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June 30, 2026

Via Email (matthew.longo@toronto.ca)

Without Prejudice

Matthew Longo, Solicitor
Legal Services, Planning & Administrative
Tribunal Law Section
City of Toronto, Metro Hall
55 John Street, 26th Floor
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To Whom it May Concern:

Re: Settlement Offer

**Official Plan Amendment and Zoning By-law Amendment Applications
147-151 Liberty Street and 54-68 Fraser Avenue
Ontario Land Tribunal Case No. OLT-25-000741
City of Toronto Application No. 25 108662 STE 10 OZ**

**Heritage Permit Application
54, 66 and 68 Fraser Avenue (147-151 Liberty Street)
Ontario Land Tribunal Case No. OLT-26-000608
City of Toronto Application No. 260013**

We represent 147 Liberty Group (the “**Applicant**”), the applicant with respect to the above noted applications filed for the lands municipally known as 147-151 Liberty Street and 54-68 Fraser Avenue (the “**Subject Property**”) in the City of Toronto (the “**City**”). On January 28, 2025, the Applicant submitted applications to amend the City’s Official Plan and the City of Toronto Zoning By-law No. 569-2013 (City Application No. 25 108662 STE 10 OZ, the “**Development Application**”) as it relates to the Subject Property. On February 27, 2026, the Applicant submitted a heritage permit application (City Application No. 260013, the “**Heritage Application**”) as it relates to the Subject Property.

Pursuant to subsections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, on September 18, 2025, the Applicant appealed the Development Application to the Ontario Land Tribunal (the “**Tribunal**”), which was assigned Tribunal Case No. OLT-25-000741 (the “**Development Appeal**”). In its order dated February 6, 2026, the Tribunal set a nine-day hearing for the Development Appeal scheduled to commence on November 30, 2026.

Pursuant to subsections 33(9) and 34.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, on June 22, 2026, the Applicant appealed the Heritage Application to the Tribunal, which was assigned Tribunal Case No. OLT-26-000608 (the “**Heritage Appeal**”). As the Heritage Appeal is directly related to the Development Appeal, the intention is to combine both appeals into one proceeding.

Further to our productive and fruitful discussions with City staff, we write to make a without prejudice offer to settle both the Development Appeal and the Heritage Appeal with the City in its entirety (the “**Settlement Offer**”). The Settlement Offer terms are as follows:

1. **Settlement Plans and Terms**

The official plan amendment and zoning by-law amendment will permit the proposed mixed-use development subject to the matters expressly set out herein (the “**Development**”), substantially in accordance with the set of plans and drawings and site statistics, prepared by Sweeny & Co. Architects dated June 3, 2026, which is attached hereto as Schedule "A" (the “**Settlement Plans**”), which include the following:

- (a) a 50-storey mixed-use building (excluding mechanical penthouse) with a maximum height of approximately 166 metres (top of mechanical penthouse) and a maximum residential tower floor plate of 938 square metres up to and including level 31 and a maximum residential tower floor plate of 808 above level 31 comprised of a maximum of 39,360 square metres of residential gross floor area;
- (b) for the mixed-use podium and residential tower portion of the Development, height, massing, and setbacks substantially as depicted in the Settlement Plans;
- (c) the provision of 11% of the total gross floor area, as set out in the building permit application, as non-residential gross floor area and affordable housing residential units (approximately 1,335 square metres);
- (d) a unit mix that meets or exceeds the City’s Growing Up Guidelines; and,
- (e) heritage conservation measures in accordance with the Heritage Impact Assessment prepared by Giaimo, dated February 27, 2026 and revised June 25, 2026.

The Settlement Plans included alongside this Settlement Offer, if accepted by City Council, are intended to amend the plans previously submitted to the Tribunal for the Development Appeal.

2. Affordable Housing Contribution

As part of the 11% referred to above, the Applicant offers to provide the provision of affordable housing residential units within the Development on the following terms:

- (a) the Applicant shall design, construct, finish, and provide affordable rental units on the Subject Property, with a unit mix substantially reflecting the market unit mix of the Development;
- (b) the affordable rental units shall include ensuite laundry and air conditioning in each unit at no additional cost to tenants;
- (c) the affordable rental units shall be made available for occupancy at a date commensurate with the majority of the market units being made available for occupancy, or faster;
- (d) the residents of the affordable rental units will have access to all amenities of the Development including indoor and outdoor amenity space, and access to bicycle and visitor vehicle parking, all on the same terms and conditions as any other resident of the Development;
- (e) the affordable rents shall comply with the definition of affordable housing in the City's Official Plan as of June 2026;
- (f) the Applicant shall provide and maintain the affordable rental units as rental dwelling units for a minimum of 25 years, beginning with the date each such affordable rental unit is first occupied;
- (g) no affordable rental unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of an affordable rental unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental unit shall be made for at least 25 years from the date of first occupancy; and,
- (h) upon the expiration of the 25 year period, the Applicant shall continue to provide and maintain the affordable rental units as rental dwelling units, unless and until such time as the Applicant has applied for and obtained all approvals necessary to do otherwise.

3. Conditions Prior to the Issuance of a Final Order – Development Application

The Applicant agrees that the following matters will be addressed to the satisfaction of the City prior to the issuance of a final order by the Tribunal allowing the Development Appeal on the terms set out herein:

- (a) the final form and content of the Official Plan Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;
- (b) the final form and content of the Zoning By-law Amendment is to the satisfaction of Executive Director, Development Review and the City Solicitor;

- (c) confirmation from the Toronto Port Authority (TPA) that no material conflict exists with proposed flight procedure revisions for Billy Bishop Airport and the proposed height set out in the Settlement Plans;¹
- (d) the Applicant submit a revised Functional Servicing & Stormwater Management Report, a Foundation Drainage Technical Brief and Foundation Drainage Summary Form, and a Servicing Report Groundwater Summary form to address the comments provided in the memorandum dated May 20, 2025 from Engineering Review, to the satisfaction of the Director, Engineering Review; and,
- (e) the Applicant submit a revised Transportation Impact Study to address the comments provided in the memorandum dated May 20, 2025 from Engineering Review, to the satisfaction of the General Manager, Transportation Review.

4. Conditions Prior to the Issuance of a Final Order – Heritage Application

The Applicant agrees to withholding the final order on the Heritage Appeal pending conditions to implement the settlement to the satisfaction of the Applicant and the City Solicitor.

5. Settlement Offer Conditions

This Settlement Offer is conditional on:

- (a) City Council accepting this Settlement Offer during its meeting scheduled for July 19-22, 2026; and,
- (b) the City consenting to the Applicant requesting a settlement hearing for both the Development Appeal and the Heritage Appeal, to be held during or before the hearing scheduled for the Development Appeal, for the issuance of an interim order by the Tribunal approving the Development and the Settlement Plans in principle (however, should the conditions outlined in Sections 3 and 4 herein be cleared prior to the settlement hearing, the City will consent to the

¹ For greater clarity should such a conflict be identified the Tribunal may be spoken to.

Applicant requesting the issuance of a final order by the Tribunal approving the Development at the settlement hearing).

This Settlement Offer is made without prejudice. Should the Settlement Offer be accepted by City Council, it may be released publicly. Should you require further information please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in dark ink, appearing to read 'MF', followed by a horizontal line and a small flourish.

Michael Foderick
Partner

MF/JN/rj