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File No. 23030

September 24, 2024

CONFIDENTIAL
WITHOUT PREJUDICE

VIA EMAIL: jessica.braun@toronto.ca; uttra.gautam@toronto.ca

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

Dear Mesdames:

Re: 438-440 Avenue Road & 169, 171A & 171B Balmoral Avenue, City of Toronto
Planning Application No.: 21 177893 STE 12 OZ
Appeals to OLT of Official Plan Amendment and Rezoning Applications
OLT Lead Case No. OLT-22-002490
Revision to Settlement Proposal to Incorporate 173 Balmoral Avenue

As you know, we are the solicitors for Augend Investments Ltd. (the "Applicant"), the owners of the lands known municipally as 438-440 Avenue Road and 169-171B Balmoral Avenue, in the City of Toronto, and the appellant with respect to the above-noted appeals. There was a settlement hearing held on May 18, 2023 with the Tribunal approving the settlement for a 21 storey residential building issued on June 26, 2023 (the "Original Approval").

Since the time of the Original Approval, our client has acquired the neighbouring property at 173 Balmoral Avenue and would now like to incorporate this site into the development parcel. Accordingly, following discussions with City staff, our client is now providing a revised without prejudice settlement offer for City Council's consideration to revise the Original Approval as follows as shown on the plans dated June 2024 prepared by Arcadis:

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188 Avenue Road,
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- (1) Incorporate the 173 Balmoral property into the development proposal (See Page 2 of the plans);
- (2) Include three (3) new two-storey townhouses at grade, facing west (see Pages 3 and 4 of the plans);
- (3) A setback for the townhouses from the property line of 5.5 meters is provided (see Page 3 of the plans);
- (4) Added a 3-metre landscape buffer on the west and south sides;
- (5) Moved the exhaust air shaft on the northwest corner south, considering the landscape buffer around it (see Page 2 of the plans);
- (6) Replaced two (2) units at the southeast corner with an indoor amenity (see Page 5 of the plans);
- (7) Revised the second-floor units on the west side (see Page 5 of the plans);
- (8) Setback of 3 meters from the north, west, and south on levels 3 and 4 has been provided (see Pages 6 and 7 of the plans);
- (9) Increased the total number of units by 9 (from 237 to 246 units); and
- (10) Added a 1.5 m “buffer” to the outdoor amenity space on the 5th floor (roof of 4th floor) to address privacy towards the neighbours (see Page 8 of the plans).

We can confirm that the rest of the floor plans contained in the Original Proposal remain the same.

In support of the settlement offer, please find attached the following:

- (1) Architectural Plans dated June 2024 prepared by Arcadis;
- (2) Revised Shadow Study prepared by Arcadis.

If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at jpark@ksllp.ca.

Yours truly,

KAGAN SHASTRI DeMELO WINER PARK LLP



Jason Park
JIP/ss

Please reply to the: Downtown Office

cc: Augend Investments Ltd.