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July 9, 2025

Our File No.: 202529

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

Attention: Jyoti Zuidema, Legal Services Division

Dear Ms. Zuidema:

Re: **645-655 Northcliffe Boulevard, Toronto, Ontario**
OLT Case No.: OLT-22-004136
City File No. 21 235841 STE 12 OZ

We are solicitors for NDB Northcliffe Ltd. (the “**Owner**”) in respect of the property known municipally in the City of Toronto (the “**City**”) as 645-655 Northcliffe Boulevard (the “**Property**”). We are writing on behalf of our client to provide a settlement offer in respect of the above-noted matter, which should be considered as open until the completion of the meeting of City Council scheduled to commence on July 23, 2025, unless the time for acceptance is otherwise extended by our client.

On November 9, 2021, after pre-consultation with City staff, our client filed a rezoning application for the Property (the “**Application**”). The Application proposed redevelopment of the Property with a 15-storey “tall mid-rise” residential building with a streetwall height of 8 storeys. The Application has been appealed to the Ontario Land Tribunal (the “**Tribunal**”) pursuant to subsection 34(11) of the *Planning Act* for the failure of City Council to make a decision regarding the Application within the applicable statutory timeline (the “**Appeal**”). Subsequent to the filing of the Appeal, our client and the City attended private mediation which identified an opportunity for a tall building on the Property. After extensive and numerous discussions with City staff and others, our client now proposes a modification to the Application and resolution of the Appeal on the basis of permission to develop a tall residential building of 42 storeys (the “**Revised Proposal**”), all as further set out in this settlement offer.

The Property is located on the east side of Northcliffe Boulevard mid-block south of Eglinton Avenue West and north of Vaughan Road. It is bounded by a public lane to the north that curves south and abuts approximately three quarters of the east property line of the Property. It is generally rectangular in shape and has a total site area of approximately 1,074.6 square metres with

approximately 36.52 metres of frontage along Northcliffe Boulevard and a depth of between 28.65 metres and 30.17 metres, with a 0.88 metre sliver of land at the southerly end of the Property containing a depth of 39.06 metres. The Property is currently vacant.

The Property is designated as Apartment Neighbourhoods and is located within the proposed Fairbank Protected Major Transit Station Area, being approximately 200 metres east of the future Fairbank LRT stop. The Apartment Neighbourhoods designation permits redevelopment of vacant or underutilized sites that can create new housing options in the City. Given the existing and planned context, which includes approvals and proposals for significantly taller and higher-density buildings, and its close proximity to transit, the Subject Property is a candidate for higher density transit-supportive development.

As you know, our client has engaged in several without prejudice sessions with the City, including mediation. As a result of those efforts, our client has designed the Revised Proposal with the following characteristics:

1. 336 residential dwelling units with a mixture of 1 bedroom, 2 bedroom and 3 bedroom units which meet the City's Growing Up Guidelines;
2. Approximately, 24,052 m² of residential Gross Floor Area;
3. 131 m² of non-residential Gross Floor Area on the ground floor;
4. Three vehicle parking spaces for pick-up and dropoff;
5. 369 bicycle parking spaces (including long and short term);
6. Appropriate base building and tower setbacks as illustrated on the revised plans and block context plan provided with this offer;
7. One type G loading space internal to the building; and,
8. Ample indoor and outdoor amenity spaces for the proposed building's occupants.

In an effort to find a compromise and consensus position, our client presents the City with the Revised Proposal as provided for in the plans prepared by Superkul Inc. dated July 8, 2025 accessible by following this link: <https://spaces.hightail.com/receive/ITUTzKaxct> (the "**Revised Plans**"). To assist the City in evaluating this offer, the Revised Plans include block context plans which demonstrate the suitability of the proposed building in the built and planned context. Further, the Revised Plans provide a sun and shadow study for consideration. Finally, we also provide the City with a Planning Rationale Letter, Parking & Loading Justification Letter, Landscape Plans including a Public Utilities Plan with accompanying QLA investigation, and a Wind Study which all support the approval of the Revised Proposal, that may be accessed at the following link: <https://spaces.hightail.com/receive/eClwKTuCcO>. Further, we attach to this letter

a draft zoning by-law amendment which would permit development in accordance with the Revised Plans.

To deliver this improved project, our client presents for City Council's consideration the following terms of this settlement offer:

1. This settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law amendment (a draft zoning by-law amendment is enclosed with this offer for the City's consideration).
2. While this offer is made with prejudice to the City, our client requires that it remain private, confidential and without prejudice until City staff have finalized and published, on the agenda for the meeting of City Council to which City staff will report this matter, their report to City Council regarding this settlement offer.
3. The parties are to present the Revised Plans and the resulting zoning by-law amendment to the Tribunal for approval and issuance of a final and binding order as soon as practicable following City Council's acceptance of the settlement offer and subject to the clearing of any pre-conditions as noted herein.

Our client agrees that, in the event City Council accepts this settlement offer, the final order of the Tribunal would be withheld, subject to the following conditions being met:

- a. the final form and content of the Zoning By-law Amendment(s) are satisfactory to the Executive Director, Development Review, and the City Solicitor.
- b. the Owner, at its sole cost and expense, submits a revised Functional Servicing and Stormwater Management Report ("Engineering Reports") 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 Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
- c. if the accepted and satisfactory Engineering Reports from condition b. above, require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - i. the Owner, at its sole cost and expense, 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 Engineering Reports, to support the development, in a financial secured agreement, all to the satisfaction of the Chief

- Engineer and Executive Director, Engineering and Construction Services; or,
- ii. required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted Engineering Reports in Recommendation 2. above, are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services;
- d. all necessary approvals or permits arising from condition c. above are obtained, where required, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services;
- e. the owner, at its sole cost and expense, provides a Pedestrian Level Wind Tunnel Study with the identification of any required mitigation measures to be secured in the Zoning By-law Amendment and through the Site Plan Control process, to the satisfaction of the Executive Director, Development Review.
- f. The Owner 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, with the exception of any encumbrances as may be otherwise approved by the General Manager, Parks and Recreation, to be conveyed prior to the issuance of the first above grade building permit; and:
- i. in the event that the off-site parkland dedication is less than the value of the on-site parkland dedication, then the Owner will pay cash-in-lieu of parkland to make up for the shortfall in parkland dedication, prior to the issuance of the first above grade building permit;
 - ii. in the event that the Owner is unable to provide an acceptable off-site parkland dedication to the City, the Owner will be required to satisfy the parkland dedication requirement through the payment of cash-in-lieu; and
 - iii. the value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services and payment will be required prior to the issuance of the first above grade building permit, subject to the Owner's rights of appeal under the Planning Act.

As noted above, this settlement offer will remain open until the end of the City Council meeting scheduled to commence on July 23, 2023, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

We thank City staff for all of the effort that has been expended to date to allow this offer to be made. If there are any questions or clarifications required in relation to this offer, please contact the undersigned at your convenience.

Yours truly,

Goodmans LLP



Rodney Gill
RGI/
1376-5419-2664

CITY OF TORONTO

BY-LAW No. XXX-2025 (OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 645, 647, 649, 651, 653, and 655 Northcliffe Boulevard

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and its Order issued on [date], in respect of Tribunal File [-], upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, determined to amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 645, 647, 649, 651, 653 and 655 Northcliffe Boulevard; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, as amended, to pass this By-law; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

The Ontario Land Tribunal Orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of RA x777 to a zone label of RA (x###), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number XXX so that it reads:

(x###) **Exception RA XXX**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On lands municipally known as 645, 647, 649, 651, 653 and 655 Northcliffe Boulevard, if the requirements of By-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (T) below;

- (B) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 170.50 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 15.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to supply by-law #], inclusive of any floor which contains a mechanical penthouse;
- (D) Despite Regulations 15.5.40.10(2) to (6) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to supply by-law #] as follows:
- (i) architectural features, parapets, roofing assembly, and elements and **structures** associated with a **green roof**, by a maximum of 2.1 metres;
 - (ii) elevator overrun, garbage chute, cooling tower vent, mechanical exhausts, and window washing equipment, by a maximum of 3.0 metres;
 - (iii) planters, **landscaping** features, guard rails, and divider screens on a terrace, by a maximum of 2.0 metres; and
 - (iv) trellises, pergolas, wind screens and unenclosed **structures** providing safety or wind protection on a terrace, by a maximum of 4.5 metres;
- (E) Despite Regulation 15.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 25,500 square metres, of which:
- (i) the required minimum **gross floor area** for non-residential uses is 131.0 square metres;
- (F) In addition to the elements listed in Regulation 15.5.40.40(1), the gross floor area of a building may also be reduced by:
- (i) an " alternative low-carbon energy system ", below ground, at-ground, or above-ground; and
 - (ii) storage rooms, electrical, utility, and service corridors, mechanical and ventilation rooms, above a height of 137.35 metres;
- (G) Despite Clauses 15.10.40.70 and 15.10.40.80, the required minimum **building setbacks** and required **main wall** separation distances are as shown in metres on Diagram 3 of By-law [Clerks to supply by-law #];
- (H) Despite Clause 15.5.40.60 and (G) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

- (i) canopies and awnings, by a maximum of 3.0 metres;
 - (ii) balconies, by a maximum of 0.3 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, or belt course by a maximum of 1.5 metres;
 - (iv) eaves, by a maximum of 0.6 metres;
 - (v) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;
- (I) No portion of a **main wall** facing a **side lot line**, may contain a “primary window” to a dwelling unit;
- (J) Where a portion of the south **main wall** of a **building** has a window other than a “primary window, that portion must be setback a minimum of 1.5 metres from the south **lot line**;
- (K) In addition to the uses permitted in Regulation 15.10.20.10(1) a “alternative low-carbon energy system” is permitted;
- (L) Despite Regulation 15.10.20.20 and 15.10.20.100 (13), the following uses are permitted without conditions:
- (i) a **retail store**;
- (M) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 15 percent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 percent must be three-bedroom **dwelling units** or larger;
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above cannot be included in the provision required by (i) above; and
 - (iv) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number must be rounded down to the nearest whole number;
- (N) Despite Regulation 15.10.40.50(1) a **building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 3.0 square metres for each **dwelling unit**, of which:
- (i) At least 1.96 square metres for each **dwelling unit** is indoor **amenity space** located at or above **established grade**; and,
 - (ii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**;

- (iii) and no more than 25% of the outdoor component may be a **green roof**;
- (O) Despite Regulation 15.5.50.10(1) a **lot** in the Residential Apartment Zone category must have:
- (i) a minimum of 21% of the area of the lot for landscaping; and
 - (ii) a minimum of 7% of the **landscaping** area required in (A), above, must be **soft landscaping**.
- (P) Despite Regulation 970.10.15.5(5) and Table 970.10.15.5, **parking spaces** must be provided in accordance with the following:
- (i) A minimum of 3 **parking spaces** for residential visitors, including a minimum of 1 accessible **parking space**; and
 - (ii) No minimum **parking spaces** for residential occupants;
- (Q) Despite Clause 220.5.10.1, one Type "G" **loading space** must be provided and maintained on the **lot**;
- (R) Despite Regulation 230.5.1.10(10), "short-term" and "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (S) Despite Regulation 230.5.1.10(4) (C), the minimum dimension of a **stacked bicycle parking space** is:
- (i) A minimum length of 1.8 metres;
 - (ii) A minimum width of 0.4 metres; and
 - (iii) A minimum vertical clearance of 1.1 metres;
- (T) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
- (i) "primary window" means a window in a dwelling unit other than a window of a bedroom, kitchen, bathroom, hallway, or storage area.
 - (ii) "alternative low-carbon energy system" means devices and supporting equipment for a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling for a **building** or complex of related **buildings** that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. An "alternative low-carbon energy system" includes, but is not limited to, systems that use

renewable energy produced or converted on the **premises**;

Prevailing By-law and Prevailing Sections: (none apply)

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

6. Temporary use(s):

(A) None of the provisions of By-law 569-2013, as amended, of this By-law apply to prevent the erection and use of a temporary sales office on the lands to which the By-law applies for a period of not more than 1 year from the date that this By-law comes into full force and effect, after which this temporary use permission expires, provided:

- (i) The permitted maximum height of 4.5 storeys; and
- (ii) The number of storeys does not exceed 1.

ENACTED AND PASSED this _____ day of _____, 2025.

Frances Nunziata,
Speaker
(Seal of the City)

John D. Elvidge,
City Clerk

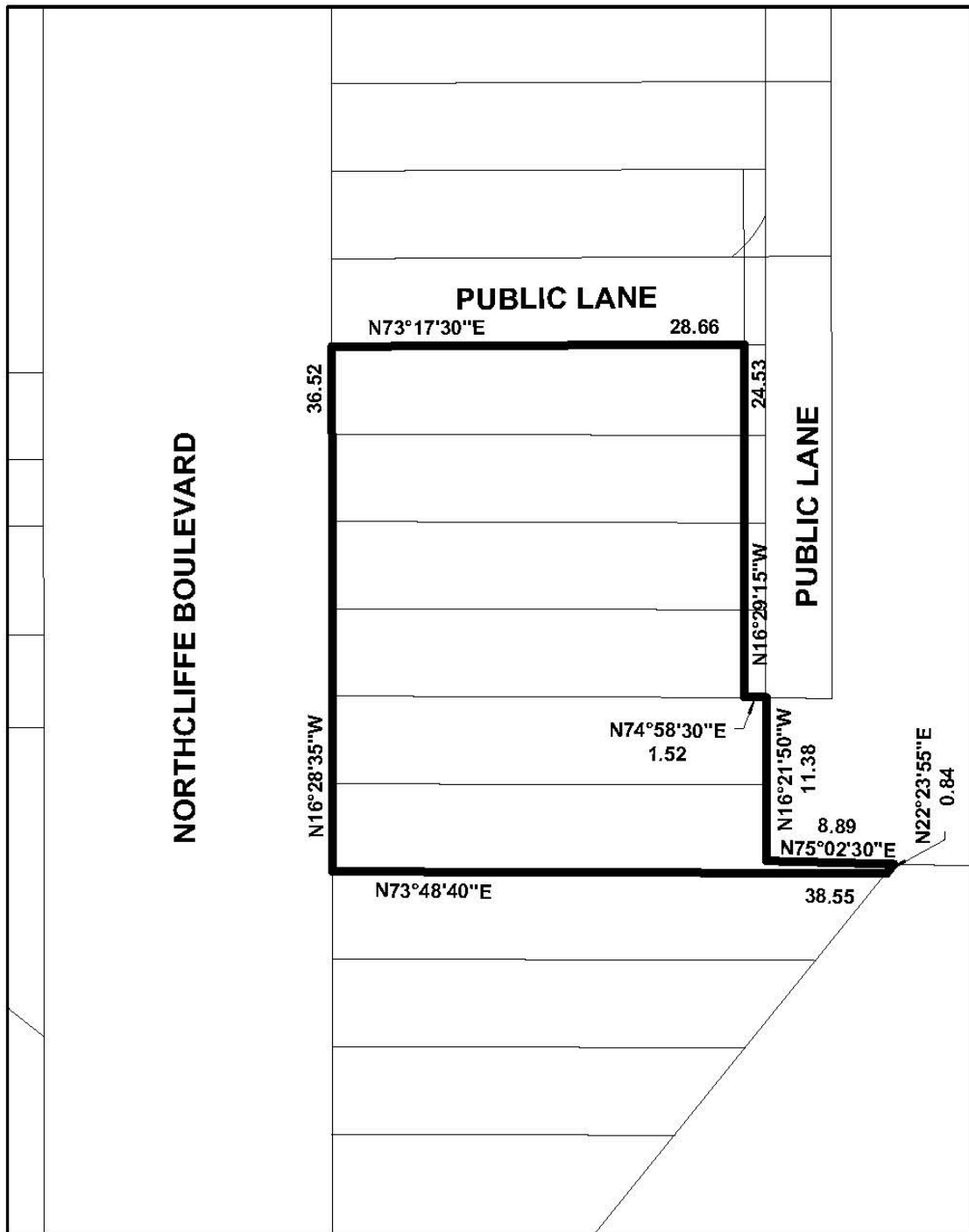


Diagram 1

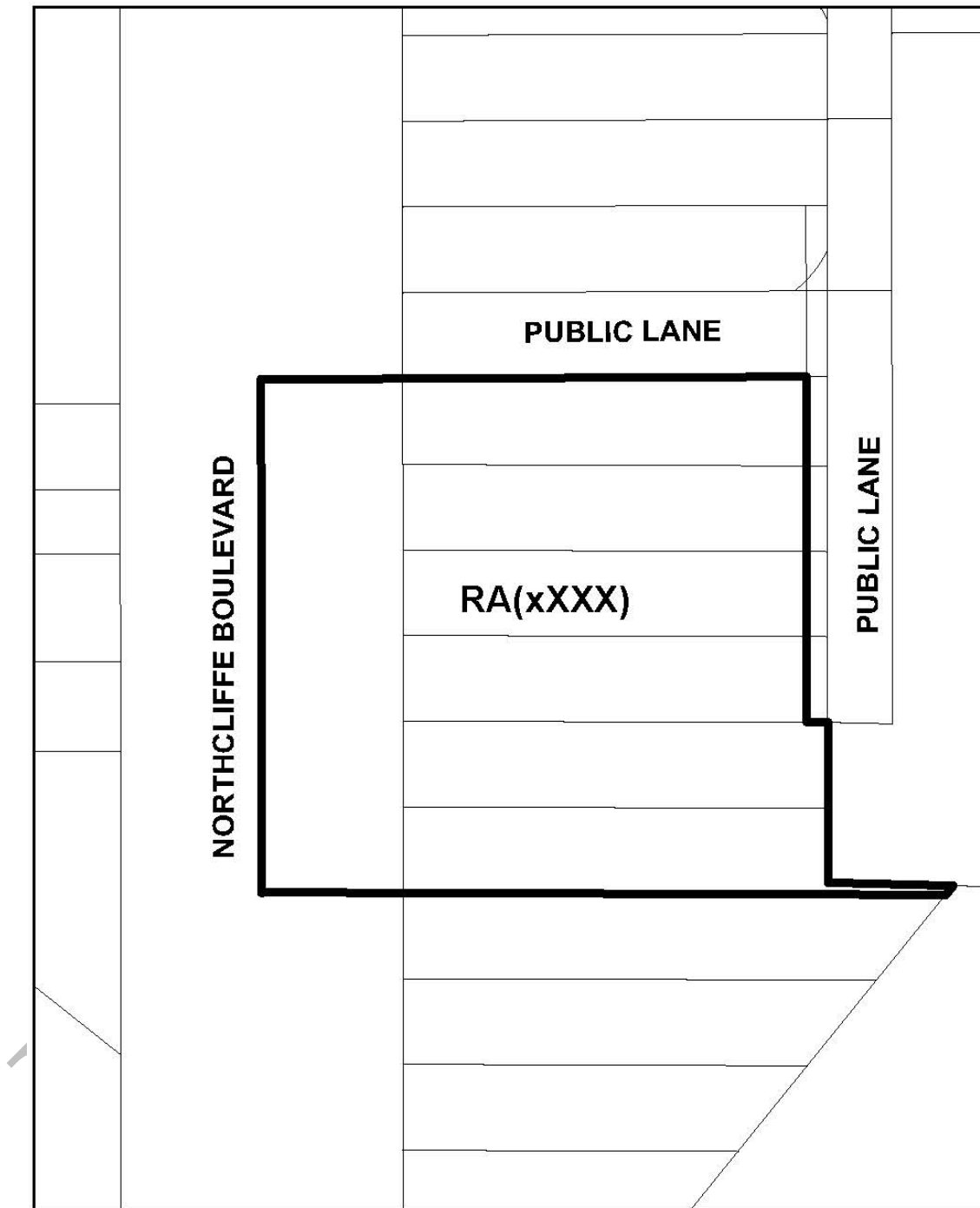
645-655 Northcliffe Boulevard

File #

Land subject to this by-law

City of Toronto By-law 569-2013
Not to Scale
03/02/2025






 **Toronto**
Diagram 2

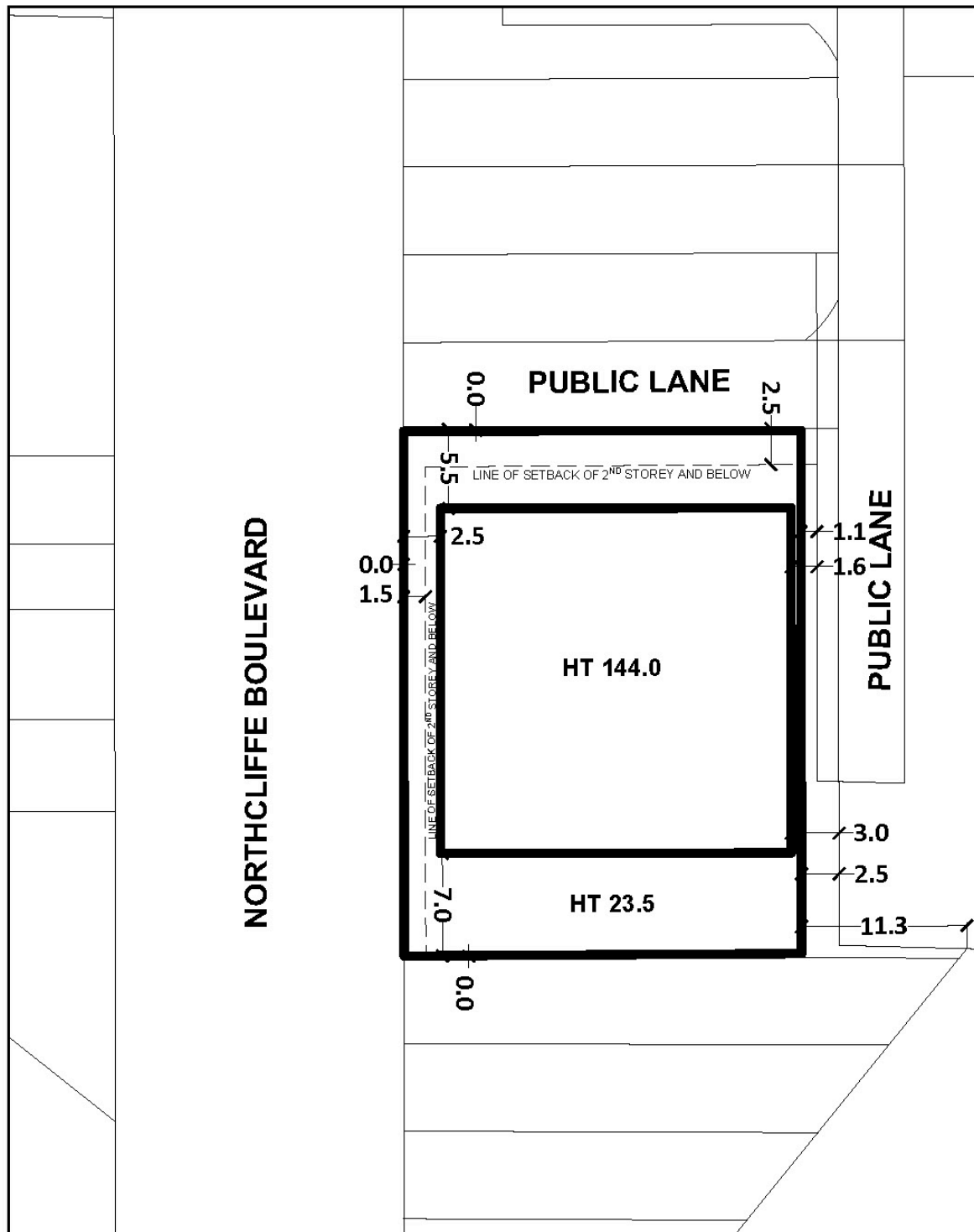
645-655 Northcliffe Boulevard

File #

 Land subject to this by-law

City of Toronto By-law 569-2013
Not to Scale
03/02/2025





Toronto
Diagram 3

645-655 Northcliffe Boulevard

File #

☐ Land subject to this by-law

