

AIRD BERLIS

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July 4, 2025

CONFIDENTIAL AND WITHOUT PREJUDICE

By E-Mail: Lauren.Pinder@toronto.ca

Lauren Pinder
Solicitor, Planning and Administrative Tribunal Law
City of Toronto Legal Services
Metro Hall, 26th Floor
55 John Street
Toronto, ON M5V 3C6

File No: 135257

Dear Ms. Pinder

Re: WITHOUT PREJUDICE SETTLEMENT OFFER (REVISED)
Zoning By-law Appeals
309 Cherry Street, City of Toronto
12 131809 STE 30 OZ and 16 271912 STE 30 OZ
OLT Lead Case No.: OLT-22-002946
-and-
PL030514 (now OLT-22-002109) (Central Waterfront Secondary Plan or "CWSP")

As you are aware, Aird & Berlis LLP represents 2034055 Ontario Limited and 1337194 Ontario Inc. (collectively, our "**Client**" or "**CPN**"). Our client is the owner of lands within the City of Toronto municipally known as 309 Cherry Street (the "**Site**").

This letter is further to our "without prejudice" settlement offer filed on May 31, 2024 which was filed in an effort to settle both the ZBLA Appeals¹ and the ongoing OPM Appeal² (the "**May 2024 Settlement Proposal**"). On June 26, 2024, City Council adopted confidential instructions from the City Solicitor that among other items recommended that City Council accept the May 2024 Settlement Proposal. The details of the settlement proposal became publicly available shortly thereafter.

On December 20, 2024, on consent of the City, a written settlement motion was filed with the Tribunal requesting that the Tribunal allow CPN's ZBLA Appeals and OPM Appeal in part, and approve the site specific zoning by-law and site and area specific policy filed, which instruments together, facilitate the May 2024 Settlement Proposal.

¹ Being OLT-22-002946 and OLT-22-002109, which concern non-decision appeals of two private applications (the North and South Blocks of the Site) for site-specific zoning by-law amendments filed by CPN.

² Being consolidated OLT Case Nos. OLT-22-002109, OLT-22-003806 and OLT-22-002672, which concern the original approval of the CWSP, including what has been referred to by the OLT as the Port Lands Official Plan Modification.

On January 20, 2025, a month following the submission of CPN's settlement motion, the Toronto Port Authority wrote to the Tribunal advising that it wished to have party status in order to make submissions in respect of the settlement of the ZBLA Appeals. Our Client objected to the late request of the Toronto Port Authority for status in the ZBLA Appeals. On June 3, 2025, after receiving written correspondence from counsel for the Toronto Port Authority and our office, the Tribunal confirmed that having conducted and concluded a written hearing on the merits of the settlement for the ZBLA Appeals, the Tribunal would not be proceeding with any further hearings or events related to this proceeding. The Tribunal accordingly did not grant the Toronto Port Authority Party Status or any recognized status in the ZBLA Appeals.

On June 17, 2025, our office wrote to the Tribunal to request that it withhold issuing a decision in connection with the ZBLA Appeals and OPM Appeal until the end of July 2025, in an effort to facilitate on-going discussions between the City and the Toronto Port Authority. While our Client maintains its position with respect to the timing of the Toronto Port Authority's request for party status in this matter, CPN is prepared to continue to work with the Toronto Port Authority in an effort to resolve its concerns.

In order to resolve the concerns of the Toronto Port Authority, certain revisions are required to the Settlement Plans which formed the basis of our Client's settlement offer dated May 31, 2024. In particular, the following revisions are being proposed to the Settlement Plans:

1. A reduction to the height of the tower on Building 1B (North Block) from 49 to 45 storeys; and
2. A reduction to the height of the tower on Building 2B (South Block) from 39 storeys to 32 storeys.

The above-described reductions to the settled heights of Building 1B and 2B would necessitate several other built form modifications to the Settlement Plans, as described below:

1. An increase in the height of Building 1A from 27 storeys to 31 storeys;
2. An increase in the height of Building 2A from 10 storeys to 20 storeys;
3. An increase in the setback from Cherry Street (from 10 metres to 14 metres) for the taller building component of Building 2A;
4. A reduced setback from Building 2A and Building 2B to Centre Street from 3 metres to 0 metres, which is consistent with the setback on the adjacent lands in the City's Villiers Island Precinct Plan 2024 Amendment and corresponding Zoning By-law;
5. An increase in the separation distance between Tower 2A and 2B from 15 metres to 27 metres;
6. A change in the shape of the taller building component on Building 2A to a more slender, elongated floor plate;
7. A reduced setback from Building 2B to Foundry Street from 2 metres to 0 metres; which is consistent with the setback on the adjacent lands in the City's Villiers Island Precinct Plan 2024 Amendment and corresponding Zoning By-law;

8. Shifting the tower on Building 1B 3 metres to the north; and
9. As a result of the increase in the number of units on Building 2A, there is an anticipated corresponding need for vehicular access to Building 2A for to provide access for moving and pick-up and drop-off. Our Client has agreed with City Staff that a proposed additional access can be addressed through the site plan approval process for the South Block.

The revisions listed in response to the concerns raised by the Toronto Port Authority together with the revisions listed in paragraphs 1 through 9 above, form the “**Revised Settlement Proposal**”.

We are writing to request that City Council accept this letter and the enclosed attachment as our Client’s request for a revised settlement with the City. With the exception of the revisions to the built form detailed in the Revised Settlement Proposal, all other settlement terms set out in our letter dated May 31, 2024 remain applicable.

Toronto Port Authority

We can confirm that the Revised Settlement Proposal resolves the concerns of the Toronto Port Authority, subject to the Toronto Port Authority and our Client confirming that no part of any building or structure (permanent or temporary) conflicts with the operations of the Toronto City Centre Island Airport.

Villiers Island Precinct Plan 2024 Amendment

As City Council will recall, the Villiers Island Precinct Plan 2024 Amendment was adopted by City Council at its meeting on June 26, and 27, 2024 – the same meeting at which CPN’s *confidential and without prejudice* settlement offer was considered. Given that the settlement offer was filed on a *confidential and without prejudice* basis, the details of the proposal for the Site was not incorporated into the Villiers Island Precinct Plan 2024 Amendment. Implementation of the Revised Settlement Proposal will require that City Council incorporate the Site and the Revised Settlement Proposal into the Villiers Island Precinct Plan 2024 Amendment, particularly to permit the separation distance between Buildings 2A and 2B through the Precinct Plan.

Implementing Instruments and Evidence Before the OLT

If the enclosed Revised Settlement Proposal is acceptable to Council, our Client’s consulting team will work with City Staff to finalize the details of the implementing Zoning By-law Amendment(s) for review and approval by the OLT. Our Client would bear the responsibility of leading the necessary revised evidence before the OLT in support of the Revised Settlement Proposal, which would occur through either a supplementary motion in writing or a one-day virtual settlement hearing. The target for the OLT’s consideration of this revised settlement would be within the next 60 days

In support of the herein Revised Settlement Proposal and together with this offer letter, we enclose Architectural Plans dated July 4, 2025, prepared by SvN.

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Our client's ask is that City Council provide its instructions to accept the Revised Settlement Proposal in principle by close of its meeting scheduled to commence on July 23, 2025.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Tomasella
SJT/JCMF

cc: Patrick Harrington, Aird & Berlis LLP
Andrew Biggart, Waterfront Toronto,
Clients

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