

**RUSSELL D. CHEESEMAN**  
*- Barrister & Solicitor -*

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

March 22, 2022

**VIA E-MAIL**

**WITHOUT PREJUDICE**

Ms. Kasia Czajkowski  
Solicitor, Planning & Administrative Tribunal Law  
City of Toronto Legal Services  
Metro Hall, 26<sup>th</sup> Floor  
55 John Street  
Toronto, Ontario  
M5V 3C6

Dear Ms. Czajkowski:

**Re: OLT Case No. OLT-21-001283, HS4 Finch Investments Inc. v. Toronto (City)**

Further to our recent settlement discussions, this letter will confirm my client is willing to settle the question of the quantum of the Section 37 Agreement matter, at the sum of \$750,000.00.

My client is willing to accept the fact that it will pay this amount to the City of Toronto, on the assumption that your report to Council for its Meeting of April 6-7, 2022, will recommend a settlement of the Official Plan Amendment and Zoning By-law Amendment, in full. If Council at its meeting of April 6-7, 2022, gives you instructions to settle this matter on this basis, then we will both consent to having the next CMC of the OLT, scheduled for June 14, 2022, to be converted to a settlement Hearing.

In the case of your client not giving you instructions to settle this matter fully, then my client's offer of \$750,000.00 for the Section 37 payment is withdrawn, and we will proceed to the Hearing based on the current offer of \$250,000.00 for said payment.

Furthermore, you have advised that the actual Official Plan Amendment and Zoning By-law Amendment will not be before Council at its next meeting. The only thing that will be before them is your report. That means that there still may be time to "tweak" the zoning by-law amendment to address the question of the "H" (Holding provision) on the issue of a Noise report that you have in hand, but have not yet commented on. We can discuss the practicalities of making minor changes to the by-law if the settlement is accepted by Council.

You have also asked that if the "settlement" is accepted by Council at its meeting of April 6-7, 2022, whether the amount of the Section 37 agreement can be made public. I can

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advise that if the settlement is accepted, then my client has no difficulty with the agreed upon amount of the payment being disclosed to the public.

I trust that you will find the foregoing to be satisfactory for your purposes. Please contact me directly if you have any questions or concerns.

Yours very truly,

A handwritten signature in black ink, reading "R.D. Cheeseman". The signature is written in a cursive style with a prominent initial "R" and a long, sweeping underline.

Russell D. Cheeseman