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March 24, 2022

Our File No.: 213474

WITHOUT PREJUDICE

Via Email

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

Attention: Kasia Czajowski/Jason Davidson

Dear Sirs/Mesdames:

**Re: LPAT Case No. PL170525 – 386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue
Without Prejudice Offer to Settle**

We are solicitors for Symington GP Inc. (“SGI”), who are now the owners of the lands known municipally in the City of Toronto as 386-394 Symington Avenue, 405 Perth Avenue and 17 Kingsley Avenue (the “**Property**”). We are writing on behalf of our client with a without 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 April 6, 2022.

As background, and as you know, there are appeals of official plan amendment and rezoning applications currently before the Ontario Land Tribunal (“**OLT**”) in the above-noted case number (the “**OLT Appeals**”), which our client has assumed. On December 21, 2018, OLT issued an interim order conditionally approving a settlement of the OLT Appeals. Since that decision, the previous owner proposed further revisions that were refined through discussions with City staff (the “**Revised Plans**”), resulting in a Request for Direction Report dated June 4, 2021. At its meeting on July 14, 15 and 16, 2021, City Council directed the City Solicitor to support the Revised Plans before the OLT (the “**July Council Resolution**”).

Our client is writing on a without prejudice basis to propose three changes to the settlement accepted in the July Council Resolution:

1. **Parking Supply**: The Revised Plans include a parking supply ratio of 0.49 vehicle spaces per unit based on 375 dwelling units and comprised of 148 resident vehicle spaces and 37 visitor vehicle spaces. Our client is now proposing a parking supply ratio of 0.35 vehicle

spaces per unit, based on approximately 368 dwelling units and comprised of 90 resident vehicle spaces and 37 visitor vehicle spaces. Our client agrees and acknowledgement that this reduced parking is subject to our client's agreement to secure the improvements/TDM measures set out Section (C) 5. to 7. in the Memorandum from the Transportation Services Division dated June 3, 2021, as a legal convenience in the Section 37 Agreement.

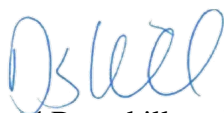
2. The July Council Resolution required certain infrastructure improvements prior to any above-grade building permit, including the rehabilitation of road surface and municipal boulevards of Perth Avenue south of Kingsley Avenue with new asphalt, curbs and sidewalks constructed to the appropriate municipal standards and the extension of Perth Avenue to terminate in a turning circle designed according to the City's Development Infrastructure Policy and Standards Design in the vicinity of the south driveway access from the proposed development (the "**Perth Avenue Improvements**"). Our client is now proposing that the Perth Avenue Improvements would be constructed and conveyed to the City prior to first residential occupancy of a building on the Property. This revised timing is necessary to enable construction of the new building as a rental building.
3. The July Council Resolution required certain matters related to servicing, transportation and rail safety to be completed prior to issuance of a final order by the OLT. To enable the zoning by-law amendment(s) to be finalized prior to City Council passing the community benefit charges by-law, our client is proposing that these matters be secured in the Section 37 agreement as a means of legal convenience.

Our client acknowledges and agrees that these three changes to the settlement accepted in the July Council Resolution are subject to an additional financial contribution of \$100,000.00 to be secured in the Section 37 Agreement.

As noted above, this without prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on April 6, 2022, after which it should be considered as withdrawn.

Yours truly,

Goodmans LLP



David Bronskill
DJB/ bp

cc: Client