



Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

September 23, 2024

Our File No.: 233081

WITHOUT PREJUDICE

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

Attention: Jessica Amey

Dear Sirs/Mesdames:

**Re: Lead Case No. OLT-23-24-000212 – Without Prejudice Settlement Offer
8 and 10 Hyde Park Circle (2 Post Road)**

We are solicitors for NDI (2 Post Road) in respect of the properties known municipally in the City of Toronto as 8 and 10 Hyde Park Circle (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 October 9, 2024, unless otherwise indicated.

As you know, our client recently engaged in without prejudice discussions with City staff. These discussions resulted in a revised set of plans, prepared by Richard Wengle Architect Inc., which are attached to this letter 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). As shown on the Revised Plans, key revisions to the proposed built form include:
 - a. increased setback from the east property line to enable a servicing easement to be provided to the City, as well as additional landscaping and tree planting;
 - b. increased setback above and below grade from Bayview Avenue to enable additional tree preservation and tree planting, including relocating the existing TTC

- bus shelter and proposed 2.1 metre-wide pedestrian walkway from the existing property line along Bayview Avenue;
- c. reduced patio and paving surfaces along Bayview Avenue and Post Road to accommodate more soft landscape treatment;
 - d. increased opportunities for soil volume as part of the redevelopment of the Lands along with the preservation of more existing trees as described in landscape plans and arborist report by MEP Landscape Architects and Rachael Kowaleski, B.E.S.;
 - e. increased number of 2-bedroom and 3-bedroom units as part of the proposed unit mix; and,
 - f. updated vehicle maneuvering assessment for the proposed access location from Post Road, including for a 12.0 metre waste collection vehicle and the pick-up/drop-off area.
2. As part of any settlement in this matter, the implementing zoning by-law amendment would also secure the proposed amount of vehicle parking, unit mix and amenity space.
 3. 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, pending completion of the following, with the Ontario Land Tribunal available to be spoken to in the event that an issue arises as a result of completion of these pre-conditions:
 - the proposed official plan amendment and zoning by-law amendment(s) are in a final form and content satisfactory to the City Solicitor and Chief Planner and Executive Director, City Planning;
 - the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they related to the application, to the satisfaction of the Supervisor, Tree Protection and Plan Review;
 - the owner has provided a revised Traffic Impact Study, including acceptable Transportation Demand Measures, to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning;
 - the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the application, inclusive of sanitary sewer easement issues and storm overland easement issues, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water, and,

- the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to the infrastructure to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services.

In addition, our client acknowledges that should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report, City Council may direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City, for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities 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 October 9, 2024, unless otherwise indicated, at which point it should be considered as withdrawn if not accepted by City Council.

Yours truly,

Goodmans LLP



David Bronskill
DJB/