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January 3, 2025

Our File No.: 242913

WITHOUT PREJUDICE

Via Email (armit.sandhu@toronto.ca and cameron.mckeich@toronto.ca)

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

Attention: Amrit Sandhu and Cameron McKeich

Dear Ms. Sandhu and Mr. McKeich:

**Re: 1040 Martin Grove Road, Units 8 and 9
TLAB Case File No.: 24 214880 S45 01 TLAB
Without Prejudice Settlement Offer**

As you know, we are the solicitors for the owner of the property known municipally in the City of Toronto as 1040 Martin Grove Road, Units 8 and 9 (the “**Property**”). We are writing to provide a without prejudice settlement offer regarding the appeal filed by the City of Toronto (the “**City**”) to the Toronto Local Appeal Body (“**TLAB**”) in respect of the Committee of Adjustment decision issued on August 29, 2024 (the “**CofA Decision**”) in respect of the Property (the “**Appeal**”).

While our client is prepared to proceed to a hearing based on the Committee-approved minor variance application, it has instructed us to provide this without prejudice offer to settle the Appeal. This settlement offer proposes the inclusion of conditions limiting the permitted use of the Property under the minor variance, as outlined further below. In our view, it responds to the concerns raised by City staff and would represent an appropriate basis on which to resolve the Appeal.

This settlement offer is intended to be presented to City Council at its meeting scheduled to commence on February 5, 2025, and should be considered as withdrawn at the conclusion of that meeting if it is not accepted.

Background

The Property fronts on the east side of Martin Grove Road, just south of Hwy 409. The minor variance application affects condominium units 8 and 9 on the Property within a 75,000 square foot industrial plaza containing 25 condominium units, which are currently occupied by a mix of industrial and commercial tenants including but not limited to office, manufacturing, training, and commercial uses. The Property is designated *Core Employment Areas* in the City of Toronto Official Plan and is zoned *Employment Industrial (E)* under the City of Toronto Zoning By-Law 569-2013 (the “**Zoning By-law**”).

On May 16, 2024, the Applicant submitted a minor variance application to permit a car rental agency at the Property, as Section 60.20.20.10.(1) of the By-law does not list a ‘car rental agency’ as a permitted use in the *Employment Industrial* zone. On August 29, 2024, the Committee heard the minor variance application and authorized the requested variance to the Zoning By-law. On September 18, 2024, the City appealed the CofA Decision to approve this variance pursuant to Section 45(12) of the *Planning Act* (R.S.O. 1990, c.P.13).

Without Prejudice Settlement Offer

Our client is prepared to settle the matter based on the following:

- Our client and the City would jointly request that TLAB authorize the variances approved in the CofA Decision, subject to inclusion of the following conditions of approval:
 - the sale and lease of vehicles is prohibited; and
 - the majority of the gross floor area shall be reserved for office uses and other non-retail uses including storage, cleaning and servicing of vehicles.
- Our client and the City would agree to advise TLAB as soon as possible that a settlement has been reached in respect of the Appeal pursuant to Rule 19 of TLAB’s Rules of Practice and Procedure and to request that a settlement hearing be scheduled.

These conditions ensure that the Property is used in a manner that is sensitive to the surrounding uses and address the concerns raised by City staff regarding the car rental agency use in a *Core Employment Area*.

We appreciate the efforts of City counsel in working towards this without prejudice settlement offer. As noted above, we ask that it be considered at City Council’s meeting scheduled for February 5, 2025. If this settlement offer is not accepted by City Council at this meeting, it should be considered withdrawn unless otherwise advised.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "D. Bronskill", is positioned above the printed name and title.

David Bronskill
Partner
DJB/CHU

1385-0828-3921