

## Jason Davidson

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**From:** Mary Flynn-Guglietti <mary.flynn@mcmillan.ca>  
**Sent:** July 6, 2023 5:01 PM  
**To:** Jason Davidson  
**Cc:** Paul DeMelo; Cameron McKeich; Kailey Sutton; Juergen Gallert (j.gallert@nitta-gelatin.com)  
**Subject:** [External Sender] FW: Tri-Party Agreement between City of Toronto, Magellan Community Charities and Nitta Gelatin Canada Inc.

Dear Jason:

As you know we are the solicitors retained on behalf of Nitta Gelatin Canada Inc. ("**Nitta**"), owners of the lands municipally known as 60 Paton Road in the City of Toronto. Magellan Community Charities ("**MCC**") is the leasee of lands owned by the TTC, municipally known as 640 Lansdowne Avenue, and submitted a rezoning application to develop the lands for a 7 storey long term care centre. Nitta has expressed concerns related to land use compatibility issues regarding noise and odour and the ability to continue compliance with regulatory requirements. In a letter dated August 18, 2022 Nitta appealed the MCC rezoning application to the Ontario Land Tribunal. Nitta, MCC and the City have been in discussions in attempt to resolve Nitta's appeal on the basis that measures are secured to mitigate any issues of compatibility.

Please accept this email on behalf of Nitta as the basis for settlement of its appeal on the following principles being secured in a Tri-Party agreement between Nitta, MCC and the City of Toronto:

- Magellan will provide to Nitta for its review and approval, a detailed plan for mitigation of noise and odour compatibility concerns identified by Nitta as it relates to the Site;
- Magellan will undertake both off-site and on-site mitigation measures to address the above noted noise and odour compatibility concerns;
- City staff shall report to City Council to recommend a Class IV designation for the Site through a Council resolution;
- The City will consult with Nitta through the development review process, and will include in the Notice of Approval Conditions secured through an agreement under Section 114 of the *City of Toronto Act*, the requirement for Magellan to undertake on-site mitigation measures, with such measures being to the satisfaction of a third-party peer reviewer agreed to by the Parties.

The form of the Tri-Party agreement that will include the aforementioned principles will be in a form acceptable to the parties.

Regards,  
Mary

**mcmillan**

**Mary L. Flynn-Guglietti\***

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**From:** Mary Flynn-Guglietti

**Sent:** Thursday, July 6, 2023 4:58 PM

**To:** Jason Davidson <[Jason.Davidson@toronto.ca](mailto:Jason.Davidson@toronto.ca)>

**Subject:** RE: Tri-Party Agreement between City of Toronto, Magellan Community Charities and Nitta Gelatin Canada Inc.



**Mary L. Flynn-Guglietti\***

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