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March 11, 2025

Our File No.: 210422

**WITHOUT PREJUDICE**

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

**Attention: Nathan Muscat**

Dear Sirs/Mesdames:

**Re: Case No. OLT-22-004688 & OLT-23-000140 – Settlement Offer  
266-268 Royal York Road, City of Toronto**

We are solicitors for Royal Mimico Developments Limited in respect of the properties known municipally as in the City of Toronto as 266-268 Royal York Road (the “**Lands**”). We are writing on behalf of our client to provide a without prejudice settlement offer in respect of the above-noted matter, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on March 26, 2025, unless otherwise indicated. (Please note that the settlement is in respect of the rezoning appeal because our client has withdrawn its official plan amendment appeal as a result of the approval of Official Plan Amendment No. 653.)

As you know, our client engaged in without prejudice discussions with City staff over the last several months regarding the redevelopment proposal for the Lands. These discussions resulted in a revised set of plans, dated February 19, 2025, prepared by Arcadis, which are attached to this without prejudice settlement offer as Schedule “A” (the “**Revised Plans**”). Our client greatly appreciates the efforts of City staff in achieving this proposed settlement.

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

1. The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law amendment(s). Key aspects of the Revised Plans include:
  - a. tower heights of 36-storeys plus mezzanine (116.92 metres) and 29-storeys plus mezzanine (98.70 metres), excluding mechanical penthouses;
  - b. the mechanical penthouses shall each have a maximum area of 600s square metres;

- c. maximum tower floor plates of 751 square metres and 752 square metres, respectively;
- d. minimum at-grade retail gross floor area of 413 square metres;
- e. a new public park with an area of approximately 1,146 square metres, as well as an east/west pedestrian connection with an approximate area of 375 square metres adjacent to the new public park to be secured as a privately-owned publicly accessible space (or POPS);
- f. setbacks, stepbacks and tower separation as shown on the Revised Plans, including but not limited to an increased north setback of 7.5 metres to the eight-storey podium and a 5.0 metre stepback above the 4<sup>th</sup> storey along Royal York Road;
- g. podium heights as shown on the Revised Plans to address a 1:1 ratio with the planned right-of-way width for Royal York Road (27 metres), including an 8-storey element at the west, a 6-storey element at the south, a 4-storey element stepping up to 7-storeys at the east, and an 8-storey podium stepping down to 1-storey between the two towers;
- h. the self-storage building having a height of 8-storeys, but including a 3.0 metre stepback above the 6<sup>th</sup> storey on the east face and “wrapping around” the northeast corner of the building to be in line with the 6-storey residential podium;
- i. the unit mix in the proposed building will include a minimum 15% two-bedroom units and a minimum 10% three-bedroom units;
- j. amenity space would be provided at a minimum rate of 1.6 square metres per unit of indoor amenity space and 1.5 square metres per unit of outdoor amenity space;
- k. no windows and/or balconies are permitted on the north façade of storeys 1 through 4 in the area where there is a minimum setback of 1.5 metres, with balconies on all building faces (including the tower) to be set back at least 1.5 metres from the building corners; and,
- l. a relocated driveway to ensure it is aligned with Stanley Avenue.

Our client agrees that, in the event City Council accepts this without prejudice settlement offer, the final order of the Ontario Land Tribunal would be withheld, pending completion of the following:

- a. the final form of the Zoning By-law Amendment is finalized, satisfactory to the Executive Director, Development Review, and the City Solicitor;

- b. the owner has submitted a revised pedestrian wind tunnel study, including the identification of any required mitigation measures to be implemented and secured through the zoning by-law and/or site plan control process to resolve wind safety exceedances and to improve pedestrian comfort, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c. the owner has submitted a revised transportation impact study, including an updated analysis of vehicular circulation on the Lands, including the pick-up/drop-off area at the proposed residential lobby, access to the underground garage ramp and loading space, and access to the self-storage facility, to the satisfaction of General Manager, Transportation Services;
- d. the owner has provided a revised Functional Servicing and Stormwater Management Report, to determine the stormwater run-off, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e. the owner has made arrangements with the City and has entered into the appropriate agreement for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the revised Functional Servicing and Stormwater Management Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and revised Traffic Impact Study accepted by the General Manager, Transportation Services;
- f. the submitted Rail Safety Report has been peer reviewed by a third-party consultant retained by the City at the owner's expense, to the satisfaction of the Executive Director, Development Review, as party of the Zoning By-law Amendment application; and,
- g. the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on March 26, 2025, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

Yours truly,

**Goodmans LLP**



David Bronskill

DJB/

1403-4905-8567