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Our File No.: 252903

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

Attention: Amrit Sandhu, City Solicitor

Dear Sirs/Mesdames:

**Re: 34-70 Montgomery Avenue – Status Update
Ontario Land Tribunal Case No. OLT-23-000647**

We are solicitors for Graywood Montgomery Limited Partnership in respect of the properties known municipally in the City of Toronto as 34-70 Montgomery Avenue (the “**Lands**”). Our client is now the owner of the Lands and has assumed the appeals in the above-noted matter from First Capital Realty Inc. Importantly, our client has advanced the detailed design process and is hopeful to receive a building permit to enable commencement of construction for a new residential rental building in the summer.

As you know, in a decision issued on July 22, 2024 (the “**Tribunal Decision**”), the Ontario Land Tribunal (the “**Tribunal**”) allowed the official plan amendment and rezoning appeals for the Lands, on an interim basis and contingent upon confirmation, satisfaction or receipt of certain pre-requisite matters. We are writing to seek the City’s consent to a request of the Chair of the Tribunal to review the Tribunal Decision pursuant to Rule 25.8 of the Tribunal’s Rules of Practice and Procedure to enable our client to proceed with a modified proposal. As noted above, our client is looking to commence construction and we are hopeful this direction can be obtained from City Council at its meeting commencing on April 22, 2026.

The basis of the review request is that the development approved in principle in the Tribunal Decision has been modified as part of the detailed design process, including the site plan control process, resulting in minor revisions to the plans (the “**Revised Proposal**”). In our view, the Revised Proposal is substantially in accordance with the plans previously presented to the Tribunal and will be reflected in the final planning instruments provided to the Tribunal with any request for a final order. The review request will be supported by an affidavit from our client’s land use planner confirming that the Revised Proposal is substantially in accordance with the settlement approved in principle in the Tribunal Decision.

In particular:

- The underground parking garage has been reduced by one level (with visitor parking removed), which is consistent with the August 2025 approval of the Protected Major Transit Station Area and the inability for a zoning by-law amendment to require the provision and/or maintenance of vehicle parking within a PMTSA.
- Non-residential gross floor area has been eliminated from the ground floor to reflect that Montgomery Avenue is neither a Priority Retail Street or a Secondary Retail Street in the Official Plan, as well as our client's concerns regarding its viability removed from Yonge Street. A leasing office will be provided on the ground floor ancillary to the residential uses.
- Our client intends to use the City's emerging bicycle cash-in-lieu provisions to facilitate a reduction in bicycle parking to 234 spaces.
- The tower outline has been modified from a parallelogram to a rectangle with a modest reduction in the west tower setback from 26.5 metres to 24.0 metres. Projecting balconies have also been eliminated.
- The metric height of the podium has increased from 21.3 metres to 21.6 metres. The metric height of the tower has increased from 85.5 metres to 87.0 metres.

Although the Tribunal remains seized of the Appeals, our client has decided to file the review request out of an abundance of caution to ensure an appropriate opportunity for the City, the EPRA LRPO SKC 500 Duplex Coalition and the Tribunal to consider the Revised Proposal. Rule 25.8 specifically enables such a review request, but would require the consent of the City of Toronto to proceed.

We would appreciate this matter being considered by City Council at its meeting commencing on April 22, 2026.

Yours truly,

Goodmans LLP



David Bronskill
DJB/il