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July 3, 2022

Sent By Email

City of Toronto
Legal Services Department
55 John Street
Toronto, Ontario

Attention: Ms. L. Bissett and Mr. C. McKeich

Dear Ms. Bissett and Mr. McKeich:

**RE: OPA 231
OLT FILE NO. PL140860
APPEAL NO. 85
WITHOUT PREJUDICE OFFER TO SETTLE
415 EVANS AVE & 302-324 HORNER AVE (EXCEPT 320 HORNER AVE)**

We act as legal counsel to FIMA Development (“FIMA”) regarding the above referenced Appeal No. 85 to OPA 231. We have been coordinating off the record settlement discussions regarding this appeal with Mr. A. Biggart and Ms. T. Kapelos who are acting for the City of Toronto on the OPA 231 hearing. They in turn have been in communication with the City Planning Department to consider if this appeal can be resolved and have provided feedback recently suggesting a settlement is possible. We have been requested to put the results of these discussions into writing.

We are writing herein to make a formal Offer to Settle to the City of Toronto of this Appeal along the following basis:

1. **415 Evans Avenue/truck dealership site:** This site would be retained as Core Employment Areas with a SASP that permits the dealership/sales use. This draft SASP is attached and has been prepared to be consistent with the designation and SASP that applies to a similar settlement at 2 Wickman Road, located immediately to the north of this site and resolved during the OPA No. 231 proceedings. (See Attachment)

2. **302-324 Horner Avenue:** Within this larger block of land, the site at 320 Horner Avenue would be retained as Core Employment Areas (this land is owned by the City of Toronto) and not change as a result of the Appeal No. 85; the balance of the 302-324 Horner Avenue lands would be redesignated to General Employment Areas (lands shown in blue below).



3. **Remainder of Appeal No. 85:** The remainder of Appeal No. 85 would be withdrawn. FIMA is aware that there may be/are other parties to the hearing, sheltering under Appeal No. 85, that would be affected by this withdrawal and in the absence of sheltering under some other appeal, would by operation of law, follow the decision of FIMA, that the FIMA appeal affecting other lands than those identified herein, would be withdrawn and at an end. The ultimate disposition of those parties future role in any OPA 231 hearing is within the purview of the City of Toronto to address, not FIMA, other than supporting the settlement.

On behalf of FIMA it is believed that this is a most reasonable resolution of the current Appeal No. 85 and its resolution represents a significant conclusion of issues raised in southern Etobicoke.

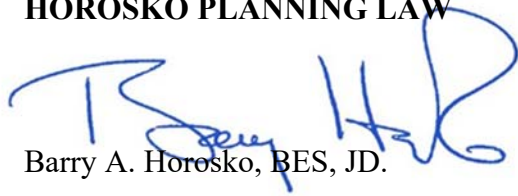
We anticipate receiving a written acceptance of this Offer to Settle shortly and in any event no later than by July 21, 2022. Should it be accepted and on the record to FIMA, we would appreciate an understanding of the proposed process anticipated by the City of Toronto noting we would suggest that the OLT be so advised so as to proceed in an orderly fashion to conclusion. I would like to be clear on the steps anticipated and the expectation by the City for the withdrawal of the

remainder of the appeal and the commitments of the parties for full implementation of the settlement.

Kindly advise when the City would like to proceed to finalize this or call to discuss if necessary.

Yours truly,

HOROSKO PLANNING LAW

A handwritten signature in blue ink, appearing to read "Barry Horosko", is written over the printed name below.

Barry A. Horosko, BES, JD.

cc. Clients
Mr. A. Biggart and Ms. T. Kapelos
Mr. D. McKay

PROPOSED SASP FOR 415 HORNER AVE

XX 415 Evans Avenue

Automotive dealership uses are permitted.

