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July 11, 2018

WITHOUT PREJUDICE AND CONFIDENTIAL

Our File No.: 171441

Delivered Via E-mail

Legal Services, City of Toronto
Metro Hall, 55 John Street, 26th Floor
Toronto, ON M5V 3C6

Attention: Cigdem Iltan and Matt Schuman, City Solicitors

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL170612
Municipal File No.: 16 270455 STE 21 OZ
1677 – 1679 Bathurst Street and 73 – 75 Elderwood Drive, City of Toronto
Without Prejudice Settlement Offer**

As you know, we are solicitors for Elderwood Townhomes Inc. and Elderwood Townhomes II Inc., the beneficial owners of the lands known municipally as 1677 – 1697 Bathurst Street and 73 – 75 Elderwood Drive in the City of Toronto (the “**Property**”) in respect of the above-noted rezoning application (the “**Application**”).

We are writing on a without prejudice basis to propose a settlement of our client’s appeal based on the revised proposal depicted in the attached architectural plans dated June 29, 2018 (the “**Revised Plans**”). This without prejudice settlement offer is open until the conclusion of the City Council meeting scheduled to commence on July 23, 2018.

Background to the Application

The Property is located at the southeast corner of Bathurst Street and Elderwood Drive, approximately 600 metres south of Eglinton Avenue West. Generally rectangular in shape, the Property has an area of approximately 136 square metres with frontages of 54.5 metres and 38.8 metres on Bathurst Street and Elderwood Drive, respectively. The Property is currently occupied by three 2-storey walk-up apartment buildings containing 13 rental units.

On December 23, 2016, our client filed a zoning by-law amendment application with the City in respect of the Property. The purpose of the Application is to permit the construction of a one 4-storey apartment building. The Application proposes 45 residential units and a total gross floor

area of approximately 4,693 square metres for a total overall density of 2.20 FSI. The overall height proposed is 13.75 metres (17.15 metres to the top of the rooftop access). A total of 44 vehicle parking spaces are proposed (38 spaces for residents and 6 spaces for residential visitor and non-residential uses), along with 62 bicycle parking spaces.

In addition to the new building, the proposal provides for the replacement of the 13 existing rental units on floors 1 and 2 of the proposed 4-storey building with units of a similar size and type and at rents similar to those at the time of Application.

Without Prejudice Settlement Offer

Since the submission of the Application, our client has engaged in discussions with City staff. As a result of these discussions, a number of without prejudice revisions to the original plans first submitted as part of the Application have been made. These revisions are reflected in the Revised Plans.

In addition, our client has engaged in extensive dialogue with the local neighbourhood association, the Concerned Bathurst Neighbourhood Association (“CBNA”) in an attempt to address its concerns with the Application. Our client is pleased to advise that as a result of these discussions CBNA is now supportive of the Application and this without prejudice settlement offer.

Our client is prepared to settle its appeal of the Application based on the Revised Plans. We note the following key aspects of the revised without prejudice plans that form part of this settlement offer:

- A 2.5 metre stepback has been added on the fourth floor to comply with a 10 metre setback from the rear (east) property line;
- To minimize overlook, all projecting balconies on the east façade have been replaced with recessed balconies and the landscape buffer has been increased to accommodate larger planting for increased privacy;
- The glazing of the first 3 floors facing east has been significantly reduced. The Revised Plans now show total glazing of 278 square metres;
- All 11 full size windows on the proposed building facing south have been removed and replaced with 3 strip clerestory windows set a 2 metres above the floor level of the interior floor to prevent an overlook condition;
- A landscaped strip of 1.2 metres in width has been provided along the entire eastern property line to provide a buffer between the proposed development and the neighbourhood to the east. A portion of this landscape strip has been increased to 1.8 metres to accommodate more mature planting through discussions with CBNA;

- To further articulate the north elevation, the north face has been reconfigured with more windows towards the prominent corner of Bathurst and Elderwood; and
- The proposed sidewalk width of 1.8 metres has been increased to 2.1 metres.
- Cladding on the first three storeys to be of a material and colour that complements the existing context, to the satisfaction of the Chief Planner and Executive Director, City Planning, to be secured at site plan.

In addition, as part of this settlement offer, our client is agreeing to a Section 37 financial contribution of \$5,000 for each new unit to be constructed on the Property, less the 13 replacement units proposed as part of the development. For the sake of clarity, the Section 37 amount proposed is a voluntary contribution that is conditional upon City Council's acceptance of the settlement offer contained in this letter.

Further to the revisions to the Application described above and the Section 37 contribution amount, our client would also agree that implementation of the settlement would be conditional upon the following matters, which must be completed prior to the issuance of any final order from the Local Planning Appeal Tribunal (the "**Tribunal**") regarding the proposed zoning by-law amendment(s):

- preparation of zoning by-law amendment(s), in a form acceptable to the parties;
- the execution of a Section 37 Agreement, in a form satisfactory to the City solicitor, for which the City and our client will work cooperatively and in good faith to finalize as soon as possible, providing for such services, facilities or matters pursuant to Section 37 of the *Planning Act*; and
- City Council approval of the application No. 16 270465 STE 21 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish the 13 existing rental dwelling units at 1677 Bathurst Street, 1679 Bathurst Street and 73-75 Elderwood Drive.

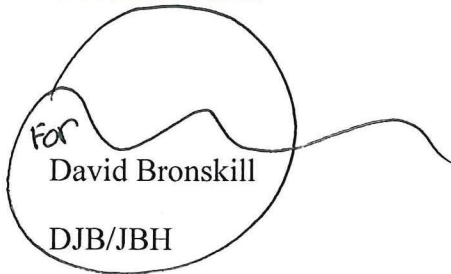
We believe that this proposal represents a significant effort by our client to address all the comments from City staff and CBNA. Our client is hopeful that this without prejudice proposal will be accepted by City Council. If City Council does not accept our client's offer during this meeting, the offer should be considered as withdrawn.

Our client appreciates the time and effort expended by City staff on this matter.

Please let us know if any additional information is required.

Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to be 'David Bronskill', is written over a circular stamp. The signature starts with a large loop on the left and ends with a long, horizontal tail on the right. The stamp is a simple circle with a thin black border.

For
David Bronskill
DJB/JBH

Cc: Client

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