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July 2, 2021

Our File No.: 172834

**WITH PREJUDICE**

**Via Email**

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

**Attention: Alexander Suriano/Kasia Czajkowski**

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL171113 –22 Balliol Street  
Without Prejudice Offer to Settle**

We are solicitors for Shiplake Properties Ltd., the owner of the lands known municipally in the City of Toronto as 22 Balliol Street (the “**Property**”). We are writing on behalf of our client with a with prejudice settlement offer in respect of the above-noted matter. This settlement offer would remain open until the end of the City Council meeting scheduled to commence on July 14, 2021, although it would be our client’s intention to seek approval of these plans at the upcoming hearing before the Ontario Land Tribunal.

As you know, our client has engaged in without prejudice mediation with City staff, the neighbouring property owner and resident groups over the last several months regarding the redevelopment proposal for the Property. These discussion have resulted in a revised site plan, dated June 30, 2021 and prepared by gh3 and attached to this letter (the “**Revised Plan**”).

The terms of this without prejudice settlement offer are as follows:

1. The settlement offer is based on the Revised Plan, which would be implemented through a full set of updated plans and the resulting zoning by-law.
2. The Revised Plan secures a number of design changes, including a stepback of 1.0 metre above the second floor, a stepback of 1.5 metres above the fourth floor, a total floor plate of 750 square metres, tower setbacks as shown on the Revised Plan, no projecting balconies on the north, south and east tower facades, and a revised approach to the projecting balconies on the west tower façade.

3. The zoning by-law amendment(s) would provide that the commercial uses on the Property be limited to a grocery store to ensure that the existing use of the Property is replaced as part of the redevelopment.
4. The zoning by-law amendment(s) would require a minimum 10% 3-bedroom units, 15% 2-bedroom units, and 15% 2-bedroom or 3-bedroom units (or convertible to 2-bedroom or 3-bedroom units in accordance with the language of OPA 405).
5. The zoning by-law amendment(s) would require a minimum of 4.0 square metres per unit of indoor and outdoor amenity space in accordance with the requirements of Zoning By-law No. 569-2013.
6. The zoning by-law amendment(s) would implement the parking supply provided on the Revised Plans, with accessible parking spaces provided in accordance with Zoning By-law No. 569-2013.
7. As part of the site plan approval process, our client agrees to work with City staff on the design and placement of the projecting balconies.

Our client agrees that, in the event City council accepts this settlement offer, the final order of the Local Planning Appeal Tribunal would be withheld pending:

- the City solicitor confirming that the required zoning by-law amendment(s) are in final form and content to the satisfaction of the Chief Planner and Executive Director, City Planning;
- execution and registration of a Section 37 agreement to the satisfaction of the City Solicitor to secure the community benefits outlined in the supplementary without prejudice settlement offer in accordance with the Planning Act before it was amended by Bill 108 and Bill 197, as well as any matters of legal convenience to implement the matters listed above;
- submission of updated engineering reports, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and,
- satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services for the design and construction of new infrastructure or any improvements to the existing municipal infrastructure, should it be determined in the above-noted updated engineering reports that new infrastructure and/or upgrades/improvements are required to the existing infrastructure, to support this development, and that the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure, with any such agreement to be executed prior to the issuance of an above-grade building permit.

As noted above, this with prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on July 14, 2021. We are also submitting a without prejudice settlement offer regarding the proposed Section 37 contribution that should be considered at the same time as this with prejudice settlement offer.

Our client greatly appreciates the hard work of City staff that had enabled the presentation of this settlement offer to City council.

Yours truly,

**Goodmans LLP**



David Bronskill  
DJB/ bp

cc: Client

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