



Maggie Bassani
Direct: 416.865.3401
E-mail: MBassani@airdberlis.com

October 17, 2025

Via E-Mail – Derin.Abimbola@toronto.ca

WITH PREJUDICE

Our File No.: 324100

Ms. Derin Abimbola
City of Toronto
55 John St. (Metro Hall), 26th Floor
Toronto ON, M5V 3C6

Dear Ms. Abimbola:

**Re: With Prejudice Settlement Proposal for Official Plan Amendment and Zoning By-law Amendment Applications
1601 and 1603 Bathurst Street, City of Toronto
City File Nos. 19 211934 STE 12 OZ
OLT Case Nos. OLT-25-000184; OLT-25-000185**

Aird & Berlis LLP is counsel for 1212765 Ontario Limited and 1212763 Ontario Limited ("**Azuria**") with respect to the property municipally known as 1601 and 1603 Bathurst Street in the City of Toronto (the "**Property**"). The Property is approximately 700 metres north of St. Clair Avenue West, and is irregularly shaped with a combined lot area of approximately 9,200 square metres and with a combined lot frontage of approximately 50 metres along Bathurst Street. The Property is currently developed with a 4-storey rental apartment building located at 1601 Bathurst Street and a 6-storey rental apartment building at 1603 Bathurst Street.

Background

On April 11, 2018, a pre-application consultation meeting was held with respect to forthcoming Official Plan Amendment ("**OPA**"), Zoning By-law Amendment ("**ZBA**") and Site Plan Approval ("**SPA**") applications for the Property.

On August 26, 2019, Azuria's planning consultant, Weston Consulting ("**Weston**"), filed applications for OPA, ZBA and SPA applications with respect to the Property (collectively, the "**Original Applications**").

The Original Applications proposed to replace the existing 4-storey apartment building with an 8-storey purpose-built rental apartment building with a total of 70 new units and the replacement of nine (9) existing rental units. The existing 6-storey rental apartment building would be maintained in its current form with minor site alterations.

Following a number of meetings with City Staff, the local Councillor, local residents and existing tenants, Weston submitted additional materials to support the Original Applications on April 29, 2022, and subsequently made a full resubmission on March 27, 2024 (the "**Revised Applications**").

The Revised Applications included a reduction in height from 8-storeys to 7-storeys for the new building at 1601 Bathurst Street, along with a reduced street-wall height from six (6) storeys to five (5) storeys. This reduction in height also led to a reduction in the number of units in the new building – from 79 units in the Original Applications to 74 units in the Revised Applications (inclusive of the nine (9) rental replacement units). The Revised Applications also incorporated revisions to address urban design comments raised by staff with respect to balconies and patios, landscaping and the ground floor uses.

On March 5, 2025, Azuria appealed its OPA, ZBA and SPA applications (the “**Appeals**”) to the Ontario Land Tribunal (the “**OLT**”) due to Council’s failure to make a decision within the timeframes prescribed by the *Planning Act*.

Settlement Offer

Since bringing its Appeals, Azuria has engaged in settlement discussions with City staff and the Toronto and Region Conservation Authority (“**TRCA**”) with respect to its appeals. Through these discussions, Azuria has revised its development proposal to address the concerns raised by City staff and the TRCA.

The purpose of this correspondence is to formally submit a settlement offer to resolve the OPA and ZBA appeals. The revised development proposal for the Property (the “**Settlement Proposal**”) which forms the basis of this settlement offer, is described below and shown in the Architectural Plans, prepared by KIRKOR Architects and Planners, dated October 3, 2025 (the “**Architectural Plans**”).

Azuria is prepared to settle the OPA and ZBA appeals with the City, provided that City Council support the OLT’s approval of the Settlement Proposal and in accordance with the following terms:

- 1) **Gross Floor Area:** For the new building, a total residential gross floor area of 7,881 square metres, calculated in accordance with Zoning By-law 569-2013, as amended, is proposed. The existing gross floor area of 8,128.02 square metres for the retained building will not change. The total proposed gross floor area for the entire Property is 16,009 square metres.
- 2) **Density:** A total density of 1.72 FSI (inclusive of the gross floor area for the new building and the retained building) is proposed, based on the gross site area of the Property, calculated in accordance with Zoning By-law 569-2013, as amended.
- 3) **Built Form:** For the new building, the following built form elements are proposed:
 - a 12-storey building with a height of 35.0 metres (exclusive of mechanical penthouse);
 - a 6.0 metre distance from the curb to building face;
 - from the west lot line:
 - i) from the ground floor to the 5th floor, a building setback of 2.5 metres, with the exception of the ground floor lobby vestibule that has a setback of 3.0 metres;
 - ii) from the 6th to 10th floors, a building setback of 4.0 metres;
 - iii) at the 11th floor, a building setback of 5.5 metres;
 - iv) at the mechanical penthouse level, a building setback of 10.8 metres, with the exception of the portion of the MPH where the staircase is located;

- from the south lot line:
 - i) from the ground floor to the 5th floor, a building setback of 4.0 metres;
 - ii) from the 6th to 10th floors, a building setback of 5.5 metres;
 - iii) at the 11th floor, a building setback of 7.0 metres.
- 4) **Dwelling Units:** For the new building, a total of 106 dwelling units, inclusive of rental replacement units and subject to any further refinement to the building floor plans, which may increase or decrease the total number of dwelling units;
- 5) **Parking Spaces:** On the entire Property for both the new building and retained building, a total of 69 residential parking spaces (inclusive of one accessible parking space) and 12 visitor parking spaces (inclusive of one accessible parking space). More specifically, there are:
 - 9 visitor parking spaces within the reconfigured surface parking lot (for the shared use of both the new building and retained building);
 - 3 visitor parking spaces adjacent to the retained building (for the shared use of both the new building and retained building);
 - 11 parking spaces within the new building (for the exclusive use of the residents in the new building); and
 - 58 parking spaces within the underground garage of the retained building (for the exclusive use of the residents of the retained building).
- 6) **Bicycle Parking:** Long-term and short-term bicycle parking spaces will be provided to satisfy the minimum rates pursuant to Zoning By-law 569-2013, as amended.
- 7) **Loading Spaces:** For the new building, one (1) Type 'G' loading space will be provided.
- 8) **Amenity Space:** Indoor amenity space will be provided at a minimum rate of 2.0 square metres per residential dwelling unit and outdoor amenity space will be provided at a minimum rate of 2.0 square metres per residential dwelling unit.
- 9) **Natural Heritage:** The following are the proposed revisions to the natural heritage area running along the northerly and easterly portions of the Property:
 - With respect to the portion of the Property along the northerly/easterly lot lines, with an area of 2,877 square metres (which includes the reconfigured surface parking lot, the revegetation of 269 square metres of the existing surface parking lot, the mowed sod strip, and the pet relief area), the redesignation to *Natural Areas* under the Official Plan and rezoning to *Open Space – Natural Zone (ON)* under Zoning By-law 569-2013, as amended (the “**Open Space Block**”);
 - The Open Space Block will be subject to a future stewardship plan, prepared as part of the site plan approval process;
 - Reconfiguration of the existing surface parking lot to accommodate nine (9) vehicle parking spaces and a new transformer;

- A 2.5 metre wide mowed sod strip along the existing sidewalk within the Property, with a total area of 198.6 square metres; and
 - Construction of a metal rope chain, or another similar type of demarcation fencing, along the northerly/easterly boundary of the reconfigured surface parking lot, pet relief area and the mowed sod strip, as generally shown on the Architectural Plans. The details of this fencing will be finalized as part of the site plan approval process.
- 10) **Pet Relief:** New pet relief area of 20 square metres, located adjacent to the reconfigured surface parking lot.
- 11) **Parkland Cash-in-Lieu:** The City agrees to accept cash-in-lieu of a parkland dedication pursuant to Section 42 of the *Planning Act* and Chapter 415, Article III of the Toronto Municipal Code.
- 12) **Rental Replacement:** The existing nine (9) rental units in the existing building at 1601 Bathurst Street will be replaced in the new building, with the details and layout of the rental replacement units to be finalized prior the issuance of a final order from the OLT. The tenure of the replacement rental units will be secured for a period of at least 20 years from the date that each replacement rental unit is first occupied. City staff agree to bring forward a report on the Rental Housing Demolition Application (22 148358 STE 12 RH) for City Council's consideration to implement the rental housing component of this settlement offer.
- 13) **Retained Rental Units:** The existing 73 rental dwelling units at 1603 Bathurst Street will be maintained as rental housing units for at least 20 years, commencing on the date that the Zoning By-law Amendment comes into force and effect.
- 14) **Tenant Improvements:** The following improvements to the existing rental building at 1603 Bathurst Street are proposed (without limitation), with no pass through to existing and future tenants:
- Making the front door accessible including an automatic door;
 - Programming the communal outdoor patio space;
 - Reinstating the garbage chutes, consolidating the recycling bins and constructing cover/outdoor garbage bin room;
 - Outdoor bicycle parking; and
 - Landscaping and access improvements to the outdoor patio area from the front door.

The provision of amenity space for existing tenants of 1603 Bathurst Street will be further explored with City staff both during the site plan approval process and as part of the tenant survey.

It is acknowledged that the list of tenant improvements will be confirmed and finalized following the tenant survey and secured through the site plan approval process.

- 15) **Construction Mitigation and Tenant Communication Plan:** A Construction Mitigation and Tenant Communication Plan will be prepared as part of the site plan approval process.

- 16) **Quality Level A Data:** Quality Level A data will be provided to the City as part of the site plan approval process.
- 17) **Natural Heritage Impact Study:** A natural heritage impact study will be provided to the City as part of the site plan approval process.
- 18) **Ravine Stewardship Plan:** A ravine stewardship plan will be provided to the City as part of the site plan approval process.
- 19) **Pedestrian Wind Study:** The mitigation measures arising from the pedestrian wind study will be secured through the site plan approval process.

Implementation of Settlement Offer

This settlement offer is being provided at this time on the understanding that it will be the subject of an in-camera report to City Council for its meeting commencing on November 12, 2025, and that a decision from City Council on this settlement offer will issue from that meeting. In the event this settlement offer is either not considered by City Council at its meeting commencing on November 12, 2025, or is refused by City Council at that meeting, it should be considered revoked.

In the event that City Council accepts this offer, the City agrees to advise the OLT and any parties/participants to the OLT proceeding that a full settlement of the OPA and ZBA appeals have been reached, subject to the conditions below.

Our client agrees to work with the City on the final form of the instruments in advance of a final order being issued by the OLT, and agrees that any final order of the OLT for the Zoning By-law Amendment and Official Plan Amendment applications will be withheld until the below-noted conditions are satisfied.

Pre-Conditions to Final Order:

- a) The final form and content of the draft Official Plan Amendment and Zoning By-law Amendment are to the satisfaction of the City Solicitor and the Executive Director, Development Review;
- b) The owner has, at their sole cost and expense, completed the following:
 - 1. submitted a revised Functional Services and Stormwater Management Report (FSR/SWM), Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports") to the satisfaction of the Director, Engineering Review, Development Review, in consultation with the General Manager, Toronto Water;
 - 2. secured the design and provided financial securities in respect of any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Director, Engineering Review, Development Review, and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the Engineering Reports accepted by the Director, Engineering Review, Development Review, and the General Manager, Toronto Water unless otherwise secured through a holding provision in the By-law;

3. ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review, Director, Engineering Review, Development Review, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required;
 4. addressed all outstanding issues raised by Development Engineering in the memo dated May 21, 2024, as they relate to the Zoning By-law Amendment application to the satisfaction of the Director, Engineering Review, Development Review; and
 5. conducted a survey with the existing tenants at 1603 Bathurst Street to engage tenants in the appropriate identification of improvements and/or renovations to the existing building and amenities, to the satisfaction of the Executive Director, Development Review;
- c) City Council has approved the Rental Housing Demolition Application 22 148358 STE 12 RH in accordance with Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, to permit the demolition of the nine (9) existing rental dwelling units at 1601 Bathurst Street, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision including:
1. replacement of the existing nine (9) rental housing units, including the same number of units, bedroom type and size and with similar rents; and
 2. an acceptable Tenant Assistance Plan addressing the right for existing tenants to return to a replacement rental unit.

In support of this settlement offer, please find enclosed:

1. **Appendix "A"** – Revised Architectural Plans by KIRKOR Architects and Planners, dated October 3, 2025.

Should you have any questions about the foregoing, please contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in dark ink, appearing to be 'MB' followed by a long, sweeping horizontal stroke.

Maggie Bassani

MB/al

encl.

cc: Client