

Estate No. 31-2693094

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

**IN THE MATTER OF THE NOTICES OF INTENTION TO
MAKE A PROPOSAL OF 33 LAIRD INC. AND 33 LAIRD
GP INC., CORPORATIONS INCORPORATED UNDER THE
ONTARIO *BUSINESS CORPORATIONS ACT*, AND 33 LAIRD
LIMITED PARTNERSHIP, A LIMITED PARTNERSHIP
FORMED UNDER THE ONTARIO *LIMITED
PARTNERSHIPS ACT***

**RESPONDING MOTION RECORD
OF THE CITY OF TORONTO**

**Objection to proposed deletion and expungement of s. 114 of the *City of Toronto Act* site
plan agreement in Vesting Order**

DATED: June 9, 2021

CITY SOLICITOR'S OFFICE
26th Floor, Metro Hall, Stn. 1260
55 John Street
Toronto, ON M5V 3C6

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Lawyers for the City of Toronto

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**IN THE MATTER OF THE NOTICES OF INTENTION TO
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AFFIDAVIT OF MICHELLE CORCORAN

I, MICHELLE CORCORAN, of the City of Toronto, **AFFIRM AND SAY AS FOLLOWS:**

1. I am currently employed as a Senior Planner, Community Planning, North York District, with the Planning Division of the City of Toronto. I have been a practising professional planner for 10 years. I have been employed with the City of Toronto since August 11, 2010. My responsibilities include conducting planning reviews of a variety of land use applications and making planning recommendations at Community Council and other Committees. I am a Registered Professional Planner and full member of the Canadian Institute of Planners. Prior to becoming a Senior Planner with the North York District, I was a Planner with the North York District for a period of six years. I have an Honours Bachelor of Arts Degree in Geography and Environmental Studies from Wilfrid Laurier University, and a Diploma in Urban and Regional Planning from Fanshawe College. Attached as Exhibit A is a true copy of my resume.

2. I have reviewed the certain City files in relation to this matter, reviewed the matter with counsel for the City, and reviewed documents, records and correspondence from staff who work

in other City of Toronto divisions. In light of the foregoing, I have knowledge of the matters deposed to herein. Where I do not have personal knowledge of the matter to which I depose, I have stated the source of my belief, and believe the information to be true.

Mandate and Role of City's Planning Division

3. The mandate of the City's Planning Division is to help build Toronto's future by managing the growth and physical form of the city – how it looks, feels, and moves, and the opportunities it provides in terms of jobs and services to its residents. City Planning works with stakeholders and other City divisions to set goals and policies for responsible development. It provides support and advice to City Council to help to ensure that Toronto's growth contributes to the kind of communities and neighbourhoods Torontonians want. City Planning also reviews and processes development approval applications from a community planning and an urban design perspective. City Planning staff gather public input and conduct research to develop and review plans, regulations and projects that protect and enhance our urban environment.

4. When applicants apply for site plan approval, City Planning coordinates the circulation to numerous City divisions (in particular, water, fire services, heritage preservation, transportation services, engineering and construction services, urban forestry) as well as certain non-City entities (such as the City's various school boards and utilities) for their review and comment on the various matters of public interest those entities are engaged in. Attached as Exhibit B is a Notice of Approval Conditions regarding this site plan at issue, which reflects the results of this consultation.

Relevant Extracts from City's Official Plan

5. Attached as Exhibit C is a true copy of extracts of the office consolidation of the City's Official Plan concerning site plan approval and site plan agreements.

Notice of Postponement of Mortgage to City's Site Plan Agreement

6. Attached as Exhibit D is a true copy of instrument AT 5243559.

Debtor and Purchaser Have Failed to Explain Why Appeal Rights are an Unsatisfactory**Remedy**

7. I have reviewed correspondence between counsel for the parties, and based on that as well as my discussion with counsel for City, I understand that neither the Debtor nor the Purchaser have explained why following the route suggested by the City of seeking a new or amended site plan agreement is unacceptable to them.

Correspondence Concerning Notice to Disclaim or Resile

8. Attached as Exhibit E is a true copy of correspondence concerning the Debtor's Notice by Debtor to Disclaim or Resile, the service of the Motion Record, and the response from counsel for the parties regarding the Notice by Debtor to Disclaim or Resile.

Background Information Regarding City's Site Plan Agreements

9. The "base" of the site plan agreement at issue is in the City's standard form based on my experience with City of Toronto site plan agreements. Based on a review of correspondence from Stephanie Morrow, Supervisor of Law Clerks in the Land Use Planning Section of the City's Legal Services Division, I understand by way of example that the City entered into and registered on title new site plan agreements with similar "base" obligations approximately 150 times in 2020. Attached to the "base" agreement are site-specific considerations and any conditions deemed appropriate and necessary that are determined on a site-by-site basis, and are included in schedules. I understand the Debtor, Purchaser and/or Trustee may be of the view that the site plan agreement is onerous or makes any alternative development of the property unfeasible. I do not agree. While

site-specific conditions in all site plan agreements vary based on individual site conditions and proposals, there is nothing particular unusual or uncommon about the conditions in this agreement. To the best of my knowledge, properties with in force site plan agreements are conveyed to new owners from time to time, including in cases where new owners wish to build or develop in some manner different than was previously contemplated. The City as a public authority acts in good faith, and enforces its land use regulatory rights only when there is a need to do

Plans and Drawings Incorporated into Site Plan Agreement at Issue and Public Interest

Component

10. Attached as Exhibit F is a copy of the plans and drawings attached to the site plan agreement.

11. I have reviewed the plans and drawings which form part of the site plan agreement at issue. Based on my review, a non-exhaustive list of the ways in which the plans and drawings promote the public interest objections set out in the *City of Toronto Act* and the *City's Official Plan* are as follows:

(a) accessibility for persons with disabilities - the plans provide multiple barrier-free access points into the site, and entrances into the existing and proposed buildings, as well as walkways above the *Accessibility for Ontarians with Disabilities Act* minimum width requirement of 1.5 metres;

(b) walkways and all other means of pedestrian access - a 1.8 metre wide sidewalk has been secured along Canvarco Road. Multiple walkways, the majority of which have minimum widths of 1.8 metres, have been secured throughout the site, including ramps where necessary to ensure access for all persons. A large pedestrian courtyard has been secured along Laird Drive in the area that was previously fenced surface parking. This

improves the Laird Drive and Canvarco Road frontages by opening the site to these streets through animation and landscaping, and contributes to the walkability of the area and the site through the introduction of new public and private sidewalks. The site plan also secures pavement markings throughout the parking lot to provide for safe pedestrian movements;

(c) lighting - A comprehensive photometric plan has been secured that improves lighting conditions throughout the site, including along Laird Drive and Canvarco Road, as well as the rear parking lot and the covered pedestrian courtyard;

(d) improvement of watercourses, drainage, storm water management, sanitary sewage facilities, other public utilities of the City on the land – the plans secure stormwater management measures/facilities, site grading, and site servicing;

(e) walls, fences, hedges, trees, shrubs or other groundcover - the secured landscape plan improves the condition of the site from a public realm perspective by removing the fencing along Laird Drive and Canvarco Road, adding deciduous trees and low plantings along Laird Drive and Canvarco Road, as well as throughout the interior of the site including along the south property boundary, contributing to the City's tree canopy;;

(f) facilities and enclosures for the storage of garbage and other waste - the plan internalizes waste storage within the existing building, eliminating impacts of waste odour, etc. on surrounding properties and the public realm;

(g) access to and from the lands, off-street vehicle loading and parking, including driveways for emergency vehicles – covered loading spaces accessed from Canvarco Road and screened from the public realm have been secured at the rear of the building. The parking lot at the rear of the building has been improved and expanded, with the addition of a secondary vehicular access point, two barrier-free parking spaces, landscaped islands and high albedo asphalt to reduce the urban heat island impact. Several bicycle parking

spaces have been added throughout the site to provide for alternate forms of transportation. The parking lot has also been designed to provide an on-site fire route, keeping such route off surrounding public streets; and

(h) widenings of highways that abut the land - A road widening along Laird Drive of 4.96m for the portion of the site south of the existing building has already been conveyed to the City.

City's Concerns Regarding Sanitary Sewer Underneath Property

12. Based on my review of correspondence from Amy Winterhalt, Manager of Planning and Policy Development with the City's Toronto Water Division, I understand that there are at least two large City sewer pipes running under the Property, 72 metres of a 450 mm diameter pipe, and 42 metres of a 1200 mm diameter pipe. Both are combined sanitary / storm sewers, and both were built on or about 1936. The two sewers combined collect sewage from a mix of industrial, commercial and residential properties over an area of 250 hectares. The sewage in these pipes contains a mixture of floatables, pathogenic microorganisms, suspended solids, oxygen-demanding organic compounds, nutrients, oil and grease, toxic contaminants and other pollutants. Damage to either sewer that could arise as a result of construction or abandonment could result in pollutants leaking into the environment.

13. Both sewage pipes are relatively old and therefore are more vulnerable to construction activities, such as construction loads, vibrations, excavation work, or other rough operational activities. Based on a site inspection conducted on June 8, 2021, Toronto Water staff have observed a significant sinkhole near a maintenance hole associated with the sewage pipes, and pooled water from the site is flowing into the sinkhole and likely into the maintenance hole. There is potential

that sediment from the inflow to the maintenance hole could deposit in the maintenance hole and/or downstream sewer and require cleaning or cause a blockage. In addition, if the sinkhole is left to increase in size it may structurally undermine the sewers or maintenance hole.

14. In light of the foregoing, Toronto Water staff considers the various rights granted to the City in the site plan agreement, for example, access for regular operation and maintenance and for emergency repairs to be imperative.

City's Concerns Regarding Ongoing Construction at the Property

15. Attached as Exhibit G are photos taken by a City building inspector of the Property on or about June 8, 2021.

Current Construction Status of the Property

16. Attached as Exhibit H are true copies of correspondence from an architect sent to senior staff in the City's Building Division on June 3, 2021.

17. Attached as Exhibit I are true copies of correspondence between counsel for the City and Purchases concerning a proposed comfort letter or waiver to the City's site plan agreement.

City's Land Use Planning Instruments Which Debtor is Prepared to Preserve

18. Attached as Exhibit J are instruments which are currently listed under "Schedule C – Permitted Encumbrances, Easements and Restrictive Covenants related to the Real Property" in the Debtor's proposed vesting Order. In some cases, only relevant extracts have been provided where the documents are lengthy.

19. I affirm this affidavit in support of the City's position in this proceeding, and for no other or improper purpose.

AFFIRMED BEFORE ME at the City)
Electronically in accordance with O. Reg. 431 / 20)
this 9th day of June, 2021)
)
Christopher J. Henderson)
_____)
Christopher J. Henderson)
A Notary Public and)
Commissioner for Taking Affidavits)



MICHELLE CORCORAN

This is Exhibit "A" referred
to in the Affidavit of Michelle
Corcoran, affirmed on the 9th
day of June, 2021.



Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits

MICHELLE E. CORCORAN, RPP, MCIP
 Phone: (416) 395-7130
 E-mail: Michelle.Corcoran@toronto.ca

Professional Experience

Senior Planner October 2019 – Present
 City of Toronto, Community Planning
 Toronto, Ontario

- Project Manager and City Planning lead on a variety of complex development applications including Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, Rental Housing, and Draft Plan of Subdivision, in relation to residential, employment, institutional, and mixed uses.
- Application of the policies of the Planning Act, the Provincial Policy Statement, the Growth Plan for the greater Golden Horseshoe, and the AODA, as well as local policies and guidelines, including the Toronto Official Plan, Tall Building Guidelines, Mid-rise Building Design Guidelines, Townhouse and Low-Rise Apartment Guidelines.
- Providing professional planning advice through written recommendation reports and oral presentations to City Council, Community Councils, and Standing Committees.
- Providing expert testimony and qualified as an expert witness before the Local Planning Appeal Tribunal on a variety of land use matters.
- Notable projects:
 - Lead of the on-going multi-phased Celestica redevelopment, including applications for Official Plan and Zoning By-law Amendment Draft Plan of Subdivision application, and multiple Site Plan Control applications;
 - Lead of the high density mixed use Housing Now application in Don Mills;
 - City Planning lead of interdivisional review of recreation facilities in Don Mills;
 - Community Planning lead for the Don Mills Crossing Secondary Plan Study; and
 - Community Planner engaged for the planning of the Ontario Line

Planner November 2013 – October 2019
 City of Toronto, Community Planning
 Toronto, Ontario

- Lead of complex development applications for Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, Draft Plan of Subdivision, as well as Part Lot Control, Minor Variance and Consent;
- Analyze complex planning issues and provide advice based on policy interpretation, area specific analysis, and critical judgment;
- Provide professional planning advice through written recommendation reports and oral presentations to City Council, Community Councils, Standing Committees, and the Local Planning Appeal Tribunal.

Assistant Planner April 2011 – November 2013
 City of Toronto, Community Planning
 Toronto, Ontario

- Project management of a variety of development applications including Zoning By-law Amendment, Site Plan Control, Minor Variance, Consent, and Draft Plan of Condominium.
- Preparing and presenting recommendation reports and providing professional advice to City Council, Community Councils, and the Committee of Adjustment on these development applications.
- Providing expert testimony and qualified as an expert witness before the Local Planning Appeal Tribunal.

Application Technician August 2010 – April 2011
 City of Toronto, Committee of Adjustment
 Toronto, Ontario

- Drafting of technical letters for the public and commenting agencies and divisions regarding current Committee of Adjustment applications.
- Interpretation of the North York, Toronto, York, East York, and Leaside Zoning By-laws.
- Analysis of site plans, architectural drawings, and surveys.

Student Planner, Co-op May 2010 – August 2010
 Township of King, Planning Department
 King City, Ontario

Student Planner, Co-op May 2009 – August 2009
 City of Guelph, Community Design & Development Services
 Guelph, Ontario

Educational Background

Urban and Regional Planning: Diploma, Co-op endorsed 2008 – 2010
 Fanshawe College
 London, Ontario

Geography & Environmental Studies: Honours Bachelor of Arts 2003 – 2007
 Wilfrid Laurier University
 Waterloo, Ontario

Professional Memberships

Full Member
 Canadian Institute of Planners
 Ottawa, Ontario

Full Member
 Ontario Professional Planners Institute
 Toronto, Ontario

This is Exhibit "B" referred
to in the Affidavit of Michelle
Corcoran, affirmed on the 9th
day of June, 2021.



Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits



Gregg Lintern, MCIP, RPP
Acting Chief Planner & Executive Director
City Planning Division

North York District
Ground Floor, North York Civic Centre
5100 Yonge Street
Toronto ON M2N 5V7

Joe Nanos
Director, Community Planning

Tel: 416-395-7170
Fax: (416) 395-7155
Refer to: Sarah Ovens at (416)395-7129
E-Mail: sovens@toronto.ca
www.toronto.ca/planning

MHBC Planning Limited
Attention: Oz Kemal
7050 Weston Road, Unit 230
Woodbridge, ON, L4L 8G7

Re: **Notice of Approval Conditions**
Site Plan Control Application No. 15 222368 NNY 26 SA
33 Laird Drive
PLAN 2120 LOT 685 TO 692 PLAN 1535 PT LOT 12 PT LOT 13
Ward 26 - Don Valley West

DL/ML

The City Planning Division North York District, has completed the review of your proposal to construct a new two storey building containing commercial space and retain the existing heritage building as outlined in the following plans and drawings:

Dwg. No.	Title	Produced By	Date	Date Stamped
A101	Site Plan	SMV Architects	January 3, 2018	January 3, 2018
A202	Main Level Floor Plan	SMV Architects	October 30, 2017	November 1, 2017
A205	Roof Plan	SMV Architects	October 30, 2017	November 1, 2017
A301	Building Elevations	SMV Architects	October 27, 2017	November 1, 2017
L-1	Landscape Plan	MHBC	October 31, 2017	November 1, 2017
L-2	Landscape Plan	MHBC	October 31, 2017	November 1, 2017
LE-1	Site Lighting Plan and Details	Tristar Engineering	October 27, 2017	November 1, 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 (416) 397-5379**

1. 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.

CITY PLANNING, COMMUNITY PLANNING – Sarah Ovens (416) 395-7129

2. The Owner shall submit to the Chief Financial Officer and Treasurer as a deposit a letter of credit or certified cheque in the amount of \$206,965.00, for landscaping, including (but not limited to) any planting, fencing, decorative paving, retaining walls, terraces, and/or other landscape features.

The letter of credit shall be in a form satisfactory to the Treasurer in accordance with its standard format for letters of credit (see Attachment 2) as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of term, to complete all outstanding work required by these conditions. The deposit shall be returned to the owner at such time as the Director, Community Planning, North York District is satisfied that the property has been developed in accordance with the approved drawings and the conditions of approval.

CITY PLANNING, HERITAGE PRESERVATION – Laura Loney (416) 338-1095

3. Prior to final Site Plan approval, the owner shall:
 - a. provide final site plan drawings including drawings related to the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - b. provide a Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - c. provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Preservation Services.
4. Prior to the issuance of any permit for all or any part of the property at 33 Laird Drive, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
 - a. provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - b. provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Preservation Services and shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - c. provide a Letter of Credit, including provision for upwards indexing, in a form and amount satisfactory to the Senior Manager, Heritage Preservation Services to

secure all work included in the approved Conservation Plan, Lighting Plan and Interpretation Plan.

URBAN FORESTRY – Mark Sherman (416) 395-6195

5. Submit a complete "Application to Remove Healthy City-owned Trees" and an application fee in the amount of \$1,002.18 (\$334.06 per tree) in the form of a certified cheque payable to the Treasurer, City of Toronto, for three (3) trees inventoried as Trees 1, 2 and 5. This must be submitted to the attention of Tara Bobie, Supervisor of Urban Forestry, Tree Protection and Plan Review. If the application is approved, a payment in the amount of \$4,074.00 for the Tree Appraisal Value of Trees 1, 2 and 5 will be required. The applicant is advised to submit a complete "Agreement for Private Contractor to Perform Work on City-owned Trees" prior to removing any City-owned tree.
6. Submit a tree planting security deposit for eleven (11) new City trees to be planted in the amount of \$6,413.00 (\$583.00 per tree) in the form of a certified cheque payable to the Treasurer, City of Toronto. This must be submitted to the attention of Tara Bobie, Supervisor of Urban Forestry, Tree Protection and Plan Review.
7. Submit a complete "Application to Injure or Destroy Trees on Private Property" and an application fee in the amount of \$2,066.74 (\$334.06 per tree on the subject property, \$699.31 for trees of neighbouring properties to the subject site) in the form of a certified cheque payable to the Treasurer, City of Toronto, for four (4) trees inventoried as Trees 3, 4, 15 and 16. This must be submitted to the attention of Tara Bobie, Supervisor of Urban Forestry, Tree Protection and Plan Review.

ENGINEERING AND CONSTRUCTION SERVICES – Yu Lay Aung (416) 395-6224

Widening of Highways that abut on the Land

8. Prepare all documents and convey to the City, at nominal cost, a 4.96m road allowance widening along the Laird Drive frontage south of the existing building, in fee simple, 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 Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor.
9. Submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director, Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a. be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);
 - b. delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - c. show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
10. Pay all costs for registration and preparation of reference plan(s).

11. Retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City.
12. Submit all environmental site assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services, for peer review.
13. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Chief Engineer and Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City).
14. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services.
15. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Chief Engineer and Executive Director, Engineering & Construction Services for Peer Review and concurrence, which states:
 - a. In the opinion of the Qualified Person:
 - i. It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and
 - ii. To the extent that the opinion in 15(a)(i) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.
 - b. Land to be conveyed to the City meets either:
 - i. the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in O. Reg. 153/04) for the most environmentally sensitive adjacent land use; or
 - ii. the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.
16. The Qualified Person's statement, referenced in condition 15 a. above, will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions

- 5 -

shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, Engineering & Construction Services.

Facilities to Provide Access to and from the Land

17. Make satisfactory arrangements with Engineering and Construction Services for Work on the City's ROW and provide financial security, submit engineering and inspection fees and provide insurance, as required.
18. Submit a certified cheque (amount to be determined by Sign and Pavement Markings) to the Engineering and Construction Services, City of Toronto, for pavement marking and signage on Canvarco Road, as required by Transportation Services.

Easements conveyed to City of Toronto

19. Prepare all documents and convey a 9.0m easement for 1200mm combined sewer servicing easement purpose to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor.
20. Submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director, Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a. be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);
 - b. delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - c. show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
21. Pay all costs for the preparation and registration of the Reference Plan(s).
22. Retain a Qualified Person to conduct environmental site assessments for the easement lands to be conveyed to the City;
23. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$8,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Chief Engineer and Executive Director, Engineering & Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
24. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and

Construction Services.

25. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Chief Engineer and Executive Director, Engineering & Construction Services for Peer Review and concurrence, which states:
- a. In the opinion of the Qualified Person:
 - i. It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and
 - ii. To the extent that the opinion in 25(a)(i) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.
 - b. Lands to be conveyed to the City meets either:
 - iii. the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in O. Reg. 153/04) for the most environmentally sensitive adjacent land use; or
 - iv. the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.
26. The Qualified Person's statement, referenced in condition 25a. above, will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, Engineering & Construction Services.
27. Enter into an easement agreement with the City which indemnifies the City from any damages to the proposed buildings, as well as ensures that the City staff have the right to access the lands.
- Stormwater Management, Grading and Site Servicing**
28. Make satisfactory arrangements with Engineering and Construction Services for work on the City's ROW and provide financial security, submit engineering and inspection fees and provide insurance as required.
29. Submit a Letter of Credit (LC) in the amount of \$500,000 for security of the existing 1200mm combined sewer infrastructure within the proposed easement area. (Please note that owner will perform post construction CCTV of the two sewer legs and manholes and submit to Toronto Water for review. The LC will be released after the review of the CCTV satisfactory to Toronto Water Division.)

Other Conditions

30. Enter into a canopy agreement for the canopy within the Canvarco Road and Laird Drive boulevard with the Right-of-Way Management section of the City of Toronto.
31. Enter into an encroachment agreement for the raised planter curbs, benches and decorative concrete treatment in the Laird Drive and Canvarco Road boulevard.
32. Prior to Site Plan Agreement, the Property Owner shall provide a signed and stamped letter from a Professional Engineer (Structural), licensed to practice in Ontario and qualified in the subject matter to the Chief Engineer and Executive Director, Engineering and Construction Services (c/o Manager, Development Engineering – 5100 Yonge Street, 4th Floor Toronto, ON M2N 5V7) and copy to General Manager (c/o Manager, Environmental Monitoring and Protection Unit – 30 Dee Ave, Toronto ON M9N 1S9), Toronto Water:

I _____, confirm that *all buildings on the subject lands (33 LAIRD DRIVE) have been constructed completely water-tight below grade in a manner that will resist hydrostatic pressure without any necessity for foundation drains (weeping tiles, sub-floor drains), groundwater collections systems (groundwater collection sump(s), pump(s), etc.) or any other type of permanent drainage system or any direct or indirect connection to the City's sewage works.*

NOTE: Any changes in the wording is not acceptable.

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:

CITY PLANNING, COMMUNITY PLANNING

1. 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.
2. The Owner shall provide and maintain the landscaping for the lands in accordance with the approved landscape plans to the satisfaction of the Director of Community Planning, North York District.

CITY PLANNING, HERITAGE PRESERVATION SERVICES

3. Prior to the release of the Letter of Credit the owner shall:
 - a. provide a letter of substantial completion, prepared and signed by a qualified heritage consultant, confirming that the required conservation work, heritage lighting work, and the required interpretive work has been completed in accordance with the Conservation Plan, Heritage Lighting Plan, and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and

- 8 -

- b. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.

ENGINEERING AND CONSTRUCTION SERVICES

Facilities to Provide Access to and from the Land

4. Provide and maintain traffic operations measures/facilities as recommended in the accepted Traffic Impact Study, prepared by Dionne Bacchus & Associates, dated November 22, 2016, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
5. 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 Chief Engineer and Executive Director, Engineering and Construction Services.

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

6. 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 Chief Engineer and Executive Director, Engineering and Construction Services.
7. 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 Chief Engineer and Executive Director, Engineering and Construction Services.

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

8. The Owner acknowledges and agrees that they will be responsible for removing and replacing the shrubs within the easement area, if Toronto Water staff need to maintain the combined sewer.

Facilities for the Storage of Garbage and Other Waste Material

9. Advise all owners and tenants/future purchasers of the commercial units that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm.

Stormwater Management, Grading and Site Servicing

10. The Owner acknowledges and agrees that Staff have reviewed this application on the understanding it will comprise one parcel of land upon completion. The Owner shall not convey or transfer any part of the Development Site in any other manner than that agreed to above if to do so would result in either the retained parcel or the conveyed or the transferred parcel ceasing to comply with Chapters 681 or 851 of the City of Toronto Municipal Code, as amended, which prohibit a private service connection, that connects to a municipal water or sewer system, from servicing more than one property. Each parcel shall have separate service connections to the municipal water and sewer systems, including any associated stormwater management systems, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services, at the sole cost to the Owner. Further, the Owner shall prepare all plans and studies as required by the City for the servicing at the sole cost of the Owner.

11. Submit an application to Toronto Water (Environmental Monitoring & Protection) for any permanent dewatering system that is required for the building, and enter into an agreement and/or permit to discharge groundwater as required by the General Manager, Toronto Water.
12. Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Functional Servicing and Stormwater Management Report, dated December 2016 and Site Grading Plan, Drawing No. C03, revision 6, dated October 30, 2017, prepared by The Crozier & Associates Consulting Engineers.
13. Construct and maintain site servicing indicated on the accepted Site Servicing Plan, Drawing No. C02, revision 6, dated October 30, 2017, prepared by Crozier & Associates Consulting Engineers.
14. Provide post-construction CCTV of the two sewer legs of 1200mm combined sewer and manholes and submit to the Chief Engineer and Executive Director, Engineering & Construction Services for review.
15. Provide certification to the Chief Engineer and Executive Director, Engineering & 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.
16. Provide certification to the Chief Engineer and Executive Director, Engineering & 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.

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.

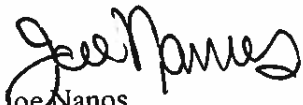
Please find attached advisory comments to assist you with your application.

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.

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Should you have any questions, please contact Sarah Ovens, Planner, at 416-395-7129 or sarah.ovens@toronto.ca.

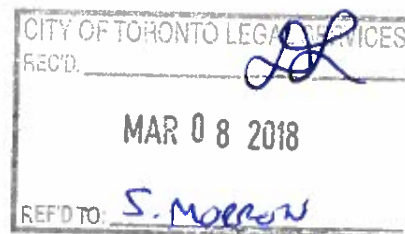
Yours truly,


Joe Nanos
Director, Community Planning,
North York District

February 27/18
(date)

Attachment 1: Site Plan Advisory Comments
Attachment 2: Sample Letter of Credit

cc: Levitt United Ltd, 33 Laird Dr, Toronto ON M4G 3S9
Natasha Zappulla, Manager, Plan Examination, Toronto Building, Attn: Albert Smith
Eleanor McAteer, Manager, Engineering and Construction Services; Attn: Yu Lay Aung
Stephanie Morrow, Supervisor of Law Clerks, Planning & Administrative Tribunal Law,
Legal Services
Tara Bobie, Supervisor, Tree Protection & Plan Review, Urban Forestry; Attn: Mark
Sherman



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**ATTACHMENT: 1
SITE PLAN ADVISORY COMMENTS**

GREEN ROOF BY-LAW

1. 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 of the Toronto Green Roof Construction Standard, may be applicable to the proposed development. For further information, please contact Albert Smith, Toronto Building at 416-395-7504 or albert.smith@toronto.ca.

CITY PLANNING, HERITAGE PRESERVATION

2. In the event that deeply buried archaeological remains are encountered on the property during construction, the Heritage Operations Unit of the Ministry of Tourism, Culture and Sport, be notified immediately at (416)314-7146 as well as City of Toronto, Heritage Preservation Services Unit (416)338-1096.
3. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism, Culture and Sport, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416)326-8393.
4. If any expansions to the boundaries of the subject property are proposed, further archaeological assessment work may be required.

ENGINEERING AND CONSTRUCTION SERVICES

Requirements for Work on City Rights-of-Way

5. The owner is required to enter into a Municipal Infrastructure Agreement (MIA) for Work on the City's ROW, provide financial security, submit engineering and inspection fees and insurance as required in the MIA.

We will provide copies of pertinent templates for the above items for the owner's use. It is recommended that the owner submit drafts of the Municipal Infrastructure Agreement, Irrevocable Letter of Credit and Insurance for review and acceptance prior to submitting final executed originals.

Road allowance Permits

6. The owner must obtain the necessary authorizations and permits from the Right-of-Way Management Section before excavating or encroaching into municipal road allowance. The owner is advised to contact the Right-of-Way Management Section, North York District at (416) 395-7112 regarding site-specific permit and licensing requirements.

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.

- 12 -

The owner is required to contact the City inspector Gus Nicolaou at 647-466-1138 prior to commencing any work within the City's right-of-way.

Prior to issuance of any permit from Right-of-Way Management the owner must submit a financial guarantee and an engineering review fee in 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.

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 at 1-800-400-2255 to arrange for an appointment.

Construction Management Plan

7. The owner must submit a Construction Management Plan for each stage of the construction process provided to the satisfaction of this Division. The owner is not allowed to use the rights-of-way for storing construction equipment/materials or for parking purposes. The owner is advised to contact the Development Engineering Unit (Yu Lay Aung at 416-395-6224) regarding detailed requirements.

Toronto Hydro Approval

8. The owner shall obtain approval from Toronto Hydro Street Lighting Incorporated, THSLI, for removing and/or relocating any utility with attached municipal street lighting and for any upgrades. The owner is advised to contact THSLI (416-542-3195) or www.torontohydro.com/streetlighting for comment and cost estimates for required fieldwork.

Utilities

9. The owner is financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.

Temporary Groundwater Discharge

10. Please note that staff from Toronto Water may require the owner to submit a Hydrogeological report for a temporary groundwater discharge. For information about application requirements and guidelines for permits and agreements related to groundwater, please email pwapplication@toronto.ca.

Wet Tap Procedure

11. The applicant is advised that pursuant to an order issued by the Ontario Ministry of the Environment and Climate Change, all wet taps performed on City watermains must be performed by, or under the supervision of, a Certified Operator in accordance with Ontario Regulation 128/04. The City of Toronto Protocol respecting the performance of and verification of wet taps can be found at www.toronto.ca/ecs-standards.

Street Furniture

12. 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 loss of

ad-revenue, benches, litter bins, bike rings etc.), must be received from Transportation Services. 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 owner can contact the Street Furniture Management Unit at 416-392-1799.

Municipal Address Numbering

13. 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. For details please see:

<http://www.toronto.ca/mapping/numbers/index.htm>

Encroachments

14. 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.

All streetscape designs proposed within the abutting public rights-of-way must comply with the requirements of this Division and that materials other than municipal sidewalks, street trees and sod are considered encroachments that the property owner must recognize in either a site plan or encroachment agreement that is registered on-title to the property.

Toronto Green Standards

15. The following Tier 1, Toronto Green Standards have been satisfied where applicable
- a) AQ 3.2 Sidewalk on Canvarco Road
 - b) WQ 1.1 Erosion & sediment control
 - c) WQ 2.1 Stormwater balance
 - d) WQ2.2 Stormwater retention and reuse
 - e) WE3.1 Total suspended solids (TSS)

Fire Services

16. 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)

Site Servicing Connections

17. The owner will be required to make an application to Toronto Water Division, North York Civic Centre, 5100 Yonge Street, 2nd Floor, for the installation of any proposed services within the City right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact Toronto Water at 416-395-6082.

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Please note that servicing on private property requires plumbing approval under the Ontario Building Code, and accordingly, application for the necessary permits should be made to the Building Division.

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ATTACHMENT: 2

(PRINTED ON BANK LETTERHEAD)**IRREVOCABLE STANDBY LETTER OF CREDIT**

Beneficiary: City of Toronto	Issue Date:
---------------------------------	-------------

Letter of Credit Number:	Credit Amount (Canadian Funds):	Initial Expiry Date: <u>(12 months following issue date)</u>
--------------------------	---------------------------------	--

<p>We hereby authorize you, the City of Toronto, to draw on <u>(Bank name, address and branch)</u> (the "Bank") for the account of <u>(customer name and address)</u>, (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 <u>(name of customer)</u>, made in connection with approval of Site Plan Application [list application number] (the "Agreement").</p>

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.

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Bank Name: _____ Countersigned: _____

Address: _____ Countersigned: _____

ADDRESS FOR NOTICE1. 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

This is Exhibit "C" referred
to in the Affidavit of Michelle
Corcoran, affirmed on the 9th
day of June, 2021.



Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits

CITY OF TORONTO OFFICIAL PLAN EXTRACT CHAPTER 5: IMPLEMENTATION

5.1.3 SITE PLAN CONTROL

Site Plan Control is an important means of implementing the policies of this Plan including encouraging well-designed, functional, sustainable and universally accessible development in Toronto. Site Plan Control is not only about the review of individual buildings, structures, exterior open spaces within a site and interior walkways, stairs, elevators and escalators to which the public has access, but about the relationship of the organization, massing and exterior design of buildings, structures and exterior open spaces on a site with its surroundings to ensure a “good fit” between new development and the existing and/or planned context, good pedestrian amenity and a positive transition from private to public space.

The City will review plans that show the location, design and massing of buildings, structures and exterior open spaces, public access areas, the layout of parking and service areas, site landscaping and other aspects of the project on a site and the relationship to adjacent properties and the public realm. The City will also consider the exterior design including exterior architectural details and materials, which influence a project’s character, scale and appearance. The City will also take the sustainable design elements of buildings, structures and a site into consideration, and may request that facilities be designed to accommodate accessibility for persons with disabilities.

Through approval of a Site Plan Control application, the City is also able to implement the sustainable design of streetscape improvements within the adjacent public boulevard.

For areas and types of development where Site Plan Control is applied, Council or delegated staff may approve the plans and drawings and the owner may be required to enter into an agreement to secure the construction of the project as shown in the plans.

Site Plan and Accessible Design

For many people, the City’s built environment provides opportunities and experiences free of limitations. For Torontonians with disabilities, however, this environment can impose obstacles that limit their ability to move about freely and safely. As part of its commitment to make Toronto a “barrier free” community, Council adopted a comprehensive set of *Accessibility Design Guidelines*, which guide the design, planning and construction of accessible facilities and the preparation of accessibility audits.

The *Planning Act* stipulates that applicants seeking site plan approval provide to the satisfaction of and at no expense to the City, “facilities designed to have regard for accessibility for persons with disabilities”. Examples of accessibility facilities the City may request include:

- accessible pedestrian route(s) or path(s) wide enough to accommodate wheelchairs, or other mobility devices;
- accessible entrances clearly marked with the International Symbol of Accessibility; and
- continuous handrails on both sides of ramps or exterior stairs.

These and other accessibility facilities can be incorporated into the design and site layout of new development and public works. Site Plan Control will be used to secure accessibility facilities.

Site Plan and Sustainable Exterior Design

Site Plan Control is one of the planning tools the City can use to secure sustainable exterior design features in new development.

Sustainable design is the process and principles applied during the development review process that seek to achieve energy and resource efficient, durable, barrier free and high quality buildings, site layouts, landscaping and off-site boulevard improvements. How sustainable design is achieved will continue to evolve during the life of this Plan.

The Toronto Green Standard sets performance targets for new construction to improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment. Some of these targets can be directly achieved by incorporating sustainable design features into the plans and drawings submitted as part of the site plan approval process.

Policies

1. The entire City of Toronto is a Site Plan Control Area. The area comprising the entire City of Toronto is designated as an area wherein Council may require submission of the drawings mentioned in Section 114(5) & (9) of the *City of Toronto Act, 2006* and Section 41(16) of the *Planning Act* for a residential building containing less than 25 dwelling units. The Site Plan Control By-law will define classes of development that will be subject to Site Plan Control.
2. Site Plan Control will be used to implement the policies of this Plan and to achieve attractive, well-designed, functional, safe, environmentally sustainable and universally accessible development that fits with its existing and/or planned context.
3. To help achieve environmentally sustainable development, the City may use subsection 114(5)(2)(iv) and (v) of the *City of Toronto Act, 2006* to secure the following sustainable design features in development that address exterior building and site matters in Tier 1 of the Toronto Green Standard:
 - a) weather-protected on-site bicycle areas and pedestrian-friendly infrastructure to encourage cycling and walking as clean-air alternatives;
 - b) high-albedo surface materials, open grid paving, shade trees, green and cool roofs to reduce ambient surface temperature to minimize the urban heat island effect;
 - c) building orientation to take advantage of passive solar heating, shading for cooling and natural light; and energy efficient exterior cladding and window treatments, which may be required to meet the Standard, to improve energy efficiency and reduce greenhouse gas emissions;
 - d) rainwater harvesting facilities, bio-retention swales, permeable paving and water efficient plant material to manage stormwater and reduce demand for potable water;
 - e) trees to enhance the urban forest and use of native species to protect, restore and enhance the natural heritage system;
 - f) bird friendly glass treatment to ensure that risk for migratory bird collisions is minimized;
 - g) energy efficient, shielded exterior lighting to reduce night time glare and light trespass; and
 - h) dedicated areas for collection and storage of recycling and organic waste to reduce solid waste.

4. Property owners may be required to provide for a nominal sum road widenings to the extent of the planned right-of-way as shown or as described in the Plan.

This is Exhibit "D" referred
to in the Affidavit of Michelle
Corcoran, affirmed on the 9th
day of June, 2021.



Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits

Properties

PIN 10369 - 0198 LT Affects Part of Prop

Description PART OF LOTS 688, 689 AND 690, PLAN 2120 TOWNSHIP OF YORK, PART OF LOT 13, CONCESSION 3 FTB TOWNSHIP OF YORK AND PART OF LEASIDE ROAD, PL 1535 TOWNSHIP OF YORK, BEING PART 3 ON PLAN 66R-30829; CITY OF TORONTO.

Address 33 LAIRD DRIVE
TORONTO

Source Instruments

Registration No.	Date	Type of Instrument
AT4550601	2017 05 01	Charge/Mortgage

Party From(s)

Name DUCA FINANCIAL SERVICES CREDIT UNION LTD.

Address for Service 5290 Yonge Street
Toronto, Ontario
M2N 5P9

I, Riz Ahmad, Chief Risk Officer, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Party To(s)

Capacity

Share

Name CITY OF TORONTO

Address for Service Metro Hall, Legal Services
Station 1260, 55 John Street, 26th Floor
Toronto, Ontario
M5V 3C6

Statements

The applicant postpones the rights under the selected instrument to the rights under an instrument registered as number AT5243558 registered on 2019/09/23

Schedule: The applicant also postpones the rights under the Notice of General Assignment of Rents AT4550614 to the rights under the registered instrument referenced above.

This document relates to registration number(s) AT4550601 and AT4550614.

Signed By

Boris Walter Zayachkowski 145 King Street West, Suite 2200 acting for Signed 2019 09 23
Toronto Party From(s)
M5H 4G2

Tel 416-362-3711

Fax 416-864-9223

I have the authority to sign and register the document on behalf of the Party From(s).

Submitted By

MINDEN GROSS LLP 145 King Street West, Suite 2200 2019 09 23
Toronto
M5H 4G2

Tel 416-362-3711

Fax 416-864-9223

Fees/Taxes/Payment

Statutory Registration Fee	\$64.40
Total Paid	\$64.40

File Number

Party From Client File Number : 4104450

Party To Client File Number : PSP2-700-2018-5058 (ID 205002565)

This is Exhibit "E" referred to in the Affidavit of Michelle Corcoran, affirmed on the 9th day of June, 2021.



Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits

From: Brendan Bissell [mailto:bissell@gsnh.com]
Sent: June 4, 2021 7:52 PM
To: Christopher J Henderson <Christopher.Henderson@toronto.ca>; Matthew Longo <Matthew.Longo@toronto.ca>
Cc: Prophet, Clifton <Clifton.Prophet@gowlingwlg.com>; Sheldon Title (sheldon.title@mnp.ca) <sheldon.title@mnp.ca>; Sharon Kour <skour@wfkaw.ca>; Joel Turgeon <turgeon@gsnh.com>
Subject: 33 Laird Drive

Christopher & Matthew: You have been corresponding with Cliff Prophet on this matter, who acts for the proposed purchaser of this property from my client, 33 Laird Inc., which is the current owner of 33 Laird Drive. My client is under proposal proceedings pursuant to the *Bankruptcy and Insolvency Act* (the "BIA").

We will shortly be serving a motion record returnable on June 11, 2021 at 10:00am (to be held by Zoom) for an order approving the sale agreement with Cliff's client and (among other things) seeking to vest the site plan agreement off title. That is a condition of the purchase by Cliff's client.

I note that the timing of the motion is shorter than I would have liked, and in your emails to Cliff you have mentioned that you may need time to prepare materials (including affidavits, which I will note I am not sure are relevant given that this seems to be a legal issue for which facts would be more helpful). The Commercial List does not, however, have any time in the week of June 14 at present, so this is the latest time that I can currently get for this motion. There is urgency to have the motion heard before June 18 due to the restructuring proceedings and deadlines. If a later date before June 18 does become available, I have no problem moving the hearing date to it.

In the interim, and as another way to deal with the site plan condition in the agreement with Cliff's client, I am hereby serving you with a notice of disclaimer of the site plan agreement pursuant to the BIA. It has been approved by the proposal trustee, MNP Ltd., who I copy on this along with their counsel (Sharon Kour).

On a without prejudice basis, I should note that I am aware that there have been discussions between Cliff's firm and you about possible arrangements to avoid the need to argue this motion. If the City and Cliff's client can come to an acceptable arrangement between them then my client will likely have no further issues as its goal is to close the agreement with Cliff's client and recover the security posted for the site plan agreement (either by its removal or by replacement security from Cliff's client under a purchase). To be clear, the enclosed disclaimer can be withdrawn by my clients, and the term in the draft order seeking removal of the site plan can be removed under any such arrangement. So please do not take the motion that you will receive, or the enclosed disclaimer, as intended to exclude those discussions.

I am of course happy to discuss if you wish.

Regards,

From: Joel Turgeon [mailto:turgeon@gsnh.com]

Sent: June 4, 2021 8:30 PM


To: Sheldon.title@mnp.ca; Matthew.Lem@mnp.ca; diane.winters@justice.gc.ca; Rakhee.bhandari@justice.gc.ca; kevin.ohara@ontario.ca; commercialadmin@duca.com; jmargie@margiestrub.com; oren.chaimovitch@devrylaw.ca; skour@wflaw.ca; A.Conte@contelaw.ca; wjaskiewicz@weirfoulds.com; jamie.spotswood@clydeco.ca; Christopher J Henderson <Christopher.Henderson@toronto.ca>; Matthew Longo <Matthew.Longo@toronto.ca>; daniel.rowntree@schindler.com; happybathrooms@gmail.com; j.robb@bosleyrealestate.com; alex@redsquareteam.com; nick@nwaretail.com; mohabyoussef@gmail.com; info@dovecleaners.com; kfarraj@thebehargroup.com; dwong@globalbancorp.ca; waitzer@rogers.com; info@k9expeditions.com; davidr.bishop@am.jll.com

Cc: Brendan Bissell <bissell@gsnh.com>; Karen Jones <jones@gsnh.com>

Subject: RE: 33 Laird Inc. et als., Estate No. 31-2693094 | Motion Record returnable June 11, 2021

To the service list:

I have received some error messages regarding my email below, due to file size.

I have uploaded the motion record to be accessible using the following link:  [33 Laird Inc. et als., Estate No. 31-2693094 - Motion Record returnable June 11, 2021](#)].

Please communicate with me via email or phone if you have any issues accessing the motion record.

Regards,

JOËL TURGEON

Associate

From: Christopher J Henderson <Christopher.Henderson@toronto.ca>
Sent: Monday, June 07, 2021 3:23 PM
To: Brendan Bissell <bissell@gsnh.com>
Cc: Matthew Longo <Matthew.Longo@toronto.ca>; 'Prophet, Clifton' <Clifton.Prophet@gowlingwlg.com>; 'sheldon.title@mntp.ca' <sheldon.title@mntp.ca>; 'skour@wfkaw.ca' <skour@wfkaw.ca>; Joel Turgeon <turgeon@gsnh.com>
Subject: RE: 33 Laird Drive

Brendan:

Thanks for your email. We do not see the proposal of putting off dealing with the City's concerns regarding the proposal to delete the site plan agreement from title until a later date via the Notice of Disclaimer under s. 65.11 of the BIA that you circulated to be a helpful or sufficient alternative.

The primary issue as it relates to the site plan agreement, which is now registered on title, is that it also binds future owners (for example 33 Laird Developments Inc., the prospective purchasers) but-for the attempt to delete it. The current owner seeking to disclaim the site plan agreement that binds a property is of much less significance now that that it seems likely it will soon not own the property.

Clifton, please try and get back to us soon on the proposed "comfort language" and whether if that would be sufficient to allay your client's concerns such that it no longer would need the site plan agreement to be vested out. We are prepared to discuss alternate language that you might find more satisfactory to see if it might be acceptable to the City as well.

As it stands, I anticipate being instructed to oppose the request to vest out the site plan agreement from title, and as such, have already begun drafting a responding factum. We may also deliver a short motion record with an affidavit where additional facts may be required to advance the City's legal argument.

C.

From: Brendan Bissell [mailto:bissell@gsnh.com]
Sent: June 7, 2021 5:05 PM
To: Christopher J Henderson <Christopher.Henderson@toronto.ca>
Cc: Matthew Longo <Matthew.Longo@toronto.ca>; 'Prophet, Clifton' <Clifton.Prophet@gowlingwlg.com>; 'sheldon.title@mnp.ca' <sheldon.title@mnp.ca>; 'skour@wfkaw.ca' <skour@wfkaw.ca>; Joel Turgeon <turgeon@gsnh.com>
Subject: RE: 33 Laird Drive

Hi Chris: Thanks for your email. I agree with you that deferring dealing with disclaimer issues is not appropriate and is really just another way to get at much the same issues.

Please let us know if we can help in coordinating matters for Friday if argument is necessary, and also happy to contribute in any way to alternatives that you and Cliff are discussing.

Regards,
Brendan

R. Brendan Bissell



Suite 1600 | 480 University Avenue | Toronto ON | M5G 1V2

Direct [416 597 6489](tel:4165976489) | Fax [416 597 3370](tel:4165973370) | Mobile: [416 992 4979](tel:4169924979) | www.gsnh.com

Assistant | Karen Jones | [416 597 9922 ext. 101](tel:4165979922) | jones@gsnh.com

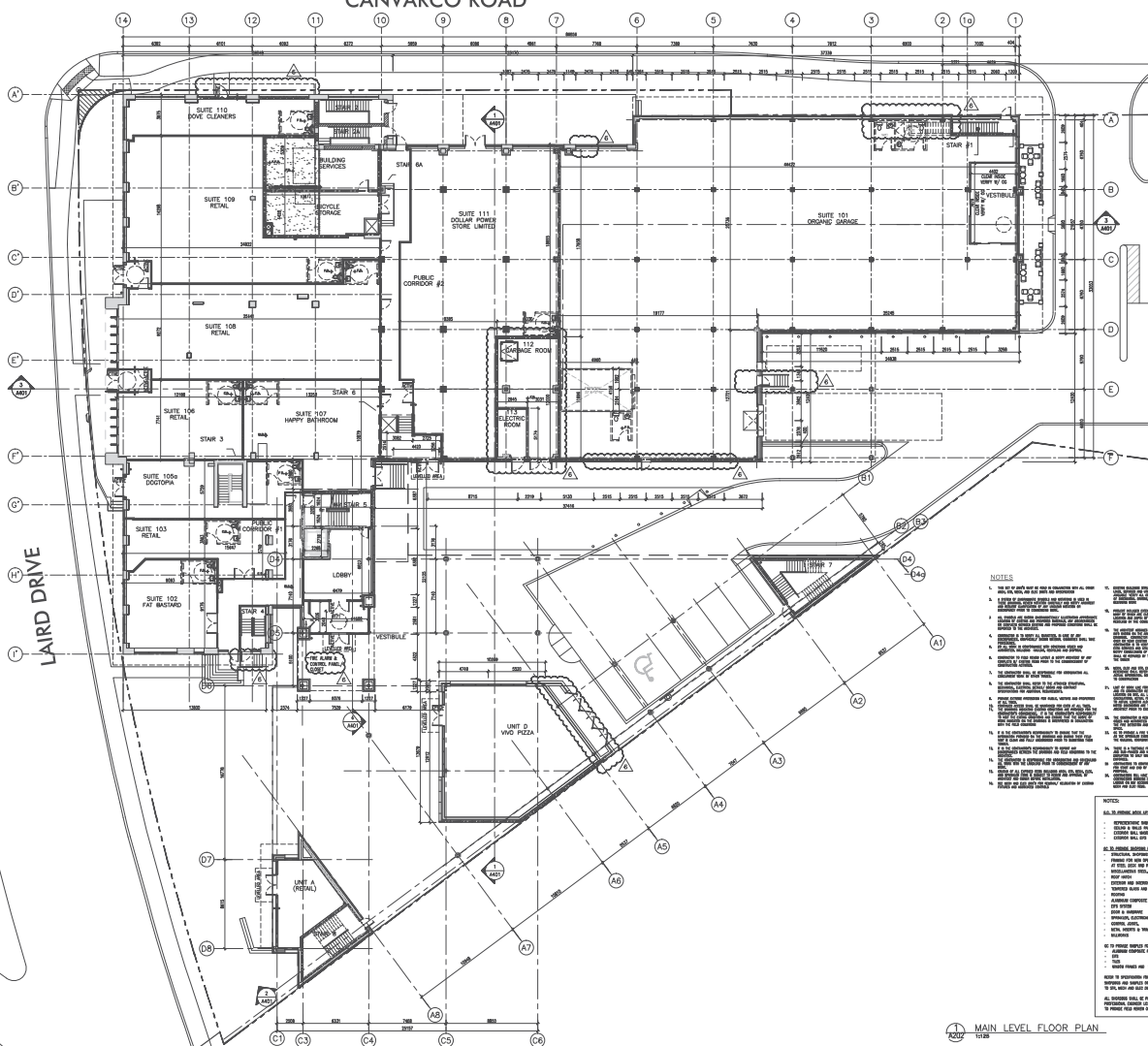
NOTICE OF CONFIDENTIALITY: This email and any attachment contain information which is privileged and confidential. It is intended only for the use of the individual to whom it is addressed. If you are not the intended recipient or the person responsible for delivering this document to the intended recipient, you are hereby advised that any disclosure, reproduction, distribution or other use of this email is strictly forbidden. If you have received this email by error, please notify us immediately by telephone or email and confirm that you have destroyed the original transmission and any copies that have been made. Thank you for your cooperation. Should you not wish to receive commercial electronic messages from GSNH, please [unsubscribe](#).

This is Exhibit "F" referred
to in the Affidavit of Michelle
Corcoran, affirmed on the 9th
day of June, 2021.

A handwritten signature in dark ink, consisting of several overlapping, horizontal strokes that form a cursive-style name.

Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits

CANVARCO ROAD



REVISIONS

NO.	DATE	DESCRIPTION
1	10/10/2017	ISSUED FOR PERMIT
2	10/10/2017	ISSUED FOR PERMIT
3	10/10/2017	ISSUED FOR PERMIT
4	10/10/2017	ISSUED FOR PERMIT
5	10/10/2017	ISSUED FOR PERMIT
6	10/10/2017	ISSUED FOR PERMIT
7	10/10/2017	ISSUED FOR PERMIT
8	10/10/2017	ISSUED FOR PERMIT
9	10/10/2017	ISSUED FOR PERMIT
10	10/10/2017	ISSUED FOR PERMIT
11	10/10/2017	ISSUED FOR PERMIT
12	10/10/2017	ISSUED FOR PERMIT
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14	10/10/2017	ISSUED FOR PERMIT
15	10/10/2017	ISSUED FOR PERMIT
16	10/10/2017	ISSUED FOR PERMIT
17	10/10/2017	ISSUED FOR PERMIT
18	10/10/2017	ISSUED FOR PERMIT
19	10/10/2017	ISSUED FOR PERMIT
20	10/10/2017	ISSUED FOR PERMIT

LEGEND

NEW WORK AND REVISIONS

EXISTING WALLS TO REMAIN

NEW WALLS TO BE CONSTRUCTED

NEW DOOR AND WINDOW

NEW FLOORING TO BE INSTALLED

NEW CEILING TO BE INSTALLED

NEW LIGHTING TO BE INSTALLED

NEW MECHANICAL TO BE INSTALLED

NEW ELECTRICAL TO BE INSTALLED

NEW PLUMBING TO BE INSTALLED

NEW PAINT TO BE INSTALLED

NEW FINISHES TO BE INSTALLED

NEW UTILITIES TO BE INSTALLED

NEW STRUCTURE TO BE INSTALLED

NEW EXTERIOR TO BE INSTALLED

NEW LANDSCAPE TO BE INSTALLED

NEW SITEWORK TO BE INSTALLED

NEW UTILITIES TO BE INSTALLED

NEW STRUCTURE TO BE INSTALLED

NEW EXTERIOR TO BE INSTALLED

NEW LANDSCAPE TO BE INSTALLED

NEW SITEWORK TO BE INSTALLED

FIRE RATING LEGEND

1.00 1 HOUR

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98.00 98 HOUR

99.00 99 HOUR

100.00 100 HOUR

NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL BUILDING CODE (NBC) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL MECHANICAL CODE (NMC) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL PLUMBING AND HEATING CODE (NPHC) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL FIRE ALARM AND SIGNALING CODE (NFASC) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL SAFETY CODE (NSC) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL CONSTRUCTION CODE (NCC) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL ACCESSIBILITY STANDARDS ACT (NSA) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL ENVIRONMENTAL BUILDING RATING SYSTEM (LEED) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL GREEN BUILDING INSTITUTE (USGBC) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL WELLNESS BUILDING INSTITUTE (WBBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
12. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL SUSTAINABLE BUILDING INSTITUTE (SBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
13. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL HEALTHY BUILDING INSTITUTE (HBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
14. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL SMART BUILDING INSTITUTE (SBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
15. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL DIGITAL BUILDING INSTITUTE (DBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
16. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL INCLUSIVE BUILDING INSTITUTE (IBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
17. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL RESILIENT BUILDING INSTITUTE (RBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
18. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL ADAPTIVE BUILDING INSTITUTE (ABI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
19. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL FLEXIBLE BUILDING INSTITUTE (FBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
20. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL INNOVATIVE BUILDING INSTITUTE (IBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
21. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL FUTURE BUILDING INSTITUTE (FBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
22. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL TRANSFORMATIVE BUILDING INSTITUTE (TBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
23. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL REVOLUTIONARY BUILDING INSTITUTE (RBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
24. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL DISRUPTIVE BUILDING INSTITUTE (DBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
25. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL CREATIVE BUILDING INSTITUTE (CBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
26. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL COLLABORATIVE BUILDING INSTITUTE (CBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
27. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL COMMUNITARIAN BUILDING INSTITUTE (CBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
28. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL HUMANITARIAN BUILDING INSTITUTE (HBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
29. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL ALTRUISTIC BUILDING INSTITUTE (ABI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
30. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL SELFLESS BUILDING INSTITUTE (SBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
31. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNSELFISH BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
32. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL DISINTERESTED BUILDING INSTITUTE (DBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
33. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL IMPARTIAL BUILDING INSTITUTE (IBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
34. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNBIASED BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
35. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL PREJUDICE-FREE BUILDING INSTITUTE (PFBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
36. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL DISCRIMINATION-FREE BUILDING INSTITUTE (DFBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
37. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL OPPRESSION-FREE BUILDING INSTITUTE (OFBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
38. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL INJUSTICE-FREE BUILDING INSTITUTE (IFBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
39. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL INEQUITY-FREE BUILDING INSTITUTE (IFBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
40. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNFAIRNESS-FREE BUILDING INSTITUTE (UFBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
41. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNLAWFUL BUILDING INSTITUTE (ULBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
42. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNETHICAL BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
43. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNMORAL BUILDING INSTITUTE (UMB) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
44. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNJUST BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
45. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNWARRANTED BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
46. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNNECESSARY BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
47. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNREASONABLE BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
48. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNWARRANTED BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
49. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNNECESSARY BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.
50. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 NATIONAL UNREASONABLE BUILDING INSTITUTE (UBI) AND ALL APPLICABLE BY-LAWS AND ORDINANCES.

1/2000 MAIN LEVEL FLOOR PLAN

PROPOSED COMMERCIAL DEVELOPMENT

QUANTUS CORP

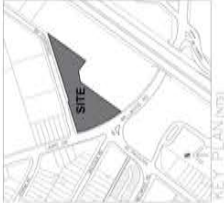
201 LAIRD DRIVE

TORONTO, ON

MAIN LEVEL FLOOR PLAN

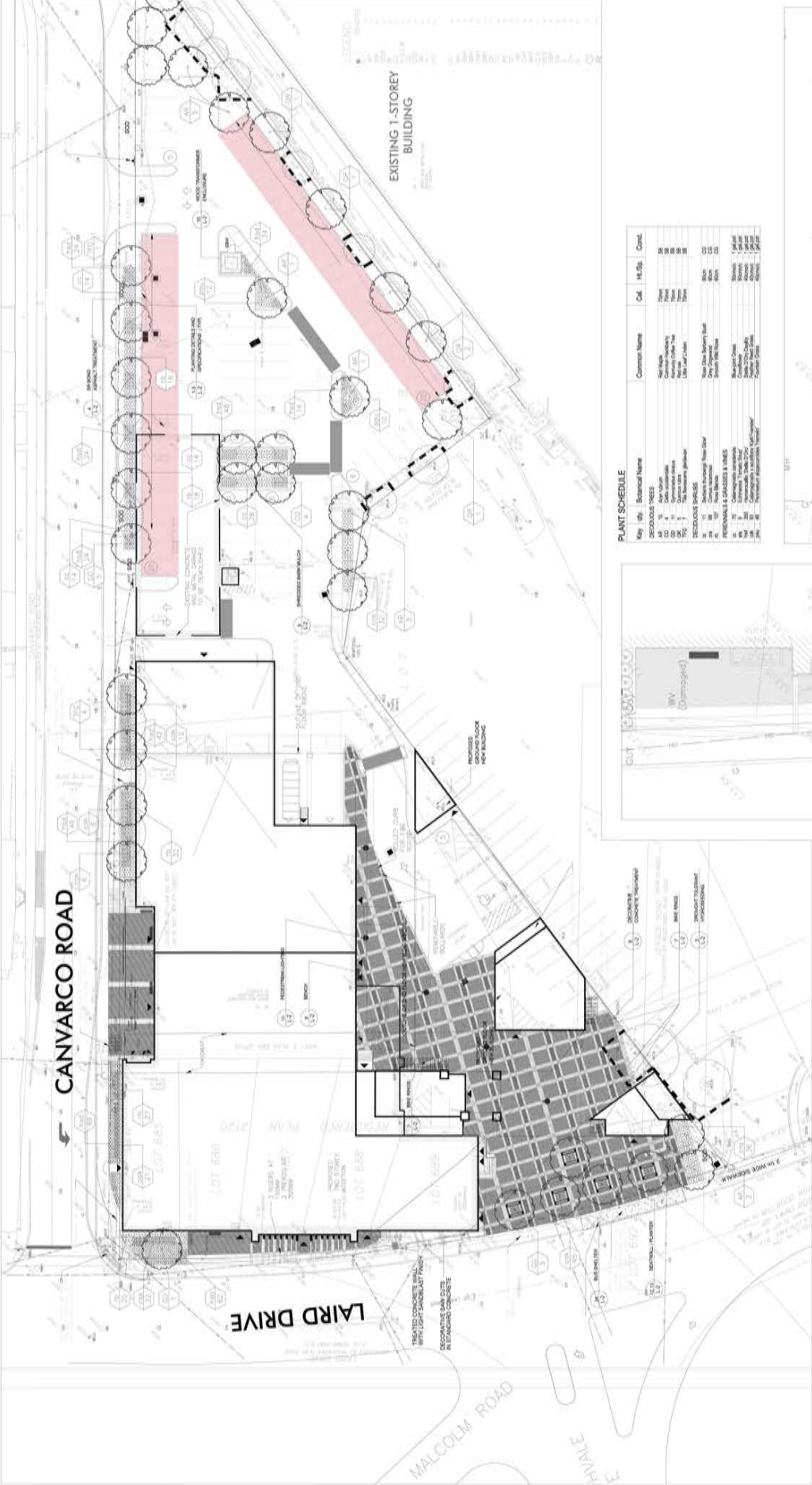
DATE	NO.	DATE	NO.
10/10/2017	1	10/10/2017	1

A202 06



LEGEND

- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING CONIFEROUS TREE TO REMAIN
- PROPOSED DECIDUOUS TREE
- PROPOSED CONIFEROUS TREE
- PROPOSED CONTINUOUS SHRUB
- SECTION
- SOOD
- PLANT KEY
- DETAIL KEY
- PLAN DETAIL KEY
- TREATED CONCRETE
- BENCH
- PEDESTRIAN LIGHTING
- SR BOND
- HIGH ALBEDO ASPHALT



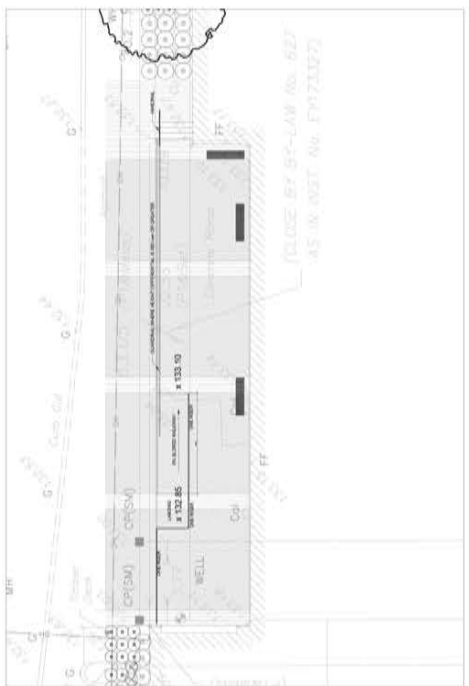
PLANT SCHEDULE

Key	Botanical Name	Common Name	Col.	H.L.S.	Code
1	DECIDUOUS TREES				
10	Red Maple	Red Maple	10	10	10
11	White Birch	White Birch	11	11	11
12	Black Birch	Black Birch	12	12	12
13	White Birch	White Birch	13	13	13
14	White Birch	White Birch	14	14	14
15	White Birch	White Birch	15	15	15
16	White Birch	White Birch	16	16	16
17	White Birch	White Birch	17	17	17
18	White Birch	White Birch	18	18	18
19	White Birch	White Birch	19	19	19
20	White Birch	White Birch	20	20	20
21	White Birch	White Birch	21	21	21
22	White Birch	White Birch	22	22	22
23	White Birch	White Birch	23	23	23
24	White Birch	White Birch	24	24	24
25	White Birch	White Birch	25	25	25
26	White Birch	White Birch	26	26	26
27	White Birch	White Birch	27	27	27
28	White Birch	White Birch	28	28	28
29	White Birch	White Birch	29	29	29
30	White Birch	White Birch	30	30	30
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37	White Birch	White Birch	37	37	37
38	White Birch	White Birch	38	38	38
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42	White Birch	White Birch	42	42	42
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44	White Birch	White Birch	44	44	44
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46	White Birch	White Birch	46	46	46
47	White Birch	White Birch	47	47	47
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49	White Birch	White Birch	49	49	49
50	White Birch	White Birch	50	50	50

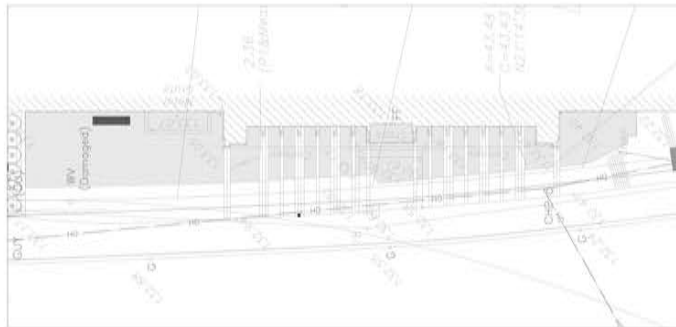
1 Landscape Plan
L-1 1:250

- GENERAL NOTES**
1. Check with the developer for all proposed work to confirm correct locations.
 2. All proposed work shall be in accordance with the applicable design standards for proposed work.
 3. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 4. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 5. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 6. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 7. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 8. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 9. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
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 14. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 15. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 16. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 17. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 18. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 19. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.
 20. The location and grade of all proposed work shall be in accordance with the proposed and preliminary survey.

F74



4 Detail Plan - At North Entry
L-1 1:100



3 Detail Plan - At Main Entry
L-1 1:100

PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
MHBC ARCHITECTURE

33 Laird Drive
Mixed Use Development
Troy, ON

Project

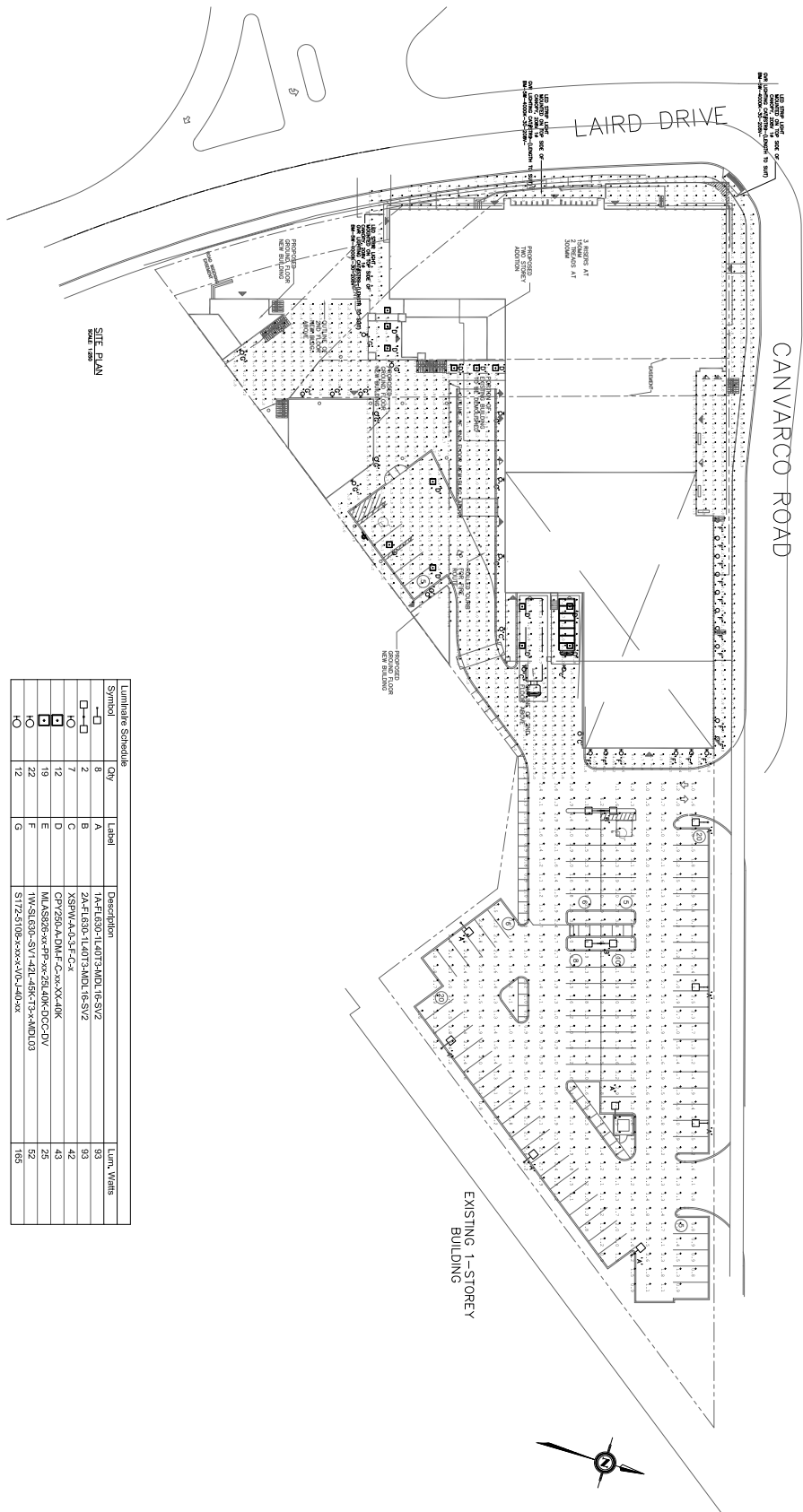
File No. 2024-01
Date August 2024

Client: G.C.
Architect: MHBC
Landscape Architect: MHBC

Scale: 1:100

Sheet: L-1 of 2

F91



Luminaire Schedule	Symbol	Qty	Label	Description	Lum. Watts
1	□	8	A	1x4-F10-1-0073-AND 16-SV2	83
2	□	7	B	2x4-F10-1-0073-AND 16-SV2	83
3	□	12	C	XSPW-A-0-3-F-C-0	42
4	□	12	D	CPV250-A-D-M-F-C-0-XXX-X-D-K	45
5	□	19	E	M-LAS-828-0-0-PH-0-2-58-L-D-K-D-C-C-D-V	25
6	□	22	F	1W-SL-630-SV-1-2L-45K-T3-4-M-D-U-3	52
7	□	12	G	S17Z-5108-0-0-XXX-V-0-1-40-XX	165

Calculation Summary	Label	Units	Avg	Max	Min	Avg/Min	Max/Min
Building Surrounds - East	Fc	11.14	16.5	5.3	2.10	3.11	38.00
Building Surrounds - NW	Fc	3.87	15.2	0.4	3.98	38.00	4.33
Building Surrounds - South	Fc	1.08	2.8	0.6	1.80	7.00	1.86
Entrance - East	Fc	5.11	11.2	1.6	3.19	1.38	1.77
Entrance - South	Fc	7.88	10.6	5.7	1.38	1.86	1.77
Loading Dock	Fc	7.88	10.1	5.7	1.38	1.86	1.77
Parking	Fc	2.14	7.7	0.8	2.88	9.93	13.40
Roeway & Parking	Fc	4.47	13.4	1.0	4.47	13.40	

- DESIGN NOTES:
- POLE LUMINAIRES MOUNTING HEIGHT IS 28'. (25 POLE AND 3 BASE)
 - WALL PACKS, WALL SCORGES, CANOPY LIGHTS AND UPLIGHTS ARE MOUNTED AT DIFFERENT HEIGHTS, WITH REFERENCE TO ARCHITECTURE ELEVATIONS.
 - FOR DETAILS ON FIXTURES CONTACT COREY @ RUTENBERGSALES.COM

NO.	REV.	DATE	DESCRIPTION
1	0	12/17/21	ISSUED FOR PERMITS

RUTENBERG SALES
ENGINEERING
 10000 16th Ave S, Suite 100
 Golden, CO 80401
 Phone: 303.440.1111
 Fax: 303.440.1112
 Email: info@rutenbergsales.com

PROPOSED COMMERCIAL DEVELOPMENT
 31 LAIRD DRIVE
 TORONTO, ONTARIO

SITE LIGHTING PLAN
 DATE: 12/17/21
 DRAWN BY: [Name]
 CHECKED BY: [Name]

Scale: 1" = 10'-0"

This is Exhibit "G" referred
to in the Affidavit of Michelle
Corcoran, affirmed on the 9th
day of June, 2021.



Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits



F95

F78



F96

F79



F97

F80



F98

F81







This is Exhibit "H" referred
to in the Affidavit of Michelle
Corcoran, affirmed on the 9th
day of June, 2021.



Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits

247 Spadina Avenue
4th Floor
Toronto, Ontario
M5T 3A8

416.506.1600 ☎
416.506.0956 📠

info@cmvarch.com
www.cmvarch.com

Craig
Bonham
B.Arch.

Daniel
Cowling
B.E.S. B.Arch.
OAA MRAIC

Jacqueline
Koos
B.Arch.Sci.

Otto F.
Miller
B.Arch. B.Tech
(Arch.Sci.)
OAA MRAIC

Ahmad
Mostofian
B.Arch OAA

Luigi
Rostirolla
B.Tech
(Arch.Sci.)

Heinz
Vogt
B.Arch OAA
MRAIC

Susan
Webster
B.A. (Hons)
B.E.S. B.Arch

June 3, 2021

Toronto Building
Toronto City Hall
12th Floor E, 100 Queen Street West
Toronto ON M5H 2N2

Attention: Chief Building Official

**Re: 33 Laird Drive
Demolition, New Construction, and Renovations
Permit No. 17 119843 DEM 00
18 237820 BLD 00
20 194768 BLD 00
Our Project No. 14A162
18A149**

Dear Sir:

Please be advised that we have been notified that a receiver has been appointed to deal with matters related to the above captioned project. As the applicant on behalf of the owners (Permit Applications attached) we are unable to provide the required field review mandated by applicable law. A copy of our previous inspection report is attached. We are uncertain whether there are additional requirements and would be happy to receive further communication if required.

Yours truly,
CMV Group Architects



Allan Stone
Architect

cc. Sandra Burrows, Deputy Chief Building Official, North York District
5100 Yonge Street, Ground Floor
Toronto ON M2N 5V1



4 - 247 Spadina Avenue
 Toronto, Ontario
 M5T 3A8

☎ 416.506.1600
 📠 416.506.0956

www.cmvarch.com

FIELD REVIEW REPORT

<p>DATE May 12, 2021</p> <p>PROJECT Commercial Development 33 Laird Drive, Toronto, Ontario Permit No.18 237820 BLD 00 BA</p> <p>TO Toronto Building City of Toronto North York District North York Civic Centre 5100 Yonge Street, Ground Floor Toronto ON M2N 5V7</p>	<p>FIELD REVIEW REPORT No 21.05.1</p> <p>PROJECT No 14A162</p> <p>ATTENTION Building Inspections</p> <p>TIME OF DAY 1100</p> <p>WEATHER Sunny, 12°C</p>
---	--

The progress of the Work was reviewed to determine outstanding deficiencies remaining from the previous inspection. The absence of any deficiency, or any deficiency not specifically noted on this report does not relieve the Contractor of his obligation to remedy deficiencies under the contract.

CATEGORIES	A. General Comments	B. Architect's Action	C. Contractor's Instruction
	1. Purpose 2. Work Force 3. Progress 4. Activities 5. Delays 6. Difficulties 7. Remarks	1. General 2. Shop Drawings 3. Details 4. Drawings 5. S.I.'s Issued 6. C.C.N.'s 7. C.O.'s 8. Clarifications 9. General Information 10. Samples	1. General 2. Approvals 3. Materials & Workmanship

OBSERVATIONS

A. General Comments

1. Purpose
 - 1.1. The purpose of the Field Review inspection was to assess the status of construction.
2. Work Force
 - 2.1. There were no construction workers on site.
3. Progress
 - 3.1. The steel frame and metal deck were installed up to the roof level
 - 3.2. Frames for rooftop equipment were on site but not installed.
 - 3.3. Concrete columns were constructed in the loading area.
 - 3.4. Doors and windows have been removed for installation of new entrances and storefronts.
 - 3.5. The material lift was on site but not installed.

PER CMV GROUP ARCHITECTS

DISTRIBUTION




Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the *Building Code Act, 1992*

For use by Principal Authority			
Application number:		Permit number (if different):	
Date received (yyyy-mm-dd):		Roll number:	
Application submitted to: City of Toronto (Name of municipality, upper-tier municipality, board of health or conservation authority)			
A. Project information			
Building number, street name 33 Laird Drive		Unit number	Lot/con.
Municipality North York	Postal code M4G 3S8	Plan number/other description Lot 685, part lot 686-692 of 2120, Part of Lot 12/13 Con 3	
Project value est. \$ \$ 5,000,000.00		Area of work (m ²) 7,807.84	
B. Purpose of application			
<input checked="" type="checkbox"/> New construction <input type="checkbox"/> Addition to an existing building <input type="checkbox"/> Alteration/repair <input type="checkbox"/> Demolition <input type="checkbox"/> Conditional Permit			
Proposed use of building Commercial Group A Div.2, D & E		Current use of building Commercial	
i) Description of proposed work: Building, Plumbing and HVAC Proposed Commercial Development to include New Construction, Addition & Rebuilding after Major			
ii) Detailed description of proposed work must also be stated: Demolition along with Structural work, Plumbing work, HVAC & Electrical work			
C. Applicant			
Applicant is: <input type="checkbox"/> Owner or <input checked="" type="checkbox"/> Authorized agent of owner			
Last name Stone	First name Allan	Corporation or partnership SMV Architects	
Street address 247 Spadina Avenue		Unit number 4th Floor	Lot/con.
Municipality Toronto	Postal code M5T 3A8	Province Ontario	E-mail astone@smvarch.com
Telephone number (416) 506-1600	Fax (416) 506-0956	Cell number (416) 550-1585	
D. Owner* (if different from applicant)			
*Owner - includes the registered owner of the land, or a lessee, or mortgagee in possession.			
Last name Godfrey	First name Barry	Corporation or partnership 33 Laird Limited Partnership	
Street address 2323 Yonge Street		Unit number Suite 605	Lot/con.
Municipality Toronto	Postal code M4P 2C9	Province Ontario	E-mail bgodfrey@quaestus.ca
Telephone number (416) 781-3924	Fax (647) 348-5715	Cell number (416) 662-1110	

Application for a Permit to Construct or Demolish

E. Builder (optional)			
Last name	First name	Corporation or partnership (if applicable)	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax	Cell number	
F. Tarion Warranty Corporation (Ontario New Home Warranty Program)			
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____			
G. Required Schedules			
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.			
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.			
H. Completeness and compliance with applicable law			
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted).		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
iv) The proposed building, construction or demolition will not contravene any applicable law.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
I. Declaration of applicant			
I, <u> Allan Stone </u> declare that:			
(print name)			
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.			
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.			
2018-02-20			
Date (yyyy-mm-dd)		Signature of applicant	

Personal information contained in this form and schedules is collected under the authority of the Building Code Act, S.O. Chapter 23, S.s. 8(1.1) and will be used in the administration and enforcement of the Building Code Act, S.O. 1992, Chapter 23.

Questions about the collection of personal information may be addressed to:

- a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or
- b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or
- c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E2 (416) 585-6666.



Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the *Building Code Act, 1992*

For use by Principal Authority			
Application number:		Permit number (if different):	
Date received (yyyy-mm-dd):		Roll number:	
Application submitted to: City of Toronto (Name of municipality, upper-tier municipality, board of health or conservation authority)			
A. Project information			
Building number, street name 33 Laird Drive		Unit number	Lot/con.
Municipality North York	Postal code M4G 3S8	Plan number/other description Lot 685, part lot 686-692 of 2120, Part of Lot 12/13 Con 3	
Project value est. \$ \$ 5,000,000.00		Area of work (m ²) 6,309.49	
B. Purpose of application			
<input checked="" type="checkbox"/> New construction <input type="checkbox"/> Addition to an existing building <input type="checkbox"/> Alteration/repair <input type="checkbox"/> Demolition <input type="checkbox"/> Conditional Permit			
Proposed use of building Commercial Group A Div.2, D & E		Current use of building Commercial	
i) Description of proposed work: Building Revision to existing Permit # 18 237820 (open)			
ii) Detailed description of proposed work must also be stated: Proposed Commercial Development: - Deleted triangular building and mezzanine of 2nd Floor. - Revised tenant layout & stairs - Relocated transformer			
C. Applicant			
Applicant is: <input type="checkbox"/> Owner or <input checked="" type="checkbox"/> Authorized agent of owner			
Last name Stone	First name Allan	Corporation or partnership CMV Group Architects	
Street address 247 Spadina Avenue		Unit number 4th Floor	Lot/con.
Municipality Toronto	Postal code M5T 3A8	Province Ontario	E-mail astone@smvarch.com
Telephone number (416) 506-1600	Fax (416) 506-0956	Cell number (416) 550-1585	
D. Owner* (if different from applicant)			
*Owner - includes the registered owner of the land, or a lessee, or mortgagee in possession.			
Last name Godfrey	First name Barry	Corporation or partnership 33 Laird Limited Partnership	
Street address 2323 Yonge Street		Unit number Suite 605	Lot/con.
Municipality Toronto	Postal code M4P 2C9	Province Ontario	E-mail bgodfrey@quaestus.ca
Telephone number (416) 781-3924	Fax (647) 348-5715	Cell number (416) 662-1110	

Application for a Permit to Construct or Demolish

E. Builder (optional)			
Last name	First name	Corporation or partnership (if applicable)	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax		Cell number
F. Tarion Warranty Corporation (Ontario New Home Warranty Program)			
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____			
G. Required Schedules			
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.			
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.			
H. Completeness and compliance with applicable law			
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted). Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
iv) The proposed building, construction or demolition will not contravene any applicable law.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
I. Declaration of applicant			
<p>I <u> Allan Stone </u> declare that:</p> <p style="margin-left: 100px;">(print name)</p> <p>1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.</p> <p>2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.</p> <p>2019-12-20</p> <p style="display: flex; justify-content: space-between;"> _____ _____ </p> <p style="display: flex; justify-content: space-between;"> Date (yyyy-mm-dd) Signature of applicant </p>			

Personal information contained in this form and schedules is collected under the authority of the Building Code Act, S.O. Chapter 23, S.s. 8(1.1) and will be used in the administration and enforcement of the Building Code Act, S.O. 1992, Chapter 23.

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- a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or,
- b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or,
- c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E2 (416) 585-6666.

This is Exhibit "I" referred to
in the Affidavit of Michelle
Corcoran, affirmed on the 9th
day of June, 2021.



Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits

Mitchell Lima

From: Christopher J Henderson
Sent: June 3, 2021 11:33 AM
To: 'Prophet, Clifton'; Lupo, Rosa
Cc: Matthew Longo
Subject: RE: 33 Laird

Hello Clifton and Rosa:

Matthew and I have conferred and wanted to propose the following in a "comfort letter." Please advise if you think it is satisfactory for your purposes. We will hold off reviewing it with our instructing client in this matter until we arrive at something we can both live with.

The City confirms that for the purposes of paragraphs 9 – 11 of the site plan agreement, it will not take the position that if 33 Laird Inc. obtained title to the property, that it would be in default of those sections of the agreement by reason only of it not commencing "the Project" as defined in the Site Plan Agreement.

For greater certainty, nothing in the foregoing detracts from any other obligations your client may have with respect to the existing structure on the property, including under the *Building Code Act*, the *Toronto Municipal Code*, or the *Heritage Easement Agreement*.

The City will continue to hold the Financial Securities with respect to public realm and public interest matters.

From: Prophet, Clifton [mailto:Clifton.Prophet@gowlingwlg.com]
Sent: June 2, 2021 4:11 PM
To: Matthew Longo ; Christopher J Henderson ; Lupo, Rosa
Subject: RE: 33 Laird

1-866-201-0079
472174

From: Prophet, Clifton
Sent: Wednesday, June 02, 2021 4:09 PM
To: 'Matthew Longo' <Matthew.Longo@toronto.ca>; 'Christopher J Henderson' <Christopher.Henderson@toronto.ca>; Lupo, Rosa <rosa.lupo@gowlingwlg.com>
Subject: RE: 33 Laird

All;

I have the line open now.

Regards,

Cliff

From: Prophet, Clifton
Sent: Wednesday, June 02, 2021 4:01 PM
To: 'Matthew Longo' <Matthew.Longo@toronto.ca>; Christopher J Henderson <Christopher.Henderson@toronto.ca>; Lupo, Rosa <rosa.lupo@gowlingwlg.com>
Subject: RE: 33 Laird

Ok. I will end as soon as I can and we will start shortly.

From: Matthew Longo <Matthew.Longo@toronto.ca>
Sent: Wednesday, June 02, 2021 3:59 PM
To: Prophet, Clifton <Clifton.Prophet@gowlingwlg.com>; Christopher J Henderson <Christopher.Henderson@toronto.ca>; Lupo, Rosa <rosa.lupo@gowlingwlg.com>
Subject: RE: 33 Laird

This message originated from outside of Gowling WLG. | Ce message provient de l'extérieur de Gowling WLG.

I've pushed my previous 4pm to 4:30 so we will be fairly tight on time. Happy to still proceed on that basis.

Matt

Matthew Longo | Solicitor, City of Toronto Legal Services
Planning & Administrative Tribunal Law Section |
55 John Street, 26th Floor Metro Hall, M5V 3C6, Toronto
T: (416) 392-8109 | F: (416) 397-5624 | E: matthew.longo@toronto.ca

Confidentiality Notice: The contents of this message may contain confidential and/or privileged subject matter. If you have received this message in error, please notify the sender immediately by telephone, do not print and delete the original communication.

From: Prophet, Clifton [<mailto:Clifton.Prophet@gowlingwlg.com>]
Sent: June 2, 2021 3:58 PM
To: Matthew Longo <Matthew.Longo@toronto.ca>; Christopher J Henderson <Christopher.Henderson@toronto.ca>; Lupo, Rosa <rosa.lupo@gowlingwlg.com>
Subject: 33 Laird

With apologies, could we defer this call for 15 minutes? I am on another call that has run over time.

Regards,

Cliff

Clifton Prophet
Partner
T +1 416 862 3509
clifton.prophet@gowlingwlg.com



The information in this email is intended only for the named recipient and may be privileged or confidential. If you are not the intended recipient please notify us immediately and do not copy, distribute or take action based on this email. If this email is marked 'personal' Gowling WLG is not liable in any way for its content. E-mails are susceptible to alteration. Gowling WLG shall not be liable for the message if altered, changed or falsified.

Gowling WLG (Canada) LLP is a member of Gowling WLG, an international law firm which consists of independent and autonomous entities providing services around the world. Our structure is explained in more detail at www.gowlingwlg.com/legal.

References to 'Gowling WLG' mean one or more members of Gowling WLG International Limited and/or any of their affiliated businesses as the context requires. Gowling WLG (Canada) LLP has offices in Montréal, Ottawa, Toronto, Hamilton, Waterloo Region, Calgary and Vancouver.

This is Exhibit "J" referred
to in the Affidavit of Michelle
Corcoran, affirmed on the 9th
day of June, 2021.



Christopher J. Henderson
A Notary Public and
Commissioner for Taking
Affidavits

LEASE 42901

DATED: Sept 19, 1962, A.D. 1962

LEASE 42901

LN 31
3700

Town of Leaside
 19 19 SEP 1962
 A. N. [Signature]
 S. J. [Signature]

BY-LAW NO. 1852
 TOWN OF LEASIDE

PROPERTY INSTRUMENTS
 IS THE PROPERTY OF
 REGISTRY OFFICE
 EAST AND WEST YORK, TORONTO

MAGWOOD, FRITH & CASEY
 Barristers & Solicitors,
 44 King Street West,
 Toronto 1, Ontario.

61335-19

IN THE MATTER OF BY-LAW NO. 1852
OF THE TOWN OF LEASIDE BEING A
BY-LAW TO DESIGNATE AN AREA OF
SUBDIVISION CONTROL

DECLARATION

I, ROYCE HERBERT FRITH of the City of Toronto
in the County of York, Solicitor, hereby declare as follows:

1. I am solicitor for the Town of Leaside and
as such have knowledge of the facts herein deposed to.

2. The lands referred to in the said Leaside
By-law 1852, copy of which is hereto annexed, are entered
in the Registry Office for the East and West Ridings of the
County of York as follows:

(a) All and Singular that certain parcel or
tract of land and premises situate, lying
and being in the Town of Leaside in the
County of York and more particularly
described as follows:

Those parts of Lots 12, 13 and 14
in the Third Concession from the
Bay Town of Leaside enclosed within
the following boundaries:
Commencing in the south limit of
Commercial Road at its intersection
with the east limit of Laird Drive
thence easterly along Commercial Road
and continuing along its eastward
projection to the west limit of the
Canadian Pacific Railway; then south
and west along the northern limit of
the said Canadian Pacific Railway
right-of-way to the east limit of
Millwood Road, thence north along the
east limit of Millwood Road and continuing
along the east limit of Laird Drive to
the point of commencement.

SAVING AND EXCEPTING out of Lot 12 in the Third Concession from the Bay Town of Leaside, ~~Lots 691 and 692 all~~ according to Plan registered for the Town of Leaside, as number 2120.

RAF

SAVING AND EXCEPTING out of Lot 13 in the Third Concession from the Bay Town of Leaside, ~~Lots 652 to 663 both inclusive, Lots 666 to 682 both inclusive and Lots 685 to 692 both inclusive all~~ according to Plan registered for the Town of Leaside as number 2120.

RAF

SAVING AND EXCEPTING out of Lot 14 in the Third Concession from the Bay Town of Leaside, ~~Lots 631 to 641 both inclusive, and Lots 644 to 652 both inclusive all~~ according to Plan registered for the Town of Leaside as number 2120, and also

RAF

~~All of Blocks "A" and "B" according to~~ Plan registered for the Town of Leaside as number 2574 and also ~~all of Blocks "A" and "B" according to~~ Plan 2643 for the said Town of Leaside.

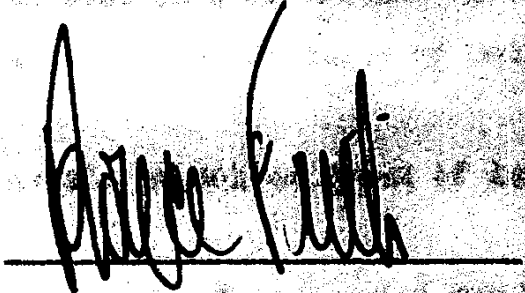
RAF

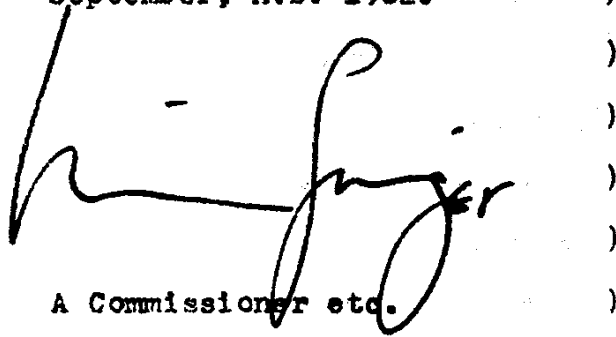
RAF

- (b) All and Singular those certain parcels or tracts of land situate, lying and being in the Town of Leaside in the County of York and known as Lots 631 to 641 both inclusive, Lots 644 to 663 both inclusive, Lots 666 to 682 both inclusive and Lots 685 to 692 both inclusive all according to Plan registered for the Town of Leaside as number 2120 and also All of Blocks "A" and "B" according to Plan registered for the Town of Leaside as number 2574 and also All of Blocks "A" and "B" registered for the Town of Leaside as 2643.

AND I MAKE THIS SOLEMN DECLARATION
conscientiously believing it to be true and knowing it
is the same force and effect as though made under The Canada
Evidence Act.

SWORN BEFORE ME at the City)
of Toronto, in the County of)
York, this 13th day of)
September, A.D. 1962.)




A Commissioner etc.)

**BEING A BY-LAW TO DESIGNATE AN AREA OF
SUBDIVISION CONTROL**

LEASIDE 4296

F119

The Council of the Corporation of the Town of Leaside enacts as follows:

1: The lands situate, lying and being in the Town of Leaside hereinafter described are hereby designated as an area of subdivision control pursuant to Section 1 of Section 26 of The Planning Act as re-enacted by the Annual Statutes of Ontario, 1960-61, Chapter 76

All and singular that certain parcel or tract of land bounded as follows:


Commencing in the south limit of Commercial Road at its intersection with the east limit of Laird Drive thence easterly along Commercial Road and continuing along its eastward projection to the west limit of the Canadian Pacific Railway; thence south and west along the northern limit of the said Canadian Pacific Railway right-of-way to the east limit of Millwood Road, thence north along the east limit of Millwood Road and continuing along the north limit of Laird Drive to the point of commencement.

2: The area so designated shall be deemed to include registered plan 2917, registered plans numbered 2374, 2921, 2643 Leaside and 1535 York and that part of Plan 2120 Leaside lying to the east of Laird Drive and south of Commercial Road, and the same, all as registered in the Registry Division for the East and West Ridings of the County of York, are hereby deemed not to be registered plans of subdivision for the purposes of paragraph 1 of this by-law and subsection 1 of the said Section 26.

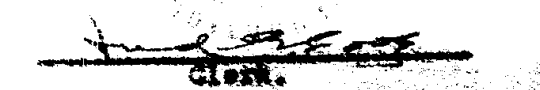
3: Subsection 3 of Section 26 of The Planning Act as re-enacted by the Annual Statutes of Ontario 1960-61, Chapter 76 applies to all land in the area described in paragraph 1 of this by-law.

PASSED AND ENACTED this 19th day of June

A. D. 1962.



Mayor



Clerk.

F102

Properties

PIN 10369 - 0198 LT

Description LT 685 PL 2120 TWP OF YORK; PT LT 686 PL 2120 TWP OF YORK; PT LT 687 PL 2120 TWP OF YORK; PT LT 688 PL 2120 TWP OF YORK; PT LT 689 PL 2120 TWP OF YORK; PT LT 690 PL 2120 TWP OF YORK; PT LT 691 PL 2120 TWP OF YORK; PT LT 692 PL 2120 TWP OF YORK; PT LT 12 CON 3 FTB TWP OF YORK; PT LT 13 CON 3 FTB TWP OF YORK; PT LEASIDE RD PL 1535 TWP OF YORK AS IN TL46644; PT CANVARCO RD PL 2921 TWP OF YORK CLOSED BY EY173327, AS IN EY184825; TORONTO , CITY OF TORONTO

Address 33 LAIRD DRIVE
TORONTO

Applicant(s)

This Order/By-law affects the selected PINs.

Name CITY OF TORONTO

Address for Service City Clerk
City of Toronto
City Hall, 100 Queen Street West
Toronto, ON
M5H 2N2

This document is being authorized by a municipal corporation City of Toronto, Helia De Melo, Supervisor of Legal Conveyancing Clerks.
This document is not authorized under Power of Attorney by this party.

Statements

This application is based on the Municipality By-law See Schedules.

Signed By

Jacqueline Brown 55 John St., 26th Floor acting for Signed 2017 07 31
Toronto Applicant(s)
M5V 3C6

Tel 416-392-8047

Fax 416-397-5624

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

CITY OF TORONTO 55 John St., 26th Floor 2017 08 01
Toronto
M5V 3C6

Tel 416-392-8047

Fax 416-397-5624

Fees/Taxes/Payment

Statutory Registration Fee \$63.35

Total Paid \$63.35

File Number

Applicant Client File Number : 4100-652-5908-2017 (JB)

Authority: North York Community Council Item NY20.38, as adopted by City of Toronto Council on March 9, 2017

CITY OF TORONTO

BY-LAW 781-2017

To designate the property at 33 Laird Drive (Sheridan Equipment Company Ltd.) as being of cultural heritage value or interest.

Whereas the *Ontario Heritage Act* authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest; and

Whereas authority was granted by Council to designate the property at 33 Laird Drive (Sheridan Equipment Company Ltd.) as being of cultural heritage value or interest; and

Whereas the Council of the City of Toronto has caused to be served upon the owners of the land and premises known as 33 Laird Drive and upon the Ontario Heritage Trust, Notice of Intention to designate the property, and has caused the Notice of Intention to be posted on the City's web site for a period of 30 days in accordance with Municipal Code Chapter 162, Notice, Public, Article II, § 162-4.1. Notice requirements under the *Ontario Heritage Act*; and

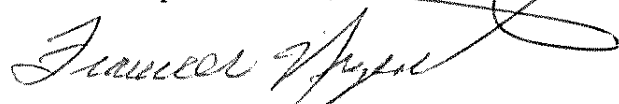
Whereas no notice of objection was served upon the Clerk of the municipality; and

Whereas the reasons for designation are set out in Schedule A to this by-law;

The Council of the City of Toronto enacts:

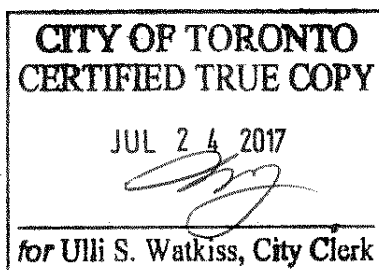
1. The property at 33 Laird Drive, more particularly described in Schedule B attached to this by-law, is designated as being of cultural heritage value or interest.
2. The City Solicitor is authorized to cause a copy of this by-law to be registered against the property described in Schedule B to this by-law in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owners of the property at 33 Laird Drive and upon the Ontario Heritage Trust and to cause notice of this by-law to be posted on the City's web site for a period of 30 days in accordance with Municipal Code Chapter 162, Notice, Public, Article II, § 162-4.1. Notice requirements under the *Ontario Heritage Act*.

Enacted and passed on ~~July 7, 2017.~~



Frances Nunziata,
Speaker

(Seal of the City)




Ulli S. Watkiss,
City Clerk

**SCHEDULE A
STATEMENT OF SIGNIFICANCE
REASONS FOR DESIGNATION
33 LAIRD DRIVE**

Description

The former Sheridan Equipment Company Ltd. complex at 33 Laird Drive is located at the south-east corner of Laird Drive and Canvarco Road. Built in 1945-6, the building is composed of a series of one to two storey blocks with flat roofs and a prominent chimney, clad in brick with cast-stone details.

Statement of Cultural Heritage Value

The property at 33 Laird Drive is worthy of designation for its cultural heritage value, and meets the criteria stated in Ontario Regulation 9/06 under the three categories of design, associative and contextual values.

The former Sheridan Equipment Company Ltd. complex has design value as a fine representative of the Streamlined Modern style which was popular in the 1930s and 1940s in Toronto. It is also valued for the artistic merit evident in the expression of the functional elements of the building as separate volumes and in the care with which the various decorative elements are integrated. These qualities are evident in the composition of the massing of the complex and in the detailing of the brick and cast stone details.

The property has associative value as it is linked with the history and evolution of the Village of Leaside from ancient Iroquois shoreline to 19th century farm-holdings to garden suburb with an industrial park and railway station. Built in 1945-6, the complex is part of Leaside's emergence as an industrial area which was integral to its town origins, contributed to Canada's service in World War I and II and expanded to support growth in peacetime. The property is also valued for its association with the Toronto-based engineering company, Margison & Babcock, who also undertook a number of significant architectural commissions within the city.

The property has contextual value as it is important in defining, and maintaining the historic industrial character east of Laird Drive. Situated at the convergence of Laird Drive, Millwood Road, Southvale Drive and the CPR rail line, the distinctive composition of this industrial complex and its Streamlined Modern details make it a prominent landmark and a significant contributor to the physical character of the neighbourhood today.

Heritage Attributes

The heritage attributes on the exterior of the property at 33 Laird Drive are:

- The exact location of the buildings on the south-east corner of Laird Drive and Canvarco Road
- The landscaped set-back and the stairs to the main entry facing Laird Drive

- The form and massing of the various original blocks with their flat roofs including the entry/showroom volume, paired office/stockroom volumes, workshop loading bay office block, two-story workshop and the square section chimney adjacent to the workshop
- The brick cladding including:
 - the standard red brick cladding
 - the horizontally striated brick cladding with its projecting bands on the upper section of the entry/showroom block
- The cast stone details including:
 - the cast-stone frame of the entry pavilion
 - the cast-stone c-channels integrated with the fenestration of the entry pavilion
 - the cast-stone decorative elements featuring square motifs in relief at either end of the entry pavilion
 - The fluted panels on the outsides of the cast-stone frame of the entry pavilion
 - The cast-stone sills, lintels and decorative panels with horizontal mouldings of the windows on the north, west, south and east elevations of the side pavilions flanking the entry pavilion
- The tile clad frame at the main entry on Laird Drive
- The original window openings including those of the entry pavilion, the side wings of the offices and stock rooms, workshop loading bay office and the two-storey workshop

Please note: later additions to this property are **not** included as part of the heritage attributes.

SCHEDULE B
LEGAL DESCRIPTION

PIN 10369-0198(LT)

LT 685 PL 2120 TWP OF YORK; PT LT 686 PL 2120 TWP OF YORK; PT LT 687 PL 2120 TWP OF YORK; PT LT 688 PL 2120 TWP OF YORK; PT LT 689 PL 2120 TWP OF YORK; PT LT 690 PL 2120 TWP OF YORK; PT LT 691 PL 2120 TWP OF YORK; PT LT 692 PL 2120 TWP OF YORK; PT LT 12 CON 3 FTB TWP OF YORK; PT LT 13 CON 13 FTB TWP OF YORK; PT LEASIDE RD PL 1535 TWP OF YORK AS IN TL46644; PT CANVARCO RD PL 2921 TWP OF YORK CLOSED BY EY173327, AS IN EY184825

City of Toronto (former Borough of East York), Province of Ontario
Registry Division of the Toronto Registry Office (No. 66)

LRO # 80 Notice

Registered as AT4815350 on 2018 03 05 at 14:36

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 29

Properties

PIN 10369 - 0198 LT

Description LT 685 PL 2120 TWP OF YORK; PT LT 686 PL 2120 TWP OF YORK; PT LT 687 PL 2120 TWP OF YORK; PT LT 688 PL 2120 TWP OF YORK; PT LT 689 PL 2120 TWP OF YORK; PT LT 690 PL 2120 TWP OF YORK; PT LT 691 PL 2120 TWP OF YORK; PT LT 692 PL 2120 TWP OF YORK; PT LT 12 CON 3 FTB TWP OF YORK; PT LT 13 CON 3 FTB TWP OF YORK; PT LEASIDE RD PL 1535 TWP OF YORK AS IN TL46644; PT CANVARCO RD PL 2921 TWP OF YORK CLOSED BY EY173327, AS IN EY184825; TORONTO , CITY OF TORONTO

Address 33 LAIRD DRIVE
TORONTO

Consideration

Consideration \$2.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name CITY OF TORONTO

Address for Service City of Toronto Legal Services
Metro
Hall, 26th Floor
55 John Street
Toronto,
ON M5V 3C6
Attention: Jasmine Stein

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation Jasmine Stein, solicitor for the City of Toronto.

Statements

This notice is pursuant to Section 71 of the Land Titles Act.

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Nicole Ashley Pilling 145 King Street West, Suite 2200 acting for Signed 2018 03 05
Toronto Applicant(s)
M5H 4G2

Tel 416-362-3711

Fax 416-864-9223

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

MINDEN GROSS LLP 145 King Street West, Suite 2200 2018 03 05
Toronto
M5H 4G2

Tel 416-362-3711

Fax 416-864-9223

Fees/Taxes/Payment

Statutory Registration Fee \$63.65

Total Paid \$63.65

File Number

Applicant Client File Number : 4104450

THIS HERITAGE EASEMENT AGREEMENT made the 2nd day of February, 2018.

BETWEEN:

33 LAIRD INC.
(the "**Owner**")

OF THE FIRST PART

- and -

CITY OF TORONTO
(the "**City**")

OF THE SECOND PART

WHEREAS the Owner is the owner of certain lands and premises municipally known in the year 2017 as 33 Laird Drive, Toronto, Ontario (the "**Property**"), and more particularly described in Schedule "A" attached to this heritage easement agreement (the "**Agreement**"), upon which there is located an existing building having certain Heritage Attributes (as such term is defined in Paragraph 2.1 of this Agreement) (the "**Existing Heritage Building**");

AND WHEREAS the Owner has applied for amendments to the City of Toronto Official Plan and the Leaside Zoning By-Law 1916, as amended, in respect of the Property (the "**OP and ZB Amendments**"), which proposed amendments would permit: (i) the demolition of the rear portion of the Existing Heritage Building; (ii) the replacement of such demolished portion with a new addition; and (iii) the construction of a second building on the Property to the south of the Existing Heritage Building, to be connected to the Existing Heritage Building (together the "**Project**");

AND WHEREAS by the adoption of Item NY20.39 at its meeting of March 9, 2017, ("**NY20.39**"), City Council approved the Project and proposed alterations to the Property in connection with the Project, subject to a number of conditions, including the requirement to enter into this Agreement;

AND WHEREAS one of the purposes of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the "**Act**") is to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;

AND WHEREAS in accordance with Section 37(1) of the Act, the City is entitled to enter into easements or covenants with owners of real property, or interests therein, for the conservation of property of cultural heritage value or interest;

AND WHEREAS in accordance with Section 37(1) of the Act, the City has passed by-law No.780-2017 authorizing this Agreement, a copy of which is attached as Schedule "G" to this Agreement.

- 2 -

AND WHEREAS the Owner and the City desire to conserve the present historical, architectural, contextual, aesthetic, scenic and cultural heritage characteristics and conditions of the Existing Heritage Building and the Property as set out in the reasons for identification attached as Schedule "C" (the **Reasons for Identification**) and as may be depicted in the photographs attached as Schedule "B" and described in Schedule "B-1" to this Agreement;

AND WHEREAS by Section 37(3) of the Act, such covenants and easements entered into by the City, when registered against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the City or its assignee against the owners or any subsequent owners of the real property, even where the City owns no other land which would be accommodated or benefited by such covenants and easements;

AND WHEREAS to this end, the Owner and the City agree to enter into this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two (\$2.00) dollars paid by the City to the Owner (the receipt of which is acknowledged), and for other valuable consideration, and in further consideration of the granting of the easements herein and the mutual covenants and restrictions contained in this Agreement, the Owner and the City agree to abide by the following covenants, easements and restrictions which shall run with the Property forever, subject to any demolition of the Existing Heritage Building pursuant to Paragraph 5.1 hereof;

1.0 REASONS FOR IDENTIFICATION AND PHOTOGRAPHS

Statement of Reasons

1.1 The Owner and the City agree that, for the purposes of this Agreement, the Reasons for Identification set out the reasons why the Existing Heritage Building and the Property have been identified by the City as having cultural heritage value or interest.

Photographs Relevant to Duties of the Owner

1.2 The Owner and the City agree that the photographs contained in Schedule "B" and described in Schedule "B-1" attached to this Agreement (the "**Photographs**") generally depict certain significant features of the appearance or the construction of portions of the Existing Heritage Building and the Property.

Exception For Registration Purposes

1.2.1 Despite Paragraph 1.2, the Owner and the City acknowledge and agree that the Photographs are not attached to the registration copy of this Agreement but are attached to the original copy of this Agreement on file at the City of Toronto Archives, 255 Spadina Road, Toronto, ON, M5R 2V3, archives@toronto.ca and are incorporated by reference in the registered Agreement. A list of the Photographs and captions is attached as Schedule "B-1" to this Agreement.

Reasons for Identification and the Photographs

Properties

PIN 10369 - 0198 LT Interest/Estate Easement Add Easement

Description SERVIENT LANDS:

PART OF LOTS 688, 689 AND 690, PLAN 2120 TOWNSHIP OF YORK, PART OF LOT 13, CONCESSION 3 FTB TOWNSHIP OF YORK AND PART OF LEASIDE ROAD, PL 1535 TOWNSHIP OF YORK, BEING PART 3 ON PLAN 66R-30829; CITY OF TORONTO.

EASEMENT IN GROSS

Address TORONTO

Consideration

Consideration \$0.00

Transferor(s)

The transferor(s) hereby transfers the easement to the transferee(s).

Name 33 LAIRD INC.
Address for Service 5160 Yonge Street, Suite 2360
Toronto, Ontario
M2N 6L7

I, Jason Birnboim, President, and Barry Godfrey, Secretary, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Transferee(s)

Capacity

Share

Name CITY OF TORONTO
Address for Service Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2
Attention: City Clerk

Statements

Schedule: See Schedules

Signed By

Boris Walter Zayachkowski 145 King Street West, Suite 2200 acting for Signed 2019 09 20
Toronto Transferor(s)
M5H 4G2

Tel 416-362-3711

Fax 416-864-9223

I have the authority to sign and register the document on behalf of the Transferor(s).

Matthew Grant Longo 55 John St., 26th Floor acting for Signed 2019 09 20
Toronto Transferee(s)
M5V 3C6

Tel 416-392-8047

Fax 416-397-5624

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

MINDEN GROSS LLP 145 King Street West, Suite 2200 2019 09 23
Toronto
M5H 4G2

Tel 416-362-3711

Fax 416-864-9223

Fees/Taxes/Payment

Statutory Registration Fee \$64.40

Provincial Land Transfer Tax \$0.00

Fees/Taxes/Payment

Municipal Land Transfer Tax	\$0.00
Total Paid	\$64.40

File Number

Transferee Client File Number : PSP2-700-2018-5058 (ID 205002565)

PROVINCIAL AND MUNICIPAL LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 10369 - 0198 SERVIENT LANDS:

F130

PART OF LOTS 688, 689 AND 690, PLAN 2120 TOWNSHIP OF YORK, PART OF LOT 13, CONCESSION 3 FTB TOWNSHIP OF YORK AND PART OF LEASIDE ROAD, PL 1535 TOWNSHIP OF YORK, BEING PART 3 ON PLAN 66R-30829; CITY OF TORONTO.

EASEMENT IN GROSS

BY: 33 LAIRD INC.
TO: CITY OF TORONTO

1. MATTHEW LONGO

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- (c) A transferee named in the above-described conveyance;
- (d) The authorized agent or solicitor acting in this transaction for CITY OF TORONTO described in paragraph(s) (c) above.
- (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
- (f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$0.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	\$0.00
(ii) Given Back to Vendor	\$0.00
(c) Property transferred in exchange (detail below)	\$0.00
(d) Fair market value of the land(s)	\$0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	\$0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	\$0.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	\$0.00
(i) Other considerations for transaction not included in (g) or (h) above	\$0.00
(j) Total consideration	\$0.00

4. Explanation for nominal considerations:
g) Transfer to a municipality pursuant to subdivision or development agreement, condominium approval or other municipal purposes: Transfer of Easement to the City of Toronto pursuant to a Site Plan Agreement. There is no consideration passing between the parties and no land transfer tax is payable.

5. The land is subject to encumbrance

6. Other remarks and explanations, if necessary.

- 1. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
- 2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
- 3. (c) The transferee(s) is not a "foreign entity" or a "taxable trustee".
- 4. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
- 5. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.
- 6. SOLICITOR STATEMENT (To be completed when the declarant is an individual licensed to practice law in the province of Ontario): I have fulfilled my obligations as the solicitor of City of Toronto for the conveyance, in relation to the Law Society of Upper Canadas Rules of Professional Conduct and its By-Laws, as well as the Land Transfer Tax Act, and have reviewed with the transferee(s) their obligations under the Land Transfer Tax Act that are material to the conveyance described in this document.

7. Statements pertaining only to Municipal Land Transfer Tax:

This is a conveyance to the City of Toronto.
Explanation: Exemption pursuant to City of Toronto By-law 1423-2007

PROPERTY Information Record

A. Nature of Instrument: Transfer Easement
LRO 80 Registration No. AT5243558 Date: 2019/09/23

F113

PROVINCIAL AND MUNICIPAL LAND TRANSFER TAX STATEMENTS

B. Property(s): PIN 10369 - 0198 Address TORONTO Assessment 1906043 - 01000200
Roll No

F131

C. Address for Service: Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2
Attention: City Clerk

D. (i) Last Conveyance(s): PIN 10369 - 0198 Registration No. AT4516975

(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known

E. Tax Statements Prepared By: Matthew Grant Longo
55 John St., 26th Floor
Toronto M5V 3C6

F114

TRANSFER OF EASEMENT IN GROSS

THE TRANSFEROR hereby grants, conveys, releases, assigns, transfers and confers unto the Transferee, its successors and assigns, the right, license, liberty, privilege and easement or right in the nature of an easement on, in, over, under and through the lands of the Transferor described in the Properties Field on Page 1 (the "Lands"), exclusively for the following purpose, namely: to construct, operate, install, maintain, inspect, alter, remove, replace, reconstruct and repair the storm and sanitary sewers and appurtenances located thereon, together with all of the works of the Transferee for its undertaking, together with the right of ingress and egress over the Lands for the Transferee's servants, agents, contractors, vehicles, supplies and equipment, for all purposes necessary or incidental to the exercise and enjoyment of the rights hereby granted, provided that, at all times when exercising its rights contained in this paragraph, the Transferee shall use reasonable efforts to minimize any disruption to the business operations of the Transferor, its tenants or occupants, of which the Lands form a part;

THE TRANSFEROR hereby undertakes that the Lands shall remain free of physical encumbrances which would hinder the access by the Transferee, its servants or its agents, and the Transferor hereby undertakes that only the usual grass cover and/or flower beds, interlocking paving bricks, asphalt paving and/or curbs as required will be suffered on the Lands, and that, except for the permitted structure as identified on the approved plans and drawings in relation to Site Plan Application No. 15 222368 NNY 26 SA, no other trees, structures or obstructions will be placed or permitted to remain on the Lands unless the Transferee, in writing, permits the existence of such physical encumbrances on the Lands, for limited periods of time, upon written application by the Transferor to the Transferee;

AND THE TRANSFEROR further undertakes with the Transferee that no other easement will be granted over the Lands prior to the registration of this document;

AND THE TRANSFEROR further undertakes and agrees with the Transferee that no fill shall be deposited nor shall existing earth be removed from the Lands;

AND THE TRANSFEROR further undertakes and agrees with the Transferee that no excavation of or drilling on the Lands shall occur without the prior consent of the Transferee;

AND THE TRANSFEROR covenants with the Transferee that it has the right to grant the said easement to the Transferee notwithstanding any act of the said Transferor;

AND THE TRANSFEROR covenants with the Transferee that it will execute such further assurances of the Lands in respect of this Transfer of Easement as may be requisite;

AND THE TRANSFEROR releases to the Transferee all its claims upon the estate herewith conveyed;

NOTWITHSTANDING any rule of law or equity, the storm and sanitary sewer and all appurtenances thereto located in, on, under, over or through the Lands pursuant to this easement document shall be the property of the Transferee even though the same may have become annexed or affixed to the Lands.

THE BURDEN AND BENEFIT of this Transfer of Easement shall run with the Lands and shall extend to and be binding upon and enure to the benefit of the Transferor, their heirs, executors, administrators, successors and assigns, and to the Transferee, its successors and assigns.

DOMINANT TENEMENT

The Dominant Tenement of the Transferee consists of the system of pipes of the Transferee, situate in the City of Toronto, together with buildings and plants of the said City, situate on lands owned by the Transferee.

LRO # 80 **Notice**Registered as **AT5274151** on 2019 10 29 at 14:32

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 14

Properties

PIN 10369 - 0360 LT

Description PART LOTS 685, 686, 687, 688, 689, 690 AND 691 PLAN 2120, PART LOTS 12 & 13 CONCESSION 3 FROM THE BAY (YORK), PART LEASIDE ROAD PLAN 1535 AND PART CANVARCO ROAD PLAN 2921 (CLOSED BY BYLAW 627 AS IN EY173327), PARTS 2, 3, 4 & 5 PLAN 66R30829; TOGETHER WITH AN EASEMENT OVER PART 1, PLAN 66R30829 AS IN AT5243556; SUBJECT TO AN EASEMENT IN GROSS OVER PART 3, PLAN 66R30829 AS IN AT5243558; CITY OF TORONTO

Address 33 LAIRD DRIVE
TORONTO

Consideration

Consideration \$2.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name CITY OF TORONTO

Address for Service Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2
Attention: City Clerk

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation City of Toronto, Joanne Franco, Supervisor of Law Clerks.

Statements

This notice is pursuant to Section 71 of the Land Titles Act.

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Bart Dylan Lipsett	55 John St., 26th Floor Toronto M5V 3C6	acting for Applicant(s)	Signed	2019 10 23
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Tel 416-392-8047

Fax 416-397-5624

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

CITY OF TORONTO	55 John St., 26th Floor Toronto M5V 3C6	2019 10 29
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Tel 416-392-8047

Fax 416-397-5624

Fees/Taxes/Payment

Statutory Registration Fee	\$64.40
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Total Paid	\$64.40
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File Number

Applicant Client File Number : 2800-752-5574-19 (BART LIPSETT)

Commercial

This **ENCROACHMENT AGREEMENT** is made as of the 7th day of October, 2019.

BETWEEN:

CITY OF TORONTO
(the "City")

- and -

33 Laird Inc.
(the "Licensee")

WHEREAS

A. The Licensee is the registered owner of the lands in the City of Toronto, municipally known as **33 Laird Drive**, Toronto, Ontario, more particularly described in Schedule "A" attached (the "**Property**");

B. The public highways known as **Laird Drive and Canvarco Road** are under the jurisdiction of the City (the "**Road Allowance**");

C. The Licensee has made application to the City for permission to **install and maintain 19.2 metre long by one metre high canopy with signage at a height of 2.6 metres above ground level and 9.99 square metres area on Canvarco Road; a 5.07 metre long by one metre high canopy with signage at a height of 3.9 metres above ground level and 2.24 square metres area on Laird Drive and 7.0 metres long by 1.22 metres wide asphalt paving in the Courtyard on Laird Drive within the Road Allowance** (the "**Encroachment**");

D. The **Encroachment** to be erected and maintained in accordance with this Agreement is shown on the encroachment plan prepared by **Speight, Van Nostrand & Gibson Limited, dated 2019**, attached as Schedule "B" (the "**Encroachment Plan**");

E. Pursuant to City of Toronto Municipal Code, Chapter 743, "Use of Streets and Sidewalks" as amended from time to time ("**Chapter 743**"), the General Manager of Transportation Services of the City has authorized the Licensee to install and maintain the **Encroachment** within the **Road Allowance** on the condition that the Licensee enters into and complies with this Agreement, which the Licensee has agreed to do.

NOW, THEREFORE, in consideration of the covenants, agreements and conditions contained herein, the parties agree as follows:

1. LICENCE

(1) The City grants to the Licensee, for the term set out in this Section **1(1)** hereof, subject to the terms and conditions in this Agreement, the right to access the **Road Allowance** to install and maintain the **Encroachment**, until the earlier of (i) the removal of the **Encroachment** by the Licensee, or as may otherwise be required herein, (ii) the date of demolition of the building situated on the **Property** and (iii) the date set out in the notice given by the General Manager of Transportation Services of the City, his or her successor, or his or her designate(s) from time to time (collectively, the "**GM**") in accordance with Section **1(2)** hereof.

(2) The Licensee will at its own cost, charge and expense and to the satisfaction of the **GM** alter or remove the **Encroachment** from the **Property** either on rebuilding the building located on the **Property** or, upon receiving fourteen (14) days' notice in writing by the **GM** so to do, before the date specified by such notice, whichever first occurs, without being entitled to any compensation whatsoever for such alteration or removal, and if the Licensee fails to alter or remove the **Encroachment** as requested by the **GM**, the City may remove or alter the same at the cost, charge and expense of the Licensee and the certificate of the **GM** as to the cost of such removal or alteration shall be final and binding upon the Licensee and the City may recover the same from the Licensee in any court of competent jurisdiction, as a debt due and owing to the City.

(3) Upon termination of this Agreement for any reason whatsoever, the Licensee shall immediately, at its sole cost and expense and to the satisfaction of the **GM**:

- (a)** remove the **Encroachment** from the **Road Allowance**; and
- (b)** restore the **Road Allowance** to the standard set out in Article VIII of **Chapter 743**.

The obligations of the Licensee under this Section **1(3)** shall survive the expiry or earlier termination of this Agreement.

2. LICENCE NON-EXCLUSIVE

The Licensee acknowledges that nothing contained in this Agreement shall be construed as giving to the Licensee anything more than permission to install and maintain the **Encroachment** until such time as the removal of such **Encroachment** may be required under the terms of this Agreement. The licence

created by this Agreement is a bare, non-exclusive licence only for the purposes set out herein and the Licensee acquires no easement or other proprietary interest in the **Road Allowance**.

3. LICENCE FEE

(1) The Licensee shall pay to the City such fee or fees for the privilege hereby granted to install and maintain the **Encroachment** as may from time to time be prescribed by the Council of the City to be paid by all owners of encroachments which project in whole or in part over any public highway, street or lane in the City of Toronto, including without limitation, the fees specified in City of Toronto Municipal Code, Chapter 441, "Fees and Charges", as amended from time to time ("**Chapter 441**"), without any deduction or set-off whatsoever, plus Harmonized Sales Tax ("**HST**") and any other applicable taxes. The fee for the Encroachment shall be Fifty three and forty cents (**\$53.40**) for the year in which this Agreement is made, prorated for the remaining duration of the year in which this Agreement is made "Zero Dollars (\$0.00)". The Licensee acknowledges that all fees that are subject to annual adjustment pursuant to **Chapter 441** shall be adjusted annually, effective January 1 of each year, in accordance with **Chapter 441**.

(2) All sums and costs paid, sustained or incurred by the City, and to be recovered by the City from the Licensee, and all annual fees or minimum fees, or further or other fees to be paid by the Licensee under this Agreement, shall form and constitute a charge or lien on the **Property** until fully discharged and paid.

(3) The obligations of this Section 3 shall survive the expiry or earlier termination of this Agreement in respect of all amounts required to be paid during the lifetime of this Agreement.

4. ACCEPTANCE OF ENCROACHMENT LANDS "AS-IS"

(1) The Licensee accepts that portion of the **Road Allowance** over which the **Encroachment** is to be or has been erected in its "as-is" and "where is" condition, and acknowledges that the City makes no representation and gives no warranty with respect to the quality or utility of those lands.

(2) The Licensee acknowledges having had an opportunity to fully inspect that portion of the **Road Allowance** over which the **Encroachment** is to be or has been erected prior to entering into this Agreement.

5. INSTALLATION OF ENCROACHMENT

(1) The Licensee shall construct and install the **Encroachment** in accordance with: (i) the **Encroachment Plan**, to the satisfaction of the GM, and (ii) **Chapter 743**; and shall, from time to time and at all times, at its sole cost, charge and expense keep and maintain the **Encroachment** in good and proper repair and condition to the satisfaction of the GM. Before commencing construction or installation of the **Encroachment**, the Licensee shall obtain municipal consent to undertake street work pursuant to Article III of **Chapter 743**.

(2) Without limiting the generality of the foregoing, the **Encroachment** shall be constructed, installed, occupied, and maintained in such a manner so as to ensure that it does not: (i) obstruct pedestrian or vehicular sight lines; (ii) obstruct driveways, impede or pose a hazard or potential hazard to pedestrian or vehicular traffic; (iii) interfere with the City's ability to maintain the street in a state of good repair or to keep it free of litter, snow and ice; (iv) interfere with traffic control devices or the existing and future location and maintenance of sidewalks, bicycle trails or utilities; or (v) extend into the boulevard area fronting any neighboring property when the common lot line is projected perpendicular to the road. The **Encroachment** shall not be used for the purpose of habitation.

6. REMOVAL OF ENCROACHMENT

(1) The Licensee will at its own cost, charge and expense and to the satisfaction of the GM, alter or remove the **Encroachment** and restore the **Road Allowance** to its previous condition, either on rebuilding the building on the **Property** or upon receiving fourteen (14) days notice in writing from the GM so to do, before the date specified in such notice, whichever first occurs, without being entitled to any compensation whatsoever for such alteration or removal.

(2) If the Licensee fails to alter or remove the **Encroachment** and restore the **Road Allowance** in accordance with Sections 1(3) or 6(1) hereof, the City may alter or remove the **Encroachment**, and may enter on the **Property** if considered necessary to do so, and restore the **Road Allowance** at the cost, charge and expense of the Licensee.

(3) If, in the sole opinion of the GM, the **Encroachment** substantially interferes with drainage, vehicular and/or pedestrian traffic or creates an emergency that presents a danger to public health or safety, the GM shall not be required to provide notice to the Licensee and the City may undertake any remedial work required to alter or remove the **Encroachment** and restore the **Road Allowance** at the cost, charge and expense of the Licensee without the Licensee being entitled to any compensation whatsoever for such alteration or removal.

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IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A
PROPOSAL OF 33 LAIRD INC. AND 33
LAIRD GP INC.

F120

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at TORONTO

**MOTION RECORD
OF THE CITY OF TORONTO**

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