

Calvin Lantz
Direct: (416) 869-5669
CLantz@stikeman.com

February 6, 2023
File No.: 146656.1001

By E-mail
council@peelregion.ca

Regional Chair Nando Iannicca and Members of
Region of Peel Council
10 Peel Centre Drive
Brampton, ON L6T 4B9

Dear Sirs/Mesdames,

Re: Agenda Item 13.1
City of Mississauga Major Transit Station Area Official Plan Amendments
142, 143, 144, and 146: Regional Staff Review and Recommendations
Letter of Concern

We are counsel to BET Realty Limited and 3420 Hurontario Street Incorporated, the owners of the lands municipally known as 3420 & 3442 Hurontario Street, Mississauga (the “**Property**”).

The Property is located at the southwest corner of Hurontario Street and Central Parkway West, within the Downtown Fairview Character Area, as outlined in City of Mississauga Official Plan Amendment No. 145, being the instrument adopted by City Council to introduce the policies on vision, guiding principles, community infrastructure, urban design, roads, and pedestrian connection.

The Property is also located within the Hurontario Protected Major Transit Station Area (“**PMTSA**”), as identified in Official Plan Amendment No. 146, which is the instrument City Council has adopted to implement the PMTSA policies on heights and land uses.

We are writing this letter of concern as it relates to the City-wide Major Transit Station Area Study—and in particular, as Regional Council considers what the City has adopted as Official Plan Amendment No. 143 (being the instrument to introduce the general PMTSA policies), as well as Official Plan Amendment No. 144 (being the instrument to introduce the PMTSA policies on land use and building heights) and Official Plan Amendment No. 146 (being the instrument to establish a policy framework to implement the PMTSA policies on heights and land uses, and together with Official Plan Amendment Nos. 143 and 144, the “**PMTSA OPAs**”).

If the Region wishes to move forward with approving the PMTSA OPAs, we request that Regional Council direct staff to revise the PMTSA OPAs to exclude the Property from the PMTSA OPAs, particularly as the 25-storey height limit imposed by these instruments conflicts with the permitted heights of up to 33 storeys, which City Council accepted on February 1, 2023, in the context of a settlement with our clients to resolve the appeals of their Official Plan and Zoning By-law Amendment applications before the Ontario Land Tribunal.

By way of background, we had previously written to the Regional Clerk on August 25, 2022, providing our prior submissions to the City of Mississauga’s Planning & Development Committee on January 21, and June 30, and August 5, 2022 with respect to these concerns in the context of the Downtown Fairview Official Plan Amendments (City File No. CD.03-DOW, and adopted as Official Plan Amendment Nos. 145

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED _____

and 146; City File No. LA.07-CIT, and adopted as Official Plan Amendment No. 144). For reference, copies of these correspondences are attached as **Appendix 1** to this letter.

By this present letter, we wish to reiterate our clients' concerns, particularly in view of Regional staff's recommendations as it relates to the PMTSA OPAs.

Most significantly, Regional staff are recommending that a **25-storey height limit** be imposed upon the Property through the PMTSA OPAs—despite the fact that our clients have recently reached a settlement with the City of Mississauga to redevelop the Property for a two-tower mixed-used proposal with heights of **33 and 30 storeys**. This settlement offer was accepted by City Council on February 1, 2023 and will be presented to the Ontario Land Tribunal at a hearing that is presently scheduled to commence on March 27, 2023 (City File No. OZ 20/022; OLT-21-001693).

Copies of City Council's February 1, 2023 resolution accepting our settlement offer, as well as our settlement offer letter, dated January 13, 2023, are attached as **Appendix 2** to this letter.

As presently recommended by Regional staff, the PMTSA OPAs frustrate the settlement between the City and our clients. Both the City and our clients have spent a tremendous amount of time and effort to reach a positive outcome through the settlement. It is absolutely critical that these efforts are not undermined by the PMTSA OPAs, particularly where there is no public right of appeal and future requests for amendments are prohibited under the *Planning Act*.

In its decision approving the Region of Peel's Official Plan with modifications, the Minister of Municipal Affairs and Housing expressly deleted those Regional policies that spoke to the ability for local municipalities to establish maximum densities and maximum building heights in Major Transit Station Areas. It is troubling that Regional staff continue to recommend the imposition of the 25-storey height limit for the Property in apparent disregard, not only of City Council's recent direction on the settlement with our clients, but also of the strong Provincial direction not to allow the imposition of such arbitrary height limits in Major Transit Station Areas.

We welcome the opportunity to discuss these and other concerns with Regional staff. If you have any questions or require additional information, please contact me or my associate, Jonathan Cheng, at (416) 869-6807 or jcheng@stikeman.com.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which this matter will be considered, and we ask to be provided with notice of Council's decision with respect to this and any related item.

Thank you for your attention to this matter.

Yours truly,



For: Calvin Lantz

CL/jsc

cc. Jim Levac, *Glen Schnarr & Associates Inc.*
Jason De Luca, *Region of Peel*
Client

APPENDIX 1

From: Jonathan Cheng <JCheng@stikeman.com>
Sent: Thursday, August 25, 2022 11:32 AM
To: regional.clerk@peelregion.ca
Cc: Calvin Lantz <CLantz@stikeman.com>; Jim Levac <jiml@gsai.ca>
Subject: Request for Notice of Decision - City of Mississauga OPA Nos. 143, 144, 146

Ms. Adams,

As counsel to BET Realty Limited and 3420 Hurontario Street Incorporated, we have made written and oral submissions to various public meetings held by the City of Mississauga in respect of what City Council has adopted as Official Plan Amendment Nos. 143, 144, and 146.

Copies of these correspondences are attached to this email.

We have received Notices of Passing from the City in respect of these instruments, which I have linked to below.

- OPA 143 - <https://www.mississauga.ca/wp-content/uploads/2022/08/17093621/LA.07-CIT-OPA-143-Notice-of-Passing-Public-Notice.pdf>
- OPA 144 - <https://www.mississauga.ca/wp-content/uploads/2022/08/17094603/LA.07-CIT-OPA-144-Notice-of-Passing-Public-Notice.pdf>
- OPA 146 - <https://www.mississauga.ca/wp-content/uploads/2022/08/17101408/CD.03-DOW-OPA-146-Notice-of-Passing-Public-Notice.pdf>

Pursuant to these Notices, as the Region is the approval authority for these instruments, we hereby request that the Region provide us notice of its decision on the City of Mississauga's Official Plan Amendment Nos. 143, 144, and 146.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact us.

Regards,

Jonathan S. Cheng

Direct: +1 416 869 6807
Mobile: +1 647 972 5942
Email: jcheng@stikeman.com

Calvin Lantz
Direct: (416) 869-5669
CLantz@stikeman.com

August 5, 2022
File No.: 146656.1001

By E-mail
megan.piercey@mississauga.ca

Planning & Development Committee
City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1

Attention: Ms. Megan Piercey, Legislative
Coordinator

Dear Sirs/Mesdames,

**Re: LA.07-CIT
Recommendation Report: City-Wide Major Transit Station Area Study -
Official Plan Amendment
Letter of Concern**

We are counsel to BET Realty Limited and 3420 Hurontario Street Incorporated, the owners of the lands municipally known as 3420 & 3442 Hurontario Street, Mississauga (the “**Property**”).

The Property is located at the southwest corner of Hurontario Street and Central Parkway West, within the Downtown Fairview Character Area, as outlined in what is anticipated to be Official Plan Amendment No. 145, being the instrument that staff are proposing to introduce the policies on vision, guiding principles, community infrastructure, urban design, roads, and pedestrian connection.

The Property is also located within the Hurontario Protected Major Transit Station Area (“**PMTSA**”), as identified in what is anticipated to be Official Plan Amendment No. 146, which we understand to be the instrument that staff are proposing to implement the PMTSA policies on heights and land uses.

We are writing this present letter of concern as it relates to the City-wide Major Transit Station Area Study—and in particular, as the Planning and Development Committee considers what staff are proposing as Official Plan Amendment No. 143 (being the instrument to introduce the general PMTSA policies), as well as Official Plan Amendment No. 144 (being the instrument to introduce the PMTSA policies on land use and building heights, and together with Official Plan Amendment No. 143, the “**PMTSA OPAs**”).

If the City wishes to move forward with adopting the PMTSA OPAs, we request that Committee direct staff to revise the PMTSA OPAs to exclude sites that are subject to ongoing development applications or appeals before the Ontario Land Tribunal, so as to allow those ongoing application and appeal processes to run their course, which will ultimately inform the policies and height limits appropriate for those sites.

By way of background, we had previously written to the Planning & Development Committee on January 21 and June 30, 2022 with respect to these concerns in the context of the Downtown Fairview Official Plan Amendments (Municipal File No. CD.03-DOW, and proposed by staff and the Committee to be

adopted as Official Plan Amendment Nos. 145 and 146). Copies of these correspondences are attached for reference.

By this present letter, we wish to reiterate our clients' concerns, which do not appear to have been addressed by staff or the Committee in any meaningful way.

Most significantly, staff and the Committee are recommending a 25-storey height limit on the Property through the PMTSA OPAs—despite the fact that our clients have an active application to redevelop the Property for a two-tower mixed-used proposal with heights of 36 and 30 storeys, which has been in process with the City since 2020 (File No. OZ 20/022). The proposal to cap the heights for the Property at 25 storeys appears to be without regard for the various existing approvals in the immediate vicinity, which have permitted heights of up to 50 storeys.

Our clients' development applications are currently proceeding on appeal before the Ontario Land Tribunal (the "OLT") under Case No. OLT-21-001693. The first Case Management Conference for these appeals took place on June 30, 2022, with a subsequent Case Management Conference scheduled for September 16, 2022 to confirm scheduling of hearing dates.

It is deeply concerning that—notwithstanding our clients' ongoing appeals before the OLT, which contemplate building heights of up to 36 storeys—staff are nevertheless proposing an arbitrary height limit of 25 storeys through the PMTSA OPAs on their understanding that under the *Planning Act*, "there are no OLT appeals to PMTSA policies that identify [...] maximum building heights and densities". On this basis, staff recommend the introduction of the PMTSA OPAs in order for these maximum height limits to "be afforded the protection of appeal for the applicable policies".¹

The approach of arbitrarily imposing a 25-storey height limit through the PMTSA OPAs, which staff have determined cannot be appealed, flies in the face of the legislative intent of the *Planning Act* and effectively short-circuits the public process for the redevelopment of the Property—a process that began in 2020 and is presently continuing before the OLT.

Based on the Recommendation Report for the PMTSA OPAs, dated July 15, 2022, staff note that if individual development applications "are approved prior to the [PMTSA] OPAs being in force and effect, the PMTSA schedules will be amended accordingly to reflect any required changes". Notwithstanding this comment from staff, there is nothing that compels the City to update the PMTSA schedules to reflect any such prior development approval, and there is a real risk that approved developments could be down-designated through the PMTSA OPAs without recourse to the affected landowners given the limitation on private appeal rights.

Staff also state that "[i]f an application is not approved prior to the MTSA policies coming into effect staff will continue to work with the applicant to process the application. There is uncertainty as to whether the development proposal would be required to conform with the newly approved MTSA policies as the *Planning Act* has no transition clauses related to this matter [underline added]." Given this uncertainty, the prudent course of action is for the City to exclude such sites from the application of the PMTSA OPAs until such ongoing applications and appeals have run their course, as we have requested through our various submissions to this Committee.

Our client has spent a significant amount of time and expense in preparing and advancing its development applications. The appropriate redevelopment of the Property, including the appropriate building heights, should be determined in the usual course, through the public adjudicative process that is currently underway before the OLT.

¹ Public Meeting Information Report: "City-Wide Major Transit Station Area Study - Draft Official Plan Amendment" (LA.07-CIT), from Andrew Whittemore, Commissioner of Planning & Building, dated April 14, 2022.

We welcome the opportunity to discuss these and other concerns with City staff. If you have any questions or require additional information, please contact me or my associate, Jonathan Cheng, at (416) 869-6807 or jcheng@stikeman.com.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which this matter will be considered, and we ask to be provided with notice of the Committee's and Council's decision with respect to this and any related item.

Thank you for your attention to this matter.

Yours truly,



For: Calvin Lantz

CL/jsc

cc. Jim Levac, *Glen Schnarr & Associates Inc.*
Client

Calvin Lantz
Direct: (416) 869-5669
CLantz@stikeman.com

June 30, 2022
File No.: 146656.1001

By E-mail
megan.piercey@mississauga.ca

Planning & Development Committee
City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1

Attention: Ms. Megan Piercey, Legislative
Coordinator

Dear Sirs/Mesdames,

**Re: CD.03-DOW
Recommendation Report: Downtown Fairview, Cooksville and Hospital
Policy Review – Draft Official Plan Amendment and Built Form Standards
Letter of Concern**

We are counsel to BET Realty Limited and 3420 Hurontario Street Incorporated, the owners of the lands municipally known as 3420 & 3442 Hurontario Street, Mississauga (the “**Property**”).

The Property is located at the southwest corner of Hurontario Street and Central Parkway West, within the Downtown Fairview Character Area, as outlined in what is anticipated to be Official Plan Amendment No. 145, being the instrument that staff are proposing to introduce the policies on vision, guiding principles, community infrastructure, urban design, roads, and pedestrian connection.

The Property is also located within the Hurontario Protected Major Transit Station Area (“**PMTSA**”), as identified in what is anticipated to be Official Plan Amendment No. 146, which we understand to be the instrument that staff are proposing to implement the PMTSA policies on heights and land uses.

If the City wishes to move forward with adopting an Official Plan Amendment imposing minimum and maximum height limits on Protected Major Transit Station Areas (the “PMTSA OPA**”), we request that Committee direct staff to revise the PMTSA OPA to exclude sites that are subject to ongoing development applications or appeals before the Ontario Land Tribunal, so as to allow those ongoing application and appeal processes to run their course, which will ultimately inform the policies and height limits appropriate for those sites.**

By way of background, we had previously written to the Planning & Development Committee on January 21, 2022 with respect to this matter, expressing our clients’ serious concerns regarding the proposed policies and guidelines for the Downtown Fairview area. A copy of this letter is attached for the Committee’s reference.

By this present letter, we wish to reiterate our clients’ concerns, which do not appear to have been addressed by staff in any meaningful way.

Most significantly, staff are proposing a 25-storey height limit on the Property through the PMTSA OPA—despite the fact that our clients have an active application to redevelop the Property for a two-tower mixed-used proposal with heights of 36 and 30 storeys, which has been in process with the City since 2020 (File No. OZ 20/022). The proposal to cap the heights for the Property at 25 storeys appears to be without regard for the various existing approvals in the immediate vicinity, which have permitted heights of up to 50 storeys.

Our clients' development applications are now currently proceeding on appeal before the Ontario Land Tribunal (the "OLT") under Case No. OLT-21-001693. The first Case Management Conference for these appeals took place on June 30, 2022, with a subsequent Case Management Conference scheduled for September 16, 2022 to confirm scheduling of hearing dates.

It is deeply concerning that—notwithstanding our clients' ongoing appeals before the OLT, which contemplate building heights of up to 36 storeys—staff are nevertheless proposing an arbitrary height limit of 25 storeys through the PMTSA OPA on their understanding that under the *Planning Act*, "there are no OLT appeals to PMTSA policies that identify [...] maximum building heights and densities". On this basis, staff recommend the introduction of the PMTSA OPA in order for these maximum height limits to "be afforded the protection of appeal for the applicable policies".¹

The approach of arbitrarily imposing a 25-storey height limit through the PMTSA OPA, which staff have determined cannot be appealed, flies in the face of the legislative intent of the *Planning Act* and effectively short-circuits the public process for the redevelopment of the Property—a process that began in 2020 and is presently continuing before the OLT.

Our client has spent a significant amount of time and expense in preparing and advancing its development applications. The appropriate redevelopment of the Property, including the appropriate building heights, should be determined in the usual course, through the public adjudicative process that is currently underway before the OLT.

We welcome the opportunity to discuss these and other concerns with City staff. If you have any questions or require additional information, please contact me or my associate, Jonathan Cheng, at (416) 869-6807 or jcheng@stikeman.com.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which this matter will be considered, and we ask to be provided with notice of the Committee's and Council's decision with respect to this and any related item.

Thank you for your attention to this matter.

Yours truly,



For: Calvin Lantz

CL/jsc

cc. Jim Levac, *Glen Schnarr & Associates Inc.*
Client

¹ Public Meeting Information Report: "City-Wide Major Transit Station Area Study - Draft Official Plan Amendment" (LA.07-CIT), from Andrew Whittemore, Commissioner of Planning & Building, dated April 14, 2022.

Calvin Lantz
Direct: (416) 869-5669
CLantz@stikeman.com

January 21, 2022
File No.: 146656.1001

By E-mail
megan.piercey@mississauga.ca

Planning & Development Committee
City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1

Attention: Ms. Megan Piercey, Legislative
Coordinator

Dear Sirs/Mesdames,

**Re: CD.03-DOW
Information Report: Downtown Fairview, Cooksville and Hospital Policy
Review – Draft Official Plan Amendment and Built Form Standards
Letter of Concern**

We are counsel to BET Realty Limited and 3420 Hurontario Street Incorporated, the owners of the lands municipally known as 3420 & 3442 Hurontario Street, Mississauga (the “**Property**”). The Property is located at the southwest corner of Hurontario Street and Central Parkway West, within the Downtown Fairview Character Area, as outlined in the Draft Official Plan Amendment (the “**Draft OPA**”), which is the subject of this agenda item.

By way of background, our client submitted applications for Official Plan and Zoning By-law Amendments (File No. OZ 20/022) to redevelop the Property with a two-tower mixed-use development, comprised of a 36-storey building at the north end and a 30-storey building at the south end (the “**Proposed Development**”). Our client’s applications are presently proceeding before the Ontario Land Tribunal under Case No. OLT-21-001693.

On behalf of our client, we are writing to comment on the Draft OPA and the proposed Built Form Standards (“**BFS**”).

In general, our client is supportive of the City’s initiative to introduce policies that support greater height and density along the Hurontario corridor. We believe that this is a positive and necessary step in planning for future growth in the City of Mississauga, particularly in view of the strong Provincial direction for transit-oriented development.

That being said, we have reviewed the Draft OPA and proposed BFS and are concerned that several of the policies and guidelines will prevent certain lands, including the Property, from being developed in an optimal manner in line with Provincial policy direction.

In particular, the Draft OPA contemplates a height limit of 25 storeys for the Property, which represents an underutilization of the site given the planned and emerging context. This 25-storey height limit appears to be without apparent planning basis, especially when compared to other lands to the north, south, and east, which are given permissions for significantly greater heights, ranging from 35 to 50 storeys.

In addition, the Draft OPA appears to propose the deletion of the planned FSI ranges currently existing in Map 12-3 of the Official Plan. We wish to clarify whether staff's intention is to eliminate FSI ranges completely as a form of planning control for these areas, or whether the intention is to replace the existing FSI standards with FSI figures that better reflect the density planned for the Hurontario corridor.

As well, we are concerned that the prescriptive restrictions introduced through the Draft OPA and proposed BFS will frustrate the strong policy direction for mixed-use intensification and efficient development at transit-supportive densities, particularly as envisaged through the Proposed Development for the Property.

It is also concerning that City staff are proposing such a high degree of regulatory prescription—akin to a zoning by-law—through the BFS, which is not a *Planning Act* instrument, and therefore exists outside the statutory planning process and not subject to independent review by the Ontario Land Tribunal.

We welcome the opportunity to discuss these and other concerns with City staff. If you have any questions or require additional information, please contact me or my associate, Jonathan Cheng, at (416) 869-6807 or jcheng@stikeman.com.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which this matter will be considered, and we ask to be provided with notice of the Committee's and Council's decision with respect to this and any related item.

Thank you for your attention to this matter.

Yours truly,



For: Calvin Lantz

CL/jsc/ec

cc. Jim Levac, *Glen Schnarr & Associates Inc.*
Client

APPENDIX 2



MISSISSAUGA

RESOLUTION NO.: 0031-2023 Page 1 of 1

Date: February 1, 2023

Moved by: [Signature]

Seconded by: [Signature]

1. That Council consent to the proposed settlement of the Ontario Land Tribunal appeal pertaining to 3420 & 3442 Hurontario Street, consistent with the terms outlined in Corporate Report "Instructions on a proposed settlement of the appeal to the Ontario Land Tribunal by BET Realty Limited and 3420 Hurontario Street Incorporated for a non-decision of the Official Plan Amendment and Zoning By-law Amendment applications with respect to the lands located at 3420 & 3442 Hurontario Street, (Ward 7)".

2. That the City Solicitor, or her designate, be authorized to execute Minutes of Settlement and take such additional steps required to complete and implement the proposed settlement of the Ontario Land Tribunal appeal relating to 3420 & 3442 Hurontario Street with the assistance of such City staff or consultants as may be appropriate.

3. That the Commissioner of Planning and Building and the City Clerk be authorized to execute any documents which may be required to complete and implement the settlement, other than Minutes of Settlement.

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie	✓			
Councillor S. Dasko	✓			
Councillor A. Tedjo	✓			
Councillor C. Fonseca	✓			
Councillor J. Kovac	✓			
Councillor C. Parrish			✓	
Councillor J. Horneck	✓			
Councillor D. Damerla	✓			
Councillor M. Mahoney	✓			
Councillor M. Reid	✓			
Councillor S. McFadden	✓			
Councillor B. Butt	✓			

Carried
BC
 Mayor

Calvin Lantz
Direct: +1 416 869 5669
CLantz@stikeman.com

January 13, 2023
File No.: 146656.1001

Without Prejudice
By E-mail

City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1

Attention: Ms. Lia Magi, Legal Counsel, Planning
and Development

Dear Ms. Magi:

Re: OLT Case No. OLT-21-001693
3420 and 3442 Hurontario Street, Mississauga
Without Prejudice Settlement Offer

We are counsel to BET Realty Limited and 3420 Hurontario Street Incorporated in respect of the proposed redevelopment of the property at 3420 & 3442 Hurontario Street, Mississauga (the "**Property**").

Our client filed appeals of its Official Plan and Zoning By-law Amendment applications, which are currently proceeding before the Ontario Land Tribunal (the "**Tribunal**") under OLT Case No. OLT-21-001693 (the "**Appeals**"), with a 7-day hearing scheduled to commence on March 27, 2023.

On behalf of our client, we are pleased to write this letter to present the settlement offer described herein as the basis for resolving the Appeals (the "**Settlement Offer**").

Our client and its consultant team have made a concerted effort to address the issues raised by City staff. The proposal set out in the Settlement Offer represents a comprehensive response to City staff's concerns and seeks to resolve the Appeals on the following terms:

1. The applicant shall revise, and the City shall support, the development proposal for the Property substantially in accordance with the enclosed drawings, prepared by KIRKOR Architects and Planners, dated November 20, 2022, enclosed herewith (the "**Revised Drawings**"), and the particulars of the development proposal as provided in Paragraph 2 herein (together with the Revised Drawings, the "**Revised Development Proposal**"). In the event that there is a conflict between the Revised Drawings and the particulars of the development proposal as listed in Paragraph 2 herein, the particulars of the development proposal as listed in Paragraph 2 will take precedence.
2. The mixed use building on the Property (the "**Building**"), consisting of a tower on the north portion of the Property (the "**North Tower**") and a tower on the south portion of the Property (the "**South Tower**"), will be composed of the following:
 - a. the North Tower will have a maximum height of 33 storeys and 106 metres, excluding mechanical penthouse;

- b. the South Tower will have a maximum height of 30 storeys and 97.5 metres, excluding mechanical penthouse;
 - c. the Building will incorporate the setbacks and stepbacks that are shown in the Revised Drawings, which address the concerns raised by Planning and Urban Design staff in relation to the massing of the Building and its interaction with the public realm;
 - d. parking spaces will be provided in accordance with the rates and standards for Parking Precinct 1, as set out in the City of Mississauga Zoning By-law No. 0225-2007, as amended, provided, however, that a shared parking arrangement between the residential visitor and non-residential uses on the Property will be permitted, in which the number of required shared parking spaces for residential visitor and non-residential uses will be either: (1) the parking spaces required for the residential visitor uses; or (2) the parking spaces required for all non-residential uses on the Property (except for restaurant uses that are over 220 m² in gross floor area)—whichever of the two requirements is greater;
 - e. the amount of amenity area provided will be no less than 4.5 m² per residential unit;
 - f. the opening on the east face of the Building for the Hurontario Street access will have a reduced height and width in accordance with the Revised Drawings; and
 - g. a minimum of 1,797 m² of gross floor area in the podium of the Building will be dedicated for office space and reflected in the final Zoning By-law Amendment, thereby achieving 100% replacement of the office space presently existing on the Property.
3. The applicant understands and agrees that the final Zoning By-law Amendment will include a Holding (H) symbol, which will be lifted upon the applicant providing to the City:
- a. an updated Streetscape Feasibility Plan, which includes the existing utilities;
 - b. a Temporary Discharge to Storm Sewer Commitment Letter;
 - c. a Confirmation Letter from an Engineer that the above-ground storage tanks, wells, and septic tanks have been removed;
 - d. a copy of a Record of Site Condition, together with all supporting documentation;
 - e. an updated Hydrogeological Study;
 - f. an updated Functional Servicing & Stormwater Management Report, including information regarding the required 5 mm runoff retention on-site;
 - g. an updated Noise Study;
 - h. an updated set of Civil Engineering Drawings and Site Plan;
 - i. confirmation by Metrolinx / Mobilinx regarding grading and municipal boulevard works, including the amended boulevard treatment for the Hurontario Street frontage and bus stop maintenance or relocation, as the case may be; and
 - j. an executed Development Agreement in a form and on terms satisfactory to the City to capture the obligations to complete the required municipal infrastructure works in support of the Revised Development Proposal and any associated securities.

4. The applicant shall withdraw its appeal to the City's Official Plan Amendment No. 145 upon the Tribunal's final Order approving the Official Plan Amendment and Zoning By-law Amendment permitting the Revised Development Proposal being issued and having come into effect.

We appreciate City staff's efforts in working with our client through the mediation process to address and resolve the issues related to the proposed development. We are hopeful that with the changes made through the Revised Development Proposal, the Appeals can proceed to a negotiated resolution.

This Settlement Offer will remain open until the end of the City Council meeting scheduled to commence on February 1, 2023.

We trust that you will forward the terms of this final settlement offer for City Council's review and consideration at its meeting commencing February 1, 2023.

Yours truly,



Calvin Lantz

CL/jsc

Enclosures

cc. Jonathan S. Cheng, *Stikeman Elliott LLP*
Jim Levac, *Glen Schnarr & Associates Inc.*
Client