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July 17, 2020

Our File No.: 170992

WITH PREJUDICE

Planning and Administrative Tribunal Law
City of Toronto Legal Services
55 John Street, 26th Floor, Metro Hall
Toronto, Ontario M5V 3C6

Attention: Laura Bisset/Cigdem Iltan

Dear Sirs/Mesdames:

Re: LPAT Case No. PL180387 – 400-420 King Street West

As you know, we are solicitors for Charlotte King Residences Corp., who are the owners of the property known municipally as 400-420 King Street West (the “**Property**”).

At its meeting commencing on July 16, 2019, City Council adopted a resolution that conditionally accepted our client’s settlement offer dated July 9, 2019, making acceptance “conditional on the entering into of an Agreement of Purchase and Sale” in respect of our client’s offer to sell parking spaces to be operated by the Toronto Parking Authority (the “**TPA**”). Discussions with the TPA have not resulted in an agreement. We also understand that the proposed conveyance of approximately 930 square metres (approximately 10,000 square feet) of shell space on the second floor to the City of Toronto for use by the Toronto Arts Council for offices (the “**TAC Space**”) is no longer desired.

As such, our client is writing to withdraw its settlement offer and to replace it with this with prejudice settlement offer for consideration by City Council at its meeting scheduled to commence on July 28, 2020. Our client’s with prejudice settlement offer is on the same terms as the without prejudice settlement offer in our letter dated July 9, 2019, except that:

- the term on page 2 in respect of the TPA spaces should be considered as deleted and withdrawn;
- the proposed Section 37 contribution of the TAC Space, as set out on page 3, should be considered as deleted and replaced with our client’s proposal to provide a voluntary Section 37 contribution in the amount of \$6.0-million (subject to indexing), payable on or before issuance of the first above-grade building permit, to be allocated as follows:

- 10% to new affordable housing;
 - 10% to TCHC capital repairs;
 - 40% to arts and culture in Ward 10; and
 - 40% to community services and facilities and/or parks in Ward 10.
- the fourth bullet point on page 2 would be revised to delete the reference to 930 square metres of office space because the TAC Space is no longer being provided; and,
- the requirement for a Section 37 agreement, as outlined on page 4, would remain but such an agreement would implement the new Section 37 contribution, as well as any other matters of legal convenience.

In the event that this settlement offer is not accepted by City Council at its meeting scheduled to commence on July 28, 2020, our client will be withdrawing the proposed voluntary Section 37 contribution and asking for this aspect of the proposed rezoning to be determined by the Local Planning Appeal Tribunal.

Please let us know if further clarification is required in respect of this with prejudice settlement offer.

Yours truly,

Goodmans LLP



David Bronskill

DJB/ bp

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