



Barristers & Solicitors
Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7
Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

September 20, 2021

Our File No.: 140470

Without Prejudice

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

Attention: Ray Kallio, City Solicitor

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL170905
314-317 & 325 Bogert Avenue & 305-308 Poyntz Avenue
Without Prejudice Settlement Offer**

We are the solicitors for 567485 Ontario Ltd. and 887343 Ontartio Ltd. (Greatwise Developments), the owners of the properties known municipally as 314-317 & 325 Bogert Avenue & 305-308 Poyntz Avenue in the City of Toronto (the “**Property**”).

Based on extensive discussions between our client and City staff, we are writing on behalf of our client to provide this without prejudice settlement offer in respect of our client’s appeal of the rezoning application that is before the Local Planning Appeal Tribunal (“**LPAT**”). The settlement offer is based on the plans prepared by Core Architects dated October 16, 2019 (the “**Revised Plans**”), which were submitted to the City on a with prejudice basis on October 21, 2019.

These Revised Plans reflect comments received from City staff since the rezoning application was initially filed. The Revised Plans have been reviewed by City staff and we understand that City staff are in support of the Revised Plans based on the revisions made. We can also confirm that our client has reached a settlement with the Toronto and Region Conservation Authority to address its remaining issues.

Our understanding is that the remaining matter to be resolved relates to the Section 37 contribution. On a without prejudice basis, and in addition to the parkland over-dedication being provided as part of the proposal, our client is proposing a voluntary Section 37 contribution of \$9-million to be used for affordable housing, subject to the following provisions:

1. The financial contribution would be indexed in accordance with the Construction Price Index calculated from the date of the Ontario Land Tribunal bringing the zoning by-law amendment(s) into full force and effect to the date of payment.
2. The financial contribution would be phased in accordance with the progress of redevelopment of the Property.
 - a. A first payment of \$2,250,000.00 would be provided prior to the issuance of the first above-grade building permit for any new residential dwelling units to be erected on the Property.
 - b. Additional payments of \$2,250,000.00 would be provided prior to the issuance of any subsequent above-grade building permits for any new residential dwelling units exceeding 225, 450 and 700 new residential dwelling units.
3. Notwithstanding the phasing outlined above, the balance of the \$9,000,000.00, including any increases as a result of indexing, would be payable seven (7) years after the payment of the first above-grade building permit.

Conclusion

Our client and its consultant team appreciate the extensive efforts of City staff to work with us in reviewing these matters and providing feedback to result in the Revised Plans. Our client believes the Revised Plans represent good planning and an appropriate resolution for the Property.

Please note that this without prejudice settlement offer will remain open for consideration by the City until the conclusion of the City Council meeting scheduled to commence on October 1, 2021. At such time, this offer should be considered withdrawn.

Please let us know if further clarification is required in respect of this without prejudice settlement offer.

Yours truly,

Goodmans LLP



David Bronskill

DJB/
7196667