



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: 416.597.4136  
rgill@goodmans.ca

June 27, 2025

Our File No.: 242889

**WITHOUT PREJUDICE**

**BY EMAIL** ([derin.abimbola@toronto.ca/simona.messina@toronto.ca](mailto:derin.abimbola@toronto.ca/simona.messina@toronto.ca))

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

**Attention: Derin Abimbola and Simona Messina, Solicitors, Legal Service Division**

Dear Counsel:

**Re: 123 Bellamy Road North, Toronto  
City of Toronto File No. 24 126134 ESC 21 OZ  
OLT Case Nos. OLT-24-001074  
City of Toronto File Nos. 17 277456 ESC 38 OZ and 17 277456 ESC 38 OZ  
Settlement Offer re: Appeal of Rezoning Application pursuant to subsection 34(11)  
of the *Planning Act***

We are solicitors for MR-V 123 Bellamy Road North Inc., who is the owner of the property known municipally in the City of Toronto as 123 Bellamy Road North (the “**Property**”). The Property is located in the northeast quadrant of Eglinton Avenue East and Bellamy Road North, municipally known as 123 Bellamy Road North. The Property is approximately 18,843 square metres (1.884 hectare) in area. The western portion of the Property is currently occupied by a 12-storey apartment building (the “**Existing Building**”), with the eastern portion occupied by a surface parking lot and open space including a tennis court. Constructed in 1965, the existing building is representative of a “tower in the park” typology typical of apartment building of that era in Scarborough. Despite the Existing Building, the Property is grossly underutilized given its proximity to existing and planned transit and servicing infrastructure.

The Property is located within the Eglinton East Neighbourhood, which is located in central Scarborough. Eglinton East Neighbourhood is identified as a *Neighbourhood Improvement Area* as outlined by the Toronto Strong Neighbourhoods Strategy. The Strong Neighbourhoods Strategy supports community well-being by partnering with residents, community agencies and businesses to invest in people, services, programs and facilities in *Neighbourhood Improvement Areas*.

The Property is within the Eglinton GO Protected Major Transit Station Area (“**PMTSA**”). PMTSAs are proposed as intensification areas to optimize investment in transit and servicing infrastructure. Additionally, Bellamy Road North and Eglinton Avenue East provide ample transit opportunities with access to several TTC bus routes allowing for a connected and mobile area.

Our client filed a rezoning application for the Property on March 15, 2024 (the “**Application**”). The Application was deemed complete as of July 8, 2024. On October 2, 2024, the City held a Community Consultation Meeting regarding the Application. Our client appealed the Application to the Ontario Land Tribunal (the “**Tribunal**”) pursuant to subsection 34(11) of the *Planning Act* as City Council had not made a decision regarding the Application within the applicable statutory timeline.

We are writing on behalf of our client with 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 July 23, 2025.

Our client engaged in mediation and without prejudice discussions with City staff over the last several months regarding the redevelopment proposal for the Property. These discussions have resulted in revised plans and sections, prepared by GC Architects and dated June 20, 2025, (the “**Revised Plans**”) which are accessible at this link: <https://spaces.hightail.com/receive/zvNedjFJ0K>

We have also provided an arborist report, landscape plan and sun/shadow study accessible by the following link: <https://spaces.hightail.com/receive/mMSxWdTZIP>

This without prejudice settlement offer will allow redevelopment of this Property with a transit-oriented residential development contributing to the intensification of the Eglinton East Neighbourhood by intensifying the Property, which is in close proximity to the Eglinton Go Station. The resolution of the Application would allow the following described in paragraphs 1 through 6 below:

1. **Public Realm:** provision of a new east-west publicly-accessible pedestrian connection along the southern boundary of the site connecting to Eglinton Avenue East and north-south pedestrian mid-block connection between buildings B and C.
2. **Built Form**
  - Building A: A 39-storey tower on a shared 6-storey base building and 4-storey streetwall fronting Bellamy Road North providing 447 units.
  - Building B: A 35-storey tower on a shared 6-storey base building and 4-storey streetwall fronting Bellamy Road North providing 414 residential units.

- **Building C:** 10-storey midrise building with 4-storey streetwall at the corner of Bellamy Road North providing 117 units. The first two storeys of the eastern façade are recessed 4.2m from the eastern property line to allow for a publicly-accessible sidewalk and landscaping.
- 3. **Tower Floorplate:** The residential tower floor plates of buildings A and B shall have a maximum gross construction area of 780 square metres.
- 4. **Setbacks, setbacks and separation distance:** Public street setbacks include 5.6m along the north property line and 4.2m along the east property line for the first two storeys. A 5m setback for Tower B from the base building is provided as well as minimum tower separation distances of 25m between Towers A, B and the existing apartment building. Buildings B and C are separated by a minimum 15.5m allowing for a pedestrian mid-block connection.
- 5. **Gross Constructable Area:** A total of 74,441 m<sup>2</sup> gross constructable area including 2,315 m<sup>2</sup> of indoor amenity space and 2,238 m<sup>2</sup> of outdoor amenity space.
- 6. **Parking:** total of 422 new parking spaces (of which 51 are for visitors) in addition to 142 existing parking spaces and 746 bicycle storage spaces including 70 spaces for visitors.

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);
2. The Revised Plans provide for the delivery of an east-west pedestrian connection to enhance community connectivity and which will be subject to an easement in favor of the City to allow it to be used as publicly accessible space despite it remaining in private ownership, to be secured as part of site plan approval;
3. The Revised Plans provide for the delivery of a minimum 2.1 metre-wide sidewalk within the public right-of-way as per City of Toronto standards. Where implementation of the sidewalk in the right-of-way is not feasible due to space constraints and/or physical conflicts, the applicant agrees to construct the sidewalk within their private property and provide a pedestrian clearway easement in favour of the City for public access east of the site, which will be secured at the site plan control stage;
4. A good faith commitment to work with the City to pursue a mutually agreeable in-kind community benefit contribution which may include but will not be limited to public art, affordable rental housing, or public daycare; and,
5. A good faith commitment to provide to implement a connection at grade from the existing building to the new proposed building for the purposes of providing access to indoor amenity space to the existing building from the proposed building.

This proposal delivers much needed housing near higher order transit, improves the public realm and public infrastructure in very important ways, and delivers new connectivity for the community. We hope that City staff and City Council receive this proposal well.

The form of the 10-storey building in the Revised Plans has been designed to accommodate an additional setback of the east side of the building to allow the corresponding portion of sidewalk to move to the west (the “**Tree Setback**”). This design is meant to accommodate a tree labelled “Tree F”, a City-owned sugar maple. At the suggestion of City staff, our client had an arborist investigate Tree F. The results of the arborist’s investigation are provided for in the above noted materials. Unfortunately, upon investigation, our client’s arborist found Tree F had a large limb fail due to advanced decay. The limb itself measured more than 50cm in diameter near the branch collar. The decay localized within this area had spread to nearby limbs and the bole of the tree. The arborist’s opinion is that the decay present within the limb poses a hazard and its failure is probable, approaching imminent. Further, the failure of the limb would result in a severely unbalanced crown, adding more stress towards the eastern side of the tree, and as a result, the tree should be removed.

The Tree Setback reduces the size of some of the units in the 10-storey building and complicates the delivery of public realm improvements to the east of the Property. Given the state of Tree F, those costs and complications do not appear to be worthwhile. Ultimately, the Tree Setback is unlikely to deliver the benefit of having Tree F survive. Accordingly, for the benefit of the end users of the Property and the community more generally, our client suggests that it would be better to eliminate the Tree Setback. Accordingly, our client is also willing to resolve the Application on the basis of the Revised Plans with the Tree Setback eliminated (“**Option 2**”). If the City is agreeable to Option 2, our client will accept an additional pre-condition to the issuance of a final order by the Tribunal that would require the submission of a revised set of drawings demonstrating the removal of the Tree Setback, all to the satisfaction of the Executive Director, Development Review.

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, subject to the conditions provided in Schedule A to this offer.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on July 23, 2025, at which point it should be considered as withdrawn if not accepted by City Council. If the settlement is accepted by City Council, the Owner consents to the public release of this letter and the Revised Plans.

Our client greatly appreciates the hard work of City staff that has enabled the presentation of this without prejudice settlement offer to City Council.

Yours truly,

**Goodmans LLP**



Rodney Gill  
RJG/

**Schedule “A”****A. Conditions for Issuance of Final Order on Zoning By-law Amendment Appeal**

The Ontario Land Tribunal will withhold the issuance of its final Order on the Zoning By-law Amendment application until the City Solicitor has advised in writing by the City Solicitor that:

- (1) The final form and content of the Zoning By-Law Amendment is to the satisfaction of the Executive Director, Development Review, and the City Solicitor, in consultation with other appropriate divisions;
- (2) The Owner has, at its sole cost and expense:
  - i) submitted a revised Transportation Impact Study, traffic signal warrant analysis and Transportation Demand Management Plan acceptable to, and to the satisfaction of, the Executive Director, Development Review and General Manager of Transportation Services;
  - ii) addressed any comments from the Executive Director, Environment, Climate and Forestry on the updated arborist report dated June 19, 2025;
  - iii) provided a revised Functional Servicing Report, Stormwater Management Report, Municipal Servicing and Grading Plan, and any other reports or documents deemed necessary in support of the development to the City for review and acceptance by and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. These reports shall determine whether the municipal water, stormwater runoff, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required; and
  - iv) entered into a financially secured agreement, with financial security to be provided prior to final site plan approval, for the construction of any improvements to the municipal infrastructure, at the Owner's sole expense, should it be determined that upgrades and or new sewer installations are required to support the development as identified in the accepted Functional Servicing and Stormwater Management Reports or any other reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.