

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 31, 2019

CASE NO(S): PL180167

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant	Kenneth-Sheppard Limited
Subject:	Site Plan
Property Address/Description:	120 & 166 Sheppard Ave E, 160 Greenfield Ave et al
Municipality:	City of Toronto
OMB Case No.:	PL180167
OMB File No.:	PL180167
OMB Case Name:	Kenneth - Sheppard Limited v. Toronto (City)

Heard: November 14, 2018 in Toronto, Ontario and December 7, 2018 by telephone conference call

APPEARANCES:

Parties

Counsel

Kenneth-Sheppard Limited

R. Doumani

City of Toronto

B. O'Callaghan

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON
DECEMBER 7, 2018**

[1] In October 2017, Kenneth-Sheppard Limited (“Appellant”) made an application

for site plan approval regarding a proposed development on the north side of Sheppard Avenue East, east of Yonge Street. On March 7, 2018, the Appellant appealed the City of Toronto (“City”) Council’s failure to make a decision on the site plan application within the statutory timeframe. The Appellant is proposing a residential development at the subject property, which involves the demolition of three existing apartment buildings with 123 rental units and the redevelopment of the property with residential buildings consisting of 385 residential units. The site plan is for Phase 1 consisting of the construction of a building with 74 rental replacement units.

[2] At the commencement of the hearing on November 14, 2018, the Tribunal was advised that the appeal had been settled in principle and that only the finalization of site plan conditions needed to be worked out between the parties. They requested that the Tribunal hear initial planning evidence from the Appellant’s planner and then adjourn the matter to a later date to conclude the evidence and submissions by way of telephone conference call (“TCC”) once the conditions are finalized.

[3] Paul Stagl provided opinion evidence in the area of land use planning on behalf of the Appellant. At the hearing on November 14, 2018, he provided background information regarding the proposed development and then, after the conditions were finalized, provided his opinion at the TCC on December 7, 2018 regarding the appropriateness of the proposed site plan approval and conditions.

[4] Mr. Stagl opined that the revised site plan conforms with the City’s Official Plan, the North York Centre Secondary Plan and the applicable zoning by-laws. He opined that it is consistent with the Provincial Policy Statement, 2014 and conforms with the Growth Plan for the Greater Golden Horseshoe, 2017. He stated that the proposed conditions are reasonable, appropriate and achievable. He recommended approval of the site plan with the proposed conditions.

[5] Based on Mr. Stagl’s uncontested planning evidence, the Tribunal approved the proposed site plan subject to the proposed conditions.

DECISION

[6] The Tribunal allows the appeal and approves the site plan (which is attached to this Decision as Appendix 1) subject to the conditions set out in Exhibit 4 (which is attached to this Decision as Appendix 2).

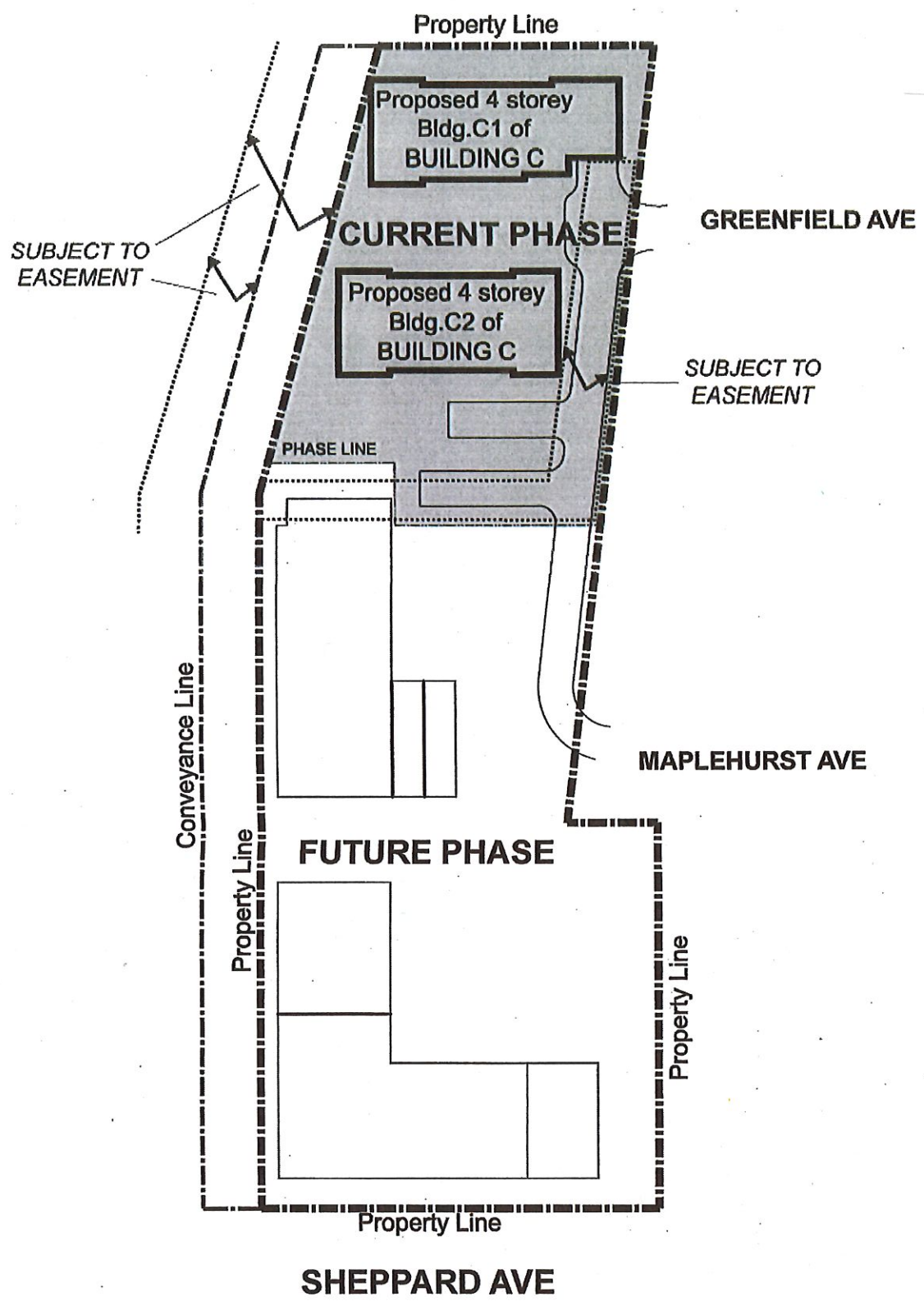
“Hugh S. Wilkins”

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248



Site Plan

**120 & 166 Sheppard Ave. East, 150 & 163 Maplehurst Ave.
& 160 Greenfield Ave.**

Applicant's Submitted Drawing

Not to Scale 
06/11/2018

File # 16 163131 NNY 23 SA



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Tel: Error! AutoText entry not
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Fax: Error! AutoText entry not
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Refer to: Doug Stiles at (416) 395-7145
E-Mail: doug.stiles@toronto.ca
 www.toronto.ca/planning

DRAFT WITHOUT PREJUDICE

Aird And Berlis LLP
 181 Bay Street, Suite 1800
 Toronto, Ontario
 M5J 3A1

Re: Notice of Approval Conditions
Site Plan Control Application No. 16 163131 NNY 23 SA
 120 and 166 Sheppard Avenut East, 150 and 163 Maplehurst Avenue and 160 Greenfield
 Avenue
 PLAN 4433 LOT 10
 Ward 23 - Willowdale

The City Planning Division North York District, has completed the review of your proposal for two 4-storey (rental replacement) apartment buildings with a total of 74 dwelling units, as outlined in the following plans and drawings:

01. Kenneth-Sheppard Limited Phase 1 Site Plan / Roof Plan / Statistics / Context, Drawing No. A-1.1, by IBI Group Architects, dated September 18, 2017.
02. Kenneth-Sheppard Limited Phase 1 P1 Level, Drawing No. A-3.1, by IBI Group Architects, dated September 18, 2017.
03. Kenneth-Sheppard Limited Phase 1 Elevations Building C1, Drawing No. A-5.1, by IBI Group Architects, dated September 18, 2017.
04. Kenneth-Sheppard Limited Phase 1 Elevations Building C2, Drawing No. A-5.2, by IBI Group Architects, dated September 18, 2017.
05. Materials Plan and Enlargements, Drawing No. L-100, by IBI Group, dated September 20, 2017.
06. Materials Plan and Enlargements, Drawing No. L-200, by IBI Group, dated September 20, 2017.
07. Grading Plan and Enlargements, Drawing No. L-300, by IBI Group, dated September 20, 2017.

08. Planting Plan and Enlargements, Drawing No. L-400, by IBI Group, dated September 20, 2017.
09. Landscape Details, Drawing No. L-500, by IBI Group, dated September 20, 2017.
10. Landscape Details, Drawing No. L-501, by IBI Group, dated September 20, 2017.
11. Details, Drawing No. L-600, by IBI Group, dated September 20, 2017.
12. Tree Removal and Protection Plan, Drawing No. LT-01, by IBI Group, dated September 20, 2017.
13. Kenneth-Sheppard Limited Phase 1 Watermain Easement Plan and Profile, Drawing No. P1, by WSP, dated September 15, 2017.
14. Kenneth-Sheppard Limited Phase 1 Site Servicing Plan, Drawing No. C102, by WSP, dated September 15, 2017.
15. Kenneth-Sheppard Limited Phase 1 Site Grading Plan, Drawing No. C103, by WSP, dated September 15, 2017.
16. Kenneth-Sheppard Limited Phase 1 Interim Site Grading Plan – External To Phase 1, Drawing No. C104, by WSP, dated September 15, 2017.
17. Kenneth-Sheppard Limited Phase 1 Details and Sections, Drawing No. C105, by WSP, dated September 15, 2017.

The issuance of the City's Notice of Approval Conditions letter does not constitute site plan approval. The Chief Planner's designate, the Director of Community Planning will be in a position to issue approval of the plans and drawings listed herein and to satisfy applicable law requirements of Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*, once the owner has satisfied all of the pre-approval conditions set out herein.

It is the owner's responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. Please note that if the pre-approval conditions are not fulfilled within two (2) years of the date of this notice, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Chief Planner or his/her designate.

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow, Supervisor Law Clerks – 416.397.5379

- 01 Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the owner's expense.

ENGINEERING & CONSTRUCTION SERVICES – Wayne Browne, Engineer – 416.395.6255

02. The Hydrogeological Assessment Report (pg 22) indicates that "potential ground settlement associated with dewatering should be assessed by a geotechnical engineer prior to construction". However, it only shows the zone of influence as 0.6 metres from the dewatering wells for PH1. Confirm that the infrastructure located within the existing easements is outside of this zone of influence by way of pre and post CCTV inspections. A security in an amount of \$25,000 is required to secure pre and post CCTV inspections including assessment report. If the ground settlement causes damage to City infrastructure, further security to the satisfaction of the Executive Director, Engineering and Construction Services and Chief Engineer is required as indicated in the aforementioned report.
03. Prior to the issuance of any building permit, submit to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance all revisions and updates to the stormwater management report and grading drawings.
04. Prior to the issuance of the any building permit, submit to the Environmental Monitoring and Protection Unit for review and acceptance all revisions and updates to the hydrogeological report and site servicing drawings.
05. The owner shall acknowledge in writing that the existing 3-metre east-west easement shall be increased to 6.0 metres in width as a pre-approval condition to Phase 2, to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor.
06. The owner shall also acknowledge in writing that they shall undertake as a pre-approval condition to Phase 2, or earlier, to secure appropriate changes to Zoning By-law 754-2011 to ensure that no approved building envelopes encroach on the existing or the widened east-west easement area.

Encroachments within Toronto Water Easements

07. Where vehicular traffic will be proposed above existing sewer easement, the existing easement agreement needs to be amended to ensure infrastructure in the easement are protected from damage.

Facilities to Provide Access to and from the Land

08. Upgrade the existing 3-metre and 6-metre easement agreements to current easement agreement standards, to the satisfaction of the Chief Engineer and Executive Director of

Engineering and Construction Services.

09. Prior to issuance of any building permit including shoring, the owner shall be required to obtain approval from the General Manager, Toronto Water for any below grade construction in proximity to the north-south sanitary trunk sewer. Conditions of approval will include provision of Commercial General Liability Insurance and Contractor's Pollution Liability Insurance, as well as pre-construction CCTV and post-construction CCTV reports evidencing that work has not negatively impacted Toronto Water's infrastructure. Any proposed work must not result in or have the effect of reducing, impairing, obstructing or interfering with the stability, safety or function of the existing trunk sewer, or the ability of the City to operate the sewer, or increase the costs to operate the sewers.
10. Subject to the submission of engineering drawings demonstrating to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and General Manager, Toronto Water, that utility servicing for the Phase 1 building has been minimized and requires access within the 6-metre easement, and will not result in or have the effect of reducing, impairing, obstructing or interfering with the stability, safety or function of the sewers and watermain, or the ability of the City to operate the sewers and watermain, or increase the costs to operate the sewers and watermain, the encroachment of the servicing will be permitted within the upgraded 6-metre easement.
11. The owner shall acknowledge in writing that a 2.76-metre road widening is required along the Sheppard Avenue East frontage in fee simple, as a pre-approval condition to Phase 2, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor. The road widening conveyance is to occur prior to the issuance of an Above-Grade Superstructure Building Permit for any New Development (as defined in the executed Section 37 Agreement dated November 28, 2008).

CITY PLANNING (including Urban Design, Transportation Planning, Heritage Preservation Services) – Doug Stiles, Planner – 416.395.7145

12. The applicant must submit financial securities in the amount of \$464,294.25 in the form of a Letter of Credit or certified cheque to guarantee the provision of landscape development works as detailed on the accepted Site Plan.

PARKS, FORESTRY + RECREATION – Vitumbiko Mhango – 416.392.7404

13. The applicant must revise the plans as outlined in comments dated December 6, 2017, to design the park connection (ramp, retaining wall, and so on) to the satisfaction of the General Manager, Parks, Forestry + Recreation.

URBAN FORESTRY – Bruce Gordon – 416.395.6686

14. Submit a completed “Agreement for Contractors to Perform Arboricultural Services on City Owned Street Trees” prior to removal of Tree 840. Both Schedule “A’ and the Certificate of Insurance needs to be completed.

TORONTO DISTRICT SCHOOL BOARD

15. Prior to the issuance of any building permit, the applicant/developer enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that, "The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodate may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available. For information regarding designated school(s), please call (416) 394-7526."

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

ENGINEERING & CONSTRUCTION SERVICES

Facilities to Provide Access to and from the Land

01. Remove all existing accesses, curb cuts, traffic control sign(s) along the development site frontage that are no longer required and reinstate the curb, gutter and boulevard within the City’s right-of-way, in accordance with City standards and to the satisfaction of the Executive Director, Engineering and Construction Services

Off-street Vehicular Loading and Parking Facilities and Access/ Driveways

02. Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Executive Director, Engineering and Construction Services.
03. All on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone.
04. The owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Executive Director, Engineering and Construction Services.

On-site Walkway and Walkway Ramps

05. Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres.

Facilities for the Landscaping of the Lands or the Protection of Adjoining Lands

06. Construct and maintain the retaining walls as specified in the accepted engineering design and drawings.
07. Provide certification to the Executive Director, Engineering and Construction Services by the Professional Engineer who designed the retaining walls that the walls were constructed in accordance to the accepted drawings.

Facilities for the Storage of Garbage and Other Waste Material

08. Provide certification to the Executive Director of Engineering & Construction Services from the Architect who designed and supervised the construction that all solid waste management facilities including the required horizontal and vertical clearances for the City's solid waste vehicles have been constructed in accordance with the accepted site plan drawings.

Stormwater Management, Grading and Site Servicing

09. Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report.
10. Construct and maintain site servicing indicated on the accepted Site Servicing Drawings.
11. Provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
12. Provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.

Boulevard Improvements

13. Provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.

CITY PLANNING (including Urban Design, Transportation Planning, Heritage Preservation Services)

14. The owner shall provide and maintain the landscaping for the lands in accordance with the approved landscape plan(s) to the satisfaction of the Director of Community Planning, North York District.
15. In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Tourism and Culture be notified immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.
16. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism and Culture, and the Registrar of Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8393.

BELL CANADA

17. The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements

TORONTO DISTRICT SCHOOL BOARD

18. The applicant/developer agree in the Servicing and/or Development Agreement, or in a separate agreement between the School Board and the Developer, to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of 10 years following registration, that, "Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred. Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area."

The site plan agreement is being prepared by Legal Services. They will forward it to you shortly for your execution and return to the City.

Please find attached advisory comments to assist you with your application.

Attached is a copy of the standard form letter of credit required by the City of Toronto. We have found in the past that the failure of applicants to provide the City with a letter of credit in the proper format has resulted in the City's Finance Division rejecting the letter with a resulting delay in the issuance of building permits. Please ensure that the letter of credit follows the format and content verbatim of the sample letter.

Should you have any questions, please contact Doug Stiles, Planner at 416-395-7145.

Yours truly,

Joe Nanos
Director, Community Planning,
North York District

(date)

Attachment: Site Plan Advisory Comments
Sample Letter of Credit

cc: Kenneth-Sheppard Limited, 1 Yorkdale Rd Suite 601, Toronto ON M6A 3A1
Manager, Plan Examination, Toronto Building (1 set of plans)
Manager, Engineering and Construction Services (2 sets of plans)
Supervisor of Law Clerks, Planning & Administrative Tribunal Law, Legal Services
Manager, Municipal Relations, Bell Canada
Manager, Planning, Strategy and Planning, Toronto District School Board
Project Manager, Development Applications Unit, Parks, Forestry & Recreation
Project Manager, Landscape Architecture Unit, Parks, Forestry & Recreation

ATTACHMENT: 1

SITE PLAN ADVISORY COMMENTS

The owner is advised that the Green Roof By-law (By-law No. 583-2009) (Chapter 492 of the City of Toronto Municipal Code) including Article IV the Toronto Green Roof Construction Standard, may be applicable to the proposed development. For further information, please contact, Toronto Building at 416.397.5330.

Transportation Services

Right-of-Way Permit

The owner will be required to obtain approval from the Transportation Services Division for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District at 416-395-7115. The fee schedule can be found at http://www.toronto.ca/developing-toronto/darp_otherfees.htm for information purposes.

In order to obtain approval for work in the City's right-of-way the Owner will be required to provide up to date stake out information for most construction related work. For further information, please contact Ontario One Call at 1-800-400-2255 to arrange for an appointment;

Construction Management Plan

The Owner will be required to provide the City with a Construction Management Plan outlining the following:

- a) Dust/mud control on and offsite;
- b) Location of truck loading points, trailer parking;
- c) Location of temporary material storage areas;
- d) Access/truck routing;
- e) Provision of hoarding, temporary fencing & covered walkways;
- f) Location and extent of aerial crane operations; and
- g) Parking for construction trades.

for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section North York District, at 416-395-6221. The fee schedule can be found at http://www.toronto.ca/developing-toronto/darp_otherfees.htm for information purposes.

We advise the owner that they cannot use the municipal right-of-way for construction-related purposes without first receiving written authorization from the Right-of-Way Management Section, including payment of the necessary fees; and

We advise the owner that any construction activity that affects the adjacent public rights-of-way including, among other things, the location of construction staging areas and covered public walkways within public roads, which may necessitate the temporary closure of one or more traffic lanes for an extended period of time, will require the submission of an acceptable Construction Management Plan in conjunction with the permit approval process, in order to minimize construction related impacts on public rights-of-way.

City Boulevard Works Security

Prior to issuance of any permit from Right-of-Way Management the applicant must submit a financial guarantee and an engineering review fee in the form of a letter of credit (amount to be determined by Engineering and Construction Services) to Right-of-Way Management, Transportation Services, for all works required in the City boulevard.

Encroachments

Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services Division. The owner is required to contact the section through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, North York District at (416) 395-7112.

Public Realm

The owner is advised that approval for all work that will be carried out within the abutting public rights-of-way, which may include but not be limited to financial responsibility for removal or relocation of existing street furniture (transit shelters, benches, litter bins, bicycle locking rings, etc.). The owner must contact Street Furniture Management to co-ordinate the removal or relocation of Astral street furniture or bicycle locking rings. There are Third Party costs associated with the removal and relocation of Astral street furniture and costs to remove the City of Toronto bicycle locking ring(s). The City will not undertake any work associated with removing, reinstalling or relocating existing street furniture until it receives payment. If clarification is required on how the above standards will apply to this site, the applicant can contact the Street Furniture Management Unit at streetfurniture@toronto.ca

Toronto Hydro Approval

The owner must obtain approval from Toronto Hydro Street Lighting Incorporated before removing and/or relocating any utility with attached municipal street lighting

Engineering & Construction Services

The owner will be required to make an application to Toronto Water Division for the installation of any proposed services within the right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact District Operations, Toronto Water at 311 or 416-392-CITY (2489).

Land and Property Surveys

Municipal Address Numbering

The owner is advised to contact Mr. John House, Property Records Supervisor, Survey and Utility Mapping Services, at 416-392-8338 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and

structures must have the correct municipal addresses posted. Please see <http://www.toronto.ca/mapping/numbers/index.htm> for details.

Fire Services

As established by Toronto By-Law, Chapter 880, it is required that an approved fire access route be provided. (Application shall be submitted to Toronto Fire Services prior to occupancy)

ATTACHMENT: 2

(PRINTED ON BANK LETTERHEAD)

IRREVOCABLE STANDBY LETTER OF CREDIT

Beneficiary: City of Toronto	Issue Date:
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Letter of Credit Number:	Credit Amount (Canadian Funds):	Initial Expiry Date: <u>(12 months following issue date)</u>
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We hereby authorize you, the City of Toronto, to draw on **(Bank name, address and branch)** (the "Bank") for the account of **(customer name and address)**, (the "Customer") up to an aggregate amount of \$ _____ Canadian Dollars (the "Credit Amount") available on demand up to _____ **(date)** (the "Initial Expiry Date") or a subsequent anniversary date, and is hereby given to you pursuant to an agreement between the City of Toronto, and **(name of customer)**, made in connection with approval of Site Plan Application [list application number] (the "Agreement").

Pursuant to the request of the Customer, the Bank hereby establishes in your favour and gives to you an Irrevocable Standby Letter of Credit in the Credit Amount on which you may draw in whole or in part at any time and from time to time, subject to the terms herein.

A drawing under this Letter of Credit shall be made by you presenting to the Bank, at the address noted below, a demand in writing authorized by the City Treasurer or delegate.

Partial drawings are permitted.

Upon receipt of said demand, the Bank shall pay to you the amount stated in the demand, to be payable to you without inquiring whether you have a right as between yourself and the Customer to make such demand, and without recognizing any claim of the Customer or objection by the Customer to payment by the Bank.

This Letter of Credit will continue up to the Initial Expiry Date but shall be subject to the condition that it shall be deemed to be automatically extended without amendment for one year from the present or any future expiration date hereof, unless 60 days prior to any such expiration date the Bank notifies you by notice in writing delivered to the City of Toronto at the address noted below by registered mail that it shall not renew this Letter of Credit for any such additional period. Upon receipt by you of such notice, you may draw hereunder, for the available balance of this Letter of Credit by presenting a written demand together with confirmation that the amounts drawn will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. The demand must be authorized by the City Treasurer or delegate.

Bank Name: _____ Countersigned: _____

Address: _____ Countersigned: _____

ADDRESS FOR NOTICE

1. NOTICE TO BANK

(bank to insert full address and contact information)

2. NOTICE TO CITY OF TORONTO

City of Toronto
Corporate Finance Division, Capital Markets
City Hall, 7th Floor, East Tower
100 Queen Street West
Toronto, Ontario, M5H 2N2