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July 11, 2025

Via Email (cameron.mckeich@toronto.ca; adrienne.debacker@toronto.ca)

Without Prejudice

Cameron McKeich, Solicitor
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Tribunal Law Section
City of Toronto, Metro Hall
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To Whom it May Concern:

**Re: Settlement Offer – 321-355 Symington Avenue and 350 Campbell Avenue
Ontario Land Tribunal Case No. OLT-24-000355
City of Toronto Planning Application Nos. 22 232811 STE 09 OZ and
23 104503 STE 09 OZ**

We represent European Bakery Supply Inc. (the “**Owner**”), the owner of the lands municipally known as 321-355 Symington Avenue and 350 Campbell Avenue (the “**Subject Property**”) in the City of Toronto (the “**City**”). On December 16, 2022, the Owner submitted applications to amend the City’s Official Plan and the City of Toronto Zoning By-law No. 569-2013 (City Application Nos. 22 232811 STE 09 OZ and 23 104503 STE 09 OZ – collectively, the “**Applications**”) as it relates to the Subject Property. The Applications were deemed complete by the City on March 2, 2023.

Pursuant to subsections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13 (the “**Planning Act**”), on March 25, 2024, the Owner appealed the Applications to the Ontario Land Tribunal (the “**Tribunal**”), which appeal was assigned Tribunal Case No. OLT-24-000355 (the “**Appeal**”). In its order dated June 23, 2025, the Tribunal set a ten-day hearing for the Appeal scheduled to commence on October 27, 2025.

Further to our productive and fruitful discussions with City staff, we write to make a without prejudice offer to settle the Appeal with the City in its entirety (the “**Settlement Offer**”).

The Settlement Offer terms are as follows:

1. Settlement Plans

The zoning by-law amendment and official plan amendment will permit the proposed mixed-use development subject to the matters expressly set out herein (the

“Development”), substantially in accordance with the set of plans and drawings and site statistics which is attached hereto as Schedule “A” (the **“Settlement Plans”**), which include the following:

- (a) two mixed-use buildings (a 39-storey north tower and a 29-storey south tower, excluding mechanical penthouses) attached by a five-storey shared podium, comprised of:
 - (i) a maximum of 52,500 square metres of residential gross floor area; and
 - (ii) a minimum of 1,000 square metres of non-residential gross floor area, inclusive of an in-kind community benefits charge contribution as further detailed in Section 2 herein;
- (b) for the podium and tower portions of the Development, height, massing, and setbacks substantially as depicted in the Settlement Plans;
- (c) the provision of amenity space that meets or exceeds the requirements as set out in the City of Toronto Zoning By-law No. 569-2013;
- (d) the Owner agrees to work with City staff to refine wind mitigation measures, with details to be secured through the site plan approval process;
- (e) a unit mix that meets or exceeds the City’s Growing Up Guidelines; and,
- (f) an on-site parkland dedication at the south end the Subject Property as identified in the Settlement Plans with a minimum area of 534 square metres, with the exact size, location, and configuration of the parkland to the satisfaction of the General Manager, Parks, Forestry, and Recreation, subject to the following terms and conditions:
 - (i) the parkland dedication shall be transferred to the City free and clear above and below grade of all physical and title encumbrances; and,
 - (ii) the parkland dedication shall be transferred to the City prior to the issuance of the first above-grade building permit for any portion of the Development in an acceptable environmental condition in base park condition.

The Settlement Plans included alongside this Settlement Offer, if accepted by City Council, are intended to amend the plans previously submitted to the Tribunal for the Appeal.

2. **Community Benefits Charge (CBC) Contribution**

Pursuant to subsection 37(6) of the *Planning Act* and the City’s Community Benefits Charge By-law No. 1139-2022 (the **“CBC By-law”**), the Owner is prepared to provide an in-kind community benefits charge contribution in the form of a community agency space

on the second floor of the Development (the “**Community Space**”), in accordance with the following terms:

- (a) City Council shall elect whether the Owner’s obligations pursuant to section 37 of the *Planning Act* shall be satisfied:
 - (i) through the conveyance in stratified fee simple of the Community Space;
or,
 - (ii) through the payment of community benefits charges in accordance with subsection 37(32) of the *Planning Act* and the CBC By-law;
- (b) if elected, the Community Space shall have a minimum size of 540 square metres, and shall be designed and constructed in accordance with the City’s Community Space Tenancy Term Sheet dated May 29, 2021 (the “**Term Sheet**”), except where the provisions of the Term Sheet conflict with the provisions of Section 2 herein;
- (c) if elected, the Community Space shall be designed, constructed, and conveyed to the City in stratified fee simple at the Owner’s expense, prior to the earlier of condominium registration or first residential use of the Development;
- (d) if elected, the City acknowledges and agrees that the provision of the Community Space shall be a partial satisfaction of the Owner’s requirement for non-residential gross floor area in the Development as mandated by Site and Area Specific Policy (SASP) No. 839, equivalent to the total area of the Community Space;
- (e) if elected, City Council shall attribute a value to the in-kind contribution of the Community Space equal to 100% of 4% of the value of the land as determined the day before the day the first building permit is issued in respect of the Development;
- (f) if elected, the provision of the Community Space and its associated value as determined under subsection 37(32) of the *Planning Act* shall be a full and complete satisfaction of the Owner’s requirement for community benefits mandated by section 37 of the *Planning Act* and the CBC By-law, and the City acknowledges and agrees that there shall be no further cash contribution of any kind for the Community Space;
- (g) if elected, the Community Space shall have access to the Development’s visitor parking spaces but will not be allocated any permanent parking spaces; and,
- (h) if elected, the Owner and the City shall enter into an agreement pursuant to section 37 of the *Planning Act* that secures the Community Space prior to the

issuance of a final order by the Tribunal allowing the Appeals, including that the provision of the Community Space:

- (i) is being provided as a full and complete satisfaction of the Owner's requirement for community benefits mandated by section 37 of the *Planning Act* and the CBC By-law;
- (ii) may be used for social, cultural, counselling, or recreational services, consistent with the Community Space Tenancy Policy adopted by City Council in June 2020, as amended from time to time; and,
- (iii) shall not:
 - A. be allocated, in whole or in part, to organizations that would operate under short-term or occasional permits or licences issued by the City for the use of Community Space;
 - B. be operated under Purchase of Service agreements with the City; and/or,
 - C. be operated by the City in any other way directly or indirectly, to provide housing, hostels, affordable housing or emergency shelters or health services requiring regulation, oversight, or exemptions under provincial or federal health legislation, including but not limited to the federal *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended, renamed, or restated from time to time, and any such replacement or successor legislation.

3. Conditions Prior to the Issuance of a Final Order

The Owner agrees that the following matters will be addressed to the satisfaction of the City prior to the issuance of a final order by the Tribunal allowing the Appeals on the terms set out herein:

- (a) the amending by-laws be finalized, in a form and content acceptable to the City Solicitor and Chief Planner and Executive Director, City Planning, in a manner that implements the Development;
- (b) the applicant has satisfied all requests for further information and revisions identified in the Engineering and Construction Services memo to City Planning dated June 14, 2024 including but not limited to, a revised Functional Servicing Report to demonstrate the site can be adequately serviced to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (c) 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 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;

- (d) the Owner has submitted a revised Environmental Noise and Vibration Assessment, such report to be peer reviewed by a third-party consultant on behalf of the City and at the Owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning; the Report shall determine the appropriate Area Class per Section B9 of NPC-300;
- (e) the Owner has, at its sole cost and expense, submitted a revised Rail Safety and Risk Mitigation study and it has been peer reviewed to the satisfaction of the Executive Director, Development Review;
- (f) any necessary studies, including those related to pedestrian level wind impacts, sun shadow, noise and vibration, and compatibility have been completed, and their recommendations addressed to the satisfaction of the Chief Planner and Executive Director, City Planning; and,
- (g) the Owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection & Plan Review and a soil volume plan and tree planting plan has been accepted by the Supervisor, Urban Forestry, Tree Protection & Plan Review.

If in finalizing the form of zoning by-law the parties disagree as to whether a holding provision is appropriate, the Tribunal may be spoken to regarding the appropriateness of such request.

4. Settlement Offer Conditions

This Settlement Offer is conditional on:

- (a) City Council accepting this Settlement Offer during its meeting scheduled for July 23-25, 2025; and,
- (b) the City consenting to the Owner requesting a settlement hearing for the Appeal, to be held during or before the hearing scheduled for the Appeal, for the issuance of an interim order by the Tribunal approving the Development and the Settlement Plans in principle (however, should the conditions outlined in Section 3 herein be cleared prior to the settlement hearing, the City will consent to the

Owner requesting the issuance of a final order by the Tribunal approving the Development at the settlement hearing).

This Settlement Offer is made without prejudice. Should the Settlement Offer be accepted by City Council, it may be released publicly.

Should you require further information please do not hesitate to contact our office.

Sincerely,

McCarthy Tétrault LLP



Michael Foderick*
Partner | Associé

MF/JC/DA
Attachment

SCHEDULE "A"

Settlement Plans, prepared by TACT Architecture, dated July 3, 2025

227823/559407
MTDOCS 61553705

Cameron McKeich, Solicitor, Adrienne DeBacker, Solicitor - July 11, 2025

321-355 SYMINGTON AVE.

ZBA / OPA APPLICATION
ZBA / OPA APPLICATION

27 SEPTEMBER 2022
20 OCTOBER 2023

DRAFT SETTLEMENT

CONSULTANT TEAM		DRAWING LIST	
European Bakery Supply Inc 321-351 Symington Ave & 1106735 Ontario Inc.		OWNER	
TACT ARCHITECTURE INC. 660R COLLEGE ST (REAR LANE) TORONTO, ON M6G 1B8		ARCHITECT	
BOUSFIELDS 2 CHURCH STREET, SUITE 200 TORONTO, ON M5E 1M2		PLANNING CONSULTANT	
MCCARTHY TETRAULT LLP 66 WELLINGTON STREET WEST, SUITE 5300 TORONTO, ON M5K 1E8		DEVELOPMENT LAW	
PALACIO LAND DEVELOPMENT STRATEGIES INC. 1800 LAWRENCE AVE. W NORTH YORK, ON M6L 1E2		DEVELOPMENT CONSULTANT	
CGH TRANSPORTATION INC. 13 MARKHAM AVE. OTTAWA, ON K2G 3Z1		TRANSPORTATION	
FOREST AND FIELD LANDSCAPE ARCHITECTURE INC. 864 COLLEGE ST., SUITE 5 TORONTO, ON M6H 1A3		LANDSCAPE ARCHITECTURE	
RWDI 600 SOUTHGATE DR. GUELPH, ON N1G 4P6		ENERGY	
JAIN CONSULTANTS 7405 E DANBRO CR. MISSISSAUGA, ON L5N 6P8		CIVIL ENGINEERING	
HATCH LTD. SHERIDAN SCIENCE AND TECHNOLOGY PARK 2800 SPEAKMAN DRIVE MISSISSAUGA, ON L5K 2R7		RAILWAY SAFETY	
A200	Statistics		
A201	Site Plan		
A202	P1 /GF		
A205	Typ. Tower 7F-29F		
A206	30F-34F / 35F-39F		
A301	E / W Elevations		
A302	N / S Elevations		

Thursday, July 3, 2025

Municipal Address		321-351 Symington Ave.			
SITE	Gross Site Area	required	provided		
	Parkland Dedication (Incl. in Gross Site Area)	532.71 sm	534.3 sm	59,745	sf
	Land Widening (Incl. in Gross Site Area)		135.2 sm	5,751.2	sf
	Symington Frontage		119.79 m	393.01	f
	Campbell Frontage		23.83 m	78.18	f
LOT COVERAGE			4,301.7 sm	46,303.1	sf
gross site			77.5%		
DRIVEWAY AREA			425.2 sm	4,576.8	sf
LANDSCAPED OPEN SPACE			823.6 sm	8,865.0	sf
			14.8%		
BUILDING HEIGHT		Established Grade	120.33 m		
		Height (from the established grade, excluding mech)	125.87 m		
		Storeys	29 & 39		
GROSS FLOOR AREA		Residential GFA	52,289 sm	562,835	sf
		Non-Residential GFA	1,087 sm	11,695	sf
		Total GFA	53,376 sm	574,530	sf
FLOOR SPACE INDEX		Residential FSI	9.42		
gross site		Retail FSI	0.20		
		Total FSI	9.62		
UNIT COUNT		tower 1	tower 2	total	% avg. size approx. range
		Studio	27	0	27 3% 39.1 sm ~ 25 - 30 sm
		1BD	292	270	562 68% 48.9 sm ~ 37 - 64 sm
		2BD	98	54	152 18% 64.5 sm ~ 57 - 74 sm
		3BD	54	30	84 10% 82.5 sm ~ 76 - 91 sm
		Total Unit Count	471	354	825 54.9 sm
AMENITY SPACE		Indoor	1,650 sm	2,378 sm	25,593 sf
4 sm / unit total		Outdoor	1,650 sm	930 sm	10,008 sf
		Total Amenity Space	3,300 sm	3,307 sm	35,601 sf
VEHICULAR PARKING		Resident Stalls	0	147	
		Visitor Stalls	43	43	
		Non-Residential Stalls	0	0	
		Total Parking Count	43	190	
		Barrier-Free Stalls (incl. above)	21	21	
		Small Car Stalls (incl. above)		17	
BICYCLE PARKING		Long-Term Residential Bicycle Spaces	743	743	
		Short-Term Residential Bicycle Spaces	165	165	
		Total Residential Bicycle Spaces	908	908	
		Long-Term Non-Residential Bicycle Spaces	3	3	
		Short-Term Non-Residential Bicycle Spaces	7	7	
		Total Retail Bicycle Spaces	10	10	
LOADING		Type 'G' Loading Space	1	1	
See Report by CGH Transportation		Type 'C' Loading Space	1	1	

1 PROJECT STATISTICS

NOT TO SCALE

PROPOSED PARKING

	parking stalls					EVSE (TGS v4) 25% visitors
	resident parking	visitor parking	non-residential	small car	barrier-free spaces included in total	
4 4F	37			4	4	
3 3F	33			5	4	
2 2F	34			6	4	
1 GF		26			4	10
-1 P1	43	17		2	5	
provided	147	43	0	17	21	10
ratio	0.18	2 + 0.05				
required	0	43	0		21	10

3 PARKING STATISTICS

NOT TO SCALE

PROPOSED BIKE PARKING

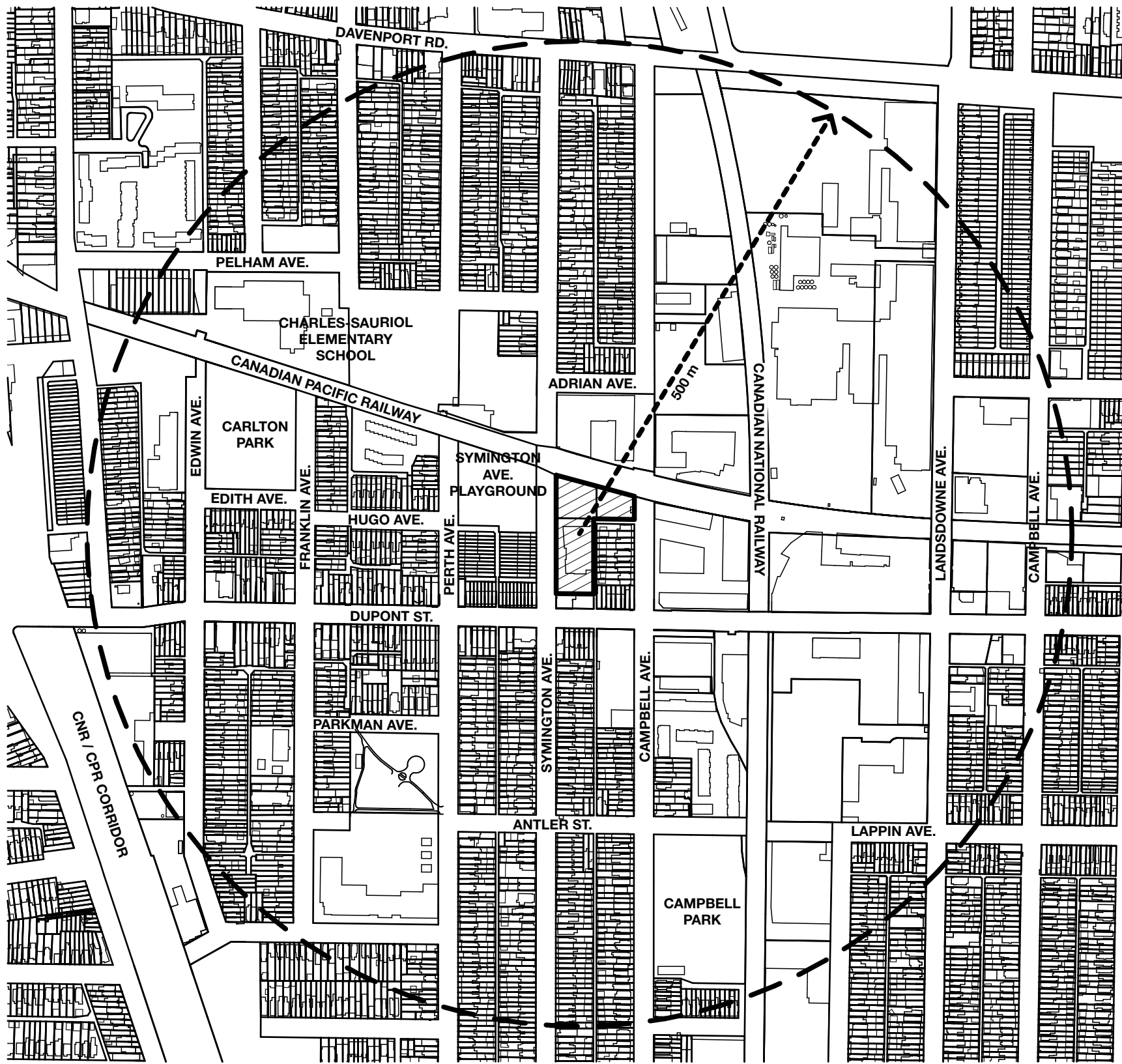
	bicycle parking spaces			
	long term parking		short term parking	
	residential	non-res	residential	non-res
1 Street Level/ GF	16	3	165	7
-1 P1	727			
provided	743	3	165	7
required	743	3	165	7

4 BICYCLE STATISTICS

NOT TO SCALE

NO PORTION OF THE ABOVE GRADE PARKING STRUCTURE IS INCLUDED AS GFA

THESE NUMBERS APPROXIMATE. FINAL UNIT COUNT AND UNIT MIX TO BE FINALIZED AT DETAILED DESIGN, TO MEET OR EXCEED UNIT MIX DIRECTIONS WITHIN THE GROWING UP GUIDELINES.



1 CONTEXT PLAN
SCALE: 1:5000

TYPE G LOADING SPACE
LOADING SPACE AND ALL DRIVEWAYS AND PASSAGEWAYS PROVIDING ACCESS THERETO SHALL BE CONSTRUCTED TO THE REQUIREMENTS OF THE OBC, INCLUDING ALLOWANCE FOR CITY OF TORONTO BULK LIFT AND REAR BIN LOADING WITH IMPACT FACTORS (5% UP TO 15 KM/H AND 30% FOR HIGHER SPEEDS) WHERE THEY ARE TO BE BUILT AS SUPPORTED MEMBERS. THE STRUCTURE SHALL BE DESIGNED TO SAFELY SUPPORT A COLLECTION VEHICLE WEIGHING 35,000 KG.

ALL DRIVEWAYS AND OVERHEAD DOORS THAT THE COLLECTION VEHICLE WILL USE IN ORDER TO ACCESS THE LOADING SPACE WILL HAVE A MINIMUM OVERHEAD TRAVELLING CLEARANCE OF AT LEAST 4.4 M AND WILL NOT HAVE A SLOPE GREATER THAN 8%. LOADING SPACE AND STAGING AREA TO BE CONSTRUCTED OF MINIMUM 200MM (8") REINFORCED CONCRETE. SHALL NOT HAVE A SLOPE OF MORE THAN 2% AND HAVE MINIMUM CLEAR VERTICAL CLEARANCE OF 6.1 M.

THE COLLECTION VEHICLE (2.4 M WIDE X 12 M LENGTH) MOVEMENTS WILL HAVE TURNING RADIUS OF 9.5 M INSIDE AND 14 M OUTSIDE. LOADING VEHICLE TO ENTER AND EXIT THE SITE IN A FORWARD MOTION. PROVIDE ACCEPTABLE WARNING SIGNS AT TOP AND BOTTOM OF RAMP TO ALERT MOTORISTS TO THE PRESENCE OF LOADING VEHICLES.

WASTE AND RECYCLING
ALL NON-RESIDENTIAL BINS ARE TO BE INDIVIDUALLY LABELLED (PAINTED OR STENCILED LETTERING RANGING IN HEIGHT FROM 0.15 M TO 0.30 M) AS "FOR NON RESIDENTIAL USE ONLY."

ALL BUILDINGS WITH INTERNAL WASTE STORAGE ROOMS TO HAVE SINGLE CHUTES AND TRI-SORTERS. WASTE STORAGE ROOMS EQUIPPED WITH A COMPACTOR AND WILL HAVE RESTRICTED ACCESS.

REFUSE GENERATED BY THE RETAIL UNITS MUST BE STORED SEPARATELY FROM THE RESIDENTIAL COMPONENT AND BE COLLECTED BY A PRIVATE REFUSE COLLECTION FIRM AT NO EXPENSE TO THE CITY. RETAIL USE OF TYPE G LOADING SPACE TO BE SCHEDULED ON SEPARATE DAYS FROM CITY COLLECTION DAYS.

A DESIGNATED ON-SITE FULLY TRAINED BUILDING MAINTENANCE PERSON MUST BE PRESENT DURING PICKUP TO MOVE BINS FROM STORAGE AREA TO STAGING AREA AND ALSO ACT AS FLAGMAN WHEN PICKUP VEHICLE IS MANOEUVRING. IN THE EVENT THE STAFF PERSON IS NOT AVAILABLE, THE COLLECTION VEHICLE WILL LEAVE THE SITE AND NOT RETURN UNTIL THE NEXT SCHEDULED COLLECTION DAY.

GRADING
ALL GRADES AND FINISHED FLOOR ELEVATIONS SUBJECT TO REVIEW AND APPROVAL BY CIVIL ENGINEER.

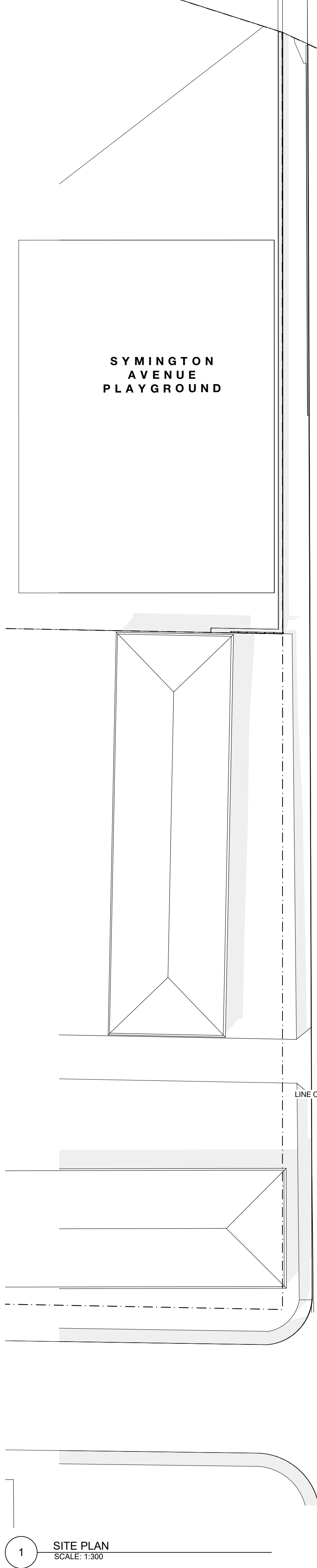
ECOLOGY CONSIDERATIONS
GLASS REFLECTIONS SHALL BE MUTED FOR THE FULL HEIGHT OF BUILDINGS.
EXTERIOR LIGHTING FIXTURES SHALL BE SHIELDED AND DIRECTED DOWNWARD TO MINIMIZE LIGHT POLLUTION.
ALL GRATES TO HAVE MAX. OPENINGS 2 CM X 2 CM.

VEHICULAR PARKING SPACES
ALL "STANDARD" PARKING SPACES TO BE 2.6 M X 5.6 M. ALL "SMALL CAR" PARKING SPACES TO BE 2.6 M X 5.2 M. ALL "BARRIER FREE" PARKING SPACES TO BE 3.4 M X 5.6 M PLUS 1.5 M WIDE AISLE ADJACENT TO SPACE.
NO OBSTRUCTIONS PERMITTED WITHIN 0.3 M FROM SIDE OF SPACE GREATER THAN 1M IN LENGTH FROM FRONT OR REAR.
MINIMUM DRIVE AISLE 6 M.

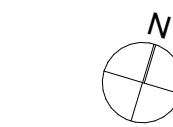
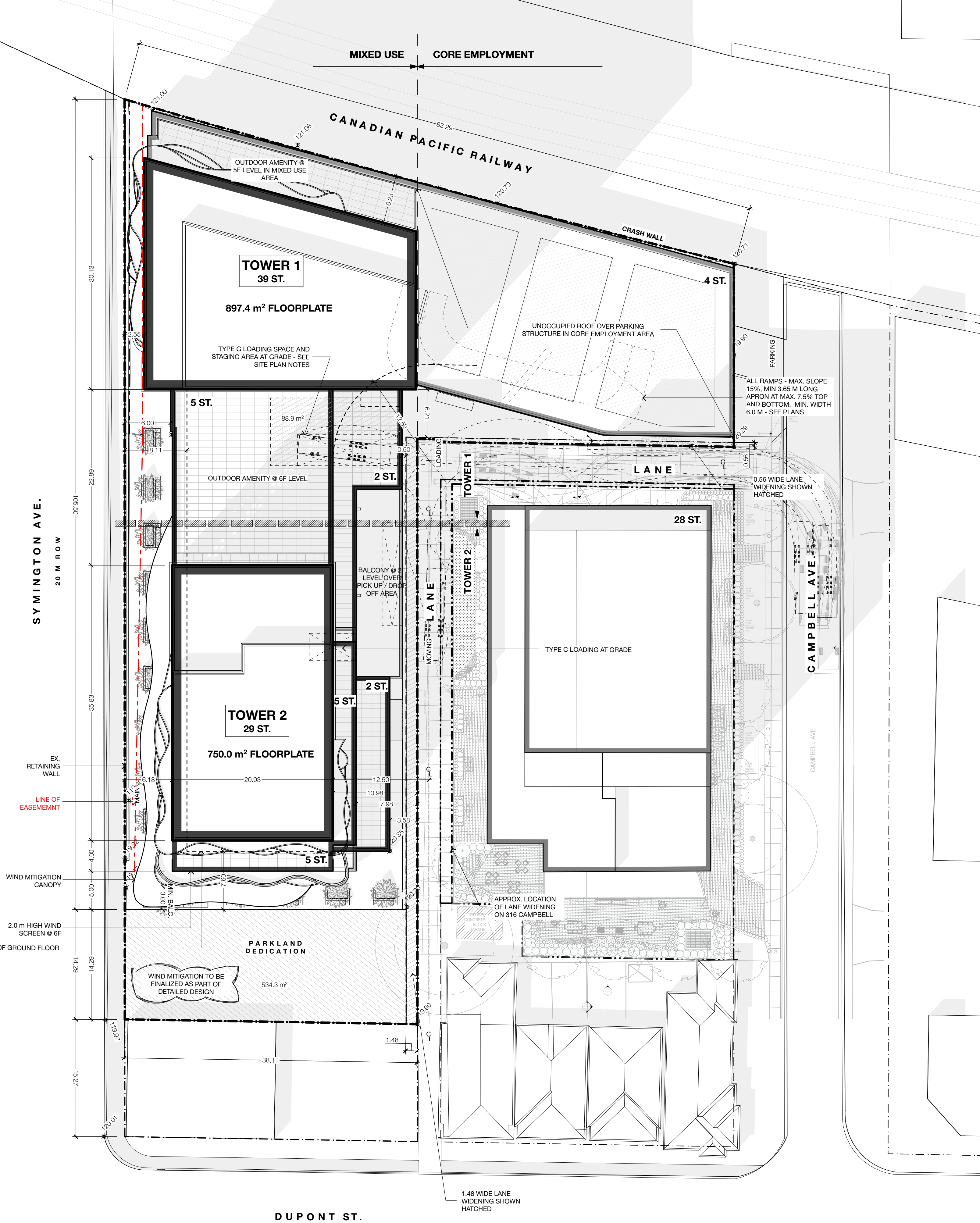
BICYCLE PARKING
TYPICAL BICYCLE PARKING SPOT - 1.8 X 0.6 X 2.0 HIGH
WALL MOUNT VERTICAL BICYCLE PARKING SPOT - 1.2 X 0.6 X 2.4 HIGH
STACKED BICYCLE PARKING AS PER MANUFACTURER DETAIL.

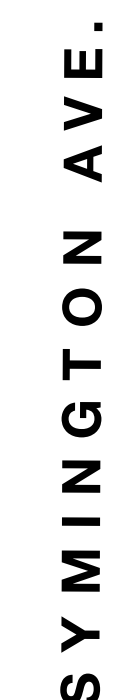
RAMP SLOPES
ALL RAMPS TO HAVE MINIMUM APRON @ 7.5% SLOPE MAXIMUM FOR A MINIMUM DISTANCE OF 3.65 M. MAXIMUM SLOPE BETWEEN APRONS OF 15%.
LENGTH ALONG CURVED PORTIONS MEASURED AT 1.5 OFFSET FROM INSIDE EDGE OF CURVE.

4 SITE PLAN NOTES
NOT TO SCALE



1 SITE PLAN
SCALE: 1:300





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Print date: Thursday, July 3, 2025.
file: 321-351 SYM-CAL.D.B.v. 22.clt

job title
**321-355 SYMINGTON
AVE.**

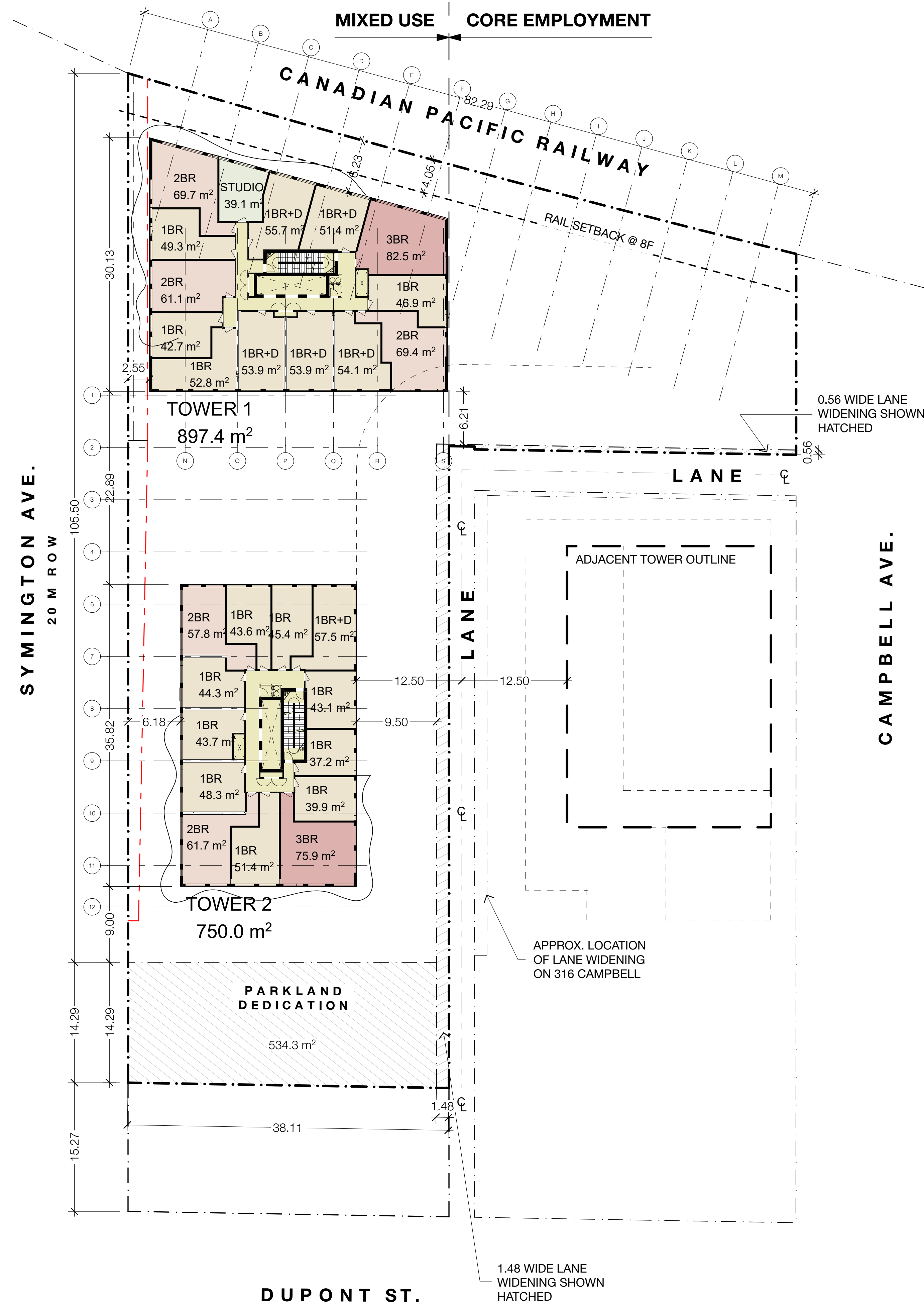
client
**European Bakery
Supply Inc 321-351
Symington Ave &
1106735 Ontario Inc.**

sheet title
P1 / GF

drawn by
ML, AZD

issue date
2025-07-03

scale



TACT Architecture Inc.
660R College Street (near lane)
Toronto Ontario M5G 1B8
416-516-1949
info@tactdesign.ca

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file: 321-351 SYM-CALD B v_22.pln

job title
321-355 SYMINGTON AVE.

client
European Bakery Supply Inc 321-351 Symington Ave & 1106735 Ontario Inc.

sheet title
TYP TOWER 7F-29F

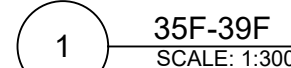
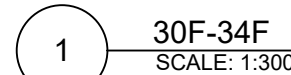
drawn by
ML, AZD

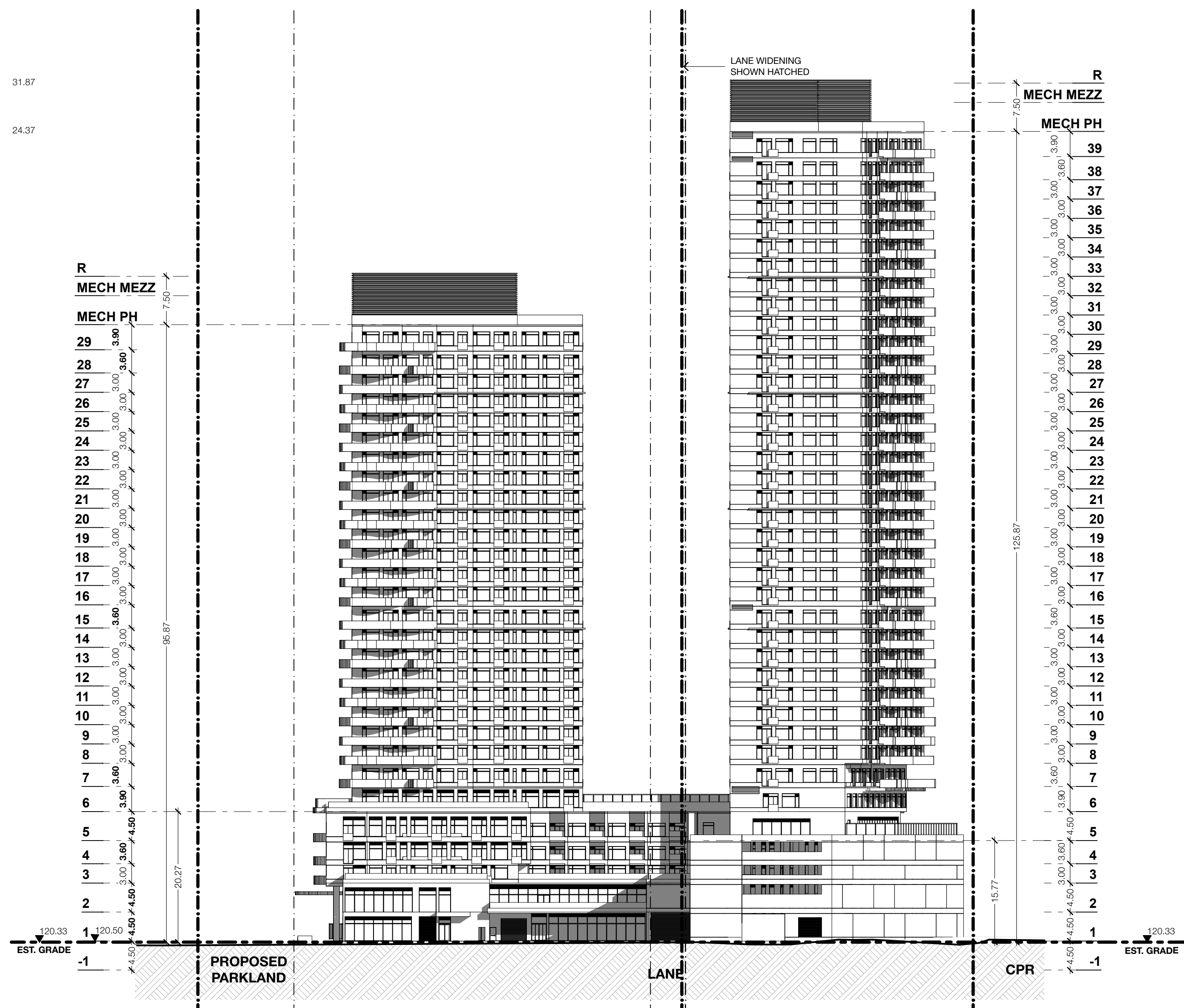
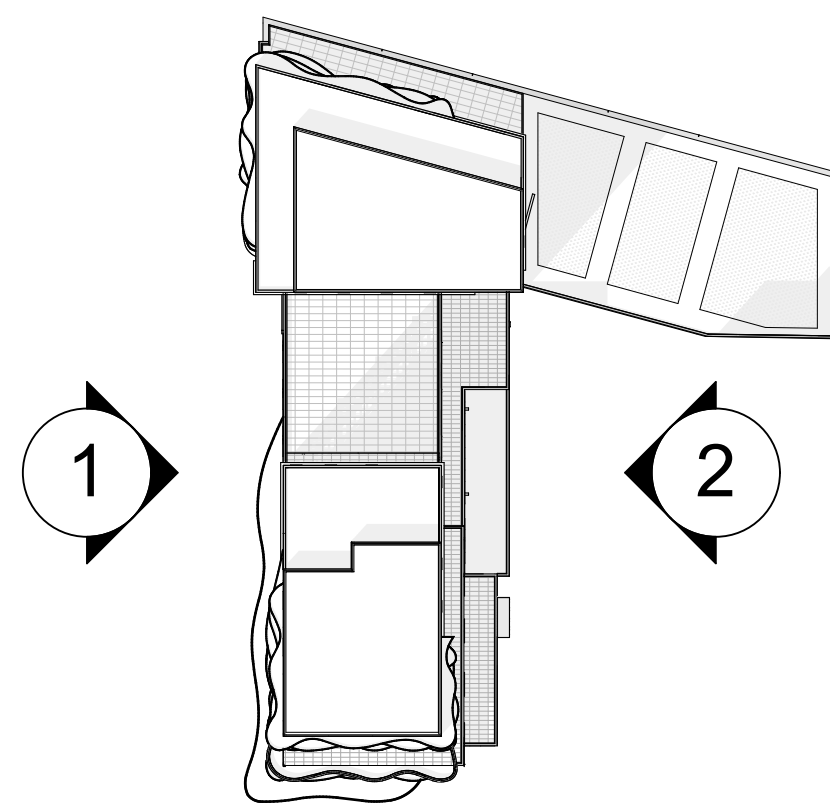
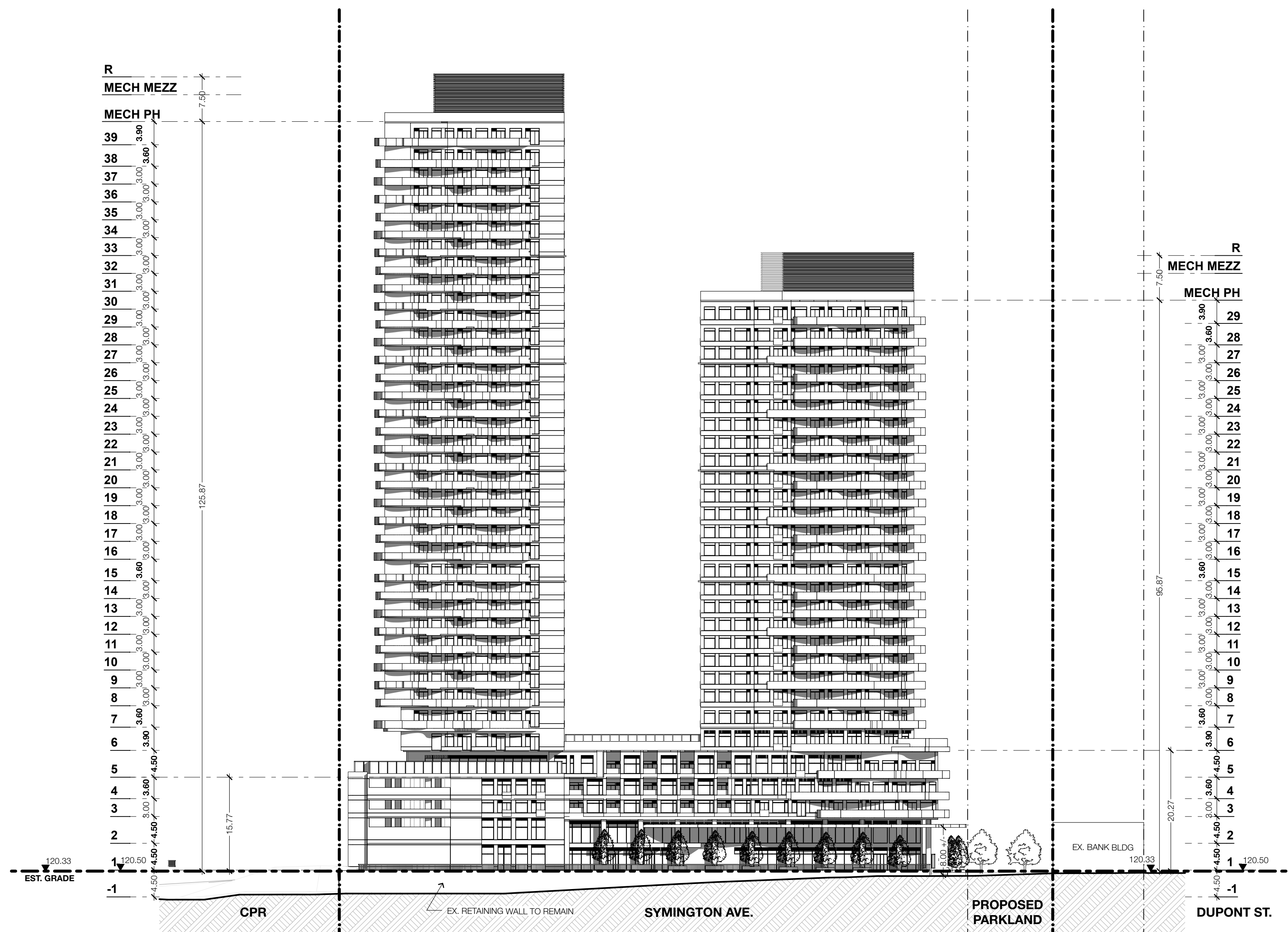
checked by
PJ

issue date
2025-07-03

scale

job number
2208



2 EAST ELEVATION
SCALE: 1:5001 WEST ELEVATION
SCALE: 1:500

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file: 321-351 SYM-CALD B v_22.pln

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321-355 SYMINGTON AVE.

client
European Bakery Supply Inc 321-351 Symington Ave & 1106735 Ontario Inc.

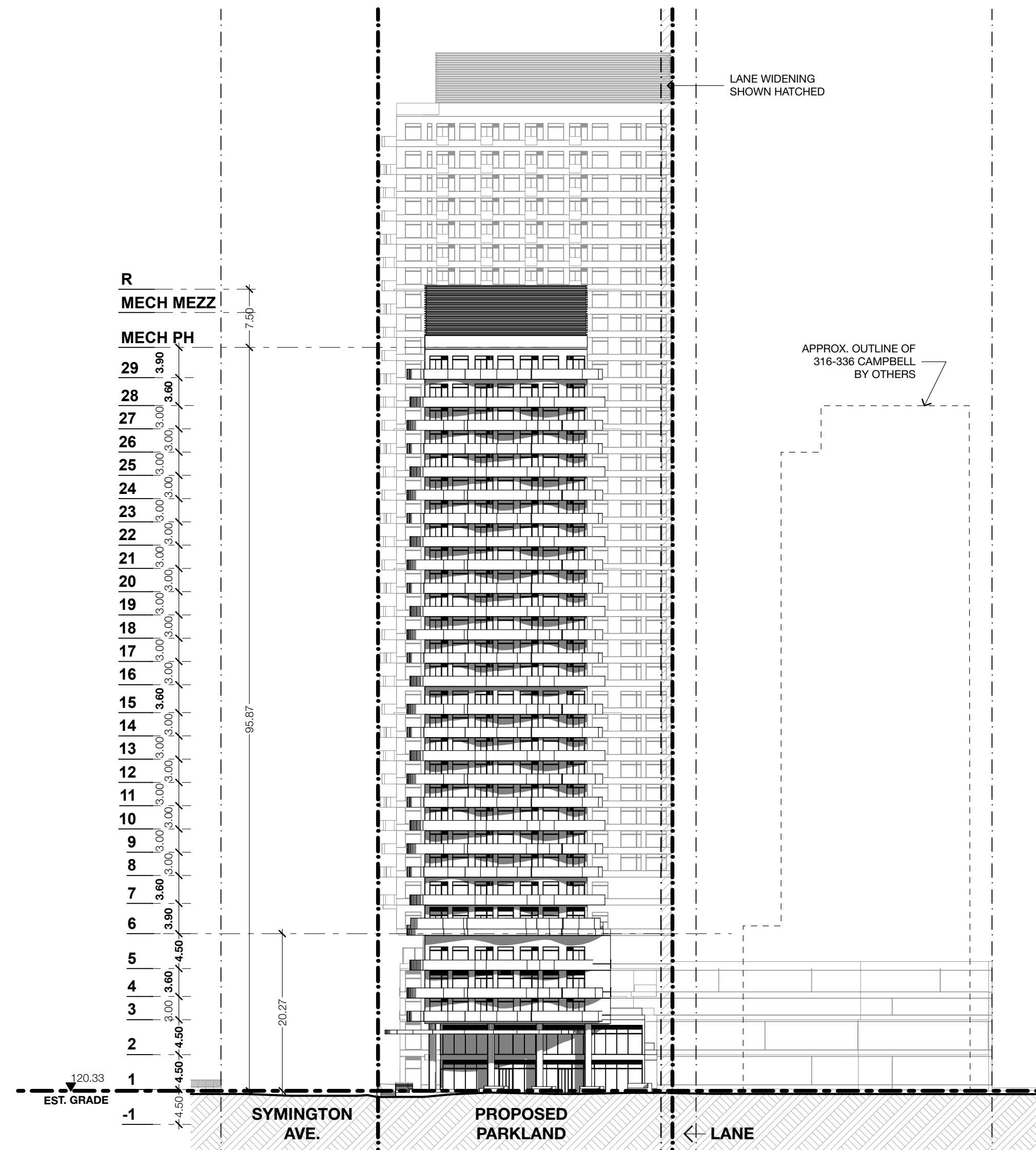
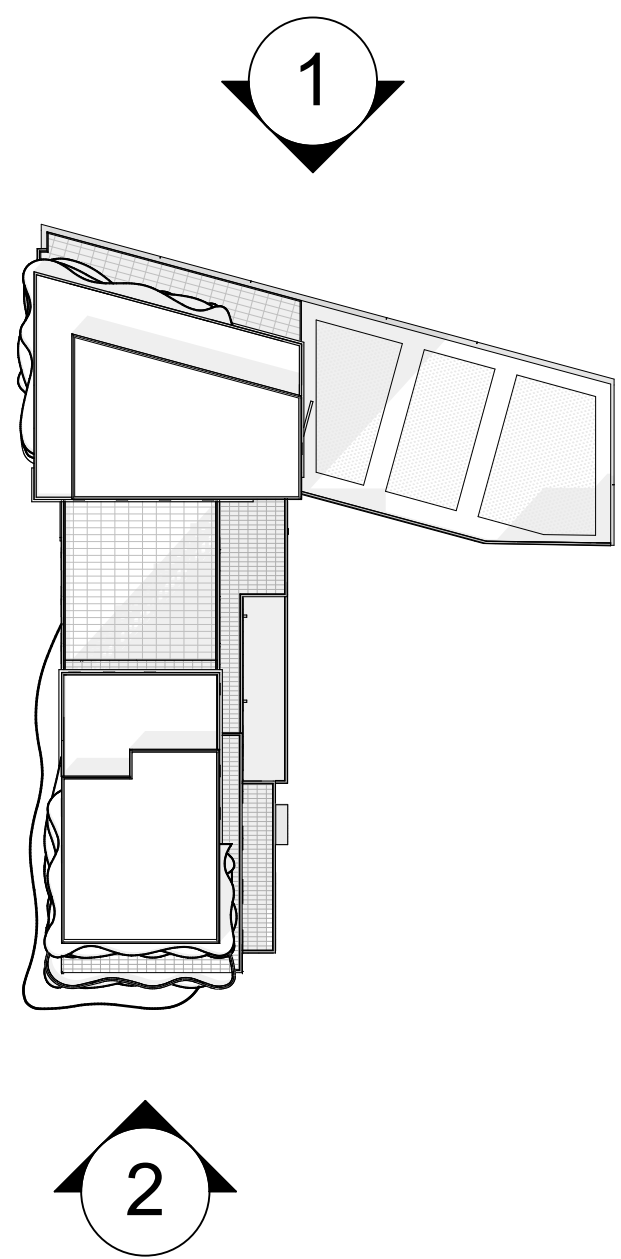
sheet title
EAST / WEST ELEVATIONS

drawn by ML checked by PJ

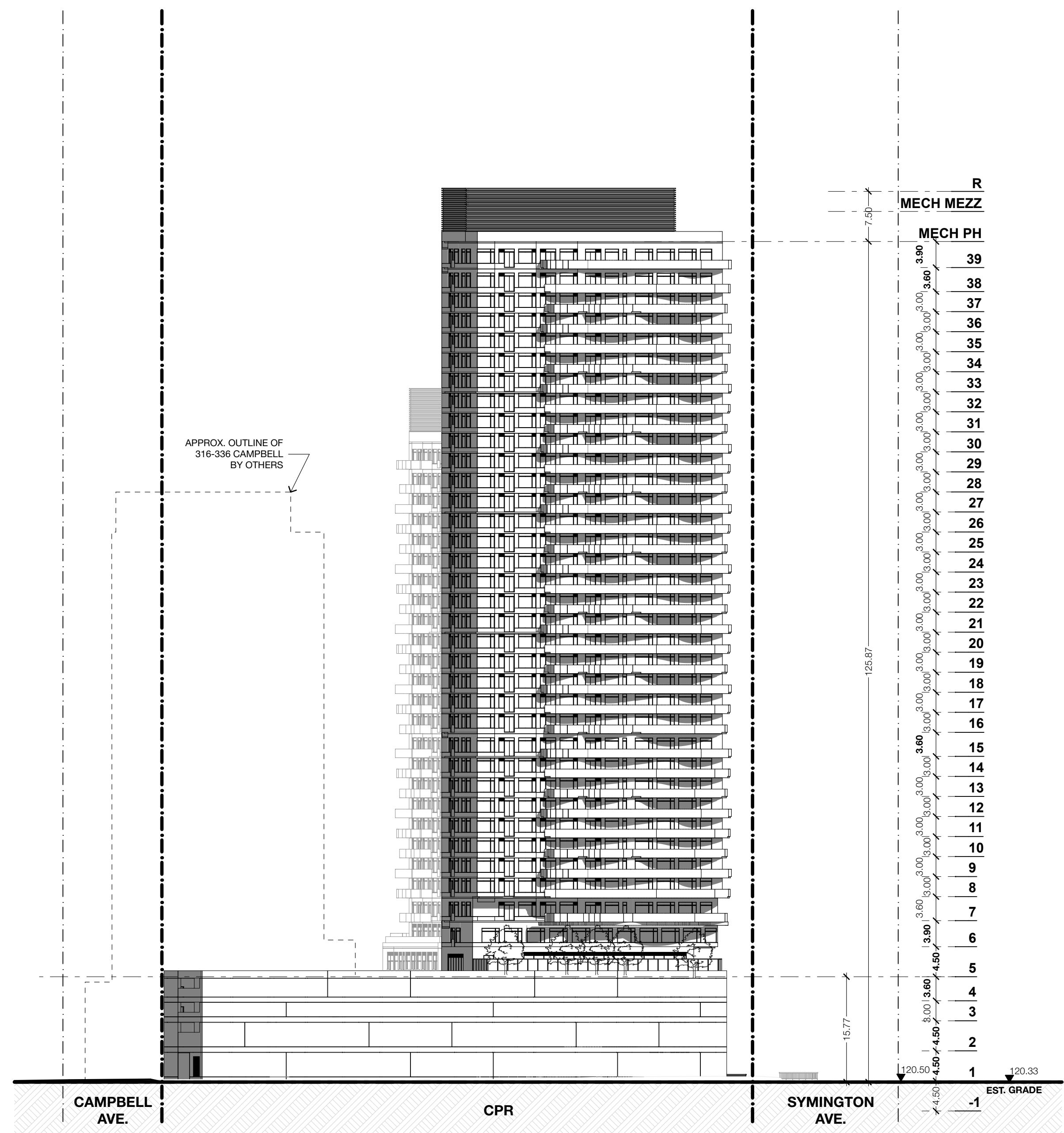
issue date
2025-07-03

scale

job number
2208



2 SOUTH ELEVATION
SCALE: 1:500



1 NORTH ELEVATION
SCALE: 1:500

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job title
321-355 SYMINGTON
AVE.
client
European Bakery
Supply Inc 321-351
Symington Ave &
1106735 Ontario Inc.

sheet title
NORTH / SOUTH
ELEVATIONS

drawn by checked by
ML PJ

issue date
2025-07-03

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