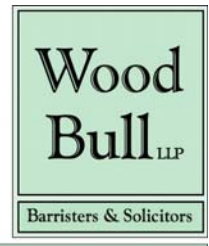


Public Attachment to motion 1 by Councillor Josh Matlow



MUNICIPAL, PLANNING & DEVELOPMENT LAW

Without Prejudice

27 October 2020

Delivered via E-mail

Kasia Czajkowski / Jason Davidson
City of Toronto, Legal Services
55 John Street, Metro Hall, 26th Floor
Toronto, ON M5V 3C6

Dear Ms. Czajkowski and Mr. Davidson:

Re: Settlement Offer - Additional Items
141 Davisville Avenue, City of Toronto
Zoning By-law Amendment Application No. 17 262355 STE 22 OZ
LPAT Case No. PL180310

As you know, we represent CAPREIT Limited Partnership (“CAPREIT”), the applicant and appellant in respect of the proposed development of the property municipally known as 141 Davisville Avenue (the “**Subject Site**”), the subject of the above-noted zoning by-law amendment application.

Further to our client’s settlement offer dated 7 October 2020 (the “**Original Settlement Offer**”), we write on behalf of CAPREIT to offer the additional items noted below. This letter should be treated as an addendum to the Original Settlement Offer in every respect, that is, it is being presented on a without prejudice basis but is not confidential, and remains open until the end of the City Council meeting scheduled to commence on 27 October 2020.

Additional Items

Further to recent discussions with Councillor Matlow and SERRA, CAPREIT is prepared to offer, in addition to the items listed in the Original Settlement Offer, the following:

Mid-Block Connection

1. To further enhance the public realm in and around the Subject Site, CAPREIT will provide a publically accessible midblock pedestrian connection on the neighbouring property at 111 Davisville Avenue, which is also controlled by CAPREIT, generally in the location of the existing walkway generally running along the front of the existing building at 111 Davisville Avenue, the location of which is shown on Attachment A (the “**Midblock Connection**”). The proposed widths of the Midblock Connection are also shown on the plan attached as Attachment

Johanna R. Shapira Direct: (416) 203-5631 jshapira@woodbull.ca

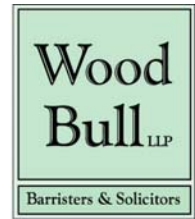
65 Queen Street West Suite 1400 Toronto Ontario M5H 2M5 T (416) 203-7160 F (416) 203-8324 www.woodbull.ca

- A. For greater certainty, the Midblock Connection will be 3.0 metres in width, save and except for the portion of the Midblock Connection that is in proximity to the building entrance as identified on Attachment A, which due to existing site constraints, will be narrower but no less than 1.2 metres in width. The final design of the Midblock Connection will be determined at site plan approval stage.
2. The Midblock Connection is provided in satisfaction of the “new midblock connection (conceptual)” identified in OPA 405 in and around 111 Davisville Avenue and 141 Davisville Avenue.
 3. The Midblock Connection will be improved with decorative pavers, identical or similar to the decorative pavers currently installed on the north-western portion of the existing walkway which is to become a portion of the Midblock Connection.

Cash Contribution

4. Payment of a cash contribution of two hundred thousand dollars (\$200,000.00) prior to the issuance of the first above-grade building permit for the New Rental Building to be allocated to:
 - a. any community benefit to the satisfaction of the Chief Planner in consultation with the Ward Councillor; and/or
 - b. rent abatement for the residents of 141 Davisville Avenue and 111 Davisville Avenue for the duration of the construction period associated with the New Rental Building, to be allocated to the satisfaction of the Chief Planner in consultation with the Ward Councillor.
5. In the event that the cash contribution referred to above has not been used for the intended purpose within three (3) years of the by-laws implementing the New Rental Building coming into force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose will benefit the community in the vicinity of the Subject Site.
6. The above noted cash contribution will be indexed upwardly in accordance with the Building Construction Price Index for Toronto Census Metropolitan Area, reported quarterly by Statistics Canada, calculated from the date of the Section 37 agreement securing the requirement to make the payment to the date of payment.

Without Prejudice
27 October 2020



Resident Relocation

7. CAPREIT will give residents of the Existing Rental Building residing on the Davisville Avenue side of the building the right to lease comparable (number of bedrooms) vacant units on the Balliol Street side of the Existing Rental Building if and when such units become available for the duration of the construction period of the New Rental Building, at their current rent. At the end of the construction period, the resident will remain in the Balliol Street unit.
8. CAPREIT will provide financial compensation for the reasonable relocation costs of the resident, to be agreed upon by CAPREIT and the resident in advance of the relocation.
9. These matters will be secured through the Construction Mitigation and Tenant Communication Plan.

Conclusion

These additional Settlement Offer items are conditional on City Council accepting the Original Settlement Offer and these items before the end of the City Council meeting commencing on 27 October 2020, as well as the City supporting the settlement in any hearing before the LPAT, including without limitation, in the face of any objections from third parties.

CAPREIT is very appreciative of the additional input from the Councillor's office on this matter, as well as that of SERRA, and hope that City Council will accept this offer. We look forward to receiving a response. Please do not hesitate to contact the undersigned if you have any questions.

Yours very truly,

Wood Bull LLP

Johanna R. Shapira

JRS/af

c. Client

Encl.

