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WITHOUT PREJUDICE

November 28, 2025

By E-Mail Only to horatio.waller@toronto.ca and sarah.barnett@toronto.ca

Horatio Waller and Sarah Barnett City of Toronto Legal Services Metro Hall, 26th Floor 55 John Street Toronto, ON M5V 3C6

Dear Mr. Waller and Ms. Barnett:

Re: Without Prejudice Settlement Offer

Appeal of Zoning By-law Amendment Application No. 24 235666 NNY 18 OZ 3386-3398 Bayview Avenue and 32 Brenham Crescent, City of Toronto OLT Case Number OLT-25-000292

We are counsel to Bayview Ridge Residences Inc. ("Bayview"). Bayview owns the lands municipally known as 3386-3398 Bayview Avenue and 32 Brenham Crescent in the City of Toronto (the "Subject Lands").

On April 11, 2025, Bayview appealed its zoning by-law amendment application (the "Application") to the Ontario Land Tribunal (the "Tribunal") as a result of the City of Toronto's (the "City") failure to make a decision on the Application within 90 days of it being submitted (the "Appeal). The Tribunal held a Case Management Conference on June 23, 2025, and scheduled a hearing of the Appeal to commence on January 19, 2026 (the "Hearing").

The City and Bayview have since engaged in productive settlement discussions. As a result of these discussions, we are pleased to provide the City with this Without Prejudice offer to settle the Appeal and would ask that this offer be brought to City Council for consideration at its December 16-18, 2025 Council meeting.

The Original Proposal

Bayview submitted the Application to the City on December 16, 2024. The Application was required to facilitate the development of 50, four-storey townhouse units with a private driveway on the Subject Lands. An outdoor amenity space was proposed in the northwest portion of the site (the "**Triangle Lands**"), adjacent to a Natural Heritage Area.



In a staff report dated April 9, 2025, City staff recommended that City Council refuse the Application because it did not appropriately address site organization, tree preservation and access. In particular, City staff had concerns with:

- The orientation of the western townhouse units, which the City referred to as a "townhouse-behind-townhouse arrangement";
- The lack of front yard setback from the eastern units to the property line closest to Bayview Avenue;
- The lack of front yards for the western units;
- A lack of clear pedestrian connections;
- The location of the amenity space within the Triangle Lands;
- Insufficient consideration of the Natural Heritage System bordering the Subject Lands:
- Location of the fire entrances; and
- Servicing and easement encroachments.

On October 31, 2025, Bayview submitted a revised application to the City and the Tribunal which addressed many of these concerns. However, as not all of the City's concerns were addressed, additional meetings occurred and Bayview is pleased to submit the following further revised proposal, which has addressed staff's outstanding issues (the "**Settlement Proposal**").

The Settlement Proposal is reflected in the draft Zoning By-law, Architectural Plans, Conceptual Landscape Plan and Final Servicing and Grading Plans enclosed with this offer as **Appendix "A"**, "**B"**, "**C"** and "**D"** respectively, and described below. Should the Settlement Proposal be accepted by the City, Bayview will provide final Landscape Plan in advance of the settlement hearing.

The Settlement Proposal

The Settlement Proposal maintains the 50 unit count of the original proposal while making the following revisions to address the City's concerns:

1. Site Organization

a. In response to City staff's request, the orientation of the western townhouse units (Blocks A, C and E) was flipped so that the frontages face west to front onto a private mews along the west property line. Each western unit now



- has a 3.3 m long front yard and a 2.5 m long second storey terrace. This means that there is no longer a "townhouse-behind-townhouse" arrangement proposed.
- b. To provide privacy to the future owners of the western townhome units and the abutting landowners west of the Subject Property, Bayview has agreed to request from the City permission from its Fence By-law to replace the existing fence with an 8 foot fence on or near the western property line, which would extend to the southern border of the Triangle Lands. Should an 8 foot fence not be approved, a fence compliant with the Fence By-law can be provided.
- c. A 2.0 m setback is now proposed from the eastern townhouse units to the property line facing Bayview Avenue which was increased from the proposed 0 m in the original proposal.
- d. The west setback to the property line facing Rubicon Court was reduced to 6.6 m from 7.5 m as a consequence of the above-noted 2.0 m setback now provided for from Bayview Avenue.
- e. The west townhouse blocks retain a south setback of 5.0 m to Brenham Crescent while the north setback was decreased to 4.4 m from the original 5.7 m.
- f. The east townhouse blocks decrease the south setback to Brenham Crescent from 5.0 m to 3.1 m while the setback on the north was increased from 6.0 m to approximately 15 m.
- g. The facing distance between the eastern and western blocks is now proposed to be 10.9 m, a slight reduction from the 12 m originally proposed, but now providing a private mews typology and a 2.0 m setback to Bayview Avenue where no setback was previously proposed.

2. Clear Pedestrian Connections

a. While a 2.1 m sidewalk was proposed in the original application on the east edge of the Subject Lands and connecting to the north side, an additional 1.8 m sidewalk is now provided along the west edge of the Subject Lands. This additional sidewalk creates a mews which the front doors of the western townhomes face. The mews runs along the west portion of the site, transitioning to a 2.1 m sidewalk along the north property line. This new sidewalk provides a continuous pedestrian connection between Brenham



Crescent and Bayview Avenue. This sidewalk provides for clear pedestrian connections across the development, including to the outdoor amenity space.

3. Transportation Improvements

- a. The 6 existing driveways on Bayview Avenue have been reduced to 1 access point on Bayview, and the single driveway now provides continuous movement from Brenham Crescent to Bayview Avenue.
- b. The two landscaped fire truck access locations were removed, and fire access is now provided by the private driveway.
- c. In addition to the double-tandem garages within the townhouses, five external parking spaces are now provided to allow visitors and pick-up / drop-off vehicles to park within the site rather than on the surrounding residential streets. The Applicant explored adding additional visitor parking spaces by flipping the north-south orientation of the currently proposed perpendicular spaces; however, this would reduce the amount of parking spaces that could be provided since spaces oriented east-west would be considered parallel parking spaces and more space is required for parallel parking (6.7 m vs. 5.6 m). Further, well designed parallel parking spaces should include a curb taper and radii which would further increase the length required from 6.7 m.
- d. The layby parking spaces were removed.
- e. The loading area previously proposed has been removed as it is no longer necessary and the new single driveway now allowing for curbside garbage collection

4. Servicing and Easement Encroachment

a. The Functional Servicing Report and Engineering Plans were updated to reflect a servicing strategy that avoids any sewer or watermain crossings through the municipal easement and sets out a strategy for a secondary servicing connection, if necessary, to service the site. Bayview has also agreed to various conditions of final approval requested by the City (discussed below), including that the updated Functional Servicing Report and the Final Servicing and Grading Plans are to the satisfaction of the City. The City has agreed to review these reports expediently in an attempt to



provide Bayview with comments and/or sign-off before the Settlement Hearing.

5. Improved Natural Area and Public Realm

- a. The proposed paved amenity area in the Triangle Lands was removed to mitigate any potential disturbance to the northwest Natural Area. Instead, the amenity area is now proposed in a more central location between Blocks C and E (on the west side of the driveway). As demonstrated in the Conceptual Landscape Plan, the amenity area is proposed to be programmed with tables and chairs, a barbeque area, artificial turf, sod and unit paving. A play structure is unfortunately not feasible as this area also contains an easement to Toronto Water.
- b. The western buildings are proposed to be landscaped with planters and sod, adjacent to the sidewalk which connects the dwellings to the amenity area and extends to the natural area in the northwest corner.
- c. At the City's request, Bayview has agreed to investigate passive programing in the Triangle Lands to be implemented at site plan. Said programming will be explored by Bayview and the City's natural heritage consultants further at site plan and if agreed upon may consist of a bench and interpretive signs describing the importance of the abutting Natural Area. This passive amenity area will be accessible from the 1.8 m sidewalk, and the length and position of area would allow views to this area for both new residents and existing residents.

6. Conditions on Final Tribunal Approval

- a. Should the City endorse the Settlement Proposal, Bayview has agreed to request the Tribunal to allow the appeal in part, and issue an Interim Order which approves the Zoning By-law Amendment in principle, and requesting that a Final Order be issued once the Parties advise that:
 - i. The final form and content of the draft Zoning By-law Amendment;
 - ii. The owner has at its sole expense:
 - Submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports") to demonstrate that the existing sanitary sewer



system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

- 2. If the Engineering Reports accepted and is satisfactory and should they identify any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - a. the owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to support the development, in a financial secured agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; or,
 - the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Functional Servicing and Stormwater Management Report in (a) above are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services;
- iii. Ensure that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new municipal servicing infrastructure



or upgrades to existing municipal servicing infrastructure, as may be required.

- iv. The Chief Planner has approved Rental Housing Demolition Application to permit the demolition of the existing rental housing and the owner has entered into and registered on title one or more agreements to secure an acceptable tenant assistance plan, all to the satisfaction on the Chief Planner.
- v. The owner has submitted a scoped Transportation Impact Study Addendum, including an assessment of the impacts of the newly proposed Bayview access on a major arterial road and approximately 30 metres from a new intersection proposed by the site across the street (3377 Bayview Avenue Tyndale). The assessment shall include an analysis of the queues and operation safety to confirm whether a right-in-right-out driveway is required all to the satisfaction of Executive Director, Development Review and the General Manager, Transportation Services.
- b. The City has agreed to review the updated materials provided, including the draft Zoning By-law, the Functional Servicing Report, the Engineering Plans and the future Transportation Impact Study Addendum expeditiously, and if acceptable to the City, to advise Bayview that it consents to the removal of the relevant above-noted conditions.
- c. The City has also agreed to expedite its review of the rental housing demolition application and agreements to be entered into as contemplated in paragraph (a)(iv) above.

Conclusion

Bayview is of the opinion that the Settlement Proposal represents a well-designed development that is appropriate for the Subject Lands, creates an excellent opportunity to augment the variety of residential unit types in the community, remains consistent with the City's objectives of expanding housing options in Neighbourhoods, conforms with the City's Official Plan and is consistent with the Provincial Planning Statement, which seeks to achieve complete communities by accommodating an appropriate range and mix of housing options to meet long term needs.

The Settlement Proposal presents an improved public realm, increased preservation of the northwest natural area and a site orientation that addresses City staff's concerns.



We look forward to hearing from you in response to this Settlement Offer as soon as possible after City Council has had an opportunity to consider it at the Council meeting scheduled for December 16-18, 2025. In the meantime, please do not hesitate to contact us if you have any questions regarding this proposal.

Yours truly,

DAVIES HOWE LLP

John M. Alati

JMA:GO

copy: Goldberg Group

Richard Wengle Architect Inc.

Client

"WITHOUT PREJUDICE- FOR SETTLEMENT PURPOSES ONLY"



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BAYVIEW RIDGE RESIDENCES

32 BRENHAM CRESCENT AND 3386, 3388, 3390, 3392, 3394, 3396 and 3398 BAYVIEW AVENUE

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2 ZBA SUBMISSION 04/10/2024
1 PAC 02/04/2024
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COVER PAGE

BAYVIEW RIDGE
RESIDENCES

32 BRENHAM CRESCENT AND 3386, 3388, 3390, 3392, 3394, 3396 and 3398 BAYVIEW AVENUE

TORONTO, ONTARIO
Client:

4 OLT SETTLEMENT
3 ZBA RESUBMISSION

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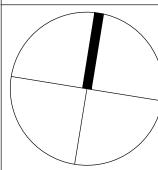
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3386, 3388, 3390, 3392, 3394, 3396 and 3398 BAYVIEW AVENUE TORONTO, ONTARIO

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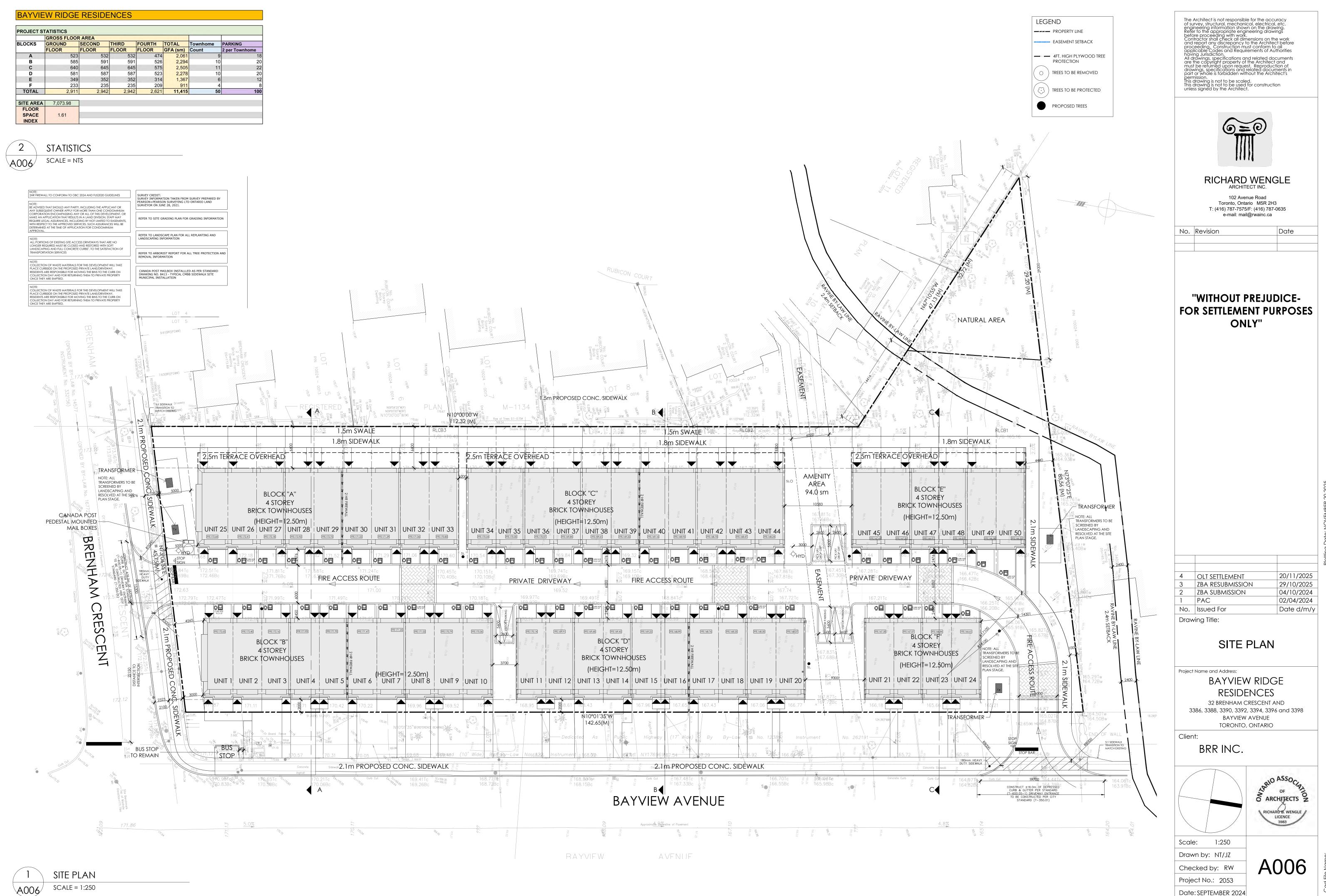




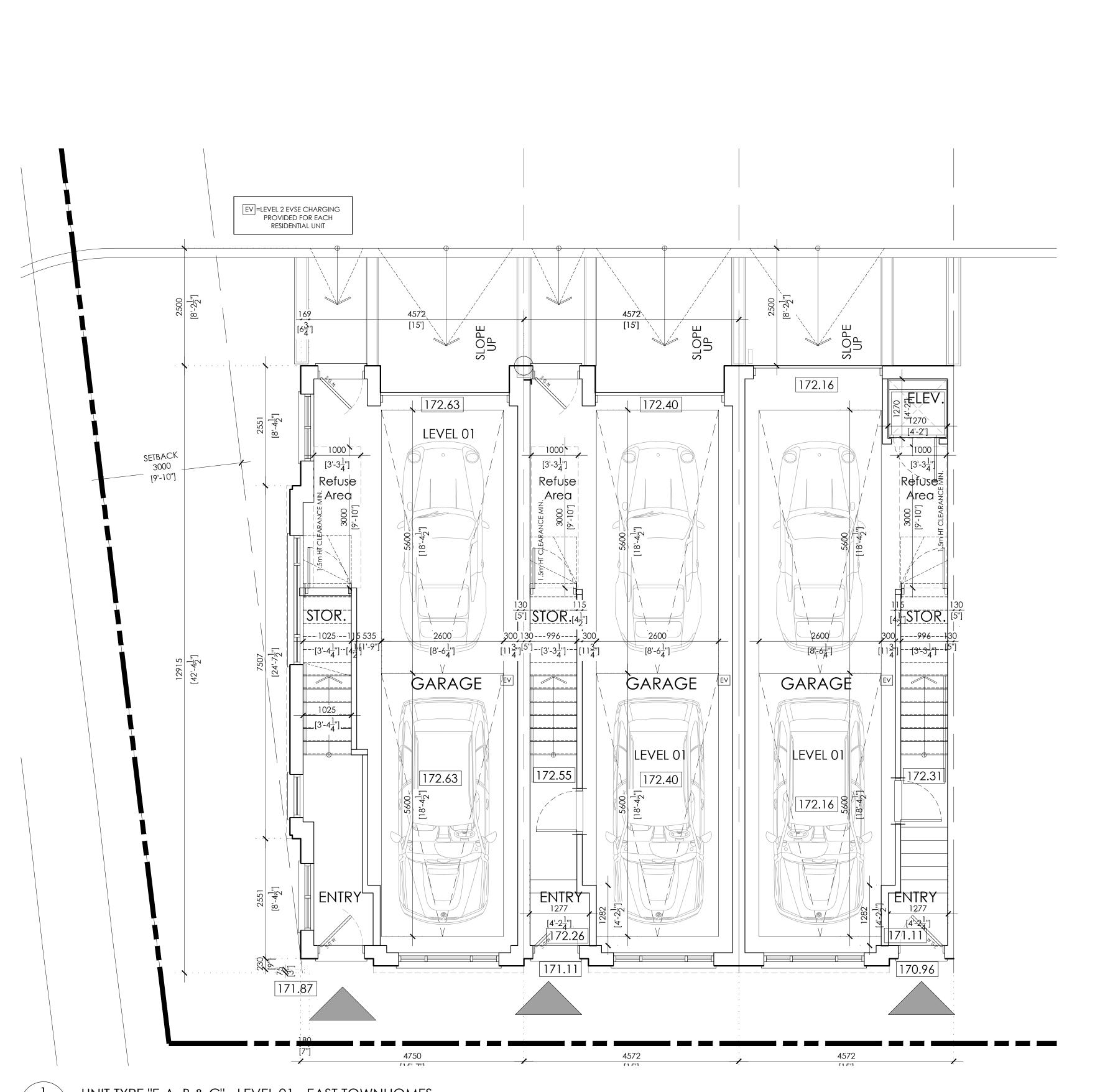
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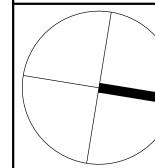
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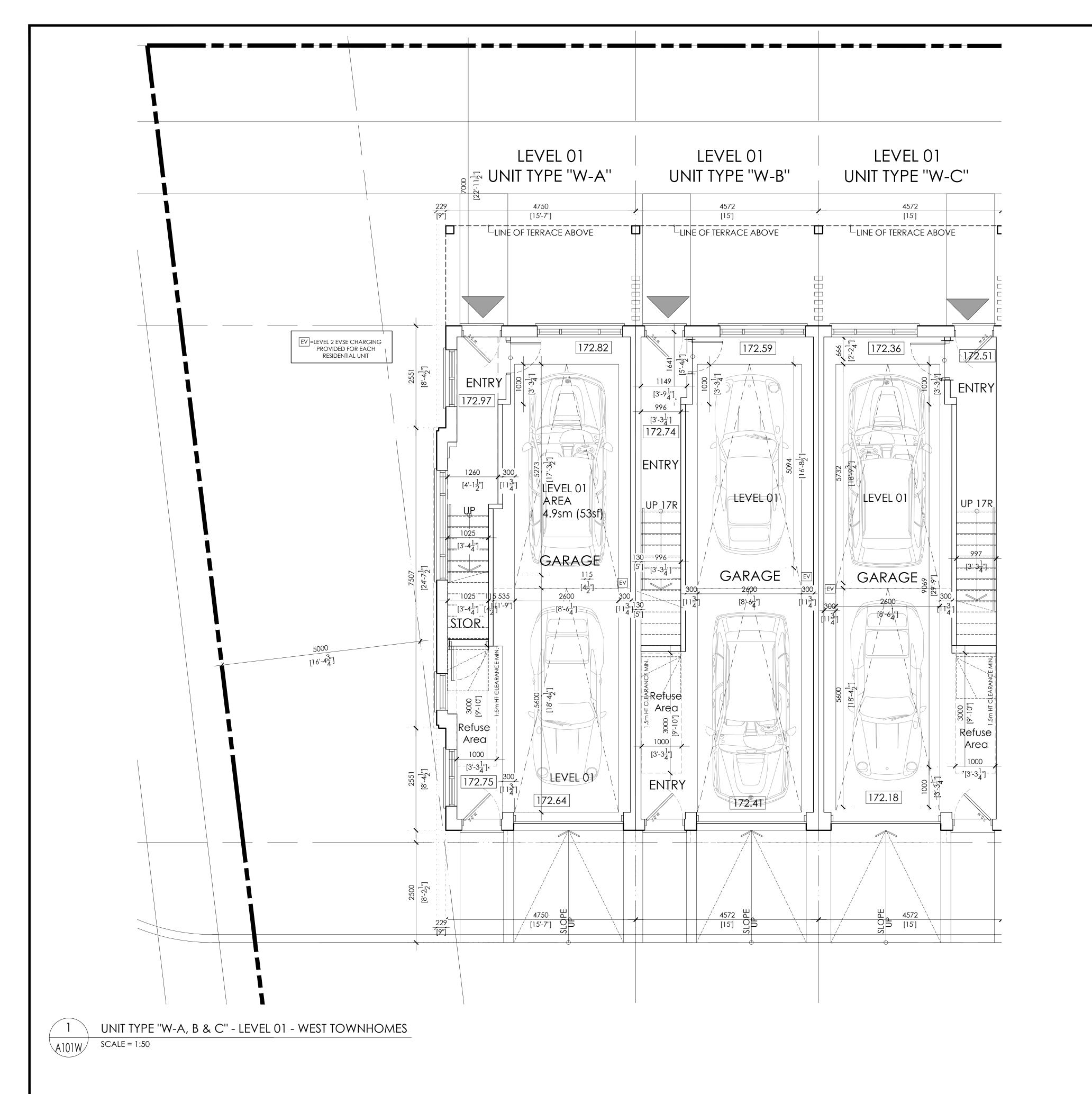


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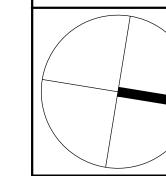
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32 BRENHAM CRESCENT AND 3386, 3388, 3390, 3392, 3394, 3396 and 3398 BAYVIEW AVENUE TORONTO, ONTARIO

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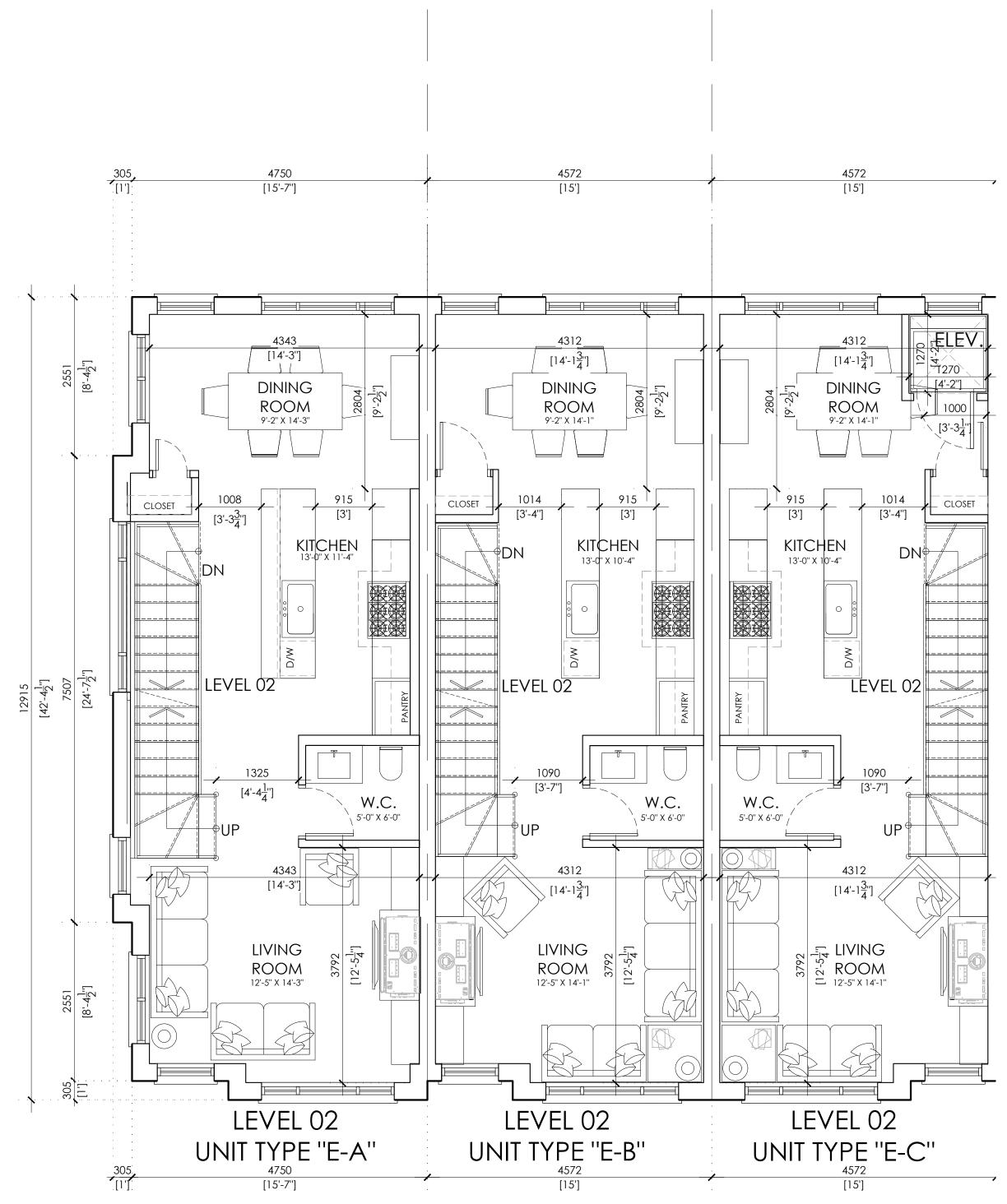
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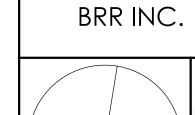
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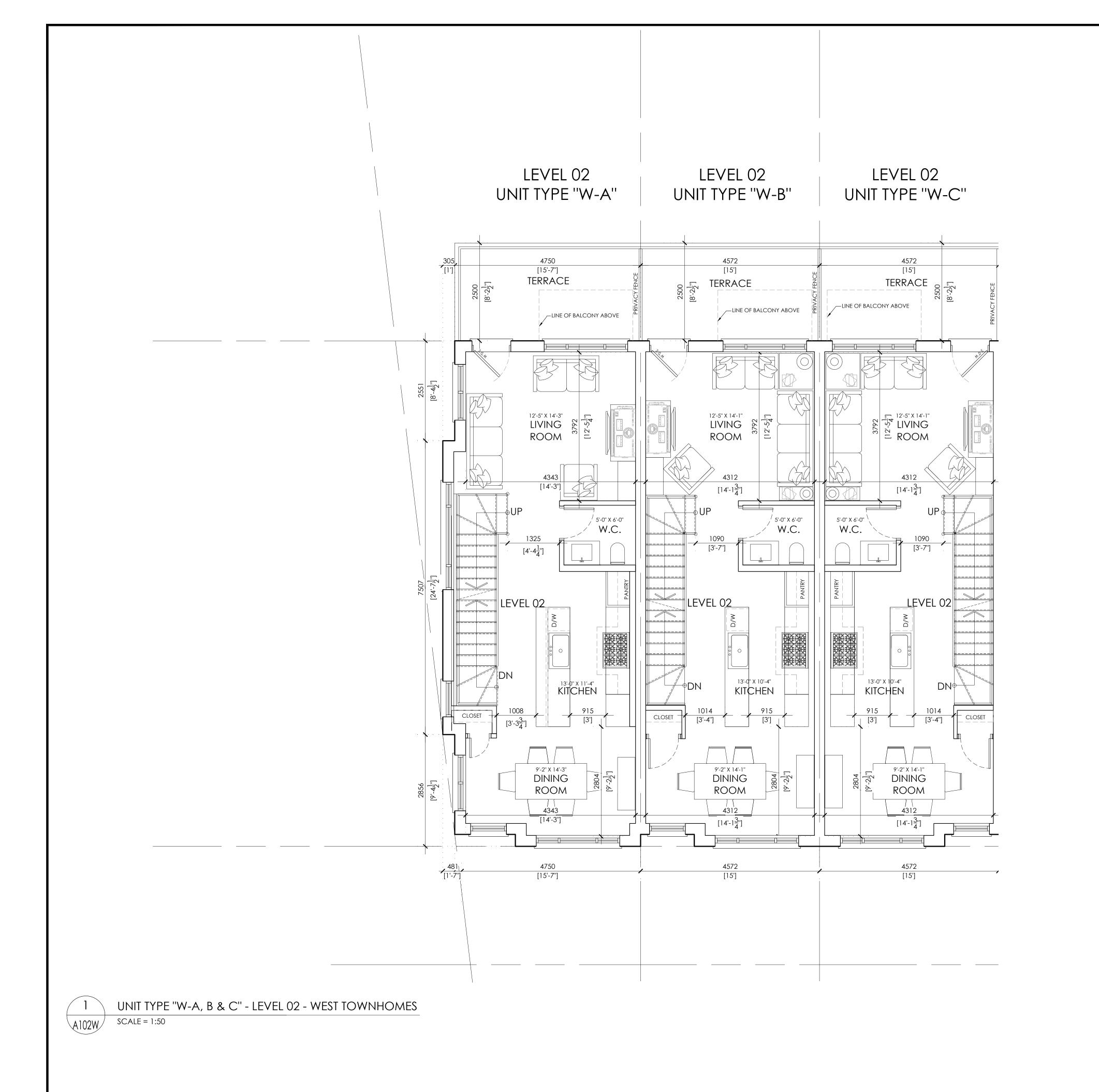
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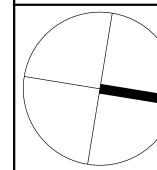
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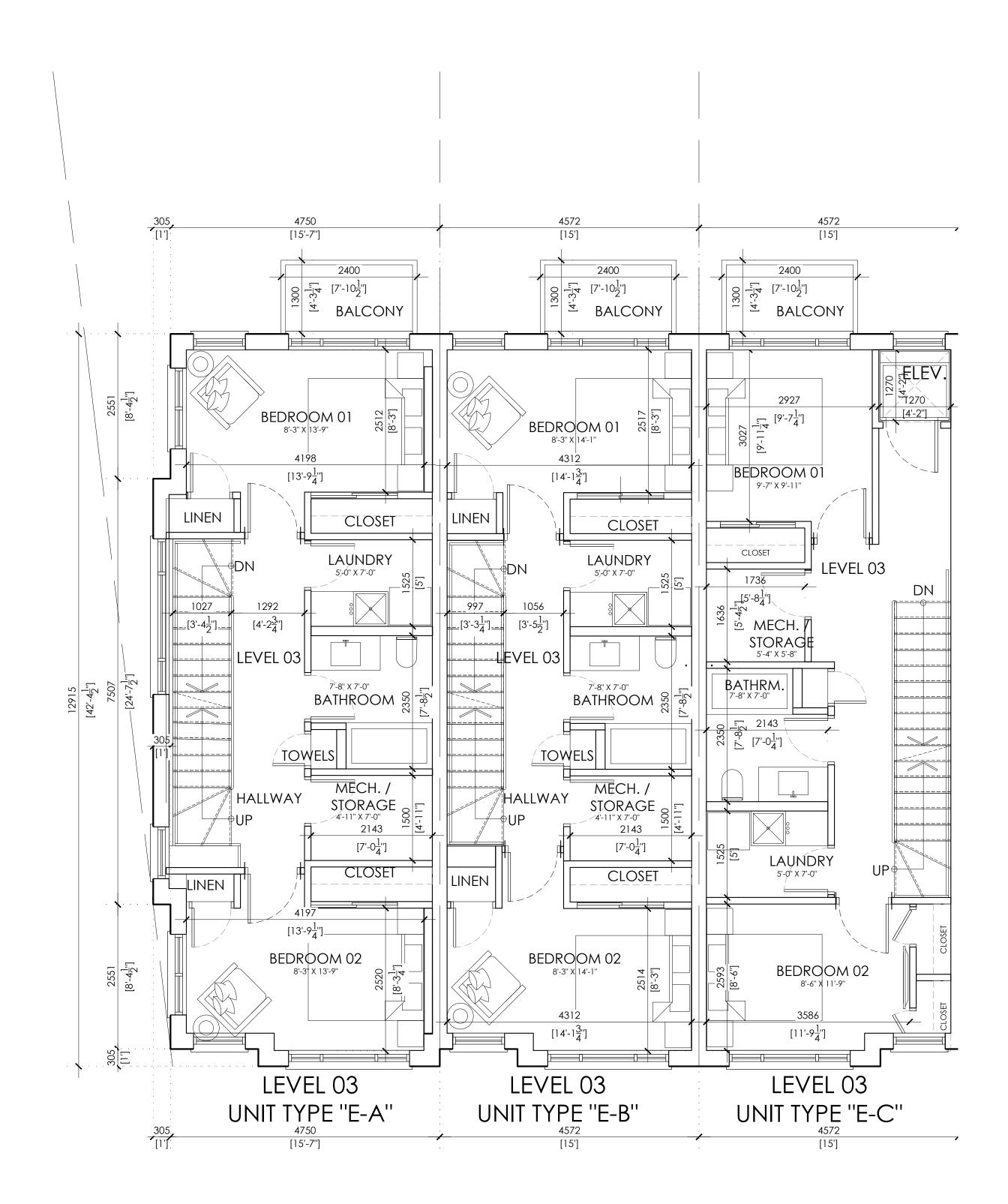




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Drawing Title: **EAST TOWNHOMES** LEVEL 03

FLOOR PLANS

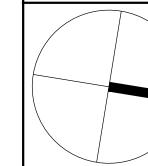
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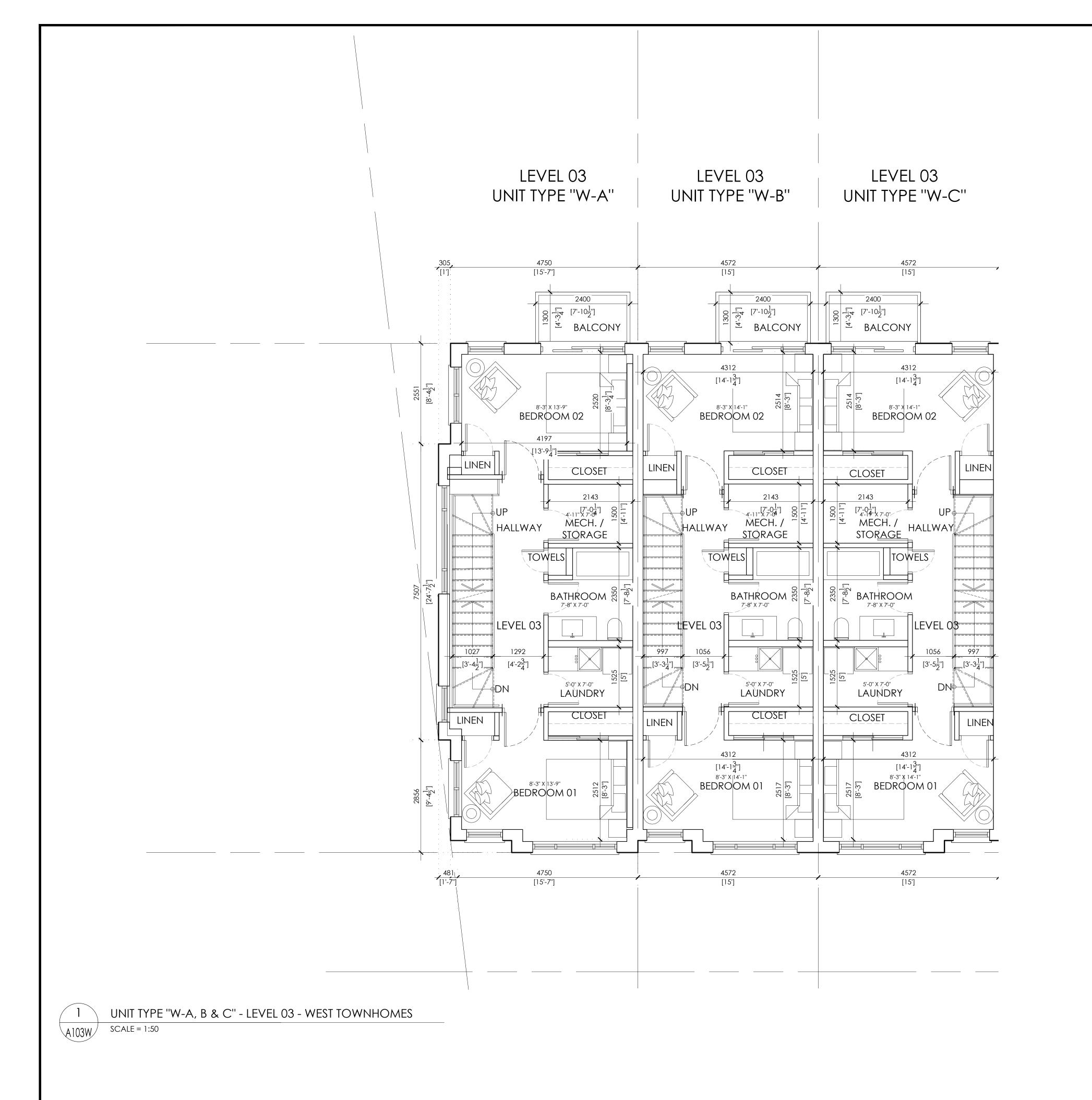
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RICHARD WENGLE

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No. Revision

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20/11/2025 OLT SETTLEMENT ZBA RESUBMISSION 29/10/2025 04/10/2024 ZBA SUBMISSION 02/04/2024 I PAC Date d/m/y No. Issued For Drawing Title:

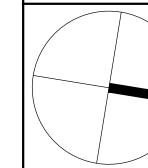
WEST TOWHOMES LEVEL 03 FLOOR PLANS

Project Name and Address: **BAYVIEW RIDGE** RESIDENCES

32 BRENHAM CRESCENT AND 3386, 3388, 3390, 3392, 3394, 3396 and 3398 BAYVIEW AVENUE TORONTO, ONTARIO

Client:

BRR INC.

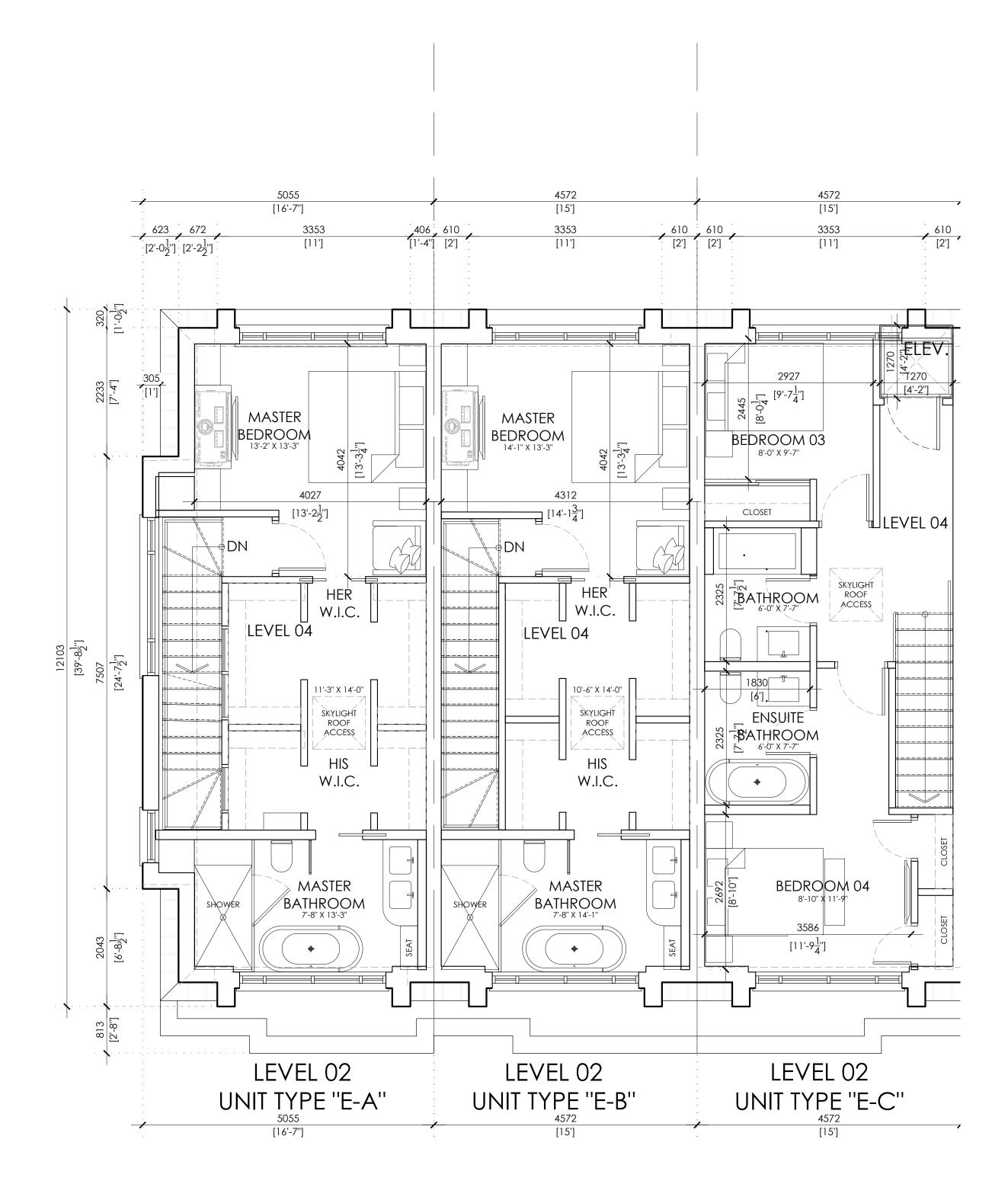


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Scale: 1:50 Drawn by: NT/JZ

Date: SEPTEMBER 202

Checked by: RW Project No.: 2053





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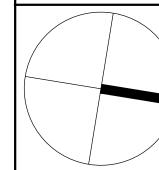
Drawing Title: EAST TOWNHOMES LEVEL 04 FLOOR PLANS

Project Name and Address:

BAYVIEW RIDGE RESIDENCES

32 BRENHAM CRESCENT AND 3386, 3388, 3390, 3392, 3394, 3396 and 3398 BAYVIEW AVENUE TORONTO, ONTARIO

Client: BRR INC.





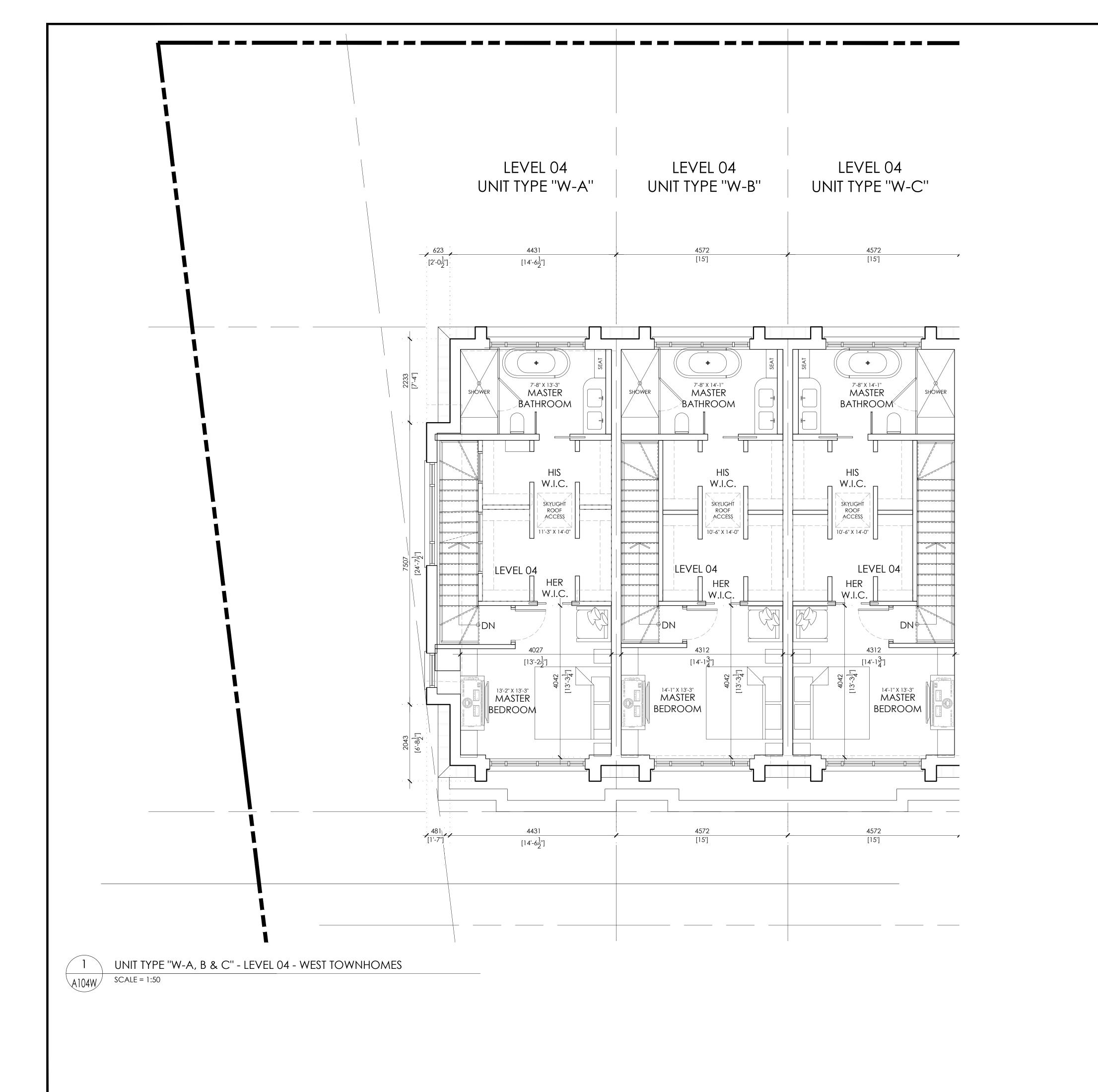
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A104E







RICHARD WENGLE

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20/11/2025 OLT SETTLEMENT
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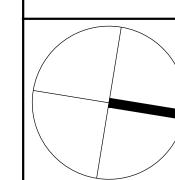
No. Issued For Drawing Title:

> WEST TOWNHOMES LEVEL 04 FLOOR PLANS

BAYVIEW RIDGE RESIDENCES

32 BRENHAM CRESCENT AND 3386, 3388, 3390, 3392, 3394, 3396 and 3398 BAYVIEW AVENUE TORONTO, ONTARIO

Client: BRR INC.

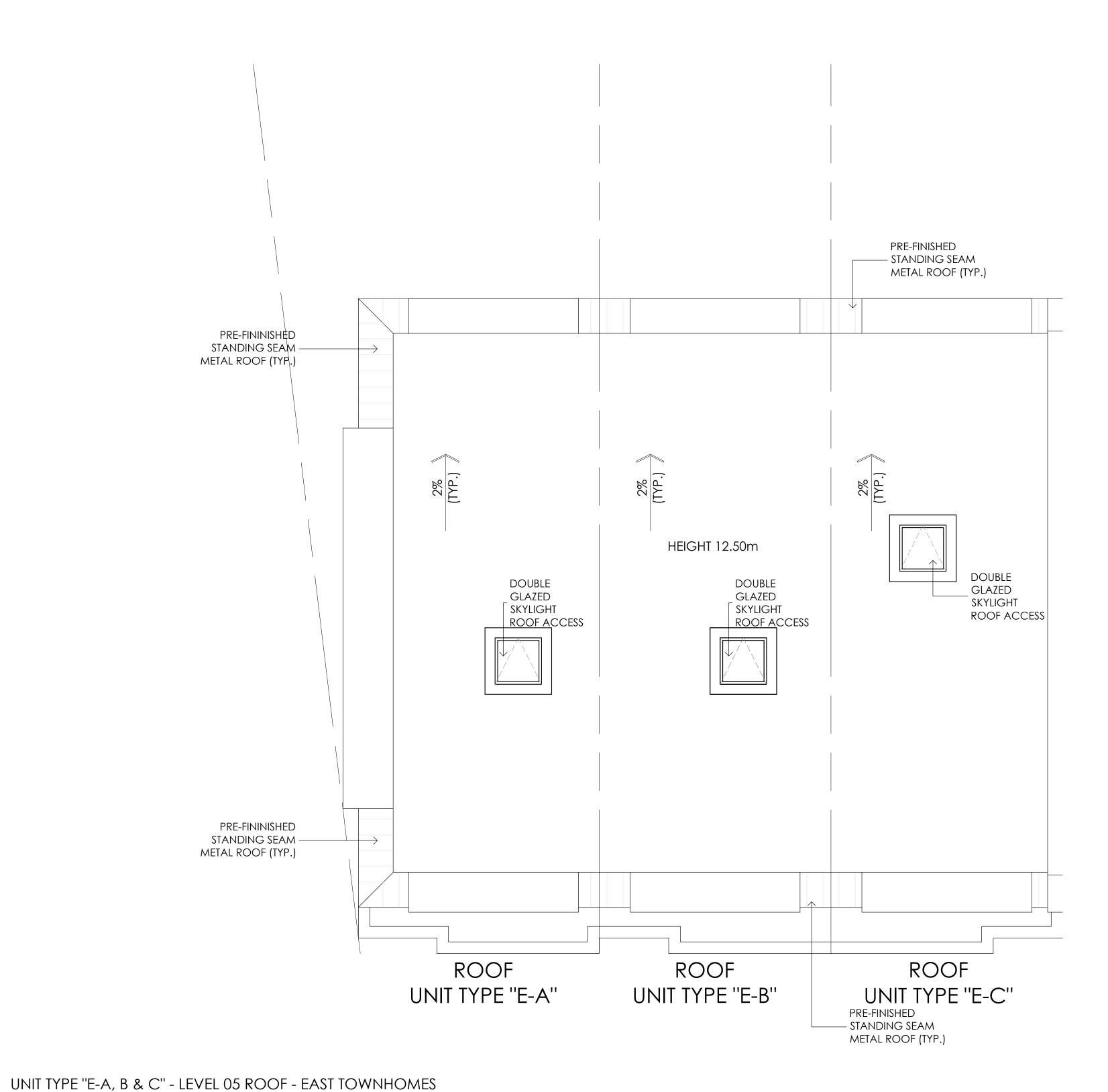




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Date: SEPTEMBER 202



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This drawing is not to be scaled.
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> 20/11/2025 29/10/2025 04/10/2024 02/04/2024 Date d/m/y

Drawing Title: EAST TOWNHOMES

OLT SETTLEMENT
ZBA RESUBMISSION

ZBA SUBMISSION

1 PAC

No. Issued For

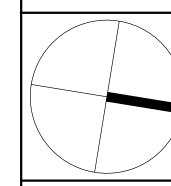
LEVEL 05 ROOF FLOOR PLANS

Project Name and Address: **BAYVIEW RIDGE** RESIDENCES

32 BRENHAM CRESCENT AND 3386, 3388, 3390, 3392, 3394, 3396 and 3398 BAYVIEW AVENUE

TORONTO, ONTARIO

Client: BRR INC.



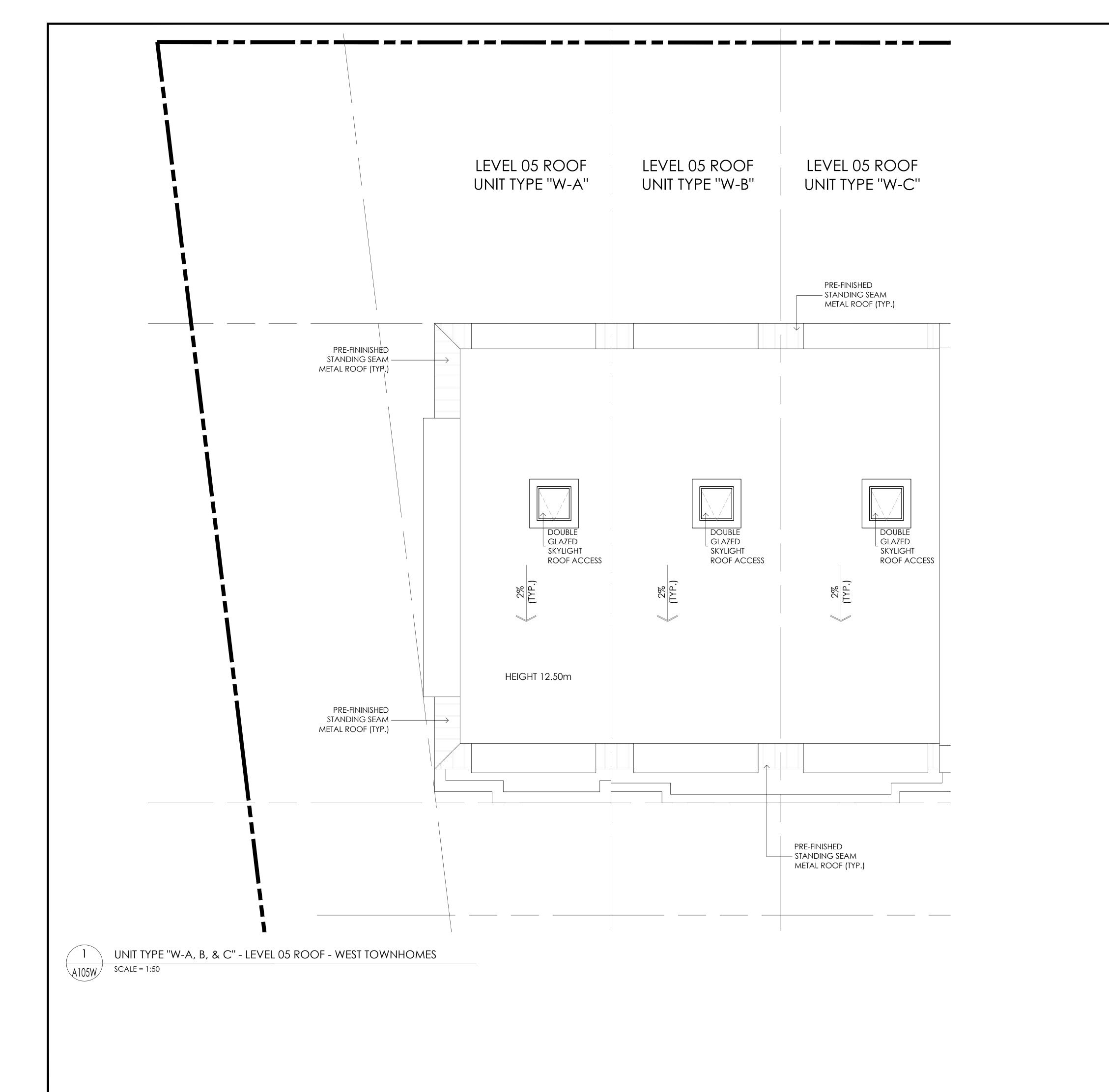


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A105E

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4 OLT SETTLEMENT 20/11/2025
3 ZBA RESUBMISSION 29/10/2025
2 ZBA SUBMISSION 04/10/2024
1 PAC 02/04/2024
No. Issued For Date d/m/y

Drawing Title:

WEST TOWNHOMES

LEVEL 05

ROOF FLOOR PLANS

Project Name and Address:

BAYVIEW RIDGE

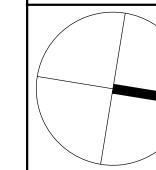
RESIDENCES

32 BRENHAM CRESCENT AND

3386, 3388, 3390, 3392, 3394, 3396 and 3398 BAYVIEW AVENUE

TORONTO, ONTARIO
Client:

BRR INC.





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Date: SEPTEMBER 202

Checked by: RW
Project No.: 2053

Cad File Name



