



Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.849.6938
mlaskin@goodmans.ca

May 7, 2025

Our File No.: 182197

Confidential and Without Prejudice

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

Attention: Mark Piel and Uttra Gautam

Dear Sirs/Mesdames:

**Re: OLT-24-000629 – 7 & 11 Rochefort Drive
Without Prejudice Settlement Offer**

We are solicitors for 1294511 Ontario Inc. in respect of the property known municipally in the City of Toronto as 7 & 11 Rochefort Drive (the “**Site**”). We write 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 May 21, 2025, unless otherwise indicated.

Since the filing of the appeal, our client has engaged in without prejudice discussions with City staff. This process has been productive and has resulted in a revised set of plans, prepared by Diamond Schmitt dated May 1, 2025 (the “**Revised Plans**”). A copy of the Revised Plans is attached to this letter as Schedule “A”.

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, and the Revised Plans would be implemented through the resulting zoning by-law amendment presented to the Ontario Land Tribunal for approval. Key aspects of the Revised Plans include the following:
 - (a) Modifications to the proposed built form, to provide overall tower heights of 53, 47 and 30 storeys, with heights transitioning downward as they move eastward away from Don Mills Road.
 - (b) Refinements to tower placement to respond to feedback from City staff.

- (c) A maximum floor plate size of 820 square metres of gross construction area for the tower component of each tall building, which would be secured in the final zoning by-law amendment.
 - (d) The number of 2- and 3-bedroom units provided in the development as a whole (excluding rental replacement units) comply with the City's Growing Up Guidelines. The zoning by-law amendments would provide for the minimum requirements of the Guidelines in respect of same.
 - (e) The replacement of all 128 existing rental units currently on the Site in a new purpose-built rental building (Tower C), which is also proposed to provide new purpose-built rental units, in the first phase of the development. The 128 replacement rental units are intended to be provided with the same bedroom type (all 2-bedroom units), and similar unit sizes, overall GFA, and rents as the existing rental units. In addition, replacement units for all existing rental units with balconies would also have balconies. Eligible rental households that currently have access to a vehicular parking space and which elect to return to a replacement rental unit will be provided with the opportunity to rent one vehicular parking space within the new development for a fee acceptable to the Chief Planner, City Planning Division through the rental housing demolition application process.
 - (f) Replacement of an interim roadway that was to be conveyed to the City for a future extension of Ferrand Drive in favour of a private driveway, at the request of City staff.
 - (g) Parkland dedication of no less than 1,323 square metres is to be provided on-site, along with no less than 140 square metres provided to the City as cash-in-lieu. The on-site dedication will be conveyed to the City prior to the issuance of the first above grade building permit, free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an environmental condition satisfactory to the General Manager, Parks & Recreation and the City Solicitor. The cash-in-lieu will also be paid prior to the issuance of the first above grade building permit.
 - (h) The provision of a 1,160 square metre privately-owned, publicly accessible open-space (POPS) fronting on Don Mills Road. Any refinements to the configuration of the POPS will be addressed through the site plan control application process.
2. 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 until:
- (a) The form and content of the zoning by-law amendment, including a holding (H) symbol and conditions for removal as set out in this letter, is finalized to the satisfaction of the City Solicitor and the Executive Director, Development Review;

- (b) The owner has provided an updated Functional Servicing Report, Stormwater Management Report and Hydrogeological Review, including Foundation Drainage Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - (c) City Council has approved the Rental Housing Demolition Application (File 21 239145 NNY 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 128 rental dwelling units on-site, and the owner has entered into, and registered in priority on title to the Site, one or more agreements with the City, to the satisfaction of the Chief Planner, City Planning Division, and the City Solicitor, securing all rental housing-related matters required to implement City Council's decision, including:
 - (i) Replacement of the existing 128 rental housing units, including the same number of units and bedroom type, and similar size and rents; and
 - (ii) An acceptable Tenant Relocation and Assistance Plan addressing the right of existing tenants to return to a replacement rental unit.
3. Our client agrees that the zoning by-law amendment would include a holding provision to address the provision of any required improvements or upgrades to municipal servicing infrastructure to support the development. The holding provision would be lifted when:
- (a) the owner or applicant, at their sole cost and expense, has submitted an updated Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums ("**Engineering Reports**"), to demonstrate that the existing municipal infrastructure and any required improvements to it, has adequate capacity to accommodate the development of the lands, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - (b) if the Engineering Reports accepted and satisfactory from (a) above require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - (i) the owner or applicant has secured the design, construction and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, in a financially secured agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; or
 - (ii) the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory

Engineering Reports in (i) above are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services; and

- (c) all necessary approvals or permits arising from (b)(i) or (b)(ii) above are obtained, where required, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services.
4. Our client agrees to convey a POPS easement to the City over a 3 metre strip of land abutting the southern edge of the proposed public park as a condition of site plan approval, in form and content satisfactory to the General Manager, Parks & Recreation, in consultation with the City Solicitor.
 5. Our client agrees to withdraw its plan of subdivision application upon issuance of the Tribunal's final order approving the zoning by-law amendment for the Site.
 6. To allow for above base park improvements to the new public park should the owner choose to undertake them, we ask that Council approve a development charge credit against the Parks and Recreation component of the development charges for the design and construction of any above base park improvements, to the satisfaction of the General Manager, Parks & Recreation.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on May 21, 2025, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council. In the event this without prejudice settlement offer is accepted by City Council, our client consents to the public disclosure of this letter and enclosures following the completion of the City Council meeting.

Yours truly,

Goodmans LLP



Max Laskin

MXL/

Schedule A
Revised Plans

[See next page]