

Stikeman Elliott

Stikeman Elliott LLP
Barristers & Solicitors
5300 Commerce Court West
199 Bay Street
Toronto, ON Canada M5L 1B9

Main: 416 869 5500
Fax: 416 947 0866
www.stikeman.com

Patrick G. Duffy
Direct: +1 416 869 5257
pduffy@stikeman.com

September 24, 2025
File No.: 122567.1113

Without Prejudice
By E-mail

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

Attention: Ms. Jessica Braun and Ms. Ariel Lo-Wong:

Dear Ms. Braun and Ms. Lo-Wong:

Re: OLT Case No. OLT-24-000942
4158 to 4180 Kingston Road and 8 to 12 Overture Road
Without Prejudice Settlement Offer

We are counsel to 4158 Kingston Road Inc. c/o North American Development Group (the “**Owner**”) in respect of the proposed redevelopment of its property at 4158 to 4180 Kingston Road and 8 to 12 Overture Road, Toronto (the “**Property**”).

Our client filed an appeal for a non-decision of its Zoning By-law Amendment application for the Property on September 4, 2024, which is currently proceeding before the Ontario Land Tribunal (the “**Tribunal**”) under OLT Case No. OLT-24-000942 (the “**Appeal**”), with a 10-day hearing scheduled to commence on November 24, 2025.

Based on the terms agreed with the City as a result of our mediation on May 13 and 14, 2025 for the Appeal (the “**Mediation**”), we are pleased to present the following settlement offer, which is being submitted to you on a “without prejudice” basis:

- Revised plans, which include the following revisions to the original development plans submitted for the Property (collectively, the “**Revised Plans**”):
 - A 5-metre setback between the building and the Property line along Kingston Road to enhance the pedestrian experience and allow for landscaping improvements. This 5-metre setback is inclusive of the conveyance of land to the City on Kingston Road of 0.06 metres for the purpose of transit construction;
 - A building height of 22 storeys;
 - A 7-storey podium with a maximum height of 24 metres;
 - A minimum first-storey floor-to-floor height of 4.5 metres;
 - Increased ground floor area for retail uses on the ground floor;

- Removal of street-facing indoor amenity space on the ground floor;
- Provide for trees along the north and west Property lines;
- Revised shared approach to non-residential parking spaces, which reflects the following applicable zoning by-law provision relating to parking rates for the Property:
 - A parking rate of 0.5 spaces per 100 square metres for non-residential gross floor area, or 2 spaces plus 0.05 spaces per unit for residential visitor parking, whichever is greater;
- A Toronto Green Standards Statistic updated to reflect the Revised Plans;
- An updated Shadow Study for the Revised Plans; and
- A soil volume plan prepared by NAK Design Strategies.

Pursuant to the settlement agreed to at the Mediation and at the City's request, this settlement offer also includes the following:

- A letter from our client's landscape architect, NAK Design Strategies, confirming the relevant soil volumes on the Property; and
- Should City Council accept this settlement offer, our client will withdraw its appeal of Official Plan Amendment No. 778.

Should this settlement offer be accepted by the City, the parties the Parties shall jointly request that the Tribunal issue an interim Order granting "in principle" approval of the Revised Plans with the Tribunal's final Decision and Order to be withheld until such time that the Tribunal has been advised by the City Solicitor that:

- a. the form and content of the Zoning By-law Amendment is satisfactory to the Executive Director, Development Review and the City Solicitor;
- b. the Owner has, at its sole cost and expense:
 - 1. submitted a revised Functional Servicing and Stormwater Management Report, Hydrogeological Review Report, Hydrogeological Assessment Report, Servicing Report, Groundwater Summary Form, Foundation Drainage Summary Form, Hydrological Review Summary Form and associated engineering plans (i.e. Servicing Plan, Grading Plan, Storm Tributary Plan, Sanitary Tributary Plan, Plan & Profiles) (the "**Engineering Reports**"), to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development, and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development to the satisfaction of the Director, Engineering Review;
 - 2. If the accepted Engineering Report(s) require(s) any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - a. 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 Report(s), to support the development, in a financially secured agreement, to the satisfaction of the Director, Engineering Review; or
- b. the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development according to the accepted Engineering Report(s), have been constructed and are operational, to the satisfaction of the Director, Engineering Review, and the General Manager, Toronto Water;
3. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Director, Engineering Review and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new or upgrades to existing municipal servicing infrastructure as may be required;
 4. submitted a revised Transportation Impact Study or addendum, including a Transportation Demand Management Plan to the satisfaction of the Executive Director, Development Review and the General Manager, Transportation Services, and that such matters arising from such study be secured, if required;
 5. submitted a Pedestrian Level Wind Study – Wind Tunnel Study, including the identification of any required mitigation measures to be implemented and secured through the zoning by-law process to resolve wind safety exceedances and to improve pedestrian comfort, to the satisfaction of the Executive Director, Development Review;
 6. made revisions to meet the Toronto Green Standard requirements to the satisfaction of the Executive Director, Development Review;
 7. submitted an Arborist Report, Tree Preservation and Inventory Plan, Soil Volume Plan (QL-A), Public Utilities Plans, and Landscape Plan demonstrating sufficient soil volume for tree growth and Landscape Sections to the satisfaction of the Executive Director of Environment, Climate and Forestry; and
 8. provided a revised Energy Strategy Report, to the satisfaction of the Executive Director, Environment and Climate.

We appreciate City staff's past efforts in working with our client to address and resolve the issues related to the proposed development. Should this settlement offer be accepted by the City, prior to November 24, 2025, we and the City will jointly request that the Tribunal schedule a one-day written settlement hearing as soon as practicable, with a view of requesting that the Tribunal approve the Zoning By-law Amendment, in principle, withholding its final Order pending confirmation that the Zoning By-law Amendment is to the satisfaction of our client and the City.

The settlement offer presented under this letter supersedes and replaces all prior offers, agreements, negotiations, and understandings in respect of these matters and will remain open until the end of the City Council meeting scheduled to commence on October 8, 2025.

We trust that you will forward the terms of this final settlement offer for City Council's review and consideration at its meeting commencing on October 8, 2025.

Yours truly,

A handwritten signature in black ink, appearing to read "PDuffy".

Patrick G. Duffy

PGD/cj

Enclosures

cc. Caroline Jordan, *Stikeman Elliott LLP*
Client