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June 26, 2025

Our File No.: 171297

WITHOUT PREJUDICE

BY EMAIL (mark.piel@toronto.ca/derin.abimbola@toronto.ca)

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

Attention: Mark Piel and Derin Abimbola, Solicitors, Legal Service Division

Dear Counsel:

**Re: 670, 680 and 690 Progress Avenue, Toronto, ON
OLT Case Nos. OLT-22-003924 and OLT-22-003925
City of Toronto File Nos. 17 277456 ESC 38 OZ and 17 277456 ESC 38 OZ
Settlement Offer re: Appeal of Official Plan Amendment and Rezoning Applications
pursuant to subsections 22(7) and 34(11) of the *Planning Act***

We are solicitors for Fieldgate Urban in respect of the properties known municipally as 670, 680 and 690 Progress Avenue (the “**Property**”). The Property is located at the northeast corner of Progress Avenue and Consilium Place. The Property, which has an area of approximately 2.7 hectares, is irregular in shape and is currently occupied by three single-storey industrial buildings and surface parking lots. However, the Property forms part of Scarborough Centre and the emerging context includes high-rise residential and office towers. The Property is also located within 250 metres of the future Scarborough Centre Station, which is the planned terminus of the Scarborough Subway Extension.

On December 19, 2017, our client filed a rezoning application (the “**Rezoning Application**”) and an application for draft plan of subdivision approval in respect of the Property (the “**Subdivision Application**”). The City of Toronto (the “**City**”) declared the Rezoning Application complete as of January 11, 2018. Our client made a number of resubmissions in respect of the Rezoning Application. On October 29, 2021, as part of one such resubmission, our client filed an official plan amendment application (the “**OPA Application**”) for the Property.

Our client appealed the OPA Application and the Rezoning Application to the Ontario Land Tribunal (the “**Tribunal**”) pursuant to subsections 22(7) and 34(11) of the *Planning Act* as City

Council had not made a decision regarding the Applications 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 Arcadis and dated June 17, 2025, (the “**Revised Plans**”) which are accessible at this link: <https://spaces.hightail.com/receive/Uk3pKDQ8PV>

We have also provided the following materials accessible by that link:

- Parkland Dedication Area Measurement Diagram; and,
- A subdivision phasing plan for the development.

Although the Subdivision Application is not under appeal and therefore not in front of the Tribunal, the attached subdivision phasing plan has been prepared by our client and provided to the City to provide background context to the contents of Schedule B attached to this settlement offer letter. However, it is not a document which our client is asking City Council to accept at this time and our client understands that the Subdivision Application remains subject to the satisfaction of the Executive Director, Development Review.

Schedule B to this settlement offer letter confirms our client accepts (a) the zoning by-law amendment for the Property will include holding symbols authorized under section 36 of the Planning Act and (b) the City’s conditions for lifting the holding symbols. The conditions for lifting the holding symbols in Schedule B refer to the use of the City’s authority under section 51 of the Planning Act (subdivision control) and the enclosed subdivision phasing plan illustrates the manner in which two plans of subdivision will be registered for the Property to provide the public infrastructure needed for the orderly development of the Property.

To facilitate the ultimate redevelopment of the Property in accordance with the Revised Plans, our client will be updating the Subdivision Application that continues to rest with City staff in Development Review. It is anticipated and understood that development in accordance with the Revised Plans will require Draft Plan Approval for a Plan of Subdivision, securing conditions of registration of the two final plans of subdivision, providing for amongst other things as appropriate, the following: a new public street network within the site, on-site parkland dedication, and off-site improvements.

Accordingly, this without prejudice settlement offer will allow redevelopment of this Property in a two phase subdivision with a new community, including a substantial new public park (greater than 10% of the site area), a network of new public streets, pedestrian connections and five new development

blocks. The new buildings would have heights ranging from 18 to 54-storeys with a total of approximately 195,612 square metres of residential gross floor area and more than 3,200 new homes.

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 and official plan amendment, followed by the registration of two plans of subdivision.
2. The implementing zoning by-law(s) would permit a daycare facility on the Property. Our client would continue to explore the feasibility of providing a daycare facility as part of the development. If implemented, the daycare facility would be included as part of the non-residential gross floor area.
3. The new public park would be delivered in two conveyances:
 - a. The first parkland conveyance, within Area B as shown on the Phasing Plan, would be no less than 2,190 square metres in area and conveyed to the City prior to the first above-grade building permit for Area B and secured pursuant to the subdivision process for the Property; the first parkland conveyance will be in base park condition and free and clear of encumbrances and encroachments (other than distressed tiebacks) upon its conveyance to the City and our client will comply with the City's policies regarding the acceptable environmental condition of lands conveyed as a condition of development approval prior to the conveyance, to Parks & Recreation's satisfaction; and,
 - b. The second parkland conveyance, within Area A as shown on the Phasing Plan, would be the remaining 450.6 square metres of parkland to be conveyed to the City prior to the first above-grade building permit for Area A and secured pursuant to the subdivision process for the Property; the second parkland conveyance would be subject to a license in favor of our client to enable our client to use the second parkland conveyance lands for construction staging without any additional fees or charges; upon its conveyance, the second parkland conveyance will be free and clear of encumbrances and encroachments (other than distressed tiebacks) and our client will have complied with the City's policies regarding the acceptable environmental condition of lands conveyed as a condition of development approval and our client would remediate the lands following construction staging in compliance with the standards of the aforementioned policies to Parks & Recreation's satisfaction; our client will construct base park improvements to the second parkland conveyance lands following the completion of the license agreement referred to above at its sole cost and expense, and will financially secure same pursuant to the subdivision process for the Property, to Parks & Recreation's satisfaction.

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

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. Further, as mentioned above, our client agrees that the final form and content of the zoning by-law amendment will include the provisions provided for in Schedule B and Schedule C 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 Official Plan Amendment and Zoning By-law Amendment Appeals**

The Ontario Land Tribunal will withhold the issuance of its final order on the appeal of the request to amend the City of Toronto Official Plan and the appeal of the zoning by-law amendment application until such time as it is advised in writing by the City Solicitor that:

- (1) The final form of the amendment to the City of Toronto Official Plan is satisfactory to the Executive Director, Development Review Division;
- (2) The final form of the zoning by-law amendment is satisfactory to the Executive Director, Development Review Division; and
- (3) The functional servicing report, inclusive of stormwater management report and hydrogeological report, is satisfactory to the Director, Engineering Review, Development Review Division.

* All references in this Schedule “A” to officials of the City shall include references to their designates and successors.

Schedule “B”**B. Hold (H) Symbol Conditions to be included in Zoning By-law Amendment****I. Hold (H) Symbol Conditions Applicable to Area A and Area B**

- (1) The lands identified as Area A on the Phasing Plan and Area B on the Phasing Plan, which are subject to a holding (H) symbol(s), shall not be used for any purpose, subject to the provisions of this Schedule “B”. Notwithstanding the foregoing, those uses and buildings that existed on the Lands as of the date the By-law is in force and effect are permitted prior to the removal of the holding (H) symbol(s).
- (2) A by-law may be passed by City Council, or an officer of the City to whom the authority pass a minor zoning by-law has been delegated, to remove the holding (H) symbol(s) from the lands shown as Area A on the Phasing Plan and Area B on the Phasing Plan, when the following matters have been provided all to the satisfaction of the Executive Director, Development Review Division and the City Solicitor:
 - (a) The owner has been granted approval of a draft plan of subdivision for the lands shown as Area A and Area B as shown on the Phasing Plan, to the satisfaction of the Executive Director, Development Review Division;
 - (b) The owner has entered into a financially secured agreement with the City under Section 51 of the Planning Act, to the satisfaction of the Executive Director, Development Review Division, in consultation with the appropriate City staff, and the City Solicitor, which secures the owner’s provision of the following services and other matters at the owner’s sole cost and expense:
 - (i) the design and construction of all public highways located within Area A and Area B as shown on the Phasing Plan, inclusive of all intersection improvements and street lighting at new intersections with existing public highways abutting the Property, pavement markings, and vehicular access to and egress from abutting lands;
 - (ii) the design and construction of all streetscape improvements, inclusive of tree plantings, within the public right-of-way of all existing public highways abutting the Property shown on the Phasing Plan and within the Property shown on the Phasing Plan;
 - (iii) the design and construction of all sanitary sewers and storm sewers, including municipal sanitary sewers and storm sewers, inclusive of all related appurtenances, and watermain and, without limitation, any upgrades required to existing municipal infrastructure to support the development of Area A and Area B as shown on the Phasing Plan;

- (iv) the provision of financial security and payment of inspection fees in an amount satisfactory to the Director, Engineering Review, Development Review Division, in respect of all municipal services, necessary for the development of the Property;
 - (v) the registration of easements in favour of the City in respect of privately-owned, publicly accessible open space on the Property shown on the Phasing Plan; and
 - (vi) the registration of the fee simple conveyance of the owner's parkland dedication of the park block as shown on the Phasing Plan; and
- (3) The owner of the Property has submitted a stormwater management report demonstrating that the post-development emergency overland flow through the adjacent lands municipally known as 700 Progress Avenue does not exceed pre-development emergency overland flow for a 100 year storm event, to the satisfaction of the Director, Engineering Review, Development Review Division or the owner of the Property causes the registration of an overland flow easement, in priority, to the benefit of the City in respect of the lands municipally known as 700 Progress Avenue, to the satisfaction of the Director, Engineering Review, Development Review Division and the City Solicitor.

II. Hold (H) Symbol Conditions Applicable Only to Area A

- (1) In addition to the matters in respect of Area A as set out above, a by-law may be passed by City Council, or an officer of the City to whom the authority pass a minor zoning by-law has been delegated, to remove the holding (H) symbol(s) from the lands shown as Area A on the Phasing Plan, when the following additional matters have been provided all to the satisfaction of the Executive Director, Development Review Division and the City Solicitor:
- (a) The owner's registration of a plan of subdivision for the lands identified as Area A as shown on the Phasing Plan, to the satisfaction of the Executive Director, Development Review Division;
 - (b) the owner's construction of all public highways located within Area A as shown on the Phasing Plan, inclusive of their connection to public highways within Area B and all intersection improvements and the provision of street lighting at new intersections with existing public highways abutting the Property, to the satisfaction of the Executive Director, Development Review Division, in consultation with the General Manager, Transportation Services;

- (c) the owner's installation of all municipal services to support the development of Area A as shown on the Phasing Plan, including, watermains, sanitary sewers, and storm sewers, and related appurtenances, and confirmation that all municipal services are operational, to the satisfaction of the Director, Engineering Review, Development Review Division;
- (d) the owner's construction of all streetscape improvements in accordance with an agreement with the City under Section 51 of the Planning Act for all existing public highways abutting the Property shown on the Phasing Plan, to the satisfaction of the General Manager, Transportation Services;
- (e) the owner's conveyance of the parkland dedication of the second parkland conveyance shown on the Phasing Plan, to the satisfaction of Parks & Recreation;
- (f) The owner's registration of a plan of subdivision for the lands identified as Area B as shown on the Phasing Plan, to the satisfaction of the Executive Director, Development Review Division.

III. Hold (H) Symbol Conditions Applicable Only to Area B

- (1) In addition to the matters in respect of Area B as set out above, a by-law may be passed by City Council, or an officer of the City to whom the authority pass a minor zoning by-law has been delegated, to remove the holding (H) symbol(s) from the lands shown as Area B on the Phasing Plan, when the following additional matters have been provided all to the satisfaction of the Executive Director, Development Review Division and the City Solicitor:
 - (a) The owner has been granted release for construction of services under the financially secured agreement with the City under Section 51 of the Planning Act, to the satisfaction of the Director, Engineering Review, Development Review Division.
 - (b) the owner's conveyance of the parkland dedication of the first parkland conveyance shown on the Phasing Plan, to the satisfaction of the General Manager, Parks & Recreation;
 - (c) the owner has constructed a private road having a width of no less than 6 metres connecting from Consilium Place to 700 Progress Avenue, to the satisfaction of the General Manager, Transportation Services;
 - (d) the owner has registered a grant of easement (right-of-way) to the benefit of the lands municipally known as 700 Progress Avenue, in respect of the private road over the Property, to provide vehicular access over the Property to and from 700 Progress

Avenue and Consilium Place, and which automatically terminates upon any part of the area subject to the grant of easement (right-of-way) being dedicated as public highway, to the satisfaction of the General Manager, Transportation Services and the City Solicitor.

* All references in this Schedule “B” to officials of the City shall include references to their designates and successors.

Schedule “C”**C. Planning Act, Section 34(5) Provisions to be included in Zoning By-law Amendment**

- (1) Within the Property shown on the Phasing Plan, no building or structure may be erected or used
 - (a) Unless the street identified as Public Street A on the Phasing Plan and the portion of Public Street B on the Phasing Plan within Area B, are constructed to a minimum base curb and base asphalt or concrete, are connected to the existing public highways abutting the Property;
 - (b) Unless all municipal watermains and municipal sewers, and their appurtenances, are installed within Public Street A as shown on the Phasing Plan and within the portion of Public Street B on the Phasing Plan within Area B and are operational; and
 - (c) Unless all upgrades to existing municipal infrastructure external to the Property, which are required to support the development of the Property, are installed and are operational.
- (2) Below-ground structures and foundations located on any of Block 1, Block 3, Block 4, and Block 5, as shown on the Phasing Plan, are not subject to the restrictions of Provisions C(1)(a), C(1)(b), and C(1)(c).

Development Phasing

670-690 Progress Avenue is the first property to be redeveloped within the block bounded by Progress Avenue, Consilium Place, Corporate Drive, and Highland Creek. To ensure that the development functions from a transportation perspective independent of the timing of the redevelopment of adjacent properties (700-710 Progress Avenue and 85 Corporate Drive), Fieldgate is facilitating the construction of the majority of new Public Road B (north) and Public Road B (east) that abut the external properties. These streets, along with Public Road A, are components of the public street network established in the Scarborough Centre Secondary Plan. The two segments of Public Road B will be delivered incrementally through the redevelopment of 670-690 Progress Avenue and then expanded to their full planned width through the redevelopment of the adjacent properties.

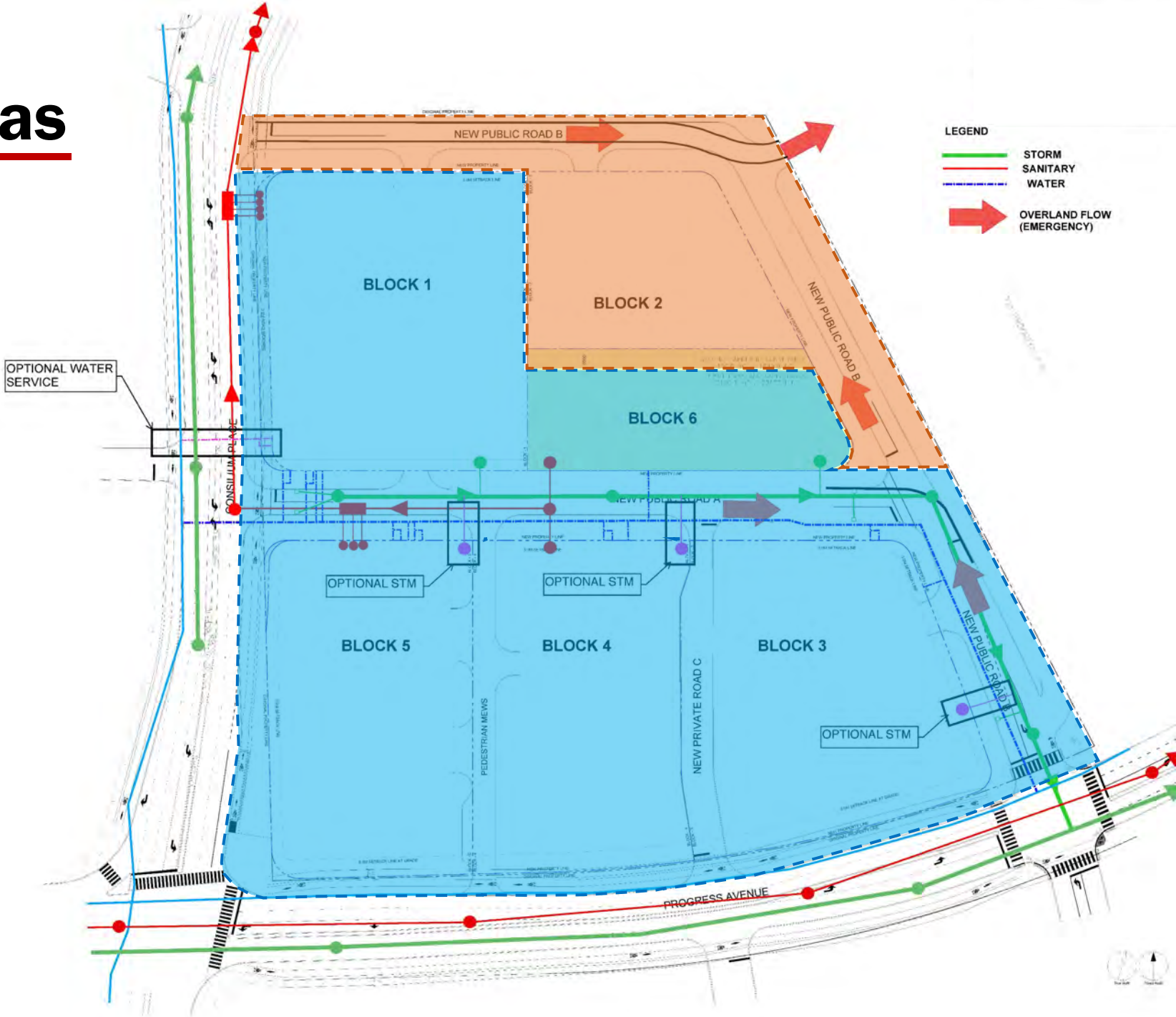
The purpose of this document is to provide a summary of the overall development phasing strategy, integrating considerations for the planned transportation network, site servicing, and parks and open spaces.

Holding Symbol Areas

Area A

Area B

Please refer to Schedule 'B' of the Settlement Offer letter for details.



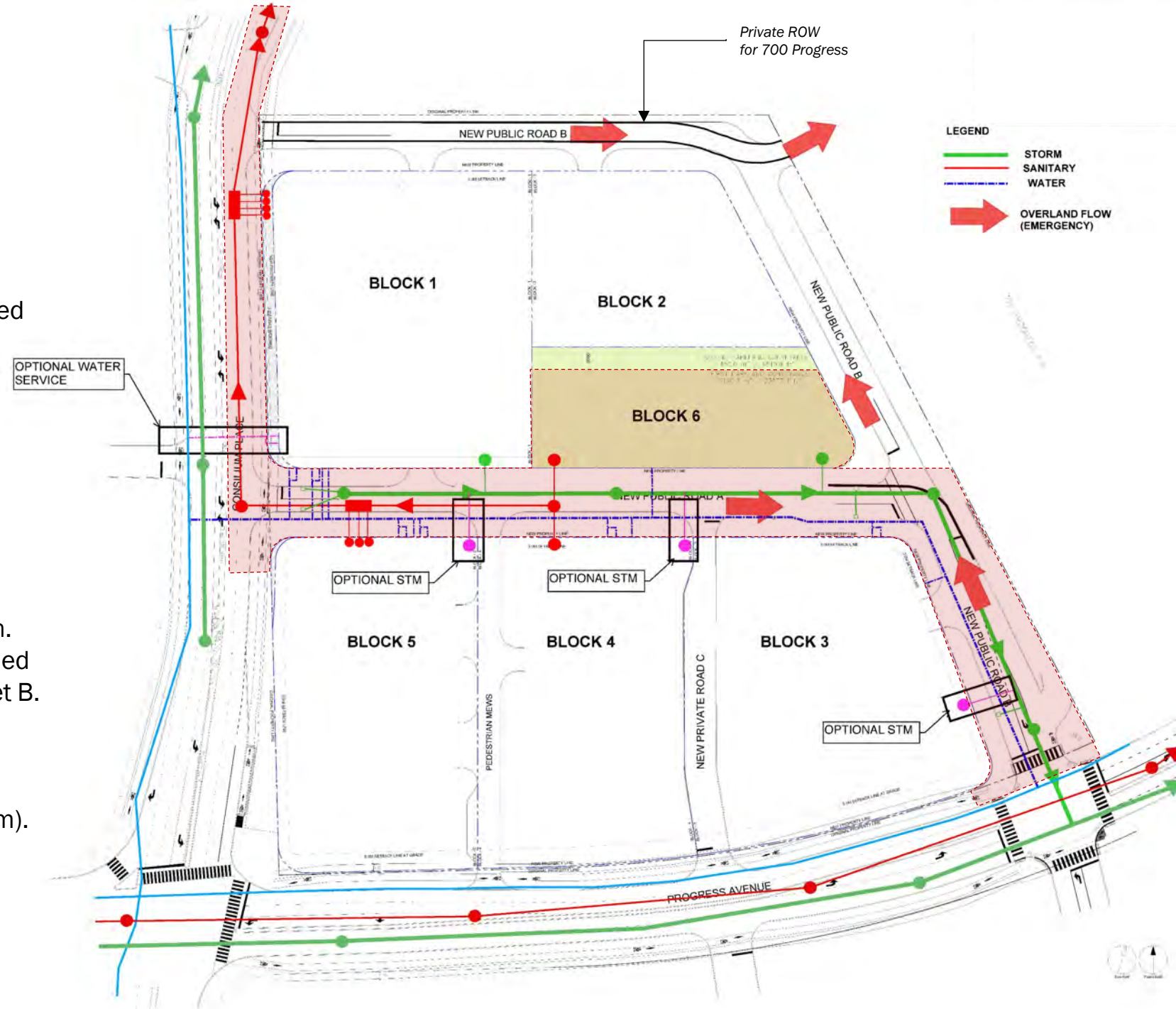
Stage 1

Streets & Infrastructure

- Storm, sanitary, and water services as illustrated in the red shaded area.
- Public Road A (18.5-m ROW) dividing the development lands from east to west.
- Portion of Public Road B (~15-m ROW, width varies) south of Public Street A.
- Existing driveway to 700 Progress Avenue is removed due to proximity with new intersection. Private ROW for 700 Progress Avenue is provided along future east-west segment of Public Street B.

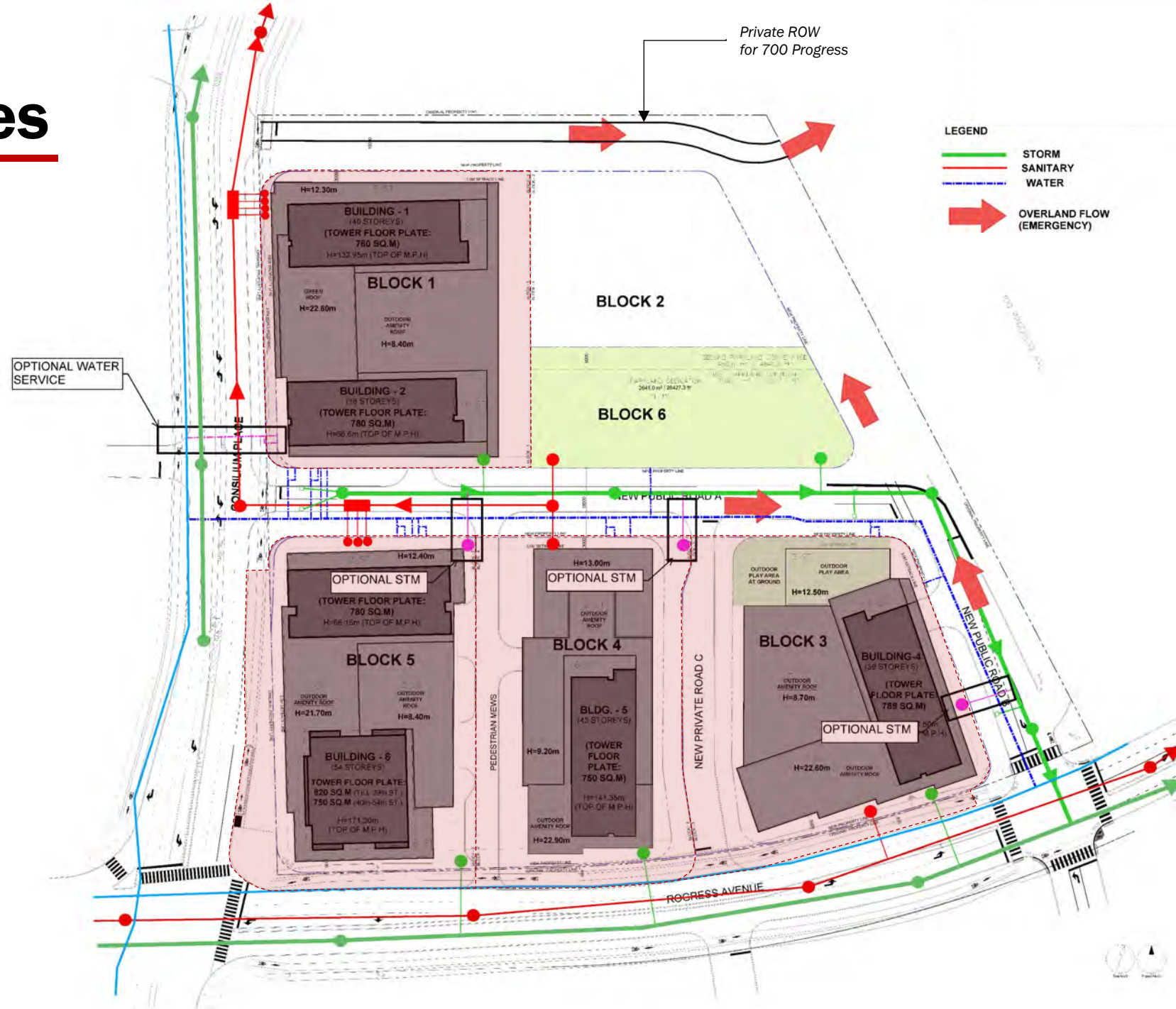
Parks and open spaces

- First parkland conveyance of Block 6 (2,190 sm).



Development Phases

The infrastructure delivered in Stage 1 enables the redevelopment of Blocks 1, 3, 4 and 5.



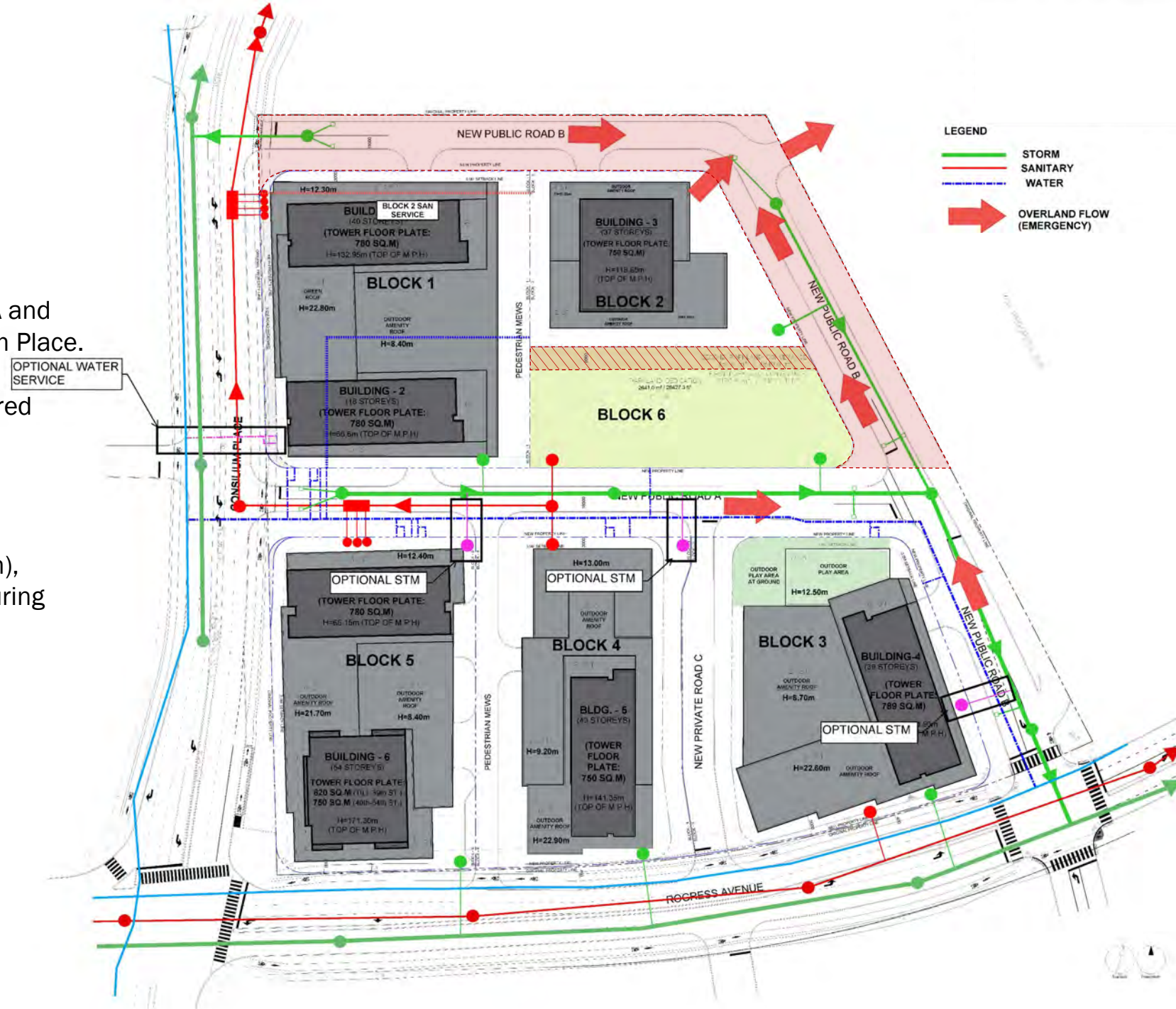
Stage 2

Streets, Infrastructure & Development Blocks

- Public Road B extended north of Public Road A and along north side of Site to connect to Consilium Place.
- Sanitary, storm, and water services within the red shaded area, servicing Block 2.

Parks & Open Space

- Second parkland conveyance is made (450 sm), subject to a license for construction staging during the construction of Block 2 (red hatched area)



Development Phases

Full Public Road B and additional infrastructure enables development of Block 2 (with construction staging with second parkland conveyance).



CLIENT

FIELD
GATE
URBAN

5400 Yonge St, Suite #303,
North York, ON, M2N 2N1

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KEY PLAN

ISSUES

No.	DESCRIPTION	DATE
01	REZONING 1 SUBMISSION	2019/12/04
02	REZONING 2 SUBMISSION	2021/10/20
03	SPA SUBMISSION BLOCK 1 AND 2	2021/12/24
04	REZONING 3 SUBMISSION	2022/10/26
05	REZONING 4 SUBMISSION	2024/02/06

SEAL



PROJECT

670-690
PROGRESS AVE.

PROJECT NO:

121606

DRAWN BY:

DATE:

06 FEB. 2024

SCALE:

1:300

APPROVED BY:

ARCADIS ARCHITECTS (CANADA) INC.
55 St. Clair Avenue West
Suite 700 Toronto, ON
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Tel: 416-596-1930

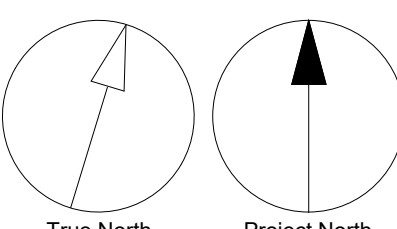
SHEET TITLE

GROUND FLOOR PLAN

SHEET NUMBER

A.102E

ISSUE



SCALE CHECK
1 m

