

Justine Reyes
Associate
Direct 416-730-8377
Cell 437-424-3244
jreyes@overlandllp.ca

Overland LLP
5255 Yonge St, Suite 1101
Toronto, ON M2N 6P4
Tel 416-730-0337
overlandllp.ca



WITHOUT PREJUDICE

May 30, 2025

VIA E-MAIL

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

Attention: Matthew Longo, Solicitor, Planning and Administrative Tribunal Law

Your Worship and Members of City Council:

**RE: 2485 Eglinton Avenue West
Offer to Settle Ontario Land Tribunal Case Nos. OLT-24-001132 & OLT-24-001133
Applications for an Official Plan Amendment & Zoning By-law Amendment
City File No. 24 121747 WET 05 OZ**

We are the lawyers for 2485 Eglinton Holdings Inc. ("**Tercot**"), who has an interest in the lands municipally known as 2485 Eglinton Avenue West (the "**Site**") in the City of Toronto (the "**City**").

This letter constitutes our client's offer to settle the above noted appeals currently before the Ontario Land Tribunal (the "**Tribunal**" or "**OLT**").

BACKGROUND

On February 6, 2024, our client submitted applications for an Official Plan Amendment and Zoning By-law Amendment (together, the "**Applications**") to facilitate the redevelopment of the Site with a 45-storey mixed-use building containing approximately 500 residential units (the "**Original Proposal**"). The Applications were deemed complete as of June 11, 2024.

Tercot subsequently appealed the Applications to the Tribunal on November 4, 2024 on the basis of City Council's failure to make a decision within the statutory timeframe (the "**Appeals**"). Since that time, Tercot and City Staff have continued discussions in an attempt to resolve the appeals.

SITE DESCRIPTION AND PLANNING CONTEXT

The Site is located on the south side of Eglinton Avenue West, approximately 500 metres east of the intersection of Keele Street and Eglinton Avenue West. The Site is triangular in shape, with a size of approximately 1,170 square metres and frontages of 60 metres along Eglinton Avenue West and 71 metres along Venn Crescent, respectively. The Site is currently improved with a 1-storey autobody shop and associated surface parking spaces.

The surrounding area is generally comprised of a mix of residential and commercial uses with a variety of built forms, including low-rise, mid-rise and high-rise buildings, and a large low-rise auto-oriented plaza and shopping centre on the north side of Eglinton Avenue West (“**West Side Mall**”). The West Side Mall property is the subject of a master-planned development application that will facilitate the construction of a mixed-use community containing 8 towers with contemplated heights ranging from 24 to 60-storeys. On June 27, 2024, City Council approved amendments to Site and Area Specific Policy (“**SASP**”) 31 for the entire West Side Mall property, and a Zoning By-law Amendment for the southwest portion of the property (2400 Eglinton Avenue West) to permit a 35-storey mixed use building.

The Site is well served by existing and planned public and higher-order transit, with several local Toronto Transit Commission (TTC) bus routes running along Eglinton Avenue West and Keele Street. The recently constructed Caledonia Station is located approximately 250 metres from the Site at the southeast corner of West Side Mall. Caledonia Station will provide service along the Eglinton Crosstown LRT, connecting to the existing TTC Subway network and future Ontario Line and Scarborough Subway Extension. It will also provide access to service along the Barrie GO Line, a regional train service, which is undergoing upgrades to provide all-day service, known as the “Barrie GO Line Expansion” project.

The Site is currently designated *Mixed Use Areas* under the Toronto Official Plan, which permits a range of residential, commercial and institutional uses, as well as parks and open spaces. The Site is also located within the delineated boundaries of the proposed Caledonia Protected Major Transit Station Area. The Subject Site is located within the area subject to SASP 31.

The Site is currently zone *Commercial Residential (CR 2.0) (c2.0;r.0.0) SS2 (x926)* under City-wide Zoning By-law 569-2013. The existing zoning permits a range of commercial and residential uses, including apartment dwelling units.

SETTLEMENT PROPOSAL

As a result of discussions with City Staff, revisions have been made to the built form of the Original Proposal. Tercot is offering to settle the Appeals through revisions to the Original Proposal substantially in accordance with, and as demonstrated on, the enclosed architectural plans and drawings prepared by gh3* Architects Inc., dated May 13, 2025 (the “**Settlement Proposal**”).

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 45-storey mixed-used building with a 9-storey podium containing approximately 519 residential units. The new mixed-use building would have a total gross floor area (GFA) of 33,010 square metres, comprised of 32,932 square metres of residential GFA and 78 square metres of non-residential GFA at grade, and a resulting density (FSI) of 19.3 times the 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 148.5 metres, inclusive of a 5 metre mechanical penthouse. A 2.5 metre projection allowance is required for a cooling tower at the southern portion of the roof of the proposed building, and would be incorporated into the implementing zoning by-law amendment.
4. A 3.0 metre tower step back from the face of the podium has been incorporated along the Eglinton Avenue West frontage. Inset balconies are also proposed along this frontage for the entirety of the podium element.
5. Balcony projections have been removed from the east face of the proposed building, and wrap-around balconies are proposed to be restricted in the implementing zoning by-law amendment along other frontages.
6. The north-south depth of the proposed tower has been reduced by 3.25 metres, resulting in a reduced tower floorplate area of 763 square metres and an increased tower setback to the south property line.
7. Approximately 1,410 square metres of indoor amenity and 683 square metres of outdoor amenity space will be provided, which meet a combined minimum rate of 4 square metres of indoor and outdoor amenity space per residential unit.
8. A 50 square metre Privately-Owned Publicly Accessible Space (“**POPS**”) has been introduced at the north-west corner of the Site. We note that there is a triangular shaped parcel of land located to the west of the proposed POPS, which we understand are owned by the City (the “**City Lands**”). The plans and drawings submitted with the Settlement Proposal conceptually illustrates the development of the City Lands in a manner than interfaces with the proposed POPS (please see Drawing A.201).

While the use depicted in the plans and drawings for the City Lands are strictly illustrative, our client would welcome discussion with City Staff as to the potential treatment of the City Lands, including with respect the design and construction of a use on the City Lands by our client as an in-kind benefit in accordance with Section 37 of the *Planning Act*, as amended.

9. The non-residential GFA at grade has also been reconfigured at the north-west corner of the new building, providing expanded frontage along Eglinton Avenue West and an opportunity to interact with the adjacent POPS space.
10. Access to the Site will be provided via a driveway from Eglinton Avenue West at the northeast corner of the Site. Although the plans accompanying the Settlement Proposal currently note two levels of underground parking serving the new building, comprised of approximately 69 vehicular parking spaces and 578 bicycle parking spaces, the applicable parking ratios for proposed development will be based on the City’s current minimum zoning by-law requirements. Two lay-by parking spaces are also proposed at grade, along the east side of the proposed mixed-use building.

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, including higher-order transit services. The Settlement Proposal represents an appropriate form of development and resolution to the Appeals that are 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 July 23, 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 Appeals until such time as the following conditions are satisfied:

1. the final form and content of the Official Plan and Zoning By-law Amendments are satisfactory to the Chief Planner and Executive Director, City Planning, the Executive Director, Development Review, and the City Solicitor;
2. the owner has satisfactorily addressed matters from Development Engineering as contained in the Development Engineering Memorandum, dated June 25, 2024, and any outstanding issues raised by Development Engineering, arising from the ongoing technical review (including the provision of acceptable reports and studies), to the satisfaction of the Director, Engineering Review;
3. the owner has submitted updated Hydrogeological Review Report, Hydrological Review Summary, Foundation Drainage Summary Form, Subsurface Utility Engineering Investigation, Functional Servicing and Stormwater Management Report, Servicing Report Groundwater Summary Form and any other reports or documents deemed necessary in support of the development to the satisfaction of the Director, Engineering Review;
4. the owner has satisfactorily addressed the Transportation Services matters in the Development Engineering Memorandum, dated June 25, 2024, and any outstanding issues raised by Transportation Services, arising from the ongoing technical review (including the provision of acceptable reports and studies), to the satisfaction of the Director, Engineering Review and the General Manager, Transportation Services;
5. the owner has satisfactorily addressed matters from the Tree Protection and Plan Review, Urban Forestry Memorandum, dated April 12, 2024, and any outstanding issues raised by Urban Forestry, arising from the ongoing technical review (including the provision of acceptable reports and studies), to the satisfaction of the Executive Director, Environment and Climate, and the General Manager, Parks, Forestry and Recreation;

6. the owner has provided a revised Pedestrian Level Wind Study, including a Wind Tunnel Study, to the satisfaction of the Chief Planner and Executive Director, City Planning;
7. the submitted Noise Impact Study and Land Use Compatibility/Mitigation Study, both dated February 2, 2024 and prepared by RWDI, 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; and
8. the owner has made satisfactory arrangements and has entered into the appropriate agreement(s) for required mitigation, as well as the design and construction of any improvements to the municipal infrastructure and the provision of financial securities, should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report and/or the Transportation Impact Study, to the satisfaction of the Executive Director, Development Review and the General Manager, Transportation Services.

If it is determined that upgrades to existing infrastructure are required, as identified in the accepted Functional Servicing Report and/or the Transportation Impact Study, our client is prepared to consider whether the inclusion of a Holding provision (H) in the final form of the proposed Zoning By-law Amendment would be appropriate to the extent that such requirements could not be satisfactorily addressed through the pre-conditions above or the site plan approval process.

Should the Settlement Proposal be accepted by City Council at its meeting of July 23, 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 Case Management Conference for the Appeals, if possible.

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

1. Architectural Plans and Drawings prepared by gh3* Architects Inc., dated May 13, 2025:
 - a. A.002 – Statistics;
 - b. A.005 – Massing Views;
 - c. A.201 – Ground Floor Plan;
 - d. A.202 – Level 2 Floor Plan;
 - e. A.203 – Level 3-8 Floor Plan;
 - f. A.208 – Level 9 Floor Plan;
 - g. A.209 – Level 10-45 Floor Plan;
 - h. A.218 – Mech. Penthouse Floor Plan; and
 - i. A.301 – Building Elevations;
2. Shadow Study prepared by gh3* Architects Inc:

- a. A.601 – March 21 Shadow Studies
- b. A.605 – September 21 Shadows Studies; and
- 3. Draft Zoning By-law Amendment.

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

Yours truly,

Overland LLP


for: Per: Justine Reyes
Associate

Encl.

Justine Reyes
Associate
Direct 416-730-8377
Cell 437-424-3244
jreyes@overlandllp.ca

Overland LLP
5255 Yonge St, Suite 1101
Toronto, ON M2N 6P4
Tel 416-730-0337
overlandllp.ca

overland

WITHOUT PREJUDICE

June 27, 2025

VIA E-MAIL

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

Attention: Matthew Longo, Solicitor, Planning and Administrative Tribunal Law

Your Worship and Members of City Council:

**RE: 2485 Eglinton Avenue West
Revised Offer to Settle Official Plan & Zoning By-law Amendment Appeals
Ontario Land Tribunal Case Nos. OLT-24-001132 & OLT-24-001133
City File No. 24 121474 WET 05 OZ**

We are the lawyers for 2485 Eglinton Holdings Inc. ("**Tercot**"), who has an interest in the land municipally known as 2485 Eglinton Avenue West (the "**Site**") in the City of Toronto (the "**City**").

On May 30, 2025, our client submitted a without prejudice offer to settle the above noted Official Plan Amendment and Zoning By-Law Amendment appeals before the Ontario Land Tribunal (the "**Settlement Offer**").

On June 18, 2025, we received comments from City Staff requesting certain revisions and clarifications with respect to the architectural plans and drawings and shadow studies prepared by gh3* Architects Inc. that were filed in support of the Settlement Offer.

In consideration of City Staff's comments, revisions have been made to the proposed development for the Site, as demonstrated on the enclosed revised architectural plans and drawings prepared by gh3* Architects Inc., dated June 25, 2025 (the "**Revised Settlement Proposal**").

In particular, the balconies of the tower along Eglinton Avenue West have been limited to a maximum of 50% of the building frontage (this has been labelled on the drawings and a Regulation has been provided in the Draft Zoning By-law to secure this), and the retail uses on the ground floor have been reconfigured to extend further east and occupy approximately 50% of the Eglinton frontage to better animate the street and respond to the request of City Staff. Although the base building remains at 9-storeys as measured from Eglinton Avenue West, the overall height of the base building has been reduced from 34.1 metres to 33.1 metres. Additional clarifications, as requested, have been provided on the architectural drawings.

Please find enclosed the following in support of the Revised Settlement Proposal:

1. Response Matrix to Comments from City Staff;
2. Revised Architectural Plans and Drawings prepared by gh3* Architects Inc., dated June 25, 2025:
 - a. A.002 – Statistics;
 - b. A.005 – Massing Views;
 - c. A.201 – Ground Floor Plan;
 - d. A.202 – Level 2 Floor Plan;
 - e. A.203 – Level 3-8 Floor Plan;
 - f. A.208 – Level 9 Floor Plan;
 - g. A.209 – Level 10-45 Floor Plan;
 - h. A.218 – Mech. Penthouse Floor Plan,
 - i. A.301 – Building Elevations; and,
 - j. A.302 – Building Elevations;
3. Revised Shadow Studies prepared by gh3* Architects Inc, dated June 25, 2025;
 - a. A.601, A.602 & A.603 – March 21 Shadow Studies;
 - b. A.604, A.605 & A.606 – September 21 Shadow Studies; and,
4. Revised Draft Zoning By-law Amendment.

Please consider the Settlement Offer of May 30, 2025, to be amended in accordance with the Revised Settlement Proposal described above. As amended, the Settlement Offer shall remain open for consideration by City Council at its meeting commencing July 23, 2025, following which it will be null and void.

Should you have any questions, please contact the undersigned and Christopher Tanzola (ctanzola@overlandllp.ca).

Yours truly,

Overland LLP



Per: Justine Reyes
Associate

Encl.

Justine Reyes
Associate
Direct 416-730-8377
Cell 437-424-3244
jreyes@overlandllp.ca

Overland LLP
5255 Yonge St, Suite 1101
Toronto, ON M2N 6P4
Tel 416-730-0337
overlandllp.ca

overland

WITHOUT PREJUDICE

July 9, 2025

VIA E-MAIL

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

Attention: Matthew Longo, Solicitor, Planning and Administrative Tribunal Law

Your Worship and Members of City Council:

**RE: 2485 Eglinton Avenue West
Addendum to Offer to Settle Official Plan & Zoning By-law Amendment Appeals
Ontario Land Tribunal Case Nos. OLT-24-001132 & OLT-24-001133
City Fil nos. 24 121474 WET 05 OZ**

We are the lawyers for 2485 Eglinton Holdings Inc. ("**Tercot**"), who has an interest in the land municipally known as 2485 Eglinton Avenue West (the "**Site**") in the City of Toronto (the "**City**").

This letter constitutes an addendum to our client's revised without prejudice offer submitted to the City on June 27, 2025 for the above noted matter. As shown on the enclosed revised architectural concept drawings prepared by gh3* Architects Inc., dated July 9, 2025, our client has agreed to provide a 3 metre step-back along the Eglinton Avenue West frontage at the 9th storey of the proposed development (the "**9th Floor Step-Back**"). This is in addition to the reduction of the overall height of the podium to 33.1 metres as described in our previous correspondence.

The 9th Floor Step-Back area is comprised of approximately 118.36 square metres, which would be repurposed as outdoor amenity space in the form of a terrace. With this change from indoor to outdoor amenity space in this location, the total combined amenity rate would remain at 4 square metres per residential unit.

Please find enclosed the following in support of this addendum:

1. Revised concept drawings prepared by gh3* Architects Inc., dated July 9, 2025 (with the 9th Floor Step-Back Area highlighted in yellow):
 - a. A.208 - Level 9 Floor Area;
 - b. A.301 - Building Elevations (North/South); and,
 - c. A.302 – Building Elevations (East/West).

Please consider these updated materials along with our previous submissions for City Council's consideration at the meeting commencing July 23, 2025, with all other terms of the offer to settle remaining the same.

Should you have any questions, please contact the undersigned and Christopher Tanzola (ctanzola@overlandllp.ca).

Yours truly,
Overland LLP


Per: Justine Reyes
Associate

Encl.