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File No. 24243

July 13, 2026

Via Email (marc.hardiejowski@toronto.ca; michelle.lafortune@toronto.ca)

Without Prejudice

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Michelle LaFortune, Solicitor
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Dear Mr. Hardiejowski and Ms. LaFortune:

Re: Without Prejudice Settlement Offer
29-45 Berwick Avenue, City of Toronto
Ontario Land Tribunal Case No. OLT-25-001028
City of Toronto Planning Application Nos. 25 191657 STE 12 OZ and 25 191649
STE 12 SA

We represent SG Berwick Ltd. (the “**Owner**”), the owner of the lands municipally known as 29, 31, 41, 43 and 45 Berwick Avenue (the “**Site**”) in the City of Toronto (the “**City**”).

On July 4, 2025, the Owner submitted applications for an Official Plan Amendment (“**OPA**”) and a Zoning By-law Amendment (“**ZBA**”) with respect to the Site, under Application Number 25 191657 STE 12 OZ. The City of Toronto (the “**City**”) deemed the OPA and ZBA Applications complete as of August 14, 2025.

Pursuant to subsections 22(7), 34(11) and (11.0.0.0.1) of the *Planning Act*, R.S.O. 1990, c. P.13 (the “**Planning Act**”), on December 15, 2025, the Owner appealed the OPA and ZBA Applications to the Ontario Land Tribunal (the “**Tribunal**”), which appeal was assigned Tribunal Case No. OLT-25-001028 (the “**Appeals**”). The Tribunal has set a ten day hearing for the Appeals scheduled to commence on November 30, 2026.

Further to the productive discussions between our client and City staff with respect to the Appeals, we are pleased to make the following without prejudice offer to settle the Appeals with the City in its entirety (the “**Settlement Offer**”).

The Settlement Offer terms are as follows:

1. Settlement Plans

The Owner agrees to formally revise its development proposal that is the subject of the OPA and ZBA Applications and the Appeals (the “**Proposed Development**”), in accordance with the set of plans, drawings, and site statistics prepared by Turner



Fleischer Architects dated July 13, 2026 (the “**Settlement Plans**”), which shall secure the following:

- (1) Increase of west tower setback from 10.15 metres to 11.25 metres;
- (2) Provision of south tower setback of 11.5 metres;
- (3) Provision of east tower setback of 1 metre.
- (4) A 2-metre proper tower step-back on the north frontage along Berwick Avenue with a consistent minimum 3-metre setback for the full base building height providing an improved streetscape condition and more comfortable pedestrian environment
- (5) Provision of north tower setback of 5m from the north property line;
- (6) Shift of driveway from west side of the Site to east side of Site shielding the driveway from the neighbouring residential properties to the west;
- (7) A base building setback to 3 metres along south side of property;
- (8) A decrease to the height of the base building along the south and west quadrants from 4 storeys to 2 storeys, providing improved transition to the adjacent low-rise neighboring properties;
- (9) Introduction of west base building setback to 5.13 metres including 2.1 metre easement for a pedestrian mid-block connection;
- (10) Providing suitable space for at-grade tree planting along the west and south property line to provide a buffer between the proposed development and existing low rise residential buildings to the west and south;
- (11) The overall metric height is 164.80 metres plus a MPH of 8.0 metres;
- (12) The overall maximum gross floor area is 35,070 square metres;
- (13) The proposed indoor amenity ratio is 2.59 square metres per unit and the proposed outdoor amenity ratio is 0.91 square metres per unit with a total ratio of 3.50 square metres per unit ;
- (14) Provision of a minimum of 10% three-bedroom dwelling units and a minimum of 30% two-bedroom dwelling units.



The Owner also agrees to investigate options to limit the impacts of balconies on the north and south facades of the building and secure any agreed to revisions in the Zoning By-law Amendment.

2. Off-Site Parkland

The Owner undertakes to make reasonable commercial efforts to convey off-site parkland to the City equal to the value of the on-site parkland dedication, in fulfillment of the parkland dedication requirements pursuant to Section 42 of the Planning Act, with the off-site parkland dedication to be acceptable to the General Manager, Parks and Recreation, and free and clear of any above or below grade encumbrances, to be conveyed prior to the issuance of the first above grade building permit. In the event the Owner is unable to provide an acceptable off-site parkland dedication, the parkland dedication requirement shall be fulfilled through the payment of cash-in-lieu.

3. Conditions Prior to the Issuance of a Final Order

The Owner 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 Appeals and approving the OPA and ZBA Applications and the Proposed Development in principle on the following terms:

- (a) the final form and content of the draft OPA and ZBA is to the satisfaction of the Executive Director, Development Review, and the City Solicitor;
- (b) The Chief Planner or their designate under delegated authority has approved the Rental Housing Demolition Application (Application # 25 210171 STE 12 RH) under Chapter 667 of the Toronto Municipal Code, pursuant to Section 111 of the City of Toronto Act, 2006, to permit the demolition of the existing rental dwelling units, and the owner has entered into, and registered on title to the lands, an agreement pursuant to Section 111 of the City of Toronto Act, 2006 to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, securing all rental housing-related matters, including tenant relocation assistance;
- (c) the Owner has, at its sole cost and expense:
 - (i) Submitted a revised Functional Servicing and Stormwater Management Report for review and acceptance, to the satisfaction of the Director, Engineering Review, Development Review, in consultation with the General Manager, Toronto Water;
 - (ii) Made arrangements with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing and Stormwater Management Report accepted by the Director, Engineering Review, Development Review, in consultation with the General Manager, Toronto Water;



- (iii) 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, 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;
- (iv) Submitted all required Engineering Reports to the satisfaction of the Director, Engineering Review, Development Review, in consultation with the General Manager, Toronto Water;
- (v) Addresses all outstanding issues raised in the Engineering Review Memorandum dated October 16, 2025, as may be amended, as they relate to the ZBA Application to the satisfaction of the General Manager, Transportation Services, and the Director, Engineering Review, Development Review;
- (vi) Submitted revised landscape plans to address City planting standards, including planting over underground structures and conflicts with Toronto Water utilities, to the satisfaction of the Manager, Urban Forestry; and
- (vii) Submitted a revised Wind Study, including a pedestrian wind study, to the satisfaction of the Executive Director, Development Review, in consultation with Urban Design.

4. Settlement Offer Conditions

This Settlement Offer is conditional on:

- (a) City Council accepting this Settlement Offer during its meeting scheduled for July 29, 30, and 31, 2026;
- (b) the City consenting to the Owner requesting a settlement hearing for the Appeals, to be held during or before the hearing scheduled for the Appeals, for the issuance of an interim order by the Tribunal approving the Proposed Development and the Settlement Plans in principle (on the condition that, should the final order conditions outlined in Section 2 herein be cleared prior to such settlement hearing, the City shall consent to the Owner requesting the issuance of a final order by the Tribunal approving the OPA and ZBA Applications at the settlement hearing); and
- (c) the Owner providing, at the OLT, affiant evidence by a professional land-use planner in support of the Settlement Offer and Settlement Plans, and that said affidavit evidence can be reviewed by the City prior to its submission to the OLT.



This Settlement Offer closes at 11:59 pm on Friday, July 31, 2026 if this Settlement Offer is not accepted by City Council.

In support of this Settlement Offer, please find attached the following materials:

- the Settlement Plans prepared by Turner Fleischer Architects Inc. dated July 13, 2026.

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 our firm.

Yours very truly,

KAGAN SHASTRI DEMELO WINER PARK LLP

Jason Park
JP

cc: SG Berwick Ltd.