

April 6, 2009

File No. 05.3359

**Without Prejudice and Confidential**

**Via Email**

Mr. John Paton  
City of Toronto  
Stn. 1260, 23rd Floor  
Metro Hall  
55 John St.  
Toronto, ON M5V 3C6

Dear Sir:

**Re: 2885 Bayview Avenue - Minor Variance Appeal by City  
(OMB Case No. PL090251) – Settlement Offer**

Further to our discussions, I am hereby confirming that our client, Daniels HR Corporation (“Daniels”), is prepared to settle the City’s above-noted minor variance appeal on the following basis.

The City and Daniels will request the Ontario Municipal Board, at the April 30 hearing, to dispose of the appeal on the following basis:

1. Pursuant to subsection 45(18.1) of the Planning Act, the Board will be asked to approve an amended application that allows the following variance:

To permit a financial institution (bank), personal service shops, business and professional offices, and dry-cleaning and laundry collecting establishments to be located on the ground floor.

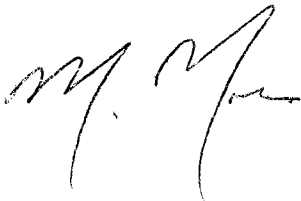
2. Pursuant to subsection 45(18.1.1) of the Planning Act, Daniels and the City will request that the Board determine that notice under subsection (18.1) is not required because the amendment to the original application is minor.

3. Daniels and the City will request that the Board impose the following conditions to the granted variance:
  - (a) The maximum, aggregate gross floor area devoted to retail uses, financial institutions (bank), personal service shops, business and professional offices, and dry-cleaning and laundry collection establishments shall be 800 square metres.
  - (b) Residential and commercial visitors and employees shall not be charged for the use of required parking spaces shared by commercial uses and residential visitors.

Daniels will settle the appeal on this basis if you obtain instructions from Council to settle the appeal on this basis at the City Council meeting of April 6, 2009.

Yours very truly,

**GOODMANS LLP**



Mark Noskiewicz  
MRN/sd