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July 8, 2024

Our File No.: 211236

WITHOUT PREJUDICE

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

Attention: Adam Ward and Gabe Szobel

Dear Sirs/Mesdames:

**Re: Case No. OLT-23-000216 – Settlement Offer
22-32 Scollard Street and 21-25 Davenport Road, City of Toronto**

We are the solicitors for Constantine Scollard Inc. in respect of the properties known municipally in the City of Toronto (the “**City**”) as 22-32 Scollard Street and 21-25 Davenport Road (the “**Lands**”). We are writing on behalf of our client to provide a without prejudice settlement offer in respect of the above-noted matter, which should be considered as open until the conclusion of the City Council meeting scheduled to commence on **July 24, 2024**, unless otherwise indicated.

As you know, our client engaged in without prejudice discussions with City staff and participated in mediation regarding the redevelopment proposal for the Lands. These discussions resulted in a revised set of plans, prepared by Zeidler Architecture and attached to this Without Prejudice settlement offer as Schedule “A” (the “**Revised Plans**”). Our client greatly appreciates the efforts of City staff in achieving this proposed settlement.

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

1. The settlement offer is based on the Revised Plans, which would be implemented through the resulting zoning by-law amendment(s). Key aspects of the Revised Plans are summarized as follows:
 - a. The provision of a privately-owned public space (or POPS) of approximately 410 square metres (excluding the clearway areas), which includes a north/south mid-block connection between Davenport Road and Scollard Street and designed to have active frontages animating the space;

- b. The Revised Plans incorporate a slanted corner on Davenport Road to open up the sidewalk to the privately-owned publicly accessible open space (POPS). Similarly, the retail entrance has been relocated to the slanted corner to activate and connect the sidewalk to the POPS;
- c. The corner of the building at Scollard Street has been slanted inwards to accentuate the building's entrance and open up the sidewalk to the POPS. In addition, our client has added additional street trees along Scollard Street and additional seating along the POPS. Short-term bicycle parking is to be provided by an automated bike parking system accessible at the ground level;
- d. The podium height has increased in height by 1 metre to 49 metres(14-storeys), which aligns the proposed development to the neighbouring 13- and 14-storey buildings;
- e. The lightwell has been extended to cut through the entire block from Scollard Street to Davenport Road. Further, our client has provided a green roof at the base of the lightwell and re-aligned the stair core to improve the quality of the space and increase the privacy of residents for the neighbouring condominium building;
- f. The tower façade has been stepped back to provide a 10 metre separation distance from the west property line;
- g. The parapet roof height has decreased along with other associated reductions in height, resulting in a decrease in height from 231.39 metres to 229.6 metres; and,
- h. The proposed development would be served by private waste collection, which has been accepted by Solid Waste Management and will be secured through appropriate agreements at site plan approval.

Our client is in the process of negotiating Limiting Distance Agreements with the properties known municipally as 45 Davenport Road and 8 Scollard Street. These negotiations are progressing and our client has received comments from staff regarding the text of the agreements. As such, our client expects to be in a position to finalize the Limiting Distance Agreements imminently.

Our client agrees that, in the event City Council accepts this Without Prejudice settlement offer, the final order of the Ontario Land Tribunal would be withheld until such time as the City Solicitor advises that:

1. the final form of the Zoning By-law Amendment(s) is to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor;
2. the owner has registered a Limiting Distance Agreement on title to the Lands, 8 Scollard Street, and the Stone Church at 45 Davenport Road;

3. the owner has revised the Site Servicing, Hydrogeological, and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
4. all comments from Engineering and Construction Services contained in their January 29, 2024 memorandum are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

As noted above, this Without Prejudice settlement offer will remain open until the end of the City Council meeting scheduled to commence on July 24, 2024, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council. Should City Council accept the Without Prejudice settlement offer, this letter and the Settlement Materials can be made public.

Thank you in advance for your consideration of this Without Prejudice settlement offer. Please contact the undersigned if you require anything further.

Yours truly,

Goodmans LLP



David Bronskill
DJB/