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File No. 24239

September 2, 2025

**WITH PREJUDICE**

DELIVERED VIA EMAIL ([adam.ward@toronto.ca](mailto:adam.ward@toronto.ca) / [sara.amini@toronto.ca](mailto:sara.amini@toronto.ca))

City of Toronto Legal Services  
City Solicitor's Office  
Metro Hall  
55 John Street, 26<sup>th</sup> Floor  
Toronto ON M5H 2N2

Attention: Adam Ward / Sara Amini

Dear Mr. Ward / Ms. Amini

**Re: OLT Lead Case No. OLT-24-001214**  
**1552-1572 Kingston Road, City of Toronto**  
**Appeals filed on behalf of K2 GP Inc.**  
**Planning Applications No: 21 191601 ESC 20 OZ / 21 191693 ESC 20 SA**  
**Appeal of Rezoning and Site Plan Approval Applications**  
**With Prejudice Settlement Offer**

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We are the solicitors for K2 GP Inc. (the "**Applicant**" or "**Appellant**"), the registered owner of the lands legally described as 1552-1572 Kingston Road, Toronto (the "**Site**").

Further to the recently completed Ontario Land Tribunal (the "**OLT**" or "**Tribunal**") mediation and continued discussions between the Appellant and the City of Toronto (the "**City**") staff, we are pleased to provide the following settlement offer on a *with prejudice* basis in full settlement of the rezoning appeal. Specifically, in an effort to address the City's issues, the proposed development has been revised as follows:

- (1) Reduction in overall building height by 1 storey, from 12-storeys including a Mechanical Penthouse level containing residential space, to 11-storeys including a Mechanical Penthouse level containing residential space.

- (2) Increased landscape buffer to 1.5 metres in width across the north lot line (except for a small area at the drive entrance where it is reduced to 1.06 metres to accommodate the loading movements).
- (3) Replaced residential gross floor area ("GFA") along Kingston Road with retail space, representing an increase from approximately 59 square metres of non-residential GFA to 338 square metres.
- (4) Relocated residential lobby to the southeast corner of the building, placing commercial space at the southwest corner.
- (5) Redesigned the loading area to remove the previous exterior loading bay and, instead, incorporate it within the ground floor to reduce visibility. This redesign also consolidated the driveway access to Eastwood Avenue.
- (6) Replaced the previous driveway at the northwest corner of the building with indoor and outdoor amenity space, including a pet relief area.
- (7) Increase in outdoor amenity space, resulting in an increase to the overall indoor/outdoor amenity space from 410 square metres to 514 square metres.
- (8) Increase in percentage of 3-bedroom units, resulting in the provision of 10% 3-bedroom units.
- (9) Revised setbacks, including:
  - a. Increased 4.5 metre setback to the curb at level 4 and 6.0 metre setback to the curb at level 5.
  - b. Revised front yard cantilever to begin at level 2 instead of level 3.
  - c. Increased varying side-yard setbacks beginning at level 5, resulting in a maximum 7.9 metre setback to the west lot line and a maximum 4.4 metre setback to the east lot line.
  - d. Reduced north (rear yard) setback beginning at level 7, resulting in a minimum 9.0 metre setback, increasing to a 10.5 metre setback at level 9 and above.
- (10) Increase in overall landscaping and soil volume as a result of the consolidated driveway access.
- (11) Incorporation of wind mitigation features to improve wind conditions as per the updated pedestrian wind study.

In terms of the site plan appeal, our client agrees to hold this appeal in abeyance to work with City staff to resolve the remaining site plan issues in order to finalize a NOAC following the approval of the OLT of the necessary zoning by-law amendment for the Proposed Development.

With respect to the issuance of the final Order for the Zoning By-law Amendment for the proposed development, our client is agreeable to the final Order being withheld subject to the following conditions being satisfied:

- (1) The final form and content of the Zoning By-law Amendment shall be to the satisfaction of the Executive Director, Development Review, and City Solicitor.

- (2) The owner makes satisfactory arrangements with Engineering and Construction Services and enters into the appropriate agreement(s) with the City for the design and construction of any improvements to the municipal infrastructure to support this development, according to the Functional Servicing and Stormwater Management Report accepted by the Chief Engineering and Executive Director, Engineering and Construction Services.
- (3) Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing and Stormwater Management Report and/or the Transportation Impact Study, a Holding Provision be included in the final form of the Zoning By-law Amendment, and the Holding Provision not to be lifted until such a 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, and the General Manager, Transportation Services.

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

- (1) Architectural Plans dated August 21, 2025;
- (2) Landscape Plan dated August 21, 2025; and
- (3) Pedestrian Wind Study dated August 27, 2025.

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](mailto:jpark@ksllp.ca).

Yours truly,



**KAGAN SHASTRI DeMELO WINER PARK LLP**

Jason Park  
JIP/ch

Enclosures

cc. K2 GP Inc.



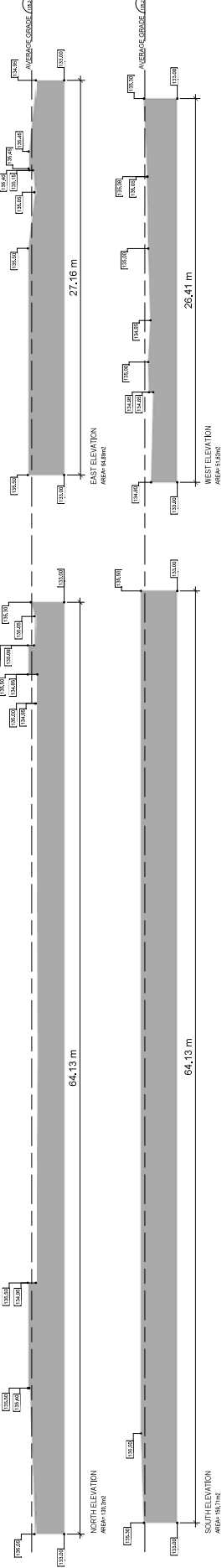
1552-1572 KINGSTON ROAD SCARBOROUGH, ONTARIO

DRAWING Cover Sheet	PROJECT NUMBER 24005	DATE 2-AUG-2025
	SCALE	PLOTTED DATE 2-AUG-2025





# AVERAGE GRADE CALCULATION

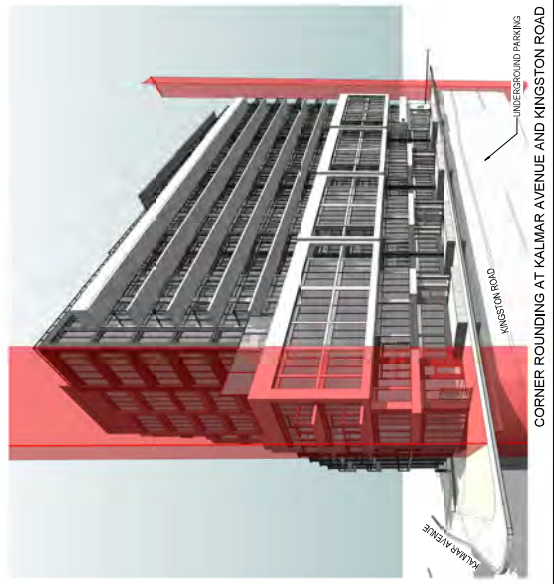
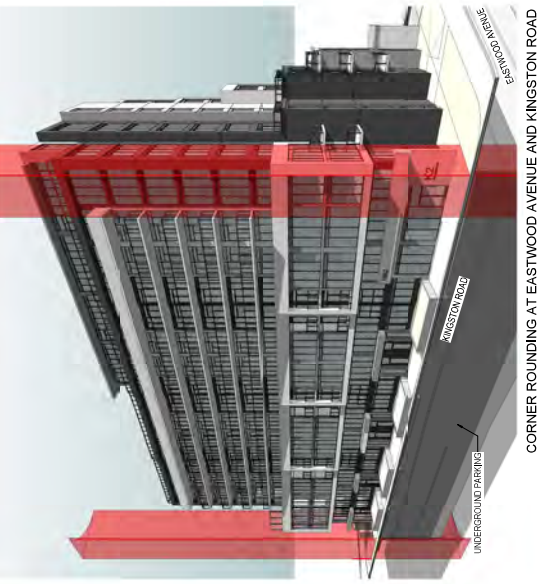


**CALCULATIONS**

TOTAL AREA = 138.3 + 160.7 + 13.7 + 13.7  
= 426.4 m<sup>2</sup>

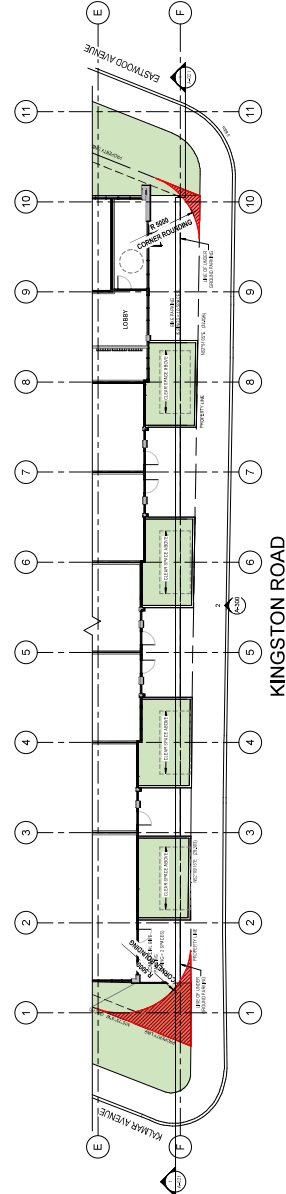
TOTAL LENGTH = 64.13 + 27.16 + 26.41 + 26.41  
= 144.11 m

AVERAGE GRADE (COMB) = 426.4 / 144.11 = 2.96

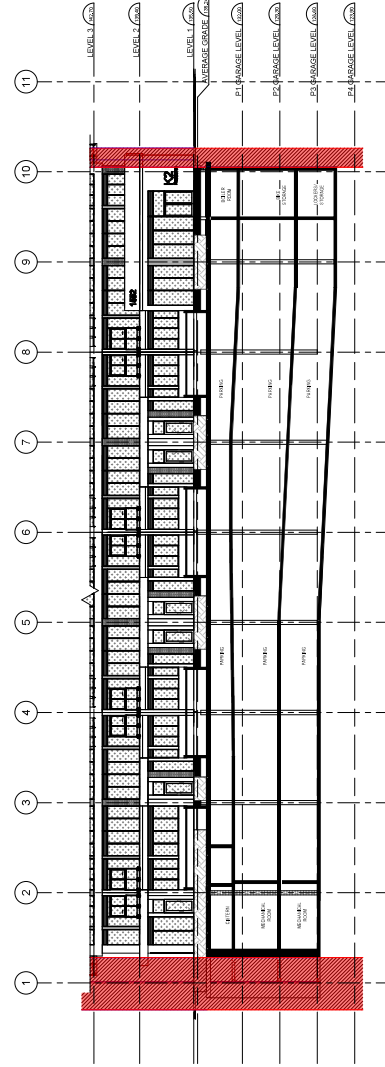


STRATIFIED CONVEYANCE SOUTH-WEST	
INTERSECTION OF KALMAR AVE AND KINGSTON RD	
HEIGHT	AREA
1.7m	12.2 m <sup>2</sup>

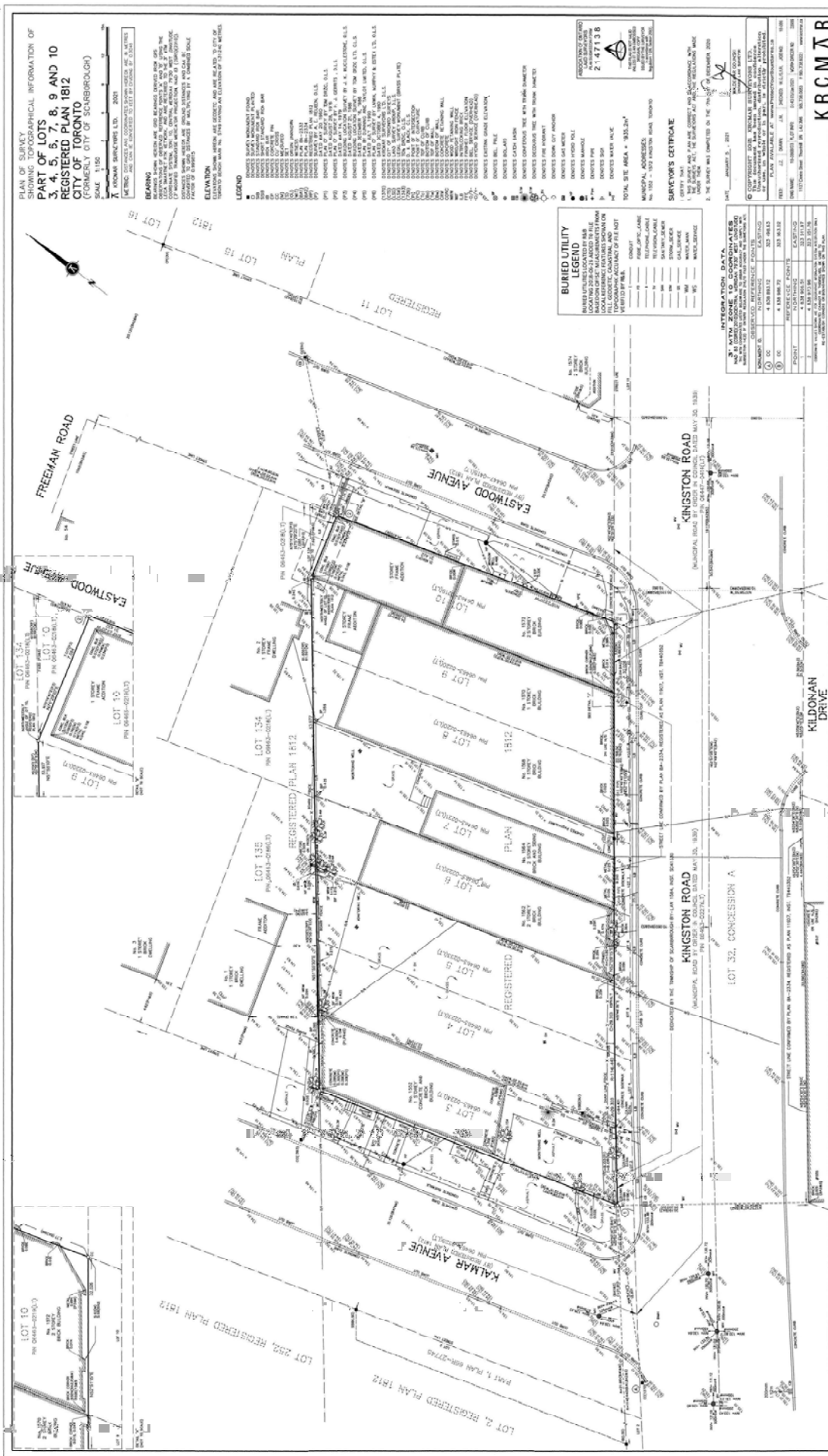
STRATIFIED CONVEYANCE SOUTH-EAST	
INTERSECTION OF EASTWOOD AVE AND KINGSTON RD	
HEIGHT	AREA
1.7m	2.1 m <sup>2</sup>



## 1 CORNER ROUNDING GROUND FLOOR



## 1 CORNER ROUNDING SECTION

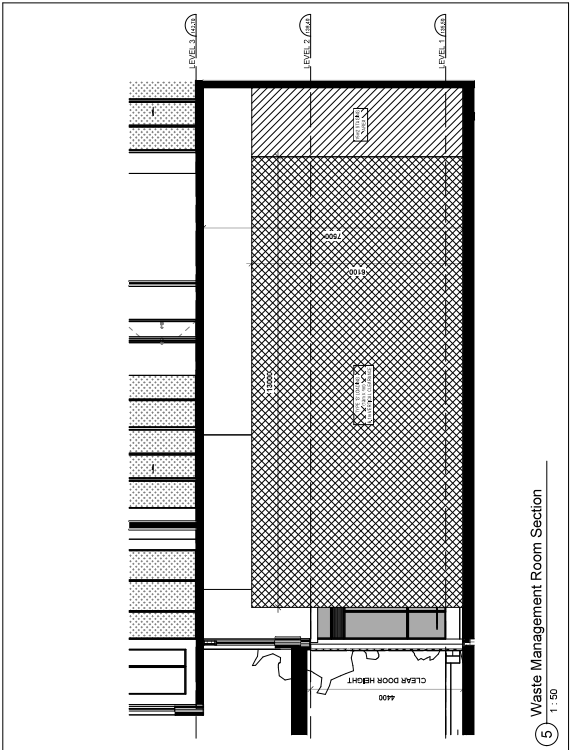
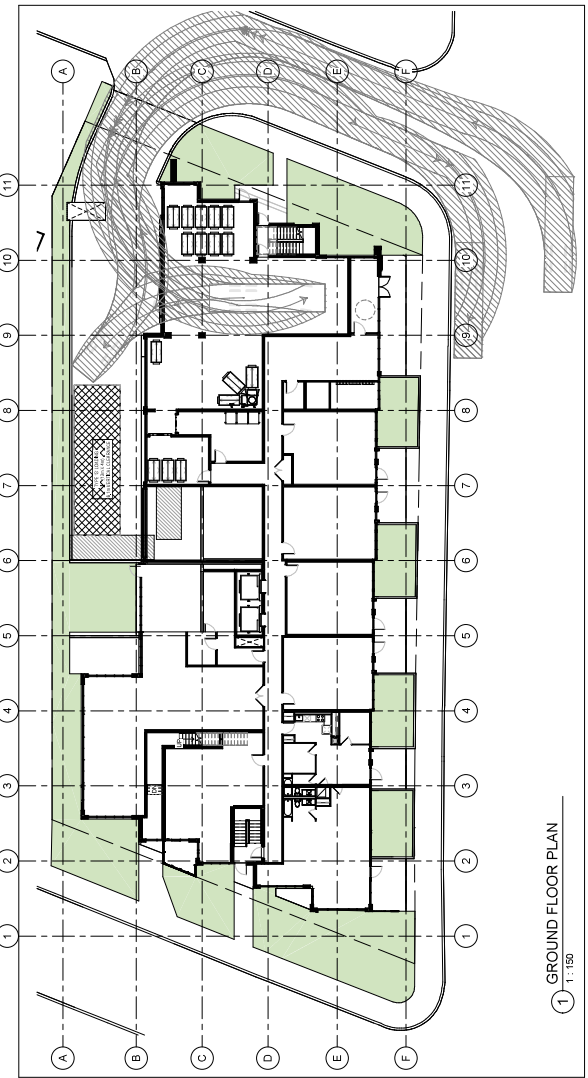
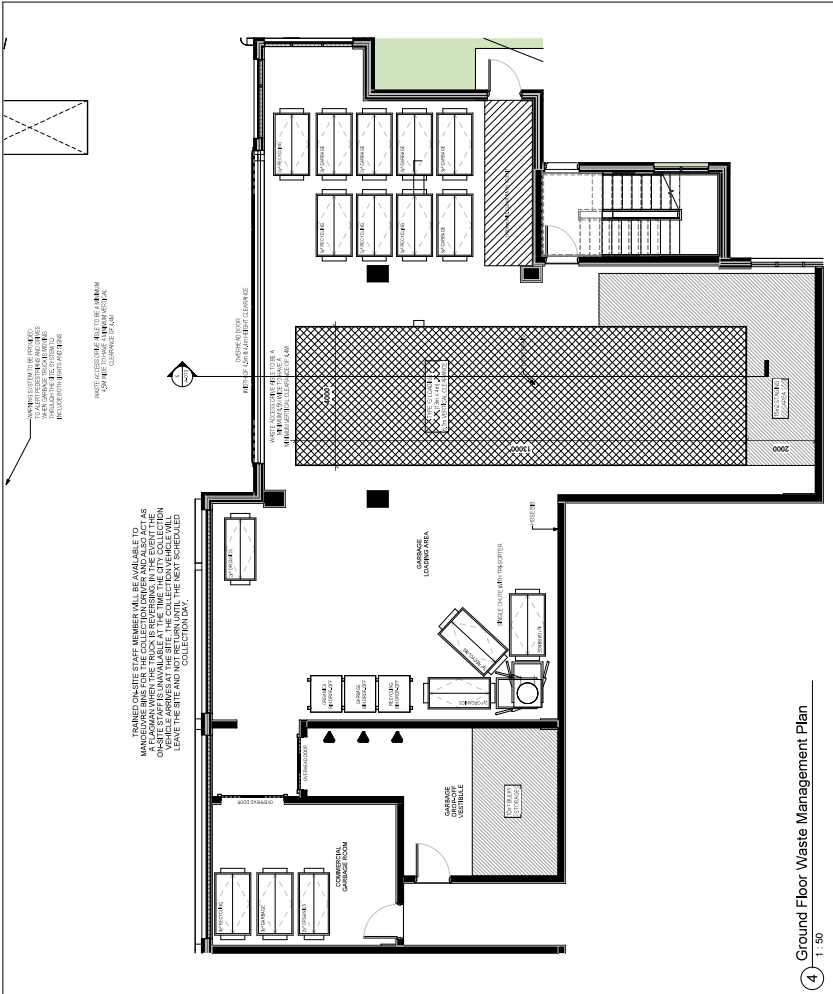
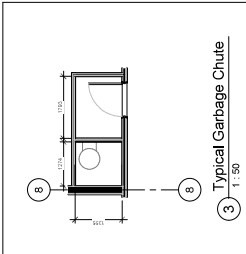


KRCM





WASTE MANAGEMENT STATISTICS			
TYPE OF WASTE	WASTE CLASSIFICATION CODE	WASTE TREATMENT	
		RECYCLED (%)	LANDFILLED (%)
HOUSEHOLD WASTE	001	50%	50%
	002	55%	45%
INDUSTRIAL WASTE	010	60%	40%
	011	65%	35%
CONSTRUCTION WASTE	020	70%	30%
	021	75%	25%
HAZARDOUS WASTE	030	80%	20%
	031	85%	15%
AGRICULTURAL WASTE	040	90%	10%
	041	95%	5%
MEDICAL WASTE	050	95%	5%
	051	98%	2%
ELECTRONIC WASTE	060	90%	10%
	061	92%	8%
TEXTILE WASTE	070	85%	15%
	071	88%	12%
PLASTIC WASTE	080	75%	25%
	081	78%	22%
GLASS WASTE	090	60%	40%
	091	65%	35%
METAL WASTE	100	55%	45%
	101	58%	42%
WOOD WASTE	110	40%	60%
	111	45%	55%
PAPER WASTE	120	30%	70%
	121	35%	65%
FOOD WASTE	130	20%	80%
	131	25%	75%
OIL WASTE	140	10%	90%
	141	15%	85%
SLUDGE WASTE	150	5%	95%
	151	10%	90%
ASBESTOS WASTE	160	0%	100%
	161	0%	100%
HAZARDOUS LIQUIDS	170	0%	100%
	171	0%	100%
HAZARDOUS SOLIDS	180	0%	100%
	181	0%	100%
HAZARDOUS GASES	190	0%	100%
	191	0%	100%





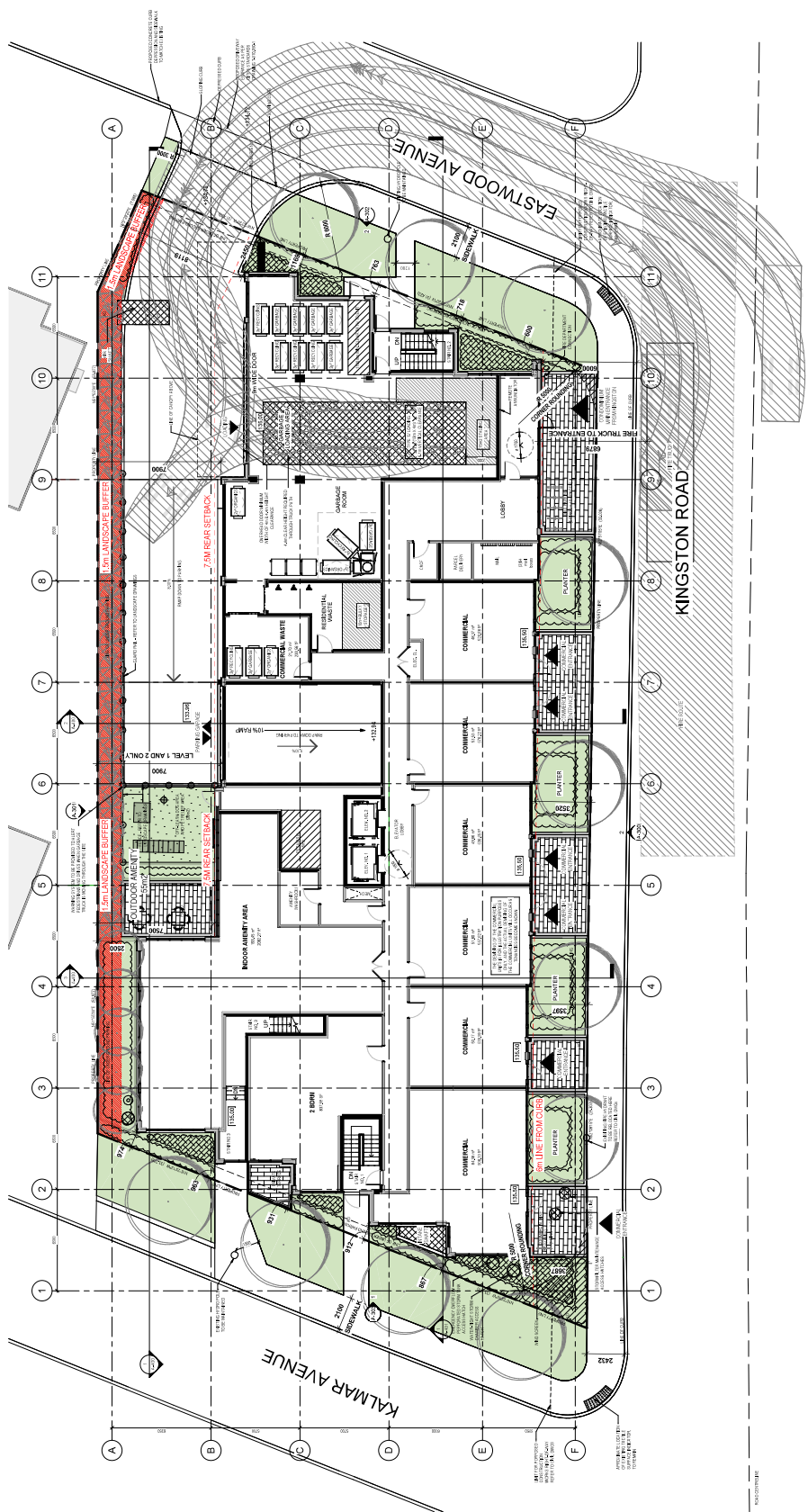






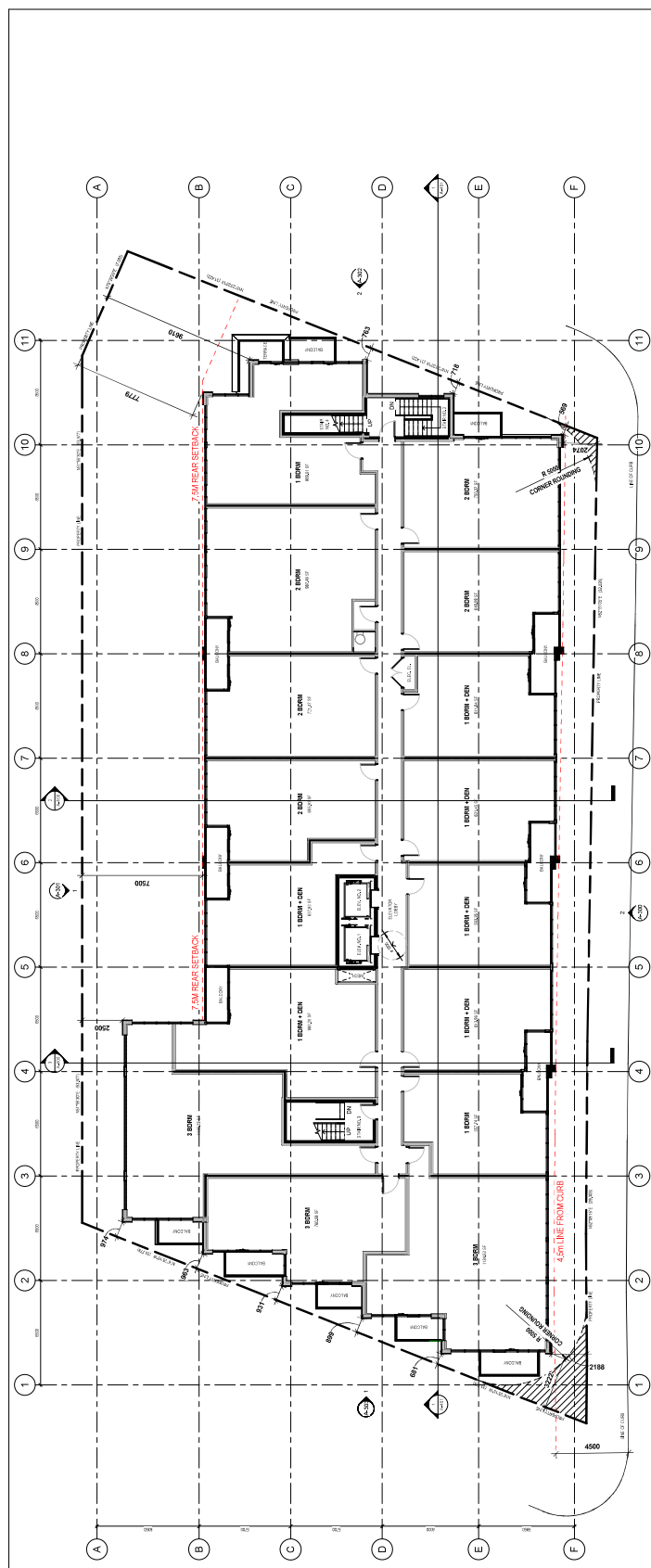








1 4TH FLOOR PLAN  
1:100



2 5TH FLOOR PLAN  
1:100

