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April 26, 2023

BY EMAIL

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

Dear Mr. Muscat:

**Re: With Prejudice SUPPLEMENTAL Offer to Settle
15 - 23 Toryork Drive, Toronto
OLT Lead Case No. OLT-22-003048
Related OLT Case Nos. OLT-22-003049 & OLT-22-003050
Municipal File Nos. 21 211444 WET 07 OZ & 21 211446 WET 07 SB**

As you are aware, we act on behalf of Titan Developments Inc. and 2217500 Ontario Limited (collectively, “**Titan**”) with respect to the lands municipally known as 15-23 Toryork Drive (the “**Site**”). On April 19, 2023, our office filed a “with prejudice” offer to settle the appeals of the Official Plan Amendment and Zoning By-law applications for the Site.

Since the settlement offer was filed, we understand that City Staff in Toronto Water and Solid Waste have requested further conditions as part of the settlement, relating to sanitary sewer flow monitoring and a methane gas investigation respectively. In light of the foregoing, we are writing to provide a with prejudice supplemental settlement offer, adding to the April 19, 2023 settlement offer as follows:

- Including a new pre-condition to the Final Order:

The Owner shall provide a Supplementary Sanitary Analysis Memorandum, prepared by a Professional Engineer, satisfactory to the Chief Engineer and Executive Director of Engineering and Construction Services that provides the sensitivity analysis for the I&I portion of the wet weather flow for the large upstream area tributary to the sanitary sewer in easement portion, in order to justify whether the current conservative analysis warrants an exemption to the flow monitoring requirement of the Sewer Capacity Assessment Guidelines due to site specific conditions.

- Including a new term of the settlement offer:

Methane Gas Investigation: As a portion of the Site lies within 250 metres of a closed municipal landfill, the Owner agrees to retain a qualified person (as defined

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in Ontario Regulation 153/04) to conduct a subsurface investigation for the possible presence of methane gas at the Site in accordance with the City of Toronto Methane Gas Study Terms of Reference. The provision of such investigation report, and any associated mitigation measures arising therefrom shall be filed and secured as part of the first Site Plan Application for the Site.

Except as noted above, the settlement offer filed on April 19, 2023, remains valid and unchanged.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Tomasella
SJT/NM

cc: Client

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