

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 25, 2022

CASE NO(S).:

OLT-21-001370

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:

Times 5800 Inc.

Subject:

Request to amend the Official Plan - Failure of City of Toronto to adopt the requested amendment

Existing Designation:

Mixed-Use Areas

Proposed Designation:

Site Specific (To be determined)

Purpose:

To permit residential, retail and office uses

Property Address/Description:

5800 Yonge Street

Municipality:

City of Toronto

Approval Authority File No.:

No. 20 110947 NNY 18 OZ

OLT Case No.:

OLT-21-001370

OLT Lead Case No.:

OLT-21-001370

OLT Case Name:

Times 5800 Inc. v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:

Times 5800 Inc.

Subject:

Application to amend - former City of North York Zoning By-law 7625, as amended and the new City- wide Zoning By-law No. 569-2013 - neglect of City of Toronto to make a decision

Existing Zoning:

Semi-Public Open Space ("03")

Proposed Zoning:

Site Specific (To be determined)

Purpose:

To permit residential, retail and office uses

Property Address/Description:

5800 Yonge Street

Municipality:

City of Toronto

Municipality File No.:

No. 20 110947 NNY 18 OZ

OLT Case No.:

OLT-21-001371

OLT Lead Case No.:

OLT-21-001370

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Times 5800 Inc.
Subject:	Proposed Plan of Subdivision - Failure of City of Toronto to make a decision
Existing Zoning:	Semi-Public Open Space ("03")
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit residential, retail and office uses
Property Address/Description:	5800 Yonge Street
Municipality:	City of Toronto
Municipality File No.:	No. 21 110960 NNY 18 SB
OLT Case No.:	OLT-21-001372
OLT Lead Case No.:	OLT-21-001370

Heard: July 4, 2022 by video hearing

APPEARANCES:

Parties

Times 5800 Inc.

City of Toronto

Counsel

Ira Kagan (in *absentia*)
Kristie Stitt
Sarah Kagan

Ray Kallio

MEMORANDUM OF ORAL DECISION DELIVERED BY BRYAN W. TUCKEY ON JULY 4, 2022 AND INTERIM ORDER OF THE TRIBUNAL

[1] The Tribunal convened a Settlement Hearing ("Hearing") for the above noted matter. Times 5800 Inc. ("Applicant") has filed an appeal against the City of Toronto ("City") for its failure to make a decision on an Official Plan Amendment pursuant to s. 22(7), a Zoning By-law Amendment pursuant to s. 34(11) and Plan of Subdivision pursuant to s. 51(34) of the *Planning Act* (the "Act"). The property is known municipally as 5800 Yonge Street in the City of Toronto ("subject property").

[2] The effect of the three planning instruments under appeal is to allow a mixed-use development and to permit an increased height and density on the subject property. The existing two storey office building will be demolished. The initial application included residential, commercial and office uses, including a public open space and a non-profit day care. The proposal also included two new public streets. One being a portion of the extension of Beecroft Road and the second a new east-west street linking Yonge Street with the future Beecroft Road.

[3] The two parties are both represented at this hearing. The one participant 5799 Yonge Street Limited (Aoyuan), is represented by Belinda Schubert.

[4] Counsel for the Applicant, Kristie Stitt advised the Tribunal that the Applicant has reached a full settlement (“proposed settlement”) with the City. The details of the proposed settlement are found in the Affidavit of Antonio Volpentesta marked as Exhibit 2 to this proceeding.

[5] The Tribunal has three instruments for consideration at this hearing:

- a. an Official Plan Amendment (“OPA”) to the Official Plan for the City of Toronto (“Toronto OP”) found at Exhibit 2, Tab B;
- b. a Zoning By-law Amendment (“ZBA”) to amend the former City of North York Zoning By-Law No. 7625, as amended (“ZBL 7625”) found at Exhibit 2, Tab C;
- c. a draft Plan of Subdivision (“PofS”) drawn by R. Avis Surveying Inc. Drawing No. 3215-2DP-SUB dated June 7, 2022 found at Exhibit 2, Tab D along with Conditions of draft Plan of Subdivision (Toronto Subdivision Application File No. 20110960 NNY 18 SB) found at Exhibit 2, Tab E.

[6] Testimony is heard from one planning witnesses Mr. Volpentesta. He is qualified to give expert evidence in the discipline of land use planning. With respect to this

matter, he has considerable planning experience within the subject area and the City. Mr. Volpentesta's Visual Evidence is marked as Exhibit 3.

BACKGROUND, SUBJECT PROPERTY AND AREA ANALYSIS

[7] The subject property is located on the west side of Yonge Street, south of Drewry Avenue in the former City of North York. It is a large irregularly shaped parcel that spans from Yonge Street to Fairchild Avenue. It has a frontage of approximately 122.0 meters ("m") along Yonge Street and a depth of approximately 312.0 m with a resulting total area of 3.28 hectares ("ha"). The subject property presently contains a two-storey office building and a large surface parking area.

[8] The subject property is located in the North York Centre, which is a high density downtown area that contains a variety of built form structures including high and mid-rise residential and mixed use buildings along Yonge Street, with remnant low-rise commercial structures along with surface parking lots. The neighborhoods surrounding the North York Centre are generally characterized by low-rise residential properties.

[9] Surrounding land uses are: north - a one story building occupied by a car dealership, a car rental agency and significant surface parking areas; south - is a large parcel of vacant land generally fronting onto Yonge Street with hydroelectric transformers located in the centre of the lot, and a large surface parking lot; west - is a low rise residential neighborhood consisting of one and two storey single detached dwellings; and east -the former site of the Newtonbrook Plaza, which has been recently approved for a comprehensive redevelopment.

[10] The Applicant submitted an OPA, ZBA and PofS in January 2020 and the applications were deemed complete in February 2020. City staff prepared two preliminary reports dated June 25, 2020 and August 24, 2020 for the consideration at the North York Community Council. In August 2021, the Applicant appealed the three applications to the Tribunal due to the Council's failure to make a decision within the

time period set out in the Act. Discussions continued with City staff and the Applicant made a without prejudice offer to settle the appeals. In June 2022, City Council adopted the recommendations of staff with respect to the OPA, ZBA and PofS (subject to the Conditions of Draft Plan Approval). It is those planning instruments that are before the Tribunal in this proceeding.

PROPOSED SETTLEMENT

[11] The major components of the proposed settlement include the following;

- a. four new residential and mixed use buildings with heights of 46, 48, 52 and 54 storeys. The buildings will contain a total of 2,223 dwelling units with a total Gross Floor Area ("GFA") of 151,052.2 square metres ("sq m") consisting of 149,045 sq m residential GFA and 2,007 sq m of non-residential GFA. The resulting Floor Space Index ("FSI") is 4.61;
- b. two new public streets including a new east-west street that follows the southern property line of the subject property. The extension of Beecroft Road, which is a new north-south street dissecting the property approximately in its middle;
- c. a total of 3,939.9 sq m of parkland dedication and 4,291.6 sq m of parkland over-dedication located on the western portion of the subject lands;
- d. a 3,000.1 sq m development block located at the southwest portion of the subject property, which is to accommodate a future childcare facility and outdoor space;
- e. a total of 1,788 car parking spaces are located in a 4-level underground parking garage. Bicycle parking spaces will be in keeping with the Toronto Green Standard.

[12] The proposal is planned to be developed in two phases. Phase 1 will be comprised of two residential towers, new private access roads and a new public park

located west of the Beecroft Road extension. The day care block is also included in Phase 1. Phase 2 is comprised of two mixed use towers that is constructed on a shared 6-storey podium which steps down to 2-storeys at the rear, the new east-west public road, and a private driveway to the west and northern property line to serve the development is located on the subject property.

LAND USE PLANNING POLICY

[13] Mr. Volpentesta in his Affidavit and testimony advised the Tribunal that he routinely takes a very comprehensive view and review of all relevant planning policy, economic development, and urban design objectives. After doing so for this application, he prepared a comprehensive Affidavit in support of the proposed settlement. The OPA, ZBA and PofS applications are also supported by a multi-disciplinary project team.

Provincial Policy

[14] Mr. Volpentesta reviewed s. 2 – Provincial Interests in the Act and noted the many matters that speak specifically to the proposed settlement. He opined that the proposed settlement gives proper consideration to all matters related to s. 2 of the Act.

[15] Mr. Volpentesta outlined the relevant policies the Provincial Policy Statement, 2020 (“PPS”) which articulates the provincial led planning policy regime. The PPS encourages the wise management of land in order to achieve efficient land use patterns by directing growth to settlement areas and promoting a compact form of development. Provisions of the PPS summarized in testimony are:

- a. promoting efficient development and land use patterns;
- b. accommodation of an appropriate range of residential and other uses and accommodating a significant supply and range of housing options through intensification and redevelopment;

- c. the integration of land use planning, growth management, transit supportive development;
- d. promotes densities and mix of land uses which result in the efficient use of land and infrastructure;
- e. supports active transportation and are transit supportive;
- f. identify appropriate areas for intensification with appropriate development standards and directing development to locations that have an appropriate level of infrastructure and public service facilities; and
- g. supporting long-term prosperity by optimizing the use of land resources, infrastructure, and public service facilities.

[16] Mr. Volpentesta opined that the proposed OPA, ZBA and PofS are consistent with the 2020 PPS.

[17] The Planner gave evidence with respect to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan") as amended. The Growth Plan establishes a comprehensive growth management strategy for municipalities in the Greater Golden Horseshoe. Relevant policy considerations included:

- a. the subject lands are within the North York Centre which is an "Urban Growth Centre" and a "Major Transit Station Area" within the City;
- b. important policies relate to the creation of complete communities and optimizing the use of land and infrastructure. A diverse range and mix of housing options that are convenient to a range of transportation facilities, provide for a more compact built form and vibrant public realm are encouraged;
- c. municipalities are directed to undertake integrated planning in order to manage forecasted growth to the horizon of the growth plan. Integrated planning will assist in providing an urban form that will optimize infrastructure particularly along transit and transportation corridors, in an

effort to support the achievement of complete communities through a more compact built form;

- d. supports intensification to make efficient use of land and infrastructure is promoted;
- e. assists in the development of a complete community with a diverse mix of land uses;
- f. provides for a complete community by promoting a compact built form that is integrated in the community and with adjacent land uses;
- g. helps ensure economic development and competitiveness of the Greater Golden Horseshoe by integrating and aligning land use planning and economic development goals and strategies; and
- h. makes efficient use of available infrastructure to accommodate growth.

[18] Mr. Volpentesta opined that the proposed OPA, ZBA and PofS conform to the policies of the 2019 Growth Plan.

Municipal Policy

City of Toronto Official Plan

[19] The subject property is identified as part of the North York Centre on Map 2 of the Toronto OP and is identified as an area where transit services and other infrastructure is readily available, and growth is to be directed. It is designated Mixed Use Areas on Map 16 which permits a broad range of commercial, residential, institutional uses in single-use or mixed-use buildings, as well as parks and open spaces and utilities. Development is intended to create a balance of a high-quality urban environment that reduces automobile dependency, meets the needs of the local community, and provides opportunities for new jobs and homes on underutilized lands.

[20] Mr. Volpentesta summarized in evidence by noting that the Toronto OP states that growth will be directed to the Centres such as the North York Centre and sets out a number of strategies and objectives to assist in meeting this outcome that include:

- a. using municipal land, infrastructures, and services efficiently;
- b. concentrating jobs and people in areas well served by surface transit and rapid transit stations;
- c. promoting mixed use development to increase opportunities for living close to work and to encourage walking and cycling for local trips;
- d. offering opportunities for people of all means to be affordably housed;
- e. facilitating social interaction, public safety, and cultural and economic activity;
- f. improving air quality with an energy efficiency and reducing greenhouse gas emissions; and
- g. protecting neighborhoods and green spaces from the effects of nearby development.

[21] Mr. Volpentesta noted in his evidence that the proposed settlement is:

- a. located in and is organized to fit within the existing and/or planned context. The buildings are designed in a way to frame and supports adjacent streets parks and open spaces;
- b. has located and organized vehicle parking, vehicle access, service areas and utilities to minimize their impact on the subject property and the surrounding properties;
- c. is massed, and its exterior facade is designed to fit harmoniously into the existing and/or planned context. It has usable building space at grade and is massed in a way to define streets parks and open spaces at a good proportion;
- d. provides sufficient indoor and outdoor amenity space for the residents;

- e. as a tall building, it consists of a base to define and support the street edge at an appropriate scale, a shaft that is appropriately sized and oriented in relation to the base of the building and a top that contributes to the character of the skyline;
- f. assists in the provision of a full range of housing both in terms of form, tenure, and affordability to meet the current and future needs of Toronto residents; and
- g. is appropriate development when evaluated against the criteria for development within Mixed Use areas.

[22] Mr. Volpentesta opined that the OPA, ZBA and PofS generally conforms with the intent of the Toronto OP with specific reference to Centres, Mix-Use Areas designation and the policies related to growth management and housing. The proposed OPA to the Toronto OP is appropriate from a planning perspective and the proposed ZBA conforms with the Toronto OP as to be amended by the proposed OPA.

North York Centre Secondary Plan ("NYCSP")

[23] Mr. Volpentesta stated that the subject property is located in the NYCSP and in Centre North as shown on Map 8-1 and is designated Mixed Use Areas F on Map 8-4. This designation permits commercial, institutional, and residential uses along with public parks, recreational uses, and transit terminals. The total of all commercial uses on any given site will not exceed 50% of the maximum permitted GFA. The current maximum permitted density for the subject property, excluding density incentives and transfers, 2.6 FSI with a maximum permissible density when including density incentives and transfers of 3.458 FSI. The NYCSP has well defined potential density incentives described in s. 3.3 of the NYCSP.

[24] Mr. Volpentesta advised the Tribunal that there is intended to be a variation in maximum permitted densities in the NYCSP with the highest being in areas well served by rapid transit and within municipal blocks, where the massing of density is to be on

the portion of the block that is adjacent to Yonge Street. It is intended that the distribution of densities assigned in the NYCSP “will be strictly maintained”. The City must be satisfied that any proposed site-specific amendment is in minor nature and local in scope, and it does not materially alter the provisions of the NYCSP boundaries, land use, density, height or built form.

[25] Mr. Volpentesta in his evidence stated that in relation to the NYCSP, the proposed settlement:

- a. satisfies the policy requirements to increase the height limits of the plan. Provides an appropriate transition in built form from Yonge Street to neighboring residential areas through a decrease in height and building mass along with a significant new public open space area, which serves to provide a buffer between the subject property and surrounding residential neighborhoods;
- b. can be managed within the capacity of the existing and planned transportation system provides a supply of parking that will be strictly regulated so as to attain an overall average driver modal split of no more than 33% (in the P.M. Peak Hour) for all new development;
- c. The height, massing and intensity of buildings will generally be focused along Yonge Street and will provide an appropriate scale and massing in relation to the specific context and edge condition of this development and the street;
- d. provides considerable public open space assets which are well above that required by the Act. Amenity areas will be available to future residents and maintain an attractive pedestrian sidewalk, which will include ground floor uses and front doors that relate to the grade of the street; and
- e. contributes to the existing community facilities by providing a new childcare facility and public park.

[26] It is Mr. Volpentesta's opinion that the proposed OPA, ZBA and PofS conform to the policies of the NYCSP.

[27] The Planner made note of a series of planning studies that are in process in the environs of the NYCSP that are intended to set the stage for managing growth in the area. These studies have not been approved by City Council, but do demonstrate the City's efforts to update the policies in this rapidly changing area of the former City of North York. He advised the Tribunal that neither of these studies are applicable to the proposed settlement, but did give them considerable reference in his witness statement to assist the Tribunal in understanding the general policy direction of the City.

[28] The proposed settlement is evaluated against the City-wide Tall Building Guidelines which relate to site context, site organization, tall building design and pedestrian realm. It is Mr. Volpentesta's opinion that the proposed settlement has appropriate regard for the City-wide Tall Building Guidelines.

Zoning By-law No. 7625

[29] The provisions of the former City of North York ZBL 7625 apply to the subject property. It is presently zoned Semi-Public Open Space (O3) which includes permitted uses such as any station, yard, building, park, or parkway operated by a public agency.

[30] The proposed ZBA would rezone the subject property to a RM6 Exception Zone in keeping with City practices. The ZBA establishes provisions for such matters such as maximum GFA, indoor recreational amenity area, mechanical floor area, bicycle parking, car-share, outdoor recreational amenity area, sales office and permitted uses. There are a series of exception regulations such as building envelope, building height, number of stories, and other salient applicable regulations. The ZBA also has provisions with respect to Section 37 matters and outlines the obligations of the owner that are required in return for the provision of additional GFA.

[31] In conclusion, Mr. Volpentesta opined that the proposed settlement represents good planning and the proposed OPA, ZBA and PofS are consistent with the 2020 PPS, conform to the Growth Plan, as amended, conform with the policies of the Toronto OP and NYCSP. The Tribunal agrees.

Section 37

[32] The City and the Applicant have come to an agreement on a series of Section 37 Community Benefits that are reflected in provisions found in the ZBA and will be secured in a Section 37 Agreement. Community Benefits include: an over-dedication of public parkland, land to accommodate the childcare facility, the construction by the Applicant of a two-storey childcare facility of approximately 10,000 square feet plus an outdoor play area, parking and drop-off facilities, and a cash contribution towards the furnishing and operating costs of the childcare facility. There is also a significant cash payment to the City upon receipt of the first building permit being issued.

THE TRIBUNAL FINDINGS

[33] The Tribunal accepts the uncontested evidence of Mr. Volpentesta in its entirety and finds the OPA, ZBA and PofS (as put forward in the proposed settlement) meet all the relevant policy tests of the s. 2 of the Act, the 2020 PPS, the Growth Plan, and all relevant foundational policies of the Toronto OP, the NYCSP and meets the intent of By-law No. 7625. They represent good planning and are in the public interest.

[34] The Tribunal finds that the City has extremely well established planning policy for the subject lands and surrounding area and has followed a careful, complete, and comprehensive planning review of the proposed settlement and the OPA, ZBA and PofS.

[35] The Tribunal finds that the OPA, ZBA and PofS align with the established principles of relevant Provincial policy; the Toronto OP, and the NYCSP including the following:

- a. the subject lands are within the North York Centre which is an “Urban Growth Centre” and a “Major Transit Station Area” within the City where intensification is promoted;
- b. represents an efficient development and land use pattern that serves to make efficient use of land and infrastructure;
- c. accommodates of an appropriate range of residential and other uses and provides a significant supply and range of housing options through intensification and redevelopment. The proposed settlement will add a total of 2,223 much needed additional dwelling units in the City;
- d. serves to integrate land use planning, growth management, transit supportive development as it offers excellent transit-oriented development being within walking distance to a subway and GO bus terminal;
- e. promotes densities and mix of land uses which result in the efficient use of land and infrastructure. It is appropriately scaled and sized to ensure a balance between the priority of intensification without resulting in negative built form impacts by providing a significant buffer to adjacent neighbourhoods;
- f. contributes to the creation of a complete communities and optimizes the use of land and infrastructure; with a diverse mix of land uses by promoting a compact built form that is integrated into the community and with adjacent land uses;
- g. helps to ensure economic development and competitiveness of the City;
- h. serves to integrate and align land use planning and economic development goals and strategies; and
- i. makes efficient use of available infrastructure to accommodate growth.

[36] In conclusion, the Tribunal finds that the proposed settlement, as presented, is appropriate and a desirable addition to the North York Centre, represents good land use planning, is consistent or in conformity with and meets the objectives of all requisite public policy and is in the public interest.

[37] The Tribunal is presented with a draft OPA, ZBA, PofS and conditions of draft Plan of Subdivision approval. The proposed settlement and planning instruments were presented to the City Council on June 8, 2022. City Council accepted the without prejudice settlement offer subject to a series of conditions. It is therefore appropriate that the City Conditions are part of this Interim Order to ensure all necessary matters and requirements are met prior to the Final Order being issued. This Order is effective as of July 4, 2022 in keeping with Rule 24.3 of the Tribunal – *Rules of Practice and Procedure*.

ORDER

[38] **THIS MATTER** having come on for a public hearing July 4, 2022 and the Tribunal having determined that the Appeals by the Times Group regarding its proposed Official Plan Amendment under s. 22(7), Zoning By-law Amendment under s. 34(11) and draft Plan of Subdivision under s. 54(34) of the *Planning Act* at the proceeding convened on July 4, 2022, should be allowed in part and:

- a. the Times Group's Official Plan Amendment amending the Official Plan for the City of Toronto as set out in Exhibit 2, Tab B, is hereby approved in principle;
- b. the Times Group's Zoning By-law Amendment amending the former City of North York Zoning By-law No. 7625 as set out in Exhibit 2, Tab C, is hereby approved in principle; and
- c. the Times Group's draft Plan of Subdivision referenced in City of Toronto File Number 20 1109060 NNY 18 SB as set out in Exhibit 2, Tab D is

hereby approved in principle subject to the Conditions of Draft Plan approval as set out in Exhibit 2, Tab E.

[39] **THAT** the Final Order on the Official Plan Amendment, Zoning By-law Amendment, and the draft Plan of Subdivision, subject to the Conditions of Draft Plan Approval are withheld until the Tribunal is advised by the City Solicitor that the conditions set out in Attachment 1 to this Order have been satisfied. The Tribunal will receive a copy of the final draft of the Official Plan Amendment, Zoning By-law Amendment, draft Plan of Subdivision and Conditions of Draft Plan of Subdivision for review, approval and to be attached to the Final Order.

[40] **AND PURSUANT TO RULE 24.3 OF THE TRIBUNAL'S RULES**, this Order is effective on July 4, 2022.

[41] The Panel Member will remain seized for the purposes of reviewing an approving the final draft of the Official Plan Amendment, Zoning By-law Amendment, draft Plan of Subdivision, and the Conditions of draft Plan of Subdivision.

[42] **AND THE TRIBUNAL FURTHER ORDERS** that it may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

“Bryan W. Tuckey”

BRYAN W. TUCKEY
MEMBER

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

OLT-21-001370 – Attachment 1**City Council Conditions**

- a. the official plan amendment, zoning by-law amendment and draft plan of subdivision are in a form satisfactory to the City Solicitor;
- b. the requirements for the usual environmental site assessments and record of site conditions for the conveyance of the land for the future Beecroft Road extension be waived;
- c. forthwith following the issuance of final order by the Ontario Land Tribunal, the owner shall register, to the satisfaction of the City Solicitor, a restriction against title to the child care facility land and the parkland over-dedication lands pursuant to Section 118 of *the Land Titles Act*, R.S.O. 1990, c. L.5, to restrict the transferring and/or charging of these lands by the owner, other than as may be consented to in writing by the Chief Planner and Executive Director, City Planning, which consent won't be unreasonably withheld and which for greater certainty, shall not be withheld to facilitate financing and development;
- d. the Section 118 Restriction shall be released by the City of Toronto upon conveyance, to the City, of the child care facility lands and parkland over-dedication lands;
- e. as part of site plan control, the owner shall submit a detailed wind tunnel test complete with a statistical wind analysis to determine the impacts and efficacy of the recommended wind mitigation measures, evaluated to the satisfaction of the Chief Planner and Executive Director, City Planning; and shall construct and maintain any required mitigation measures, to be secured through the site plan application review process, to the satisfaction of the Chief Planner and Executive Director, City Planning an updated wind study that includes a wind tunnel analysis and any associated wind mitigation measures;

- f. a section 37 agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, has been executed and registered on title to the subject lands to the satisfaction of the City Solicitor, securing community benefits and other benefits as set out in the in the Settlement Offer;
- g. should the matters set out in the Settlement Offer and listed in the recommendations herein not have been completed to the satisfaction of the appropriate City Official by August 12, 2022, City Council instruct the City Solicitor to request that the final form of the Zoning By-law Amendment(s) to be issued by the OLT contain a Holding ('H') provision.
- h. the City Solicitor, in consultation with the Chief Planner, be authorized to finalize the elements of and give effect to the settlement and any other related planning instruments.
- i. in lieu of the provisions in Paragraph 10 of the Settlement Offer as set out in Confidential Appendix A to the report (June 8, 2022) from the City Solicitor, Times Group will convey to the City, at no cost to the City, the statutory parkland dedication (Block 5 on the draft plan of subdivision) and the parkland over-dedication (Block 1 on the draft plan of subdivision) no later than upon registration of the subdivision agreement. Times Group will convey to the City, at no cost to the City, the completed childcare facility(building and land, being Block 6 on the draft plan of subdivision) on or before July 1, 2026, except, in the event the public road on the Beecroft extension (being Block 9 on the draft plan of subdivision) has not been completed by January 1, 2026 , then the conveyance of the completed childcare facility to the City shall be no later than six months from the date of the start of construction of the public road on Block 9 as determined by the City;

- j. Times Group shall have the right to occupy the new east-west public road (Block 8 on the draft plan of subdivision), subject to the City's normal right of way occupancy/encroachment provisions, but for nominal consideration, for the purpose of construction staging and parking until first occupancy of the Phase 1 towers; and
- k. the City acknowledges that the Times Group may request lane closures on the Beecroft extension and/or Yonge Street for construction purposes and Times Group acknowledges that such requests will be considered through the City's normal process.