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July 10, 2026

Via Email (gabe.szobel@toronto.ca; horatio.waller@toronto.ca)

Without Prejudice

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To Whom it May Concern:

**Re: Settlement Offer – 189-195 Old Weston Road and 44-46 & 50-52 Lindner Street
Ontario Land Tribunal Case Nos. OLT-25-000466 and OLT-26-000122
City of Toronto Planning Application No. 21 199583 STE 09 OZ**

We represent 1000790230 Ontario Inc., 1000790642 Ontario Inc., Weston Road Properties Development Ltd and Westport Properties Development Ltd. (all controlled by Limen Developments Ltd.) (the “**Owner**”), the owner of the lands municipally known as 189-195 Old Weston Road and 44-46 & 50-52 Lindner Street (the “**Subject Property**”) in the City of Toronto (the “**City**”). On July 30, 2021, the Owner (as previously constituted) submitted applications to amend the City’s Official Plan and Zoning By-law No. 569-2013 (City Application No. 21 199583 STE 09 OZ).

On June 11, 2025, the Owner filed an appeal in relation to its application to amend the City’s Zoning By-law No. 569-2013 to the Ontario Land Tribunal (the “**Tribunal**”), pursuant to subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13 (the “**Planning Act**”) (Tribunal Case No. OLT-25-000466 – the “**ZBA Appeal**”).

On January 28, 2026, the Owner filed an appeal in relation to its application to amend the City’s Official Plan, pursuant to subsection 22(7) of the *Planning Act* (Tribunal Case No. OLT-26-000122 – the “**OPA Appeal**”, and together with the ZBA Appeal, the “**Appeals**”).

In its order dated October 17, 2025, the Tribunal set a ten-day hearing for the ZBA Appeal scheduled to commence on September 16, 2026. The Owner has requested that the OPA Appeal and ZBA Appeal be consolidated such that both matters would be heard at the hearing scheduled to commence on September 16, 2026.

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Further to our productive and fruitful discussions with City staff, we write to make a 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 zoning by-law amendment and official plan 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 which is attached hereto as Schedule "A" (the “**Settlement Plans**”), which include the following:

- (a) two mixed-use buildings (a 40-storey north tower and a 35-storey south tower, excluding mechanical penthouses) attached by a six-storey shared podium, comprised of:
 - (i) a maximum of 56,000 square metres of residential gross floor area; and
 - (ii) a minimum of 224 square metres of non-residential gross floor area at grade facing the proposed park;
- (b) a six-storey non-residential building containing a minimum of 3,800 square metres of gross floor area, (which may be constructed before or after the two mixed-use buildings at the discretion of the Owner);
- (c) for the podium and tower portions of the Development, height, massing, and setbacks substantially as depicted in the Settlement Plans;
- (d) the provision of amenity space;
- (e) a unit mix that meets or exceeds the City’s Growing Up Guidelines;
- (f) an on-site parkland dedication at the north end the Subject Property as identified in the Settlement Plans with a minimum area of 1,000 square metres, with the exact size, location, and configuration of the parkland to the satisfaction of the Executive Director, Development Review, subject to the following terms and conditions:
 - (i) the parkland dedication shall be transferred to the City free and clear above and below grade of all physical and title encumbrances; and,
 - (ii) the parkland dedication shall be transferred to the City prior to the issuance of the first above-grade building permit for any portion of the Development, except for the six-storey non-residential building, in an acceptable environmental condition in base park condition;

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- (g) A gratuitous land dedication to the City of approximately 149 square metres in the location identified as “Area to be Conveyed” on the Settlement Plans for the purposes of a public laneway extension, subject to the following terms and conditions:
 - (i) The lands shall be conveyed to the City prior to the earlier of first condominium registration and first residential use of any part of the Development, with the precise size and configuration to be finalized as part of the Site Plan Approval (SPA) process; and
 - (ii) The lands shall be transferred to the City free and clear above and below grade of all physical and title encumbrances; and
- (h) a Privately Owned Publicly Accessible Space (POPS) of a minimum 540 square metres in the location identified as “Pedestrian Rail Path” on the Settlement Plans, to be shown in the zoning diagram, with POPS easement to be conveyed to the City prior to the earlier of first condominium registration and first residential use of any part of the Development, with the precise size and configuration to be finalized as part of the Site Plan Approval (SPA) process.

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 Appeal.

2. **Community Benefits Charge (CBC) Contribution**

The Owner is considering making an offer for an in-kind contribution pursuant to subsection 37(6) of the *Planning Act* in the form of affordable housing units (the “**Affordable Housing Contribution**”) within the Development, to fully satisfy the Community Benefits Charge (CBC) contribution. At the present time the Owner is not in a position to make a formal offer for the Affordable Housing Contribution; the Owner is prepared to continue discussions with City staff on the matter, on the basis that if an offer is made it will be put to City Council for consideration in due course.

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 on the terms set out herein:

- (a) the final form and content of the draft 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 draft Zoning By-law Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;
- (c) the owner has at their sole cost and expense:

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- (i) submitted a revised Functional Servicing, Stormwater Management, and Hydrogeological Reports for review and acceptance to the satisfaction of the Director, Engineering Review, Development Review in consultation with the General Manager, Toronto Water. The reports will determine whether the municipal water and fire flow, sanitary and storm sewer capacity can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required;
- (ii) entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, to the satisfaction of the Executive Director, Development Review and the City Solicitor, should it be determined that upgrades and/or road improvements are required to support the development, according to the Transportation Impact Study accepted by the Executive Director, Development Review, in consultation with the General Manager, Transportation Services, and/or the Functional Servicing Report accepted by the Director, Engineering Review, Development Review, in consultation with the General Manager, Toronto Water;
- (iii) submitted a revised Transportation Impact Study, including Transportation Demand Management Plan, to the satisfaction of the Executive Director, Development Review, in consultation with the General Manager, Transportation Services;
- (iv) submitted a Rail Safety and Risk Mitigation Report, revised if necessary, that has been peer reviewed by a third-party consultant, to the satisfaction of the Executive Director, Development Review;
- (v) submitted a revised Noise and Vibration Study including peer review by a third-party consultant, to the satisfaction of the Executive Director, Development Review;
- (vi) a phasing plan to demonstrate the order in which the various elements of development would be delivered to the satisfaction of the Executive Director, Development Review;
- (vii) submitted a revised Pedestrian Level Wind Study to the satisfaction of the Chief Planner, City Planning and Executive Director, Development Review;
- (viii) submitted a revised Arborist Report, Soil Volume Plan, and Tree Preservation Plan to the satisfaction of the Executive Director, Environment, Climate and Forestry and,
- (d) City Council has approved the Rental Housing Demolition Application (Application 25 268012 STE 09 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,

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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 replacement rental units and tenant assistance, necessary to implement City Council's decision.

If in finalizing the form of zoning by-law the parties disagree as to whether a holding provision is appropriate, the Tribunal may be spoken to regarding the appropriateness of such request.

4. Settlement Offer Conditions

This Settlement Offer is conditional on:

- (a) City Council accepting this Settlement Offer during its meeting scheduled for July 29-31, 2026; and,
- (b) the City consenting to the Owner requesting a settlement hearing for the Appeal, to be held during or before the hearing scheduled for the 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 Section 3 herein be cleared prior to the settlement hearing, the City will consent to the Owner 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 our office.

Sincerely,

McCarthy Tétrault LLP



Michael Foderick*
Partner | Associé

MF/JC
Attachment

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SCHEDULE "A"

Settlement Plans, prepared by TACT Architecture, dated June 29, 2026

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