetscape beyond what would normally be secured through the Site Plan Approval process ("**Public Realm Improvements**"), along the west side of Walmer Road, from the south lot line of the Property to the north lot line of the Property (with allowances for a driveway), as such area is generally shown on the Landscape Concept/ Demonstration Plan, Drawing No. L-1a, dated September 11, 2024, prepared by The MBTW Group, which is also attached as **Schedule "B"**. The Owner further agrees to make reasonable commercial efforts to coordinate the Public Realm Improvements with any public realm improvements proposed, designed, and/ or constructed by the City and/ or the owner of the property known municipally as 38 Walmer Road, along the west side of Walmer Road from Lowther Avenue to the north lot line of 38 Walmer Road, all of which is subject to the following:
- (a) The details of the Public Realm Improvements (including the location, dimensions, configuration, and design) shall be secured at the time of and through the Site Plan Approval process for the Development to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - (b) The provision of Public Realm Improvements is conditional on City Council's authorization of Development Charge credits in order that the Owner may elect to construct the Public Realm Improvements, with the cost of such improvements not to exceed the amount of the available Development Charge credits.

Other Matters

6. As a condition of the issuance of a Tribunal Order which brings into force a zoning by-law amendment to permit the Development (the "**Zoning By-law Amendment**"), the Owner agrees to address any outstanding comments contained in the January 8, 2024 staff report titled "40 Walmer Road – Zoning By-law Amendment Application – Decision Report –

Refusal" as adopted by City Council on February 6, 2024, with respect to the following matters:

- (a) the final form of the Zoning By-law Amendment is to the satisfaction of the Owner, the Executive Director, Development Review, and the City Solicitor, including any appropriate holding (H) provisions;
 - (b) City Council has approved Rental Housing Demolition Application 23 221261 STE 11 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;
 - (c) A tree planting plan, a tree protection plan, an arborist report, and payment of cash in lieu of tree planting which provide for the Development to be located on the Property as shown on the Site Plan/Roof Plan, Drawing No. RZ010, dated October 31, 2024, prepared by Turner Fleischer Architects Inc., and which address any comments from Toronto Water, Toronto Hydro, or other utilities, respecting the location and soil volume for tree planting;
 - (d) A pedestrian level wind study for the Development, which includes recommendations for appropriate mitigation to address pedestrian safety and uncomfortable wind conditions;
 - (e) A Functional Servicing and Stormwater Management Report and associated plans which confirm sanitary and stormwater capacity for the Development, or identify upgrades to municipal infrastructure to be secured at the time of and through the construction of the Development; and
 - (f) An Urban Transportation Consideration Report which addresses the appropriate provision of loading facilities, vehicle parking spaces, bicycle parking spaces, and vehicular access to the Property, and which reflects the location of the driveway for the Development as shown on the Site Plan/Roof Plan, Drawing No. RZ010, dated October 31, 2024, prepared by Turner Fleischer Architects Inc.
7. The City Solicitor will prepare a settlement report, in accordance with the standard City protocols for consideration at the November 13, 14 and 15, 2024, City Council for Council's consideration and action (the "**Solicitor's Report**").

Conditions

8. The Settlement Offer is conditional on City Council accepting the settlement, before the end of the November 13, 14 and 15, 2024, City Council meeting, as well as supporting the settlement in any hearing before the Tribunal, including without limitation, any objections from third parties.

An electronic copy of this letter will also be filed with the Tribunal as part of OLT Case No. OLT-24-000316.

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

Yours truly



Matthew Schuman

Enclosures: Schedule "A" - Architectural Plans prepared by Turner Fleischer Architects Inc., dated October 31, 2024
 Schedule "B" - Landscape Concept/ Demonstration Plan prepared by The MBTW Group, dated September 11, 2024

Schedule "A"

40 WALMER ROAD SETTLEMENT OFFER

OCTOBER 31ST, 2024

WITHOUT PREJUDICE

**TURNER
FLEISCHER**

AREA BREAKDOWN

	FLOOR	TOTAL GBA	TOTAL GBA*	AMENITY	TOTAL NSA	TOTAL RENTAL REPLACEMENT	
UG	UG1	1,465.1	60.8		0.0	0.0	
	UG2	1,460.8	57.6		0.0	0.0	
PODIUM	1	713.7	176.8	150.0	0.0	0.0	
	2	647.5	95.1		0.0	385.1	
	3	811.5	79.1		320.4	424.4	
	4	811.5	79.1		320.4	424.4	
	5	811.5	79.1		320.4	424.4	
	6	885.6	97.2		705.9	109.0	
	7	885.6	87.2		705.9	0.0	
	8	697.0	312.6	418.0	818.9	0.0	
	9	697.0	68.4		212.3	0.0	
	10	697.0	68.4		631.1	0.0	
TOWER	11	697.0	68.4		631.1	0.0	
	12	697.0	68.4		631.1	0.0	
	13	697.0	68.4		631.1	0.0	
	14	697.0	68.4		631.1	0.0	
	15	697.0	68.4		631.1	0.0	
	16	697.0	68.4		631.1	0.0	
	17	697.0	68.4		631.1	0.0	
	18	697.0	68.4		631.1	0.0	
	19	697.0	68.4		631.1	0.0	
	20	697.0	68.4		631.1	0.0	
	21	697.0	68.4		631.1	0.0	
	22	697.0	68.4		631.1	0.0	
	23	697.0	68.4		631.1	0.0	
	24	697.0	68.4		631.1	0.0	
	25	697.0	68.4		631.1	0.0	
		MPH	196.7	155.5		591.1	0.0
		TOTAL(M2)	221,956.5	172,988.0	568.0	13,390.7	1,767.3
	TOTAL(R2)	228,148	182,988	6,114	144,137	19,023	

*not include amenity space required by City of Toronto Zoning By-law 569-2013

UNIT MIX

FLOOR	UNIT TYPE				RENTAL REPLACEMENT		TOTAL
	STUDIO	1B	1B+D	2B	3B	STUDIO	
UG1						1B	
UG2							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
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14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
MPH							
SUBTOTAL	0	144	14	44	26	9	24
TOTAL UNITS	0	158		44	26	33	
UNIT MIX	0.0%	60.5%		16.9%	10.0%	12.6%	100.0%

VEHICULAR PARKING - REQUIRED

USE	RATIO (MIN.)	UNITS / GFA (m²)	SPACES (MIN.)
VISITOR	2+ 0.01 / UNIT	261	5
TOTAL PROPOSED			5

* PARKING RATIOS AS PER CITY OF TORONTO ZONING BY-LAW NO: 89-2022 (PARKING ZONE A)

VEHICULAR PARKING - PROVIDED

FLOOR	USE		TOTAL
	RESIDENTIAL	VISITOR	
FLOOR 1			0
U/G LEVEL 1	14	5	19
U/G LEVEL 2	25		25
TOTAL PROVIDED	39		44

LOADING SPACE - REQUIRED & PROVIDED

USE	SPACES
TYPE G	1

BICYCLE PARKING - REQUIRED

	RESIDENTIAL		TOTAL
	USE	RATIO	
SHORT TERM		0.20 / UNIT	53
LONG TERM		0.90 / UNIT	235
TOTAL REQUIRED			288

BICYCLE PARKING - PROVIDED

	FLOOR	RESIDENTIAL		TOTAL
		SHORT TERM	LONG TERM	
	FLOOR 1	53	73	126
	U/J LEVEL 1		162	162
	TOTAL PROVIDED	53	235	288

AMENITY AREAS - REQUIRED & PROVIDED

* PROPOSED AMENITY REQUIREMENT

TYPE	REQUIRED		PROVIDED	
	RATIO	m ²	RATIO	m ²
INDOOR AMENITY	2.0 m ² / UNIT	522.0	2.2 m ² / UNIT	568.0
OUTDOOR AMENITY	TOTAL AMENITY REQUIRED MINUS THE INDOOR AMENITY PROVIDED (NO LESS THAN 40m ²)		1.8 m ² / UNIT	476.0
TOTAL AMENITY	4.0 m ² / UNIT	1,044.0	4.0 m ² / UNIT	1,044.0

[illegible]

WITHOUT PREJUDICE

OBJECT
40 Walmer Road
Toronto, Ontario

SITE PLAN / ROOF PLAN

QUESTIONS
167 P01
QUESTIONS
024-10-31
JANUARY
E
ECEDBY
F
100

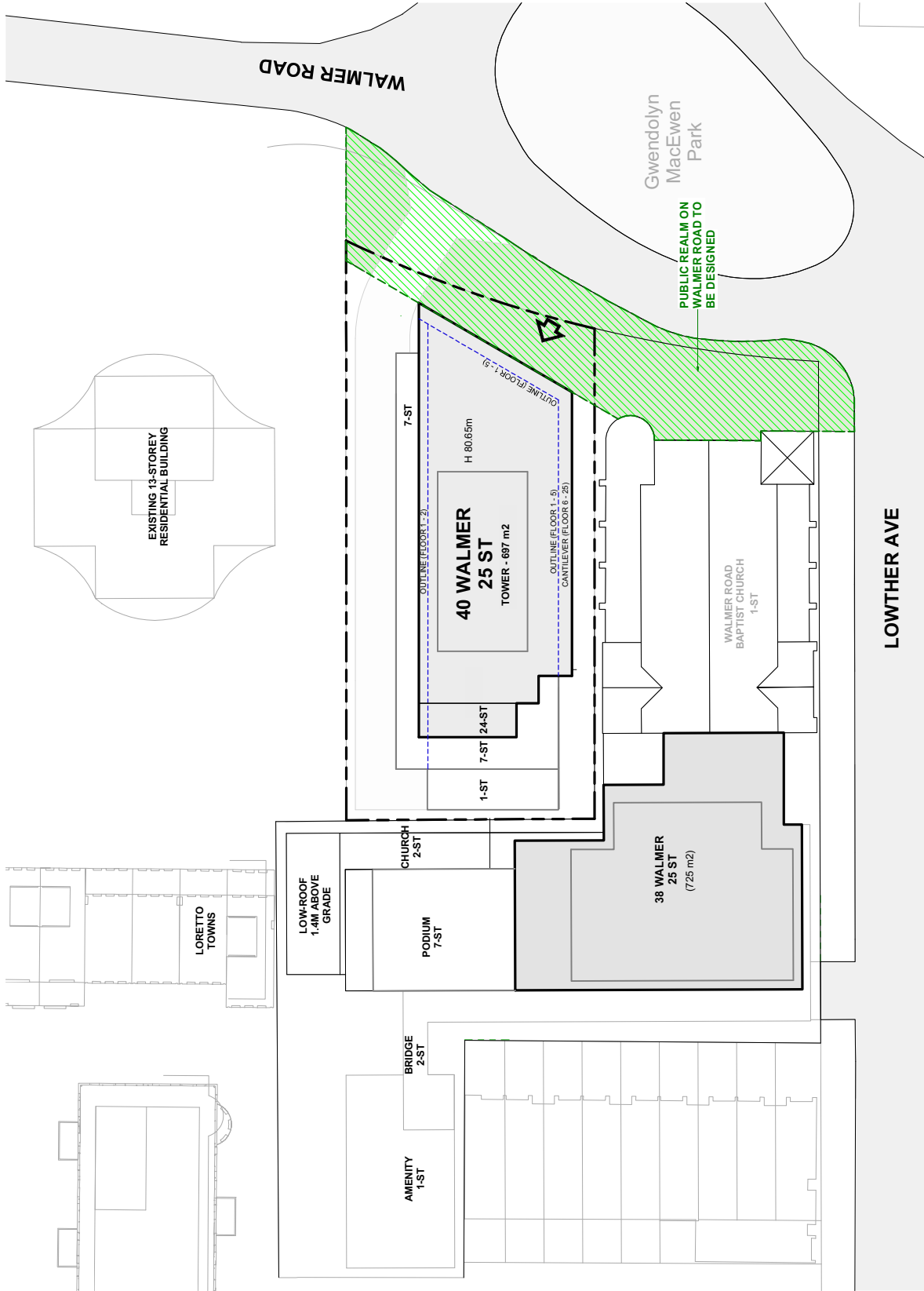


DRAWING NO. RZ010

REV.

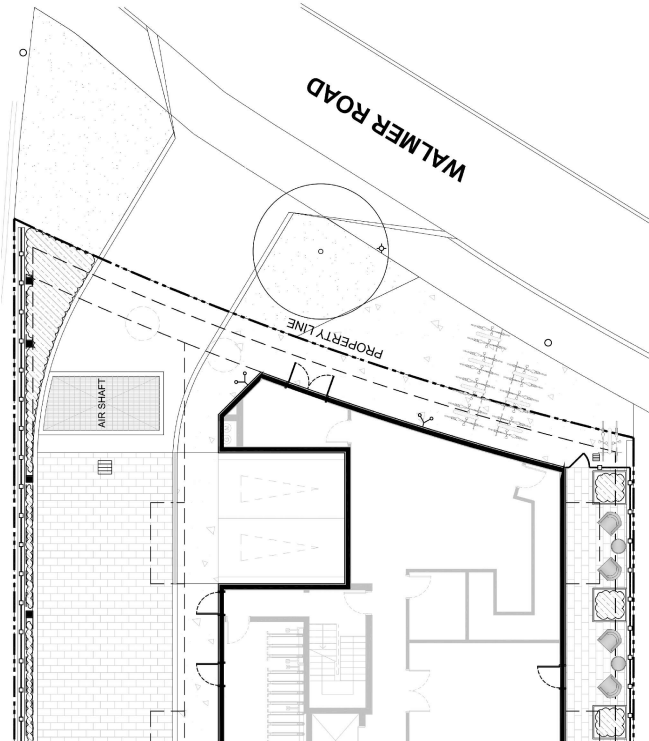


SITE PLAN/ROOF PLAN

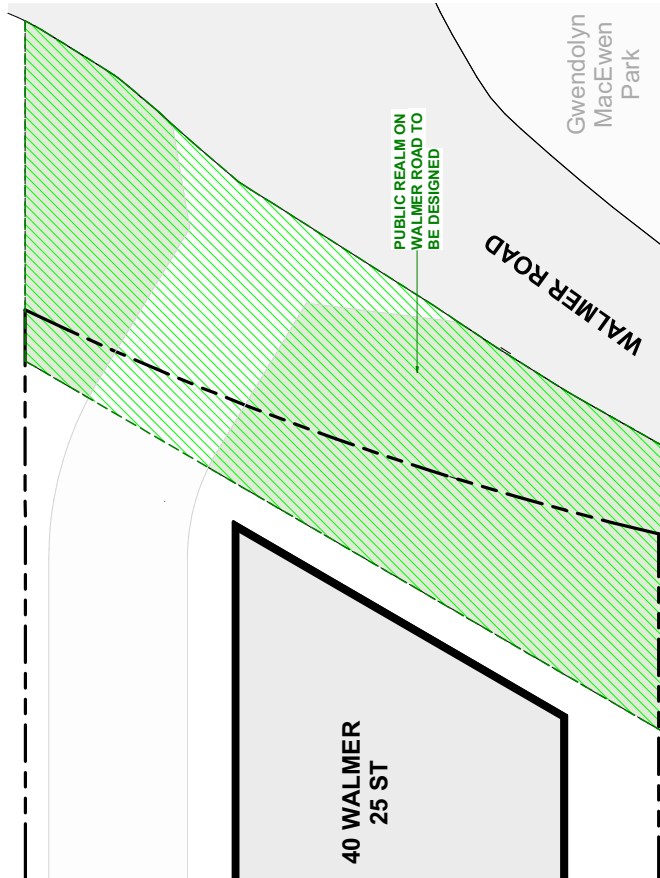


CONTEXT PLAN

REZONING SUBMISSION (August 2023)



PROPOSED REVISION TO GROUND FLOOR (SEPT 2024)



WITHOUT PREJUDICE

DATE: 10/11/2024

BY: [Signature]

PROJECT: 40 Walmer Road

Toronto, Ontario

CONTRACT: LANDSCAPE CONCEPT

PROJECTIONS: 07/19/2021

DATE: 2024-10-31

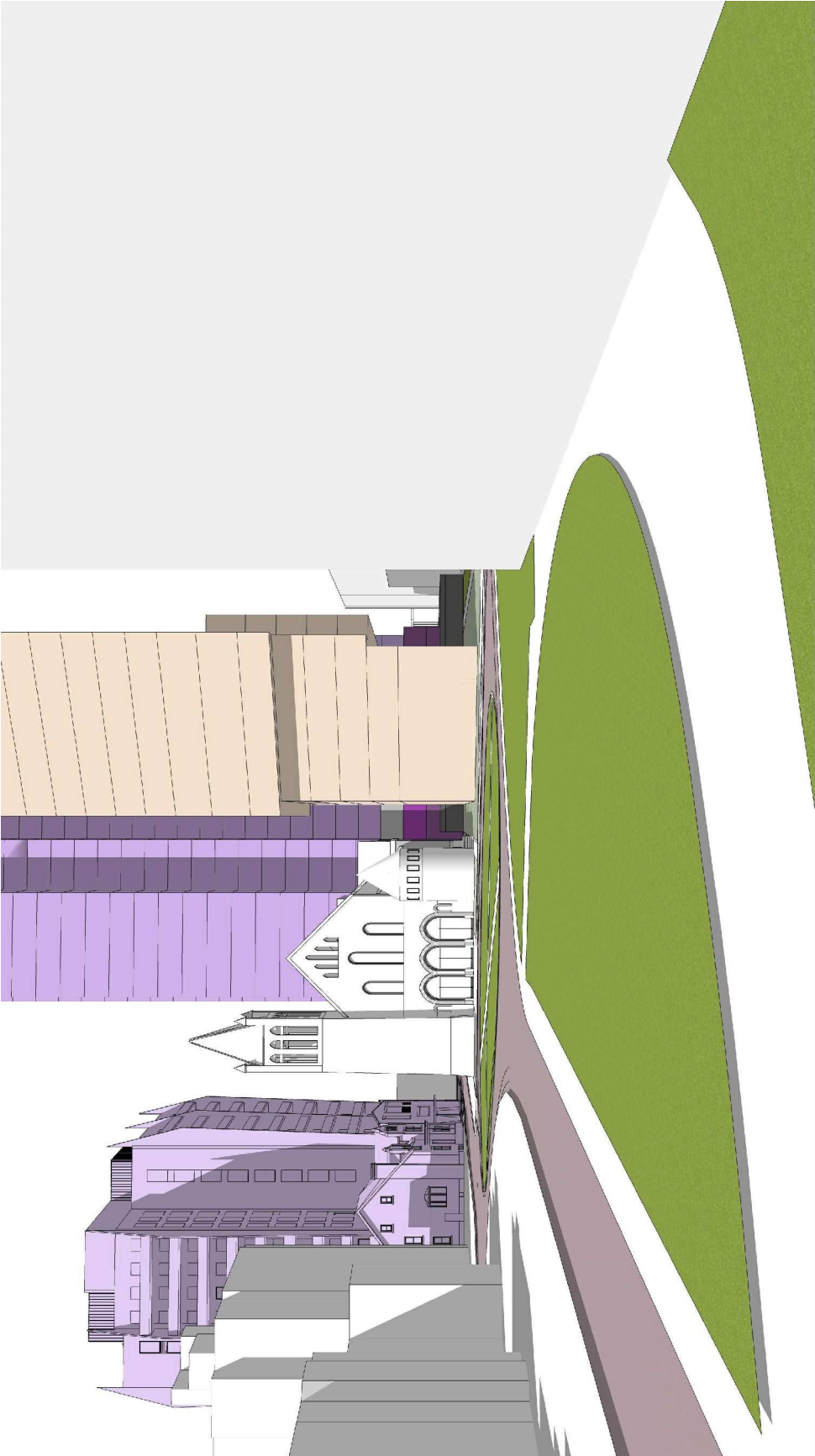
DESIGNED BY: Turner Fleischer

SCALE: 1:100

RF

1:100

REVISION: RZ600



STREET VIEW LOOKING WEST

WITHOUT PREJUDICE

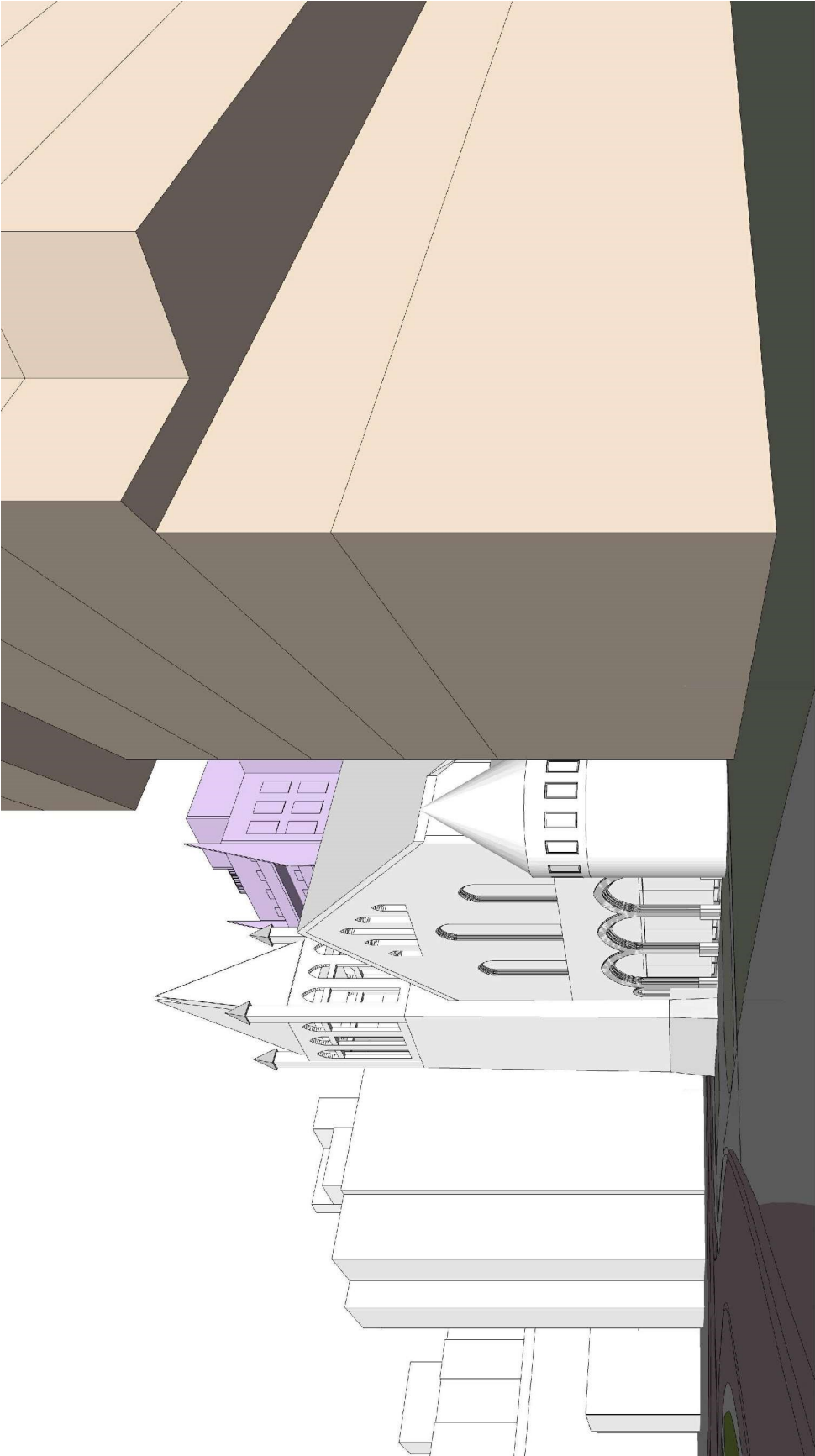
DATE: 2024.10.31
DESIGNER: TFA
SCALE: 1/8" = 1'-0"

PROJECT
40 Walmer Road
Toronto, Ontario

CONTRACT
3D PERSPECTIVES

PROJECT NO.
07-197-P01
DATE
2024.10.31
DESIGNER
TFA
SCALE
1/8" = 1'-0"

CONTRACT NO.
RZ803
REV.
1



STREET VIEW ON WALMER ROAD LOOKING SOUTHWEST - "VIEW 1" AS PER BLOCK PLAN

WITHOUT PREJUDICE

DATE	07/19/2024	BY	TF
REVISION			

PROJECT	40 Walmer Road Toronto, Ontario
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3D PERSPECTIVES

PROJECT NO.	07/19/P01
DATE	2024.10.31
TOWNHIP	TF
DATE	2024.10.31
RF	RF
SCALE	SCALE

PROJECT NO.	RZ804
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STREET VIEW AT THE INTERSECTION OF LOWTHER AVE. AND WALMER ROAD LOOKING NORTH

WITHOUT PREJUDICE

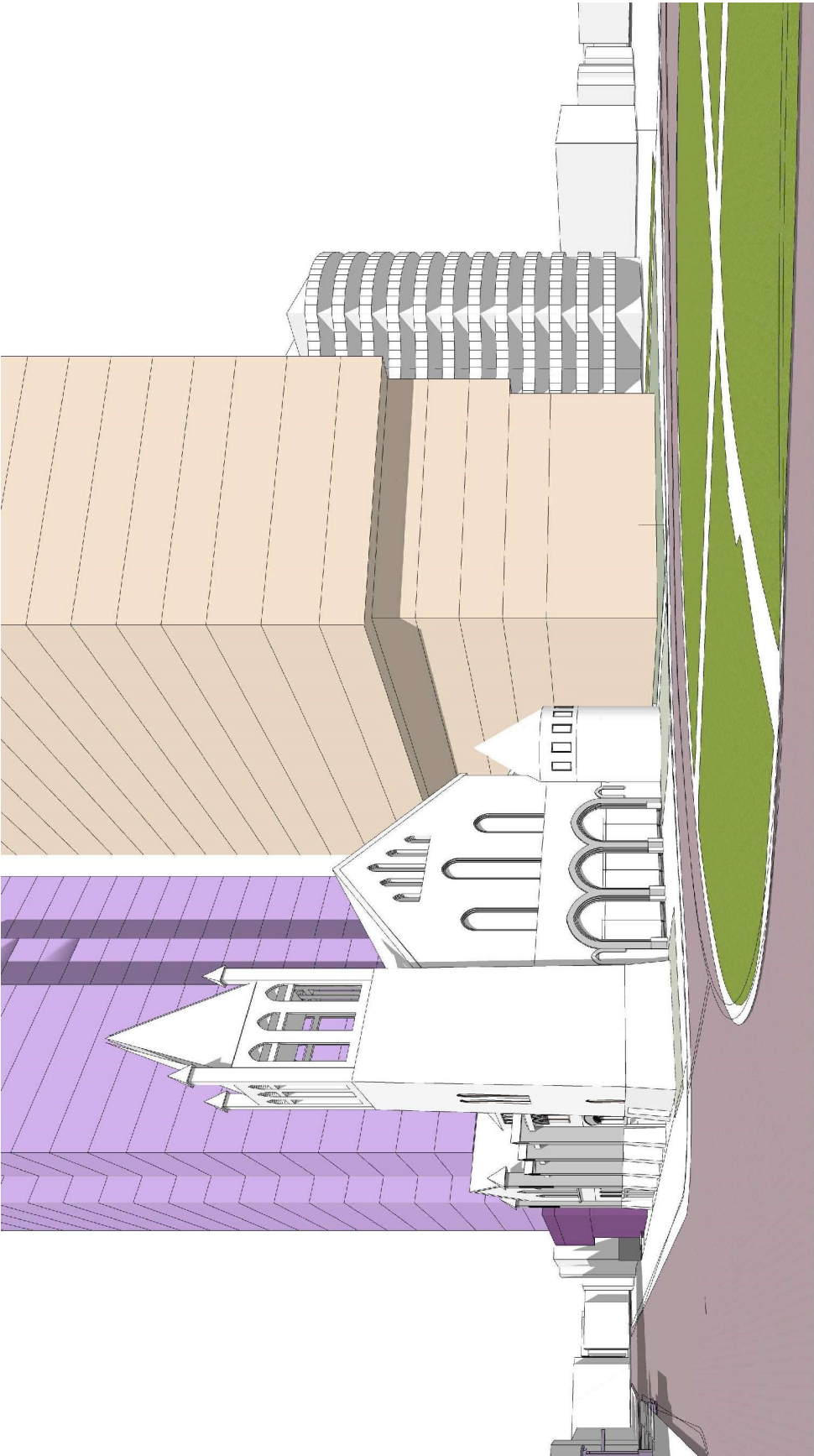
DATE: 2024.10.31
DRAWN BY: RF
CHECKED BY: RF
SCALE: AS SHOWN

PROJECT: 40 Walmer Road
Toronto, Ontario

3D PERSPECTIVES

PROJECT NO: 07.197.P01
DATE: 2024.10.31
DRAWN BY: RF
CHECKED BY: RF
SCALE: AS SHOWN

PROJECT: RZ807



STREET VIEW AT THE INTERSECTION OF LOWTHER AVE. AND WALMER ROAD LOOKING NORTHWEST

WITHOUT PREJUDICE

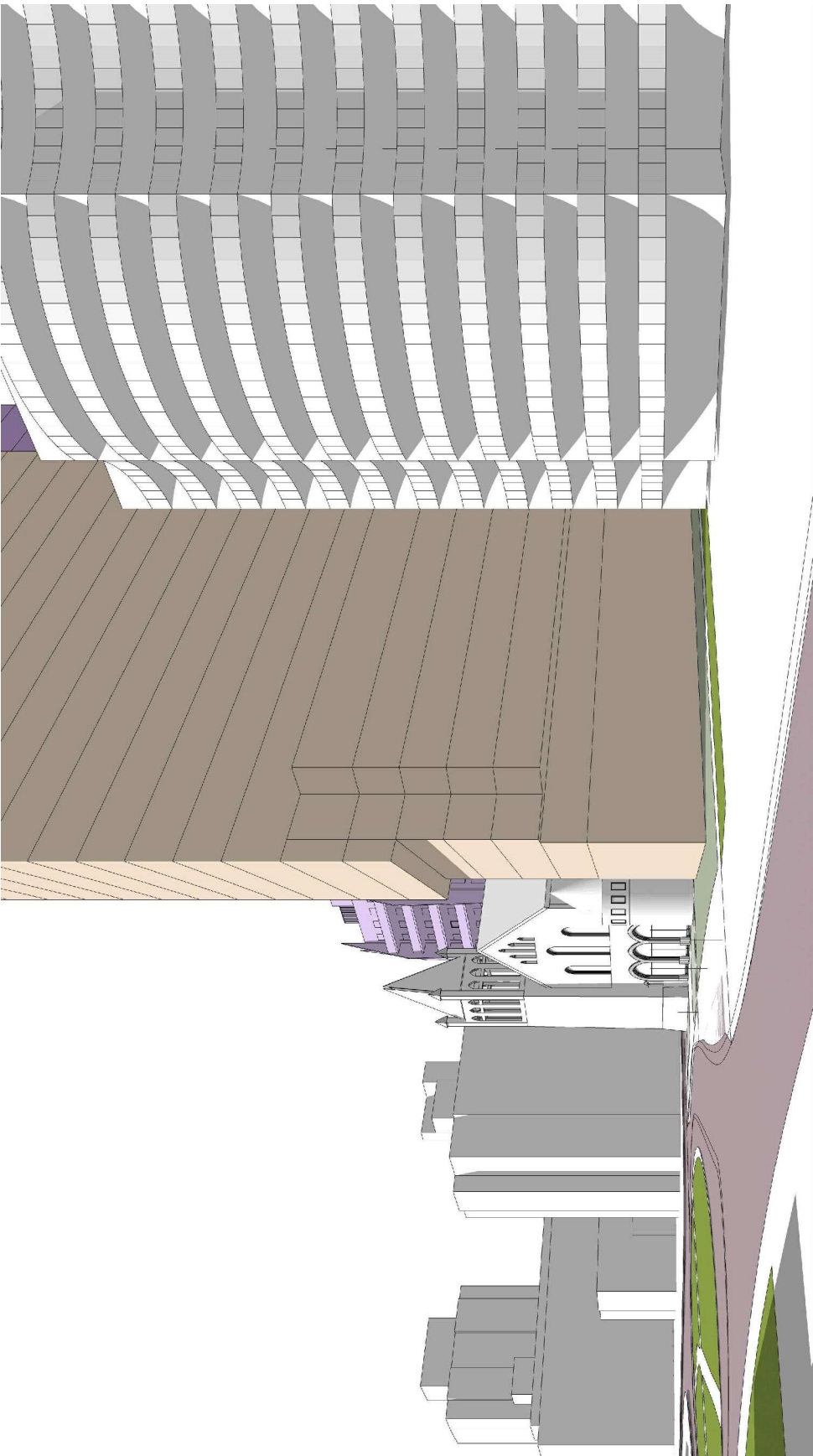
DATE: 07/19/2024
DESIGNER: TFI
PROJECT: 40 Walmer Road
Toronto, Ontario

PROJECT: 40 Walmer Road
Toronto, Ontario

3D PERSPECTIVES

PROJECT NO: 07/19/P01
DATE: 07/19/2024
DRAWN BY: TFI
CHECKED BY: TFI
SCALE: AS SHOWN

PROJECT NO: RZ808
DATE: 07/19/2024



STREET VIEW ON WALMER ROAD LOOKING SOUTHWEST

WITHOUT PREJUDICE

DATE: 2024.10.31
DESIGNER: TFI
SCALE: 1/8" = 1'-0"

PROJECT: 40 Walmer Road
Toronto, Ontario

CONTRACT: 3D PERSPECTIVES

PROJECT NO: 07.197.P01
DATE: 2024.10.31
DESIGNER: TFI
SCALE: 1/8" = 1'-0"

PROJECT: RZ809

TURNER
FLEISCHER

Turner Fleischer Architects Inc.
1000
Toronto, ON M5G 1B2
Tel: 416.593.2222
Fax: 416.593.2222

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STREET VIEW ON WALMER ROAD LOOKING RESIDENTIAL LOBBY

WITHOUT PREJUDICE

4	DATE	REVISION	BY
1	07/19/2021		

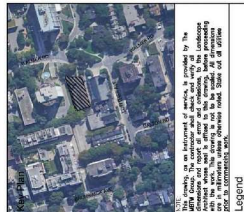
PROJECT
40 Walmer Road
Toronto, Ontario

CONTRACT
RENDERING

PROJECT NO.	07-197-P01
DATE OF ISSUE	2024-10-31
DESIGNED BY	TURNER FLEISCHER
DATE OF REVIEW	RF
SCALE	

EXHIBIT NO.
RZ812

Schedule "B"

[illegible]

		Checked By _____ Designed By _____
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Project Name
40 Walmer Rd
Municipality
City of Toronto

Landscape Concept/
Demonstration Plan

OTN001	CKA	MH, VL	July 2023	1:50	L-1a
Job No:	Design:	Drawn:	Date:	Scale:	Drawing No.: