

**Schedule 5: Without Prejudice and Confidential letter dated December 8, 2015  
from Ms. K. Kovar to Thomas Wall**

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**AIRD & BERLIS LLP**

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**WITHOUT PREJUDICE AND CONFIDENTIAL**

December 8, 2015

BY EMAIL

Our File #125069

Mr. Thomas Wall  
Legal Services  
City of Toronto  
26<sup>th</sup> Floor, Metro Hall  
55 John Street  
Toronto, ON M5V 3C6

Dear Mr. Wall:

**Re: Applications for Rezoning, Site Plan Approval and Consent to Sever  
2362277 Ontario Inc.  
2 Wilket Road, Toronto  
OMB Case No.: PL150527  
OMB File Nos: PL150527, MM150030, PL151096**

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We act on behalf of 2362277 Ontario Inc. ("2362277") Commencing January 18, 2016, the Ontario Municipal Board (the "Board") will conduct a hearing of our client's appeals respecting the above-noted applications. On behalf of our client, we are writing to set out the terms of an offer, made on a without prejudice basis, for the settlement of the above-noted appeals. Our client proposes that the City and 2362277 agree to jointly support a settlement at the Board hearing of the appeals on the following terms:

1. The single detached house on Wilket Road shall be removed from the plan.
2. The 7 townhouses will be redesigned by removing the internal garages and adding detached garages in the rear yards of each.
3. The minimum front (west) setback for the townhouse units will be 7.5 m from the front lot line after the road widening, excluding bay windows which do not have a foundation, as shown on the attached site plan.
4. The minimum rear (east) setback for the detached garages shall be between 7.5 m and 8.6 m, including 6.0 m for the width of the driveway and between 1.5 m and 2.6 m for a landscaped strip and one parallel parking space, as shown on the attached site plan.

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5. One parallel visitor parking space having a width of 2.6 m shall be provided behind townhouse units 2 and 3, as shown on the attached site plan.
6. As a condition of site plan approval, garbage bin storage shall be provided within the detached garages for pick-up on Wilket Road.
7. The minimum north side yard setback shall be 1.2 m excluding bay windows which do not have a foundation, as shown on the attached site plan.
8. The minimum south side yard setback shall be 3.0 m excluding the front entry way and porch as shown on the attached site plan.
9. With the elimination of the integral garages the building height and height of the finished first floor will be reduced as shown on the attached elevation drawing.
10. As a condition of site plan approval, the sidewalk on Bayview Avenue shall be widened to 2.1 m and a new 2.1 m wide sidewalk shall be provided along the curb edge of Wilket Road, from the Bayview Avenue sidewalk to the site driveway.
11. As a condition of site plan approval, new trees shall be provided along Bayview Avenue and Wilket Road. Where possible a double row of trees shall be provided along Bayview Avenue, with trees in the public boulevard and in the front yards of the townhouse units.
12. As a condition of site plan approval, fencing shall be provided along the rear (east) lot line and coniferous trees shall be planted in the landscaped strip along the east side of the driveway.
13. The City will not seek to adjourn the hearing of the zoning appeal scheduled to commence on January 18, 2016.
14. The City and 2362277 will jointly ask the Ontario Municipal Board to adjourn the hearing of the site plan appeal sine die and to allow the zoning appeal, amended in accordance with the terms herein.
15. 2362277 will withdraw its appeal of the application for consent to sever.
16. The parties will work together to finalize an acceptable form of the Zoning By-law amendments prior to the hearing and in the event of any dispute regarding the final form of same, any party may ask the Board to settle such matter as part of the hearing commencing January 18, 2016.
17. The parties will each bear their own costs in these appeals.

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This offer is conditional upon acceptance by City Council at its meeting commencing December 9, 2015. This letter is delivered on a without prejudice and confidential basis but may be made public following the conclusion of the Council meeting commencing on December 9, 2015 if the offer contained herein is accepted at that meeting. Thank you very much.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar  
KMK/mn

cc: Client  
Guy Matthew  
Dawn Hamilton  
Laura Spaner

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