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File No. 23253

June 10, 2025

WITHOUT PREJUDICE

DELIVERED VIA EMAIL sarah.oconnor@toronto.ca; amrit.sandhu@toronto.ca

City of Toronto Legal Services
City Solicitor's Office
Metro Hall
55 John St., 26th Floor
Toronto, ON M5V 3C6

Attention: Sarah O'Connor/ Amrit Sandhu

Dear Ms. O'Connor/Ms. Sandhu,

**Re: OLT Lead Case No. OLT-24-001100
7-17 Nipigon Avenue, Toronto
Planning Applications No: 23 232536 NNY 18 OZ and 23 232941 NNY 18 SA
Appeal of OPA, Rezoning and Site Plan Approval Applications
Without Prejudice Settlement Offer**

We are the solicitors for 1000807336 Ontario Inc. and 1000692389 Ontario Inc., collectively the Applicant/Appellant in the above-noted proceedings.

Further to the recently completed OLT mediation, we are pleased to provide the following settlement offer on a without prejudice basis in full settlement of the OPA and rezoning appeals:

(1) Our client would agree to formally revise its development proposal that is the subject of the above noted appeal before the OLT to a revised 52 storey mixed use development as set out in the attached architectural plans dated as May 8, 2025 prepared by Dialog (the "Proposed Development"). The main revisions from the original proposal before the OLT are as follows:

- (a) Increased north tower setback from 4.5 m to 5.5 m;
- (b) Increased the east tower setback from 6.5 m to 12.5 m;

- (c) Increased the ground level setback from the east property line from 4.0 m to 7.5 m;
- (d) Accommodation has been made to allow for a mid-block connection at the southeasterly and easterly portion of the site by way of 7.5 metre setbacks from the property line;
- (e) Tower floor plate has been reduced to 769.23 m² GCA (previously 854 m² GCA);
- (f) Height has been increased from 50 to 52 storeys to a total metric height of 171.45 (including MPH) versus 170.15 m (including MPH);
- (g) Decreased the FSI from 17.1 to 16.2;
- (h) Decreased the number of units from 620 to 603 units;
- (i) Introduced retail at the northwest corner of the Ground Floor;
- (j) 3 PUDO spaces are now provided at the Ground level; and
- (k) Balconies are limited to a 0.5 m encroachment within the tower setback area;

(2) Our client will also agree to the following which will be secured in the final Zoning By-law Amendment(s);

- (a) The provision of the following unit mix:
 - a. 10 percent three bedroom units;
 - b. 22 percent two bedroom units; and
 - c. An additional 8 percent of the total number of units will be a combination of two bedroom and three bedroom units, or units that can be converted to two and three bedroom units through the use of accessible or adaptable design measures;
- (b) A minimum of indoor amenity space at a rate of 1.5 square metres per unit and a minimum of outdoor amenity space of 1.5 square metres per unit;
- (c) The bicycle parking supply will conform with By-law 223-2025 standards;

(3) The Owner undertakes to make reasonable commercial efforts to convey off-site parkland to the City equal to the value of the on-site parkland dedication, in fulfillment of the parkland dedication requirements pursuant to Section 42 of the Planning Act, with the off-site parkland dedication to be acceptable to the General Manager, Parks and Recreation, and free and clear of any above or below grade encumbrances, to be conveyed prior to the issuance of the first above grade building permit. In the event the Owner is unable to provide an acceptable off-site parkland dedication, the parkland dedication requirement shall be fulfilled through the payment of cash-in-lieu; and

(4) In terms of the site plan appeal, our client agrees to hold this appeal in abeyance to work with City staff to resolve the remaining site plan issues in order to finalize a NOAC following the approval by the OLT of the necessary OPA and zoning by-law amendment for the Proposed Development.

With respect to the issuance of the final Order for the OPA and Zoning By-law Amendment(s) for the Proposed Development, our client is agreeable to the final Order being withheld subject to the following conditions being satisfied:

- (1) the final form and content of the Official Plan Amendment and Zoning By-law Amendment shall be to the satisfaction of the Executive Director, Development Review, and the City Solicitor;
- (2) The Chief Planner and Executive Director, City Planning, has approved Rental Housing Demolition Application 24 110419 NNY 18 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 four existing rental dwelling units at 7, 15 and 17 Nipigon and the Owner has secured an acceptable Tenant Relocation and Assistance Plan for the four tenants addressing financial compensation and other assistance to lessen hardship, on such terms and conditions in an agreement with the City, to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning;
- (3) the owner has submitted a Functional Servicing Report for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; the report will determine whether the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required;
- (4) the owner shall enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, according to the Functional Servicing Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- (5) the provision of a wind study reflecting the proposal as approved to the satisfaction of the Executive Director, Development Review in consultation with the Chief Planner and Executive Director, City Planning;
- (6) the provision of an updated traffic impact study and transportation demand management plan;
- (7) any cash-in-lieu required as part of the Payment-in-Lieu of Bicycle Parking Program and any related templates/agreements have been paid and completed to the satisfaction of the Executive Director, Development Review in consultation with Chief Planner and Executive Director, City Planning; and,

(8) the owner has demonstrated that the Proposed Development meets Tier 1 of Version 4 of the Toronto Green Standard.

In support of the settlement offer, please find attached the following:

- (1) Architectural Plans dated May 8, 2025, prepared by Dialog;
- (2) A letter dated May 14, 2025, from BA Group which provides the justification for the three PUDO spaces.

If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at jpark@ksllp.ca.

Yours very truly,



KAGAN SHASTRI DeMELO WINER PARK LLP

Jason Park
JIP/ch

cc: 1000807336 Ontario Inc. and 1000692389 Ontario Inc.