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WITHOUT PREJUDICE

June 10, 2025

VIA E-MAIL

Mayor Olivia Chow and Members of City Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Sarah O'Connor and Rachel Godley, Solicitors, Planning and Administrative Tribunal Law

Your Worship and Members of City Council:

**RE: 210 Islington Avenue and 99 Birmingham Street
Offer to Settle Ontario Land Tribunal Case No. OLT-24-001076
Application for Zoning By-law Amendment
City File No. 23 228917 WET 03 OZ**

We are the lawyers for 1989627 Ontario Inc. (the "**Owner**"), being the Owner of the lands municipally known as 210 Islington Avenue and 99 Birmingham Street (the "**Site**") in the City of Toronto (the "**City**").

This letter constitutes our client's offer to settle the above noted appeal before the Ontario Land Tribunal (the "**Tribunal**" or "**OLT**"). This offer to settle is being submitted on a without prejudice basis (the "**Offer**").

BACKGROUND

On November 22, 2023, our client submitted an application for a zoning by-law amendment (the "**Application**") to facilitate the redevelopment of the Site with a 26-storey mixed-use building containing approximately 352 residential units and 1000 square metres of retail space at grade (the "**Original Proposal**"). The Application was deemed complete as of June 3, 2024.

On October 18, 2024 the Application was appealed to the Tribunal on the basis of City Council's failure to make a decision within the statutory timeframe (the "**Appeal**"). Since that time, the Owner and City Staff have continued discussions in an attempt to resolve the Appeal.

On May 30, 2025, in accordance with the Tribunal's Procedural Order, the Owner advised that it would be proceeding with a revised set of architectural plans for a 14-storey mixed-use building, as further described below (the "**Revised Proposal**").

SITE DESCRIPTION AND PLANNING CONTEXT

The Site is located in the New Toronto neighborhood at the northern end of a block bounded by Islington Avenue to the east, Birmingham Street to the north, and Eighth Street to the west. The Site is approximately 2,789.70 square metres in size with frontages of approximately 36.63 metres on Islington Avenue, 76.20 metres on Birmingham Street, and 36.58 metres on Eighth Street, and is generally rectangular in shape. 210 Islington Avenue is currently improved with a 1-3 storey building which is used as a place of worship with an associated surface parking area. 99 Birmingham Street is currently occupied by a surface parking area which is also used by the 210 Islington Avenue property.

The Site is well served by existing and planned transit infrastructure including four Toronto Transit Commission (TTC) bus routes that provide connectivity to the Subway (Lines 1 and 2), GO Transit, and MiWay Transit services. The Site is also located near the Waterfront LRT, which is being planned by the City of Toronto in partnership with the TTC and Waterfront Toronto, and will introduce higher-order transit along Lake Shore Boulevard between Long Branch to the west and Leslie Barns Maintenance and Storage Facility to the east.

The Site is designated Mixed Use Areas on Map 15 of the City of Toronto Official Plan (the “**OP**”) and is also subject to Site and Area Specific Policy 784 (“**SASP 784**”) which permits a mixed-use and mixed-income development on the Site, provided that a minimum of 1,000 square metres of employment GFA is developed. SASP 784 also requires that new development containing residential units on the lands must secure either a minimum amount of affordable housing or a purpose built rental development.

The Site is currently zoned within the Former City of Etobicoke (New Toronto) By-law 2215 (“**By-law 2215**”) and has not been brought within the current City-wide Zoning By-law 569- 2013 (“**By-law 569-2013**”). The Site is zoned Commercial (C) under By-law 2215, which permits a range of retail, service, office, institutional uses as well as dwellings over commercial uses and private home day care associated with such residential uses.

SETTLEMENT PROPOSAL

As a result of productive discussions with City Staff, the Owner is offering to settle the Appeal through revisions to the Original Proposal substantially in accordance with, and as demonstrated on, the enclosed architectural plans and drawings prepared by Icon Architects Inc., dated May 30, 2025 (the “**Settlement Proposal**”). The Settlement Proposal is the same as the Revised Proposal, as submitted in the Tribunal proceeding on May 30, 2025. The Settlement Proposal also addresses the provisions of SASP 784 regarding affordable/rental housing.

As described on the architectural plans, the Settlement Proposal has been designed to permit the redevelopment of the Site in accordance with the following principles:

1. A 14-storey “H” shaped mixed-use building containing approximately 302 residential units. The new mixed-use building would have a total gross floor area (GFA) of approximately 20,717 square metres including 1,000 square metres of commercial space, in accordance

with SASP 784. The resultant density (FSI) of the Settlement Proposal is 7.43 times the gross area of the Site.

2. A residential unit mix of at least 10% three-bedroom units and 15% two-bedroom units will be provided, consistent with the City's Growing Up Guidelines.
3. The new mixed-use building would have a total building height of approximately 51.87 metres, inclusive of a 6.2 metre mechanical penthouse. We note that the base "H" shaped portion of the building is 7 storeys (24 metres) which is equivalent to 80% of the adjacent right of way width along Birmingham Street. Above the 7th floor, the building is set back 9 metres from the northern property line along Birmingham Street and 7.5 metres to the southern property line which abuts the property municipally known as 180 Islington Avenue, which is currently improved with a 2-storey commercial building and an associated surface parking area.
4. A ratio of 2 square metres per unit for both indoor and outdoor amenity space will be provided.
5. Access to the Site will be provided via a driveway from Eighth Street at the southwest corner of the Site which is proposed to be covered above the 2nd storey. Although the plans accompanying the Settlement Proposal currently note three levels of underground parking serving the new building, comprised of approximately 161 vehicular parking spaces, the applicable parking ratios for the new building will be based on the City's current minimum zoning by-law requirements.
6. At this time, the Owner has not finalized its intentions with respect to the provision of affordable/rental housing pursuant to SASP 784, although the Owner acknowledges that it is not seeking any relief from these obligations. It is contemplated that the Owner may proceed to develop the building as a purpose-built rental development.

Given the status of the Proposed Development, including the submission of this Settlement Offer, it is our understanding, as confirmed by City Staff, that no affordable housing would be required if the Owner secures the development as a purpose-built rental development. If the Owner proceeds with a purpose-built rental development, the Owner is prepared to commit to the same in an agreement with the City.

If a condominium development is proposed, the Owner acknowledges that SASP 784 requires that a minimum of 10% of the total new residential gross floor area be secured as affordable ownership or a minimum of 7% of the total new residential gross floor area be secured as affordable rental housing and if the Owner proceeds with a condominium development, the Owner is prepared to commit to the same.

We submit that the Settlement Proposal is responsive to the City's comments on the Original Proposal and represents a desirable and appropriate form of residential intensification that optimizes the use of land on an underutilized site, well-served by existing and planned infrastructure. The Settlement Proposal represents an appropriate form of development which is

highly responsive to the issues raised by the City and resolution to the Appeal that is before the Tribunal.

IMPLEMENTATION

This offer to settle is being submitted on a without prejudice basis for consideration by City Council at its meeting commencing on June 25, 2025, following which it will be null and void if not accepted.

Should the Settlement Proposal be accepted by City Council, our client agrees that it will provide planning evidence in support of the settlement at a settlement hearing before the Tribunal, by way of an affidavit from its land use planning consultant. Our client further agrees to jointly request, in the event of the approval of the Settlement Proposal, that the Tribunal withhold its final Order for the Appeal until such time as the following conditions are satisfied:

- a. the final form of the Zoning By-law Amendment is to the satisfaction of the Executive Director, Development Review, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- b. the owner or applicant, at their sole cost and expense, has submitted a revised Functional Servicing and Stormwater Management Report to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Director, Engineering Review;
- c. if the accepted Functional Servicing and Stormwater Management Report requires any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 1. 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 Functional Servicing and Stormwater Management Report, to support the development, in a financial secured agreement, all to the satisfaction of the Director, Engineering Review; or
 2. the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Functional Servicing and Stormwater Management Report are constructed and operational, all to the satisfaction to the Director, Engineering Review;
- d. the owner has addressed all outstanding issues identified in the Engineering and Construction Services' correspondence, dated June 28, 2024, to the satisfaction of the Director, Engineering Review;
- e. the owner has provided a revised Transportation Impact Study to the satisfaction of the General Manager, Transportation Review;

- f. the owner has provided a revised Pedestrian Level Wind Study including a Wind Tunnel Study, to the satisfaction of the Executive Director, Development Review and Chief Planner and Executive Director, City Planning;
- g. the submitted Compatibility/Mitigation Study and Roadway Traffic Noise Feasibility Assessment, both dated September 20, 2023, and prepared by Gradient Wind Engineering Inc. have been peer-reviewed by a third-party consultant retained by the City at the owner's expense, and the owner agrees to implement any necessary control measures and recommendations identified by the peer review, with the control measures to be secured through the Site Plan Control process, to the satisfaction of the Executive Director, Development Review;
- h. the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review, as they relate to the application, to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
- i. one of the following conditions has been met to secure the provision of affordable or purpose built rental housing in accordance with SASP 784:
 - i. the owner has submitted a Housing Issues Report identifying how affordable and/or purpose built rental housing requirements will be met, to the satisfaction of the Chief Planner and Executive Director, City Planning and the owner has made satisfactory arrangements and entered into one or more agreements, which may include a restriction pursuant to s. 118 of the *Land Titles Act* registered on title to the lands to secure the provision of affordable or purpose built rental housing to the satisfaction of the City Solicitor; or
 - ii. a holding provision is included in the final form of the site-specific Zoning By-law amendment outlining that the holding provision will not be lifted until such time as the owner has submitted a Housing Issues Report identifying how affordable and/or purpose built rental housing requirements will be met, to the satisfaction of the Chief Planner and Executive Director, City Planning and entered into one or more agreements to secure the provision of affordable or purpose built rental housing to the satisfaction of the City Solicitor.

Community Benefits

The Owner requests that City Legal confirm instructions that:

1. City Council will allow the owner of 210 Islington and 99 Birmingham to design, construct, finish, provide and maintain on the site a minimum of either 10 percent of the total new residential gross floor area as affordable ownership housing or 7 percent of the total new residential gross floor area as affordable rental housing for 99 years as part of a condominium development on the Site, to the satisfaction of the Executive Director, Development Review, Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat, as an in-kind contribution pursuant to Subsection 37(6) of the Planning Act, in the event the owner elects to provide this affordable housing.

2. In the event the owner of 210 Islington and 99 Birmingham elects to provide affordable housing in accordance with Part 1 above, City Council authorize the Executive Director, Development Review to enter into an agreement pursuant to subsection 37(7.1) of the Planning Act (the "In-kind Contribution Agreement") to address the provision of the in-kind contribution identified to the satisfaction of the Executive Director, Housing Secretariat, and the City Solicitor, with such agreement to be registered on title to the Site, which agreement shall be evidence of arrangements for the provision of the in-kind contribution that are satisfactory to City Council.

3. In the event the owner of 210 Islington and 99 Birmingham elects to provide affordable housing in accordance with Part 1 above and an In-Kind Contribution Agreement is entered into, City Council attribute a value to the in-kind contribution equal to 100 percent of four (4) percent of the value of the land (net of any exclusions or exemptions authorized under the Community Benefits Charge By-law), as determined the day before the building permit is issued in respect of the development and direct staff to advise the owner of such valuation.

OLT Settlement Hearing

Should the Settlement Proposal be accepted by City Council at its meeting of June 25, 2025, we propose that our client and the City jointly advise the Tribunal that a settlement has been reached and request that the Tribunal hold a 1-day settlement hearing, which may include converting the first day of the hearing scheduled to commence on September 15, 2025, if possible.

In support of the Settlement Proposal, we enclose the following:

1. Architectural Plans and Drawings prepared by Icon Architects Inc., dated May 30, 2025.

Should you require anything further with respect to this correspondence or the attached materials, please contact the undersigned and Rowan Barron (rbarron@overlandllp.ca).

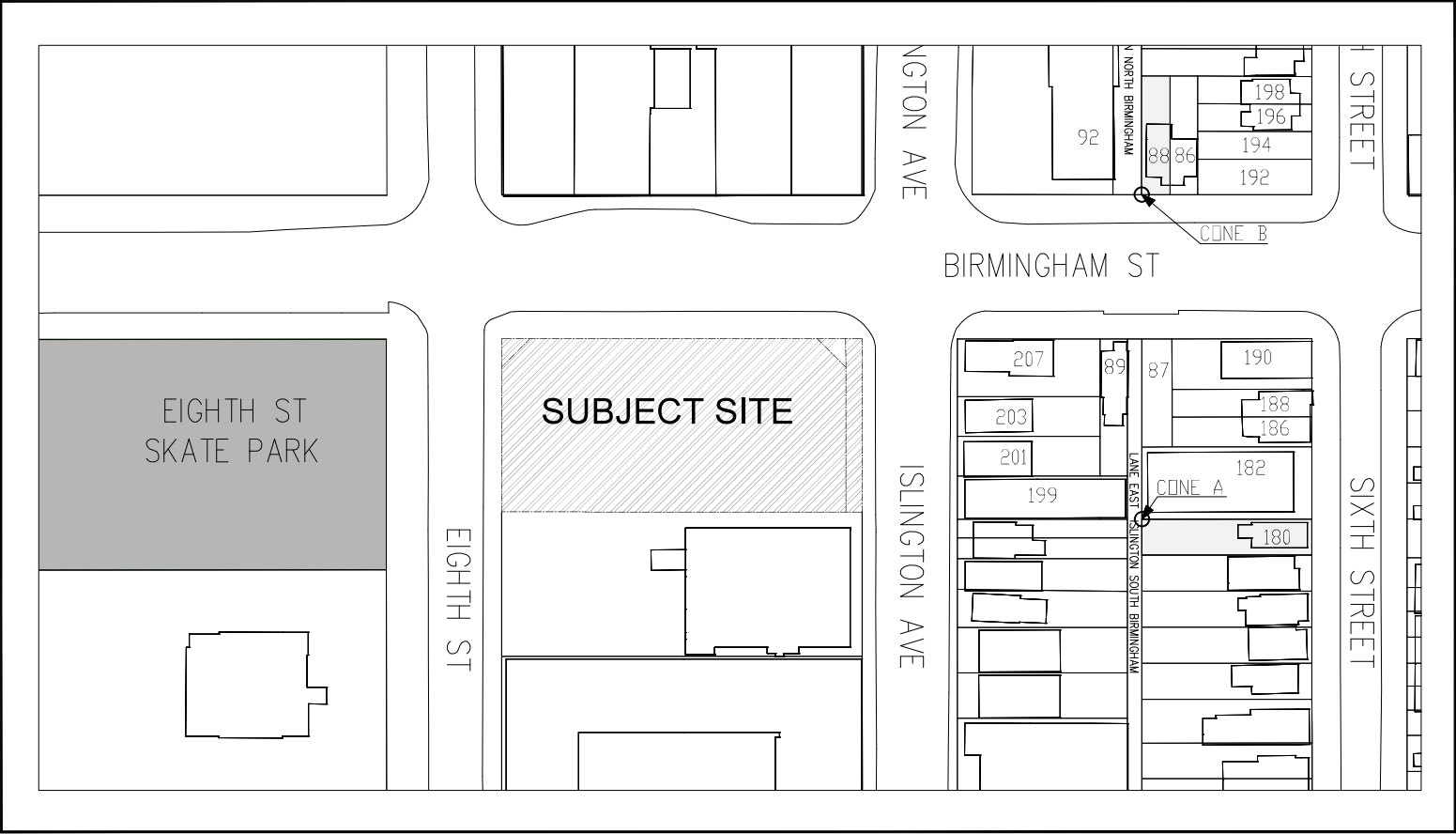
Yours truly,

Overland LLP



Per: Christopher Tanzola
Partner


Encl.





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210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE

CONTEXT PLAN

Scale:
1:750
Date:
MAY 30, 2025
Project No.
20112

Drawn by:
AM
Checked by:
HG
Drawing No.
1

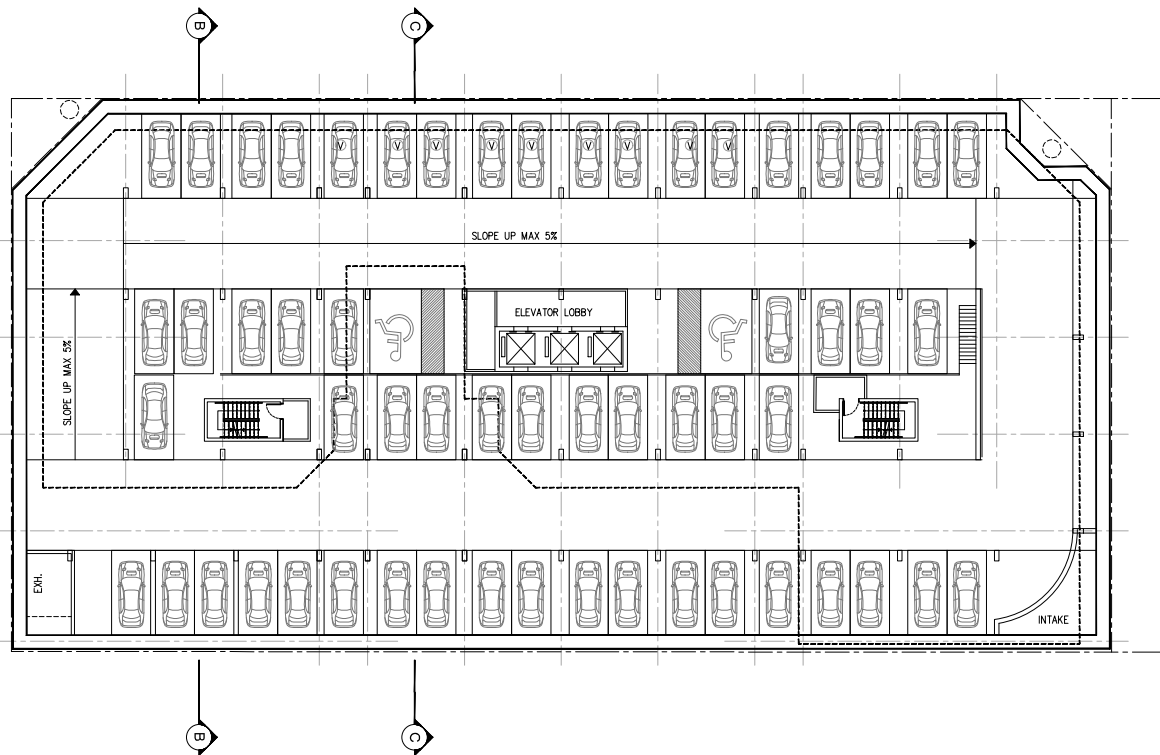
PLOT DATE

	m2	ft2
Total Residential GFA	19,717.70	212,241
Total Commercial GFA	1,000.00	10,764
Total GFA	20,717.70	223,005
Total FSI (gross site)	7.43	
Total FSI (net site)	7.88	
Total Indoor Amenity	604.00	6,501
Total Outdoor Amenity	604.00	6,501
Total Height Including MPH (m)	51.87	

[illegible]

Total Amenity Required		
Total Indoor Amenity (2m ² /unit)	604.00	6,501
Total Outdoor Amenity(m ² /unit)	604.00	6,501
Total Amenity Provided		
Total Indoor Amenity	604.00	6,501
Total Outdoor Amenity	604.00	6,501

210 ISLINGTON AVE A
14 STORE



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14 STOREY MID-RISE
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
BIRMINGHAM, B1 1AA



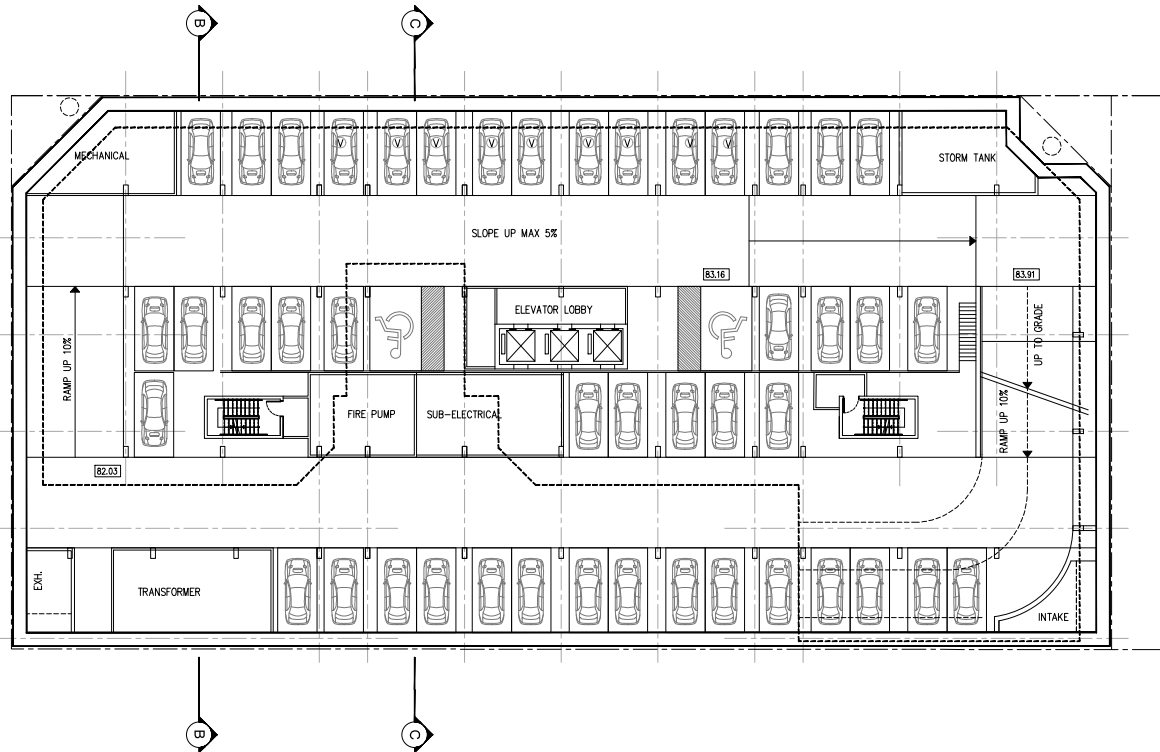
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE

UNDERGROUND PARKING
LEVELS 2 AND 3

Scale:
1:250
Date:
MAY 30, 2025
Project No.
20112

PLOT DATE

Drawn by:
AM
Checked by:
HG
Drawing No.
3



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14 STOREY MID-RISE
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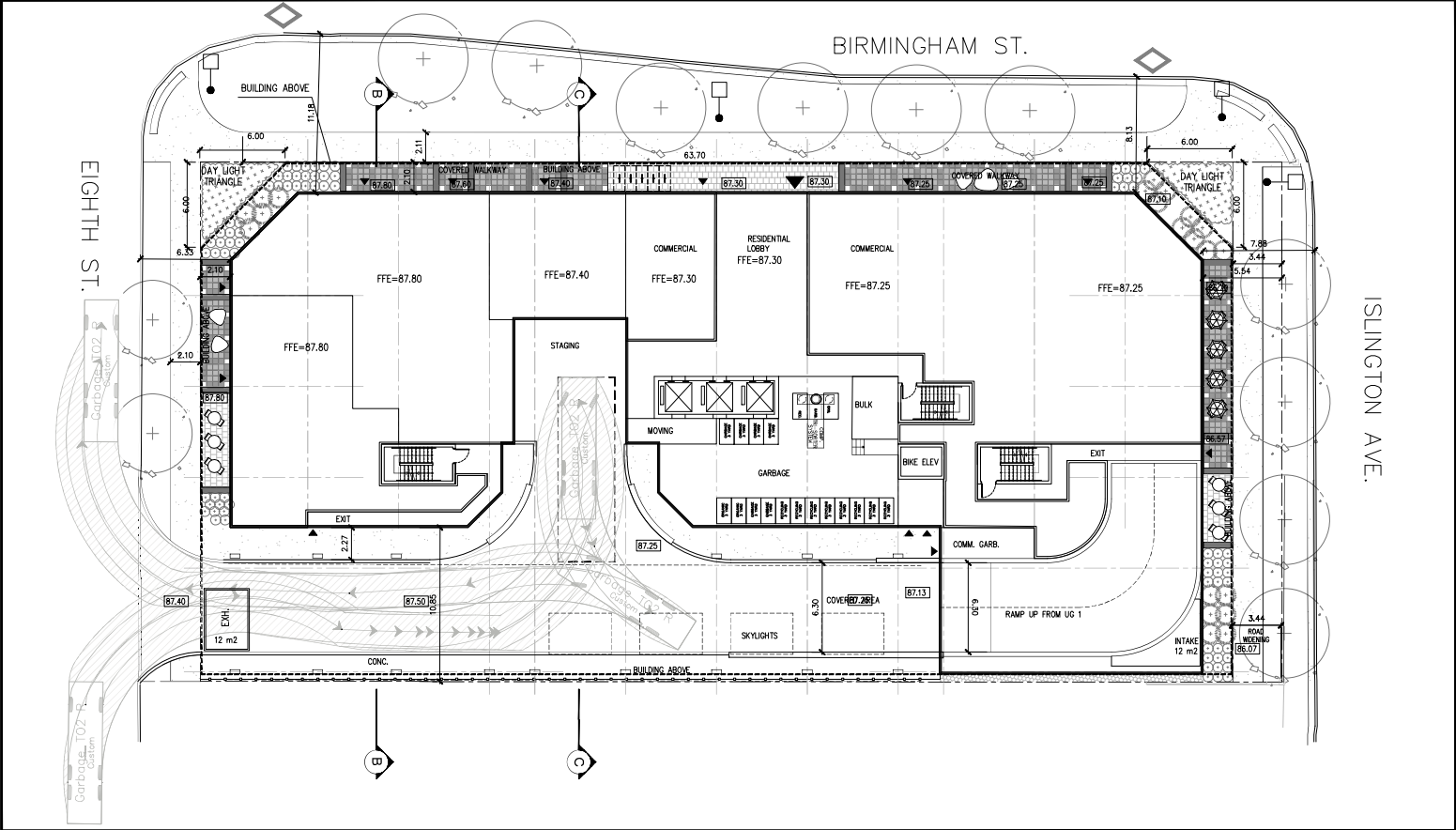
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE


UNDERGROUND PARKING
LEVEL 1

Scale:
1:250
Date:
MAY 30, 2025
Project No.
20112


Drawn by:
AM
Checked by:
HG
Drawing No.
4

PLOT DATE





1400 BAYVIEW AVE, SUITE 100
SCARBOROUGH, ONTARIO M1S 1B5
TEL: (416) 291-1100
WWW.ICONARCHITECTS.COM



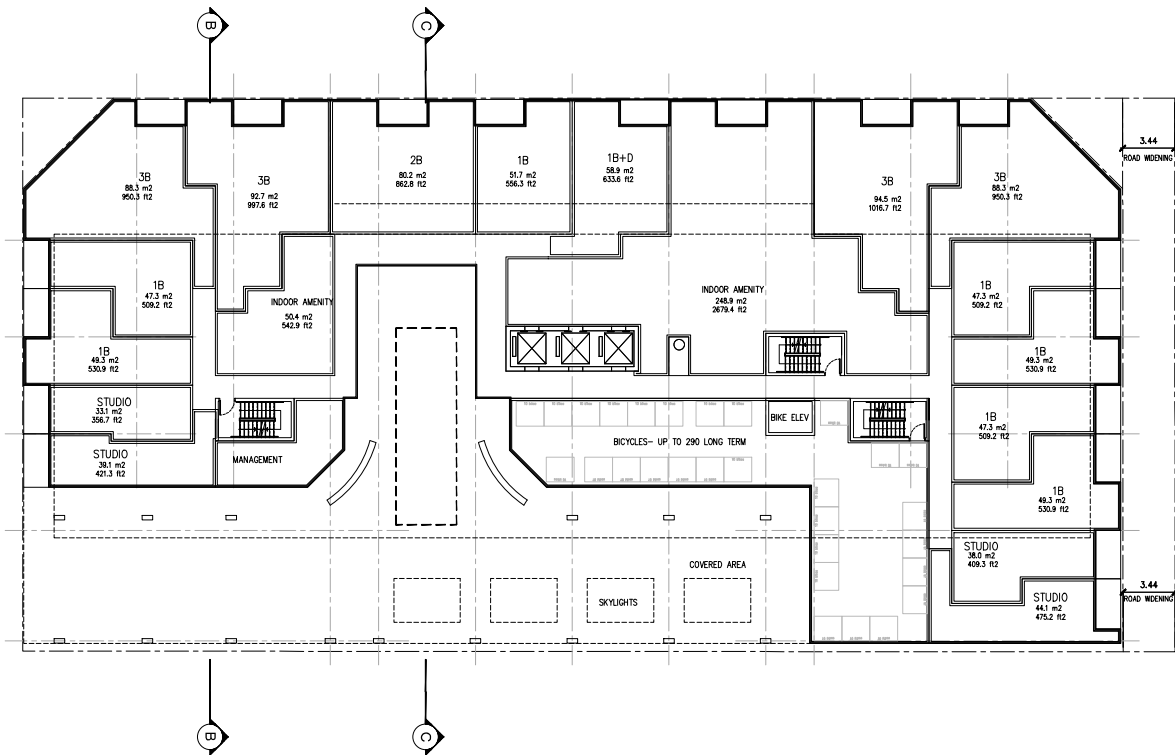
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE

GROUND FLOOR / SITE PLAN

Scale:
1:250
Date:
MAY 30, 2025
Project No.
20112

Drawn by:
AM
Checked by:
HG
Drawing No.
5

PLOT DATE



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210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE
FLOOR 2



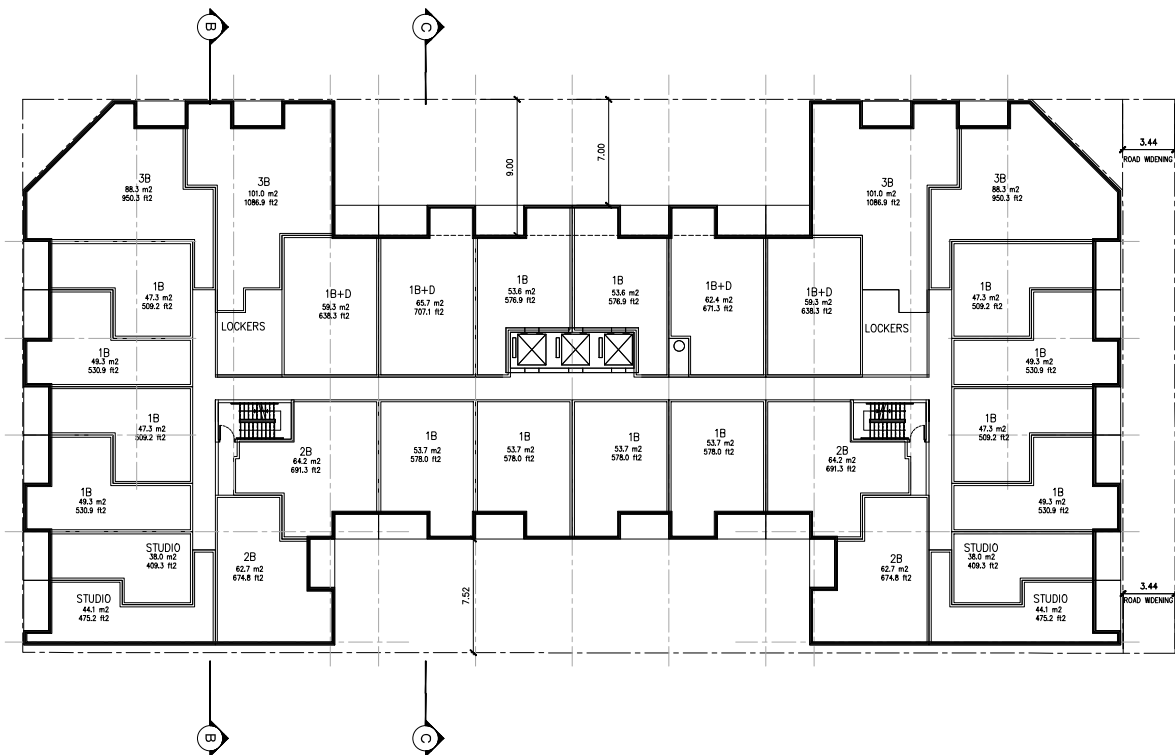
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE

FLOOR 2

Scale:
1:250
Date:
MAY 30, 2025
Project No.
20112

Drawn by:
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Drawing No.
6

PLOT DATE



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14 STOREY MID-RISE
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE



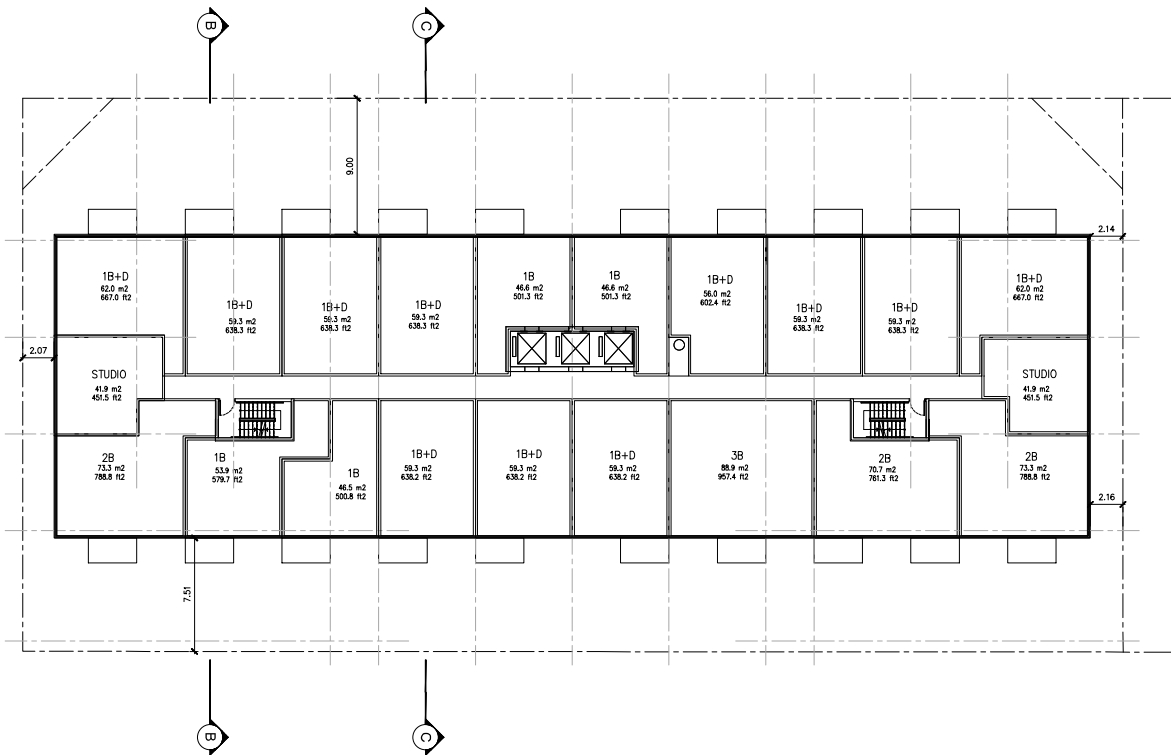
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE

FLOORS 4 - 7

Scale:
1:250
Date:
MAY 30, 2025
Project No.
20112

Drawn by:
AM
Checked by:
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Drawing No.
8

PLOT DATE



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210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE



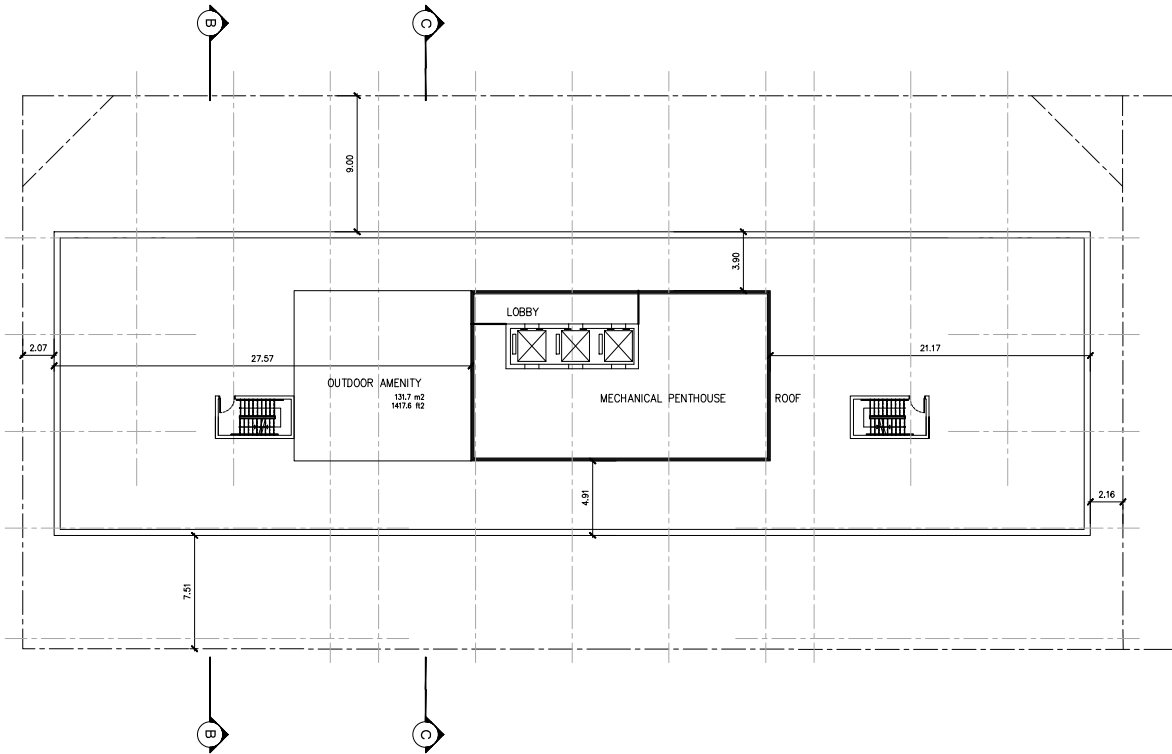
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE

FLOOR 9 - 10

Scale:
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Date:
MAY 30, 2025
Project No.
20112

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Checked by:
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Drawing No.
10

PLOT DATE



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14 STOREY MID-RISE
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE



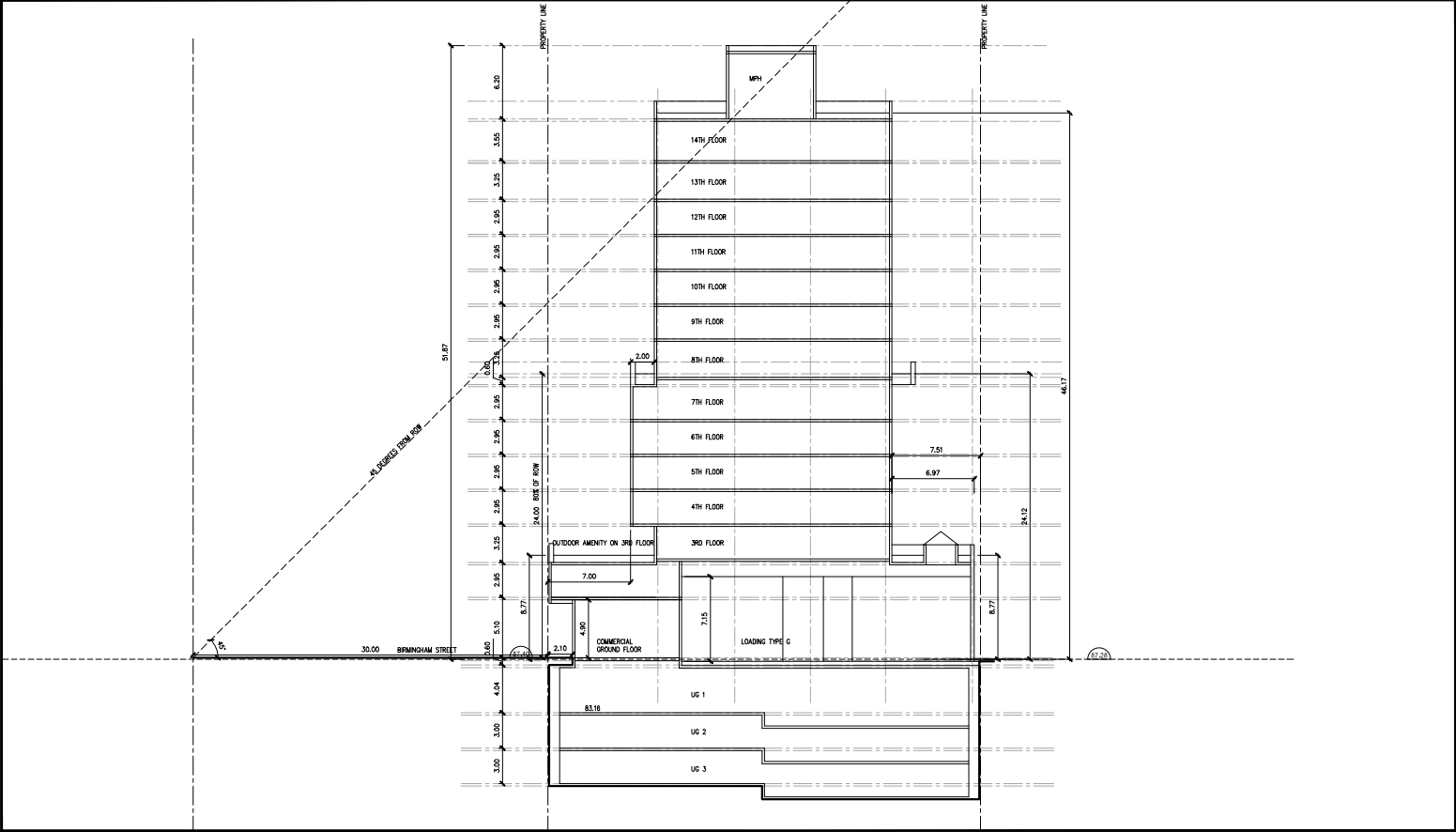
210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE



MPH LEVEL

Scale:
1:250
Date:
MAY 30, 2025
Project No.
20112

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Drawing No.
12

PLOT DATE



 140 NORTH BRIDGE STREET, SUITE 100 BIRMINGHAM, ALABAMA 35203 PHONE: (205) 975-1234 WWW.ICONARCHITECTS.COM			210 ISLINGTON AVE AND 99 BIRMINGHAM ST 14 STOREY MID-RISE	SECTION CC	<table border="0"><tr><td>Scale:</td><td>1:300</td><td>Drawn by:</td><td>AM</td></tr><tr><td>Date:</td><td>MAY 30, 2025</td><td>Checked by:</td><td>HG</td></tr><tr><td>Project No.</td><td>20112</td><td>Drawing No.</td><td>14</td></tr></table>	Scale:	1:300	Drawn by:	AM	Date:	MAY 30, 2025	Checked by:	HG	Project No.	20112	Drawing No.	14
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Date:	MAY 30, 2025	Checked by:	HG														
Project No.	20112	Drawing No.	14														

PLOT DATE



CORNER OF BIRMINGHAM ST. AND EIGHTH ST.



ON EIGHTH ST. LOOKING NORTH



CORNER OF BIRMINGHAM ST. AND EIGHTH ST.



CORNER OF BIRMINGHAM ST. AND ISLINGTON AVE.

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210 ISLINGTON AVE AND 99 BIRMINGHAM ST
14 STOREY MID-RISE

PERSPECTIVE VIEWS

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NTS	AM
Date:	Checked by:
MAY 30, 2025	HG
Project No.	Drawing No.
20112	15
PLOT DATE	