



December 2, 2025

Confidential and Without Prejudice

Planning & Administrative Tribunal Law
City of Toronto Legal Services
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file # 008156-02673

Attention: Jessica Amey and Cameron
McKeich, City Legal

**Re: 2850 Kingston Road, City of Toronto
Zoning By-law 1260-2024 (the "Zoning By-law Amendment")
City of Toronto File No. 23 207644 CPS 00 OZ
OLT Case No. OLT-24-001245
Confidential and Without Prejudice Offer to Settle**

We are the lawyers for Canadian Tire Corporation Limited ("**Canadian Tire**"), the registered owner of numerous properties across the City of Toronto and, in particular, the registered owner of the property municipally known as 2850 Kingston Road (the "**Subject Property**"), which is within the area to which the Zoning By-law Amendment applies.

Further to recent settlement discussions, we are pleased to provide this offer to settle the above-noted matter.

Background

The Zoning By-law Amendment

Pursuant to the City of Toronto's Housing Action Plan, City staff were directed to enable more housing in neighbourhoods along major streets and avenues. The adoption of "As-of-right Zoning for Mid-rise Buildings on Avenues" was one of the 54 action items endorsed by Council.

In their October 15, 2024, report to the City's Planning and Housing Committee, City staff recommended that City Council adopt the Zoning By-law Amendment purporting to permit as-of-right heights and densities for mid-rise buildings on lands along *Avenues* and designated *Mixed Use Areas* in the City's Official Plan.

On behalf of Canadian Tire, Canadian Tire's planning consultants submitted separate written correspondence to the City's Planning and Housing Committee on June 12, 2024, and October 29, 2024, identifying concerns with the proposed Zoning By-law Amendment, including its failure to provide as-of-right residential permissions at the Subject Property. Oral submissions on behalf of Canadian Tire were also made to Committee prior to the adoption of the Zoning by-law

Amendment. On November 14, 2024, the City adopted the Zoning By-law Amendment, which was appealed by Canadian Tire to the Ontario Land Tribunal (“**OLT**” or “**Tribunal**”) on December 17, 2024.

Canadian Tire retained SLR Consulting (Canada) Ltd. to conduct high-level air quality, odour, noise, and vibration assessments of the proposed residential use permissions at the Subject Property (the “**Compatibility Review**”). By report dated February 21, 2025, SLR confirmed that any future development at the Subject Property would be compatible with all surrounding land uses. **Attachment “A”** is a copy of the Compatibility Review.

On October 7, 2025, R.J. Burnside & Associates Limited issued its peer review letter (the “**Peer Review**”), at the full cost of Canadian Tire. The Peer Review recommended that a noise impact assessment be conducted to, in part, confirm whether Class 1 sound limits under Publication NPC-300 would be met by the surrounding stationary noise sources. **Attachment “B”** is a copy of the Peer Review.

Settlement Terms

Canadian Tire is writing to offer to resolve its appeal pursuant to the following settlement terms (the “**Offer**”):

1. The parties agree to amend the Zoning By-law Amendment in accordance with the draft amendment provided in **Attachment “C”** by:
 - (a) Amending the Subject Property’s zone label on Schedule A of the Zoning By-law Amendment to read as follows, as shown on the zoning map enclosed as Diagram 2 in **Attachment “C”**: **(H) CR 6.7 (c6.7; r6.7) SS5 (x501)**.
 - (b) Adding a new section to the Zoning By-law Amendment to introduce a site-specific holding symbol preventing the use of the Subject Property for residential purposes until the holding symbol is removed, which shall occur upon the satisfaction of the following conditions:
 - (i) The Owner has submitted a Noise Study acceptable to, and to the satisfaction of, the Executive Director, Development Review, confirming that Class 1 sound limits under Publication NPC-300 would be met by any surrounding stationary noise sources; or
 - (ii) A decision of City Council has been made regarding the classification of the lands as a Class 4 Noise Area pursuant to Publication NPC-300, should the Noise Study confirm that a reclassification of the lands to a Class 4 site is required.
2. The parties agree that, upon the City’s acceptance of this Offer, the parties shall jointly request that the Tribunal approve the amendments to the Zoning By-law Amendment, thereby resolving Canadian Tire’s appeal in its entirety.

3. The parties agree that City planning staff shall provide evidence in support of the settlement to the Tribunal.
4. The parties agree that the Compatibility Review and the Peer Review have been provided solely for the purpose of resolving this appeal and may not be satisfactory to the City in connection with another purpose.

Conclusion

Our client is prepared to proceed to the OLT on the basis of the settlement terms outlined above. The settlement offer remains open until the end of the City Council meeting scheduled to commence on December 16, 2025.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in black ink, appearing to read 'SL' with a flourish.

Signe Leisk
Partner

SL/PV
Enclosures

To: Melissa Miceli
From: Aaron Haniff
Company: Canadian Tire Real Estate Limited **SLR Consulting (Canada) Ltd.**
cc: Nigel Taylor
Date: February 21, 2025
Project No. 241.032048.00001
Revision 0

**RE: 2850 Kingston Road - Toronto
Compatibility / Mitigation Review Letter**

SLR Consulting (Canada) Ltd. was retained by Canadian Tire Real Estate Limited to conduct a high-level Compatibility / Mitigation assessment relating to Air Quality, Odour, Noise and Vibration assessment for the proposed residential use permissions at 2850 Kingston Road development in Toronto, Ontario (Future Development).

This letter assessment is intended to address the Terms of Reference requirements for Land Use Compatibility / Mitigation Studies, Air Quality and Odour Studies, Noise Studies, and Vibration Studies (“the OPA 231 ToR”).

This assessment has considered:

- Industrial air quality, odour, and dust emissions;
- Transportation-related air pollution;
- Industrial/ commercial noise and vibration; and
- Transportation-related noise and vibration.

SLR understands the current compatibility / mitigation review requirement is a letter and not a full study, as requested by the City of Toronto’s solicitors.

1.0 Assessment Framework

The requirements of the Ontario planning regime are organized such that generic policy is informed by specific policy, guidance, and legislation, as follows:

- The Ontario Planning Act, Section 2.1 – sets the ground rules for land use planning in Ontario, whereby planning decisions have regard to matters of provincial interest including orderly development, public health, and safety; then
- The Provincial Planning Statement (“PPS”) sets out goals – making sure adjacent land uses are compatible from a health and safety perspective and are appropriately buffered; then
- The MECP D-series of guidelines set out methods to determine if assessments are required (Areas of Influence, Recommended Minimum Separation Distances, and the need for additional studies); then
- MECP and Municipal regulations, policies, standards, and guidelines then set out the requirements of additional air quality studies and the applicable policies, standards, guidelines, and objectives to ensure that adverse effects do not occur.

1.1 City of Toronto Official Plan Amendment No. 231

The City of Toronto has released a Terms of Reference for Compatibility/ Mitigation Studies, Air Quality and Odour Studies, Noise Studies, and Vibration Studies. This study is prepared to address all four terms of reference (compatibility/mitigation, noise, vibration and air quality and odour) in one letter.

The Terms of Reference for these studies can be found on the City website at:

<https://www.toronto.ca/city-government/planning-development/application-forms-fees/building-toronto-together-a-development-guide/application-support-material-terms-of-reference/>

1.2 D-Series of Guidelines

The D-series of guidelines were developed by the MECP in 1995 as a means to assess Recommended Minimum Separation Distances and other control measures for land use planning proposals in an effort to prevent or minimize ‘adverse effects’ from the encroachment of incompatible land uses where a facility either exists or is proposed. D-series guidelines address sources including sewage treatment (Guideline D-2), gas and oil pipelines (Guideline D-3), landfills (Guideline D-4), water services (Guideline D-5) and industries (Guideline D-6).¹

For this assessment, the applicable guideline is Guideline D-6 - Compatibility between Industrial Facilities and Sensitive Land Uses.

1.2.1 Guideline D-6 Requirements

The guideline specifically addresses issues of air quality, odour, dust, noise, and litter. To minimize the potential to cause an adverse effect, Areas of Influence and Recommended Minimum Separation Distances are included within the guidelines. The Areas of Influence and Recommended Minimum Separation Distances from the guidelines are provided in the table below.

Table 1: Guideline D-6 - Potential Areas of Influence and Recommended Minimum Separation Distances for Industrial Land Uses

Industry Classification	Area of Influence	Recommended Minimum Separation Distance
Class I – Light Industrial	70 m	20 m
Class II – Medium Industrial	300 m	70 m
Class III – Heavy Industrial	1000 m	300 m

¹ <https://www.ontario.ca/page/environmental-land-use-planning-guides>



Industrial categorization criteria are supplied in Guideline D-6, and are shown in the following table:

Table 2: Guideline D-6 - Industrial Categorization Criteria

Category	Outputs	Scale	Process	Operations / Intensity	Possible Examples
Class I Light Industry	<ul style="list-style-type: none"> Noise: Sound not audible off-property Dust: Infrequent and not intense Odour: Infrequent and not intense Vibration: No ground-borne vibration on plant property 	<ul style="list-style-type: none"> No outside storage Small-scale plant or scale is irrelevant in relation to all other criteria for this Class 	<ul style="list-style-type: none"> Self-contained plant or building which produces/stores a packaged product Low probability of fugitive emissions 	<ul style="list-style-type: none"> Daytime operations only Infrequent movement of products and/ or heavy trucks 	<ul style="list-style-type: none"> Electronics manufacturing and repair Furniture repair and refinishing Beverage bottling Auto parts supply Packaging and crafting services Distribution of dairy products Laundry and linen supply
Class II Medium Industry	<ul style="list-style-type: none"> Noise: Sound occasionally heard off-property Dust: Frequent and occasionally intense Odour: Frequent and occasionally intense Vibration: Possible ground-borne vibration, but cannot be perceived off-property 	<ul style="list-style-type: none"> Outside storage permitted Medium level of production allowed 	<ul style="list-style-type: none"> Open process Periodic outputs of minor annoyance Low probability of fugitive emissions 	<ul style="list-style-type: none"> Shift operations permitted Frequent movements of products and/ or heavy trucks with the majority of movements during daytime hours 	<ul style="list-style-type: none"> Magazine printing Paint spray booths Metal command Electrical production Manufacturing of dairy products Dry cleaning services Feed packing plants



Category	Outputs	Scale	Process	Operations / Intensity	Possible Examples
Class III Heavy Industry	<ul style="list-style-type: none"> Noise: Sound frequently audible off property Dust: Persistent and/ or intense Odour: Persistent and/ or intense Vibration: Ground-borne vibration can frequently be perceived off-property 	<ul style="list-style-type: none"> Outside storage of raw and finished products Large production levels 	<ul style="list-style-type: none"> Open process Frequent outputs of major annoyances High probability of fugitive emissions 	<ul style="list-style-type: none"> Continuous movement of products and employees Daily shift operations permitted 	<ul style="list-style-type: none"> Paint and varnish manufacturing Organic chemical manufacturing Breweries Solvent recovery plants Soaps and detergent manufacturing Metal refining and manufacturing

1.2.2 Requirements for Assessments

Guideline D-6 requires that studies be conducted to assess impacts where sensitive land uses are proposed within the Potential Area of Influence of an industrial facility. This letter is intended to fulfill this requirement.

1.2.3 Recommended Minimum Separation Distances

Guideline D-6 also *recommends* that no sensitive land use be placed within the Recommended Minimum Separation Distance. However, it should be noted that this is a recommendation only. Section 4.10 of the Guideline allows for development within the Recommended Minimum Separation Distance, in cases of redevelopment, infilling, and transitions to mixed use, provided that the appropriate studies are conducted and that the relevant air quality and noise guidelines are met.

1.2.4 Nearby Industries

The Guideline D-6 Separation distances from the Future Development are shown in **Figure 1**. The lands surrounding the Future Development are generally comprised of commercial, educational, and residential uses.

Based on recent imagery, the local area does not contain any manufacturing or industrial uses. The closest employment designated lands are located outside of the 300m set back distance shown in **Figure 1**.



2.0 Air Quality, Dust and Odour Assessment

2.1 Industrial Sources

2.1.1 Guidelines and Regulations

Within Ontario, facilities which emit significant amounts of contaminants to the environment are required to obtain and maintain an ECA from the MECP or submit an EASR. Facilities with an ECA/EASR should already meet the MECP guidelines for air quality contaminants at their property line.

2.1.2 Air Quality

Under O.Reg. 419/05, a facility is required to meet prescribed standards for air emissions at their property boundary line and any location off-site. The MECP does not require industries to assess their emissions at elevated points off-site if a receptor does not exist at that location. While the introduction of mid-rise or high-rise residential buildings could trigger a facility to re-assess compliance at new, elevated receptor locations, the introduction of new low-rise receptors does not introduce a new condition related to demonstrating compliance, as the facility is already required to be in compliance at grade-level at the property line of the operating industry.

2.1.3 Odour

There are a select few compounds that are provincially regulated from an odour perspective; however, there is no formal regulation with respect to mixed odours. Impacts from mixed odours produced by industrial facilities are generally only considered and regulated by the MECP in the presence of persistent complaints (ECO 2010).

The MECP assesses mixed odours, in Odour Units, following draft guidelines. One odour unit (1 OU) has been used as a default threshold. This is the concentration at which 50 % of the population will just detect an odour (but not necessarily identify/recognize or object to it). Recognition of an odour will typically occur between 3 and 5 odour units. The following factors may be considered:

- **Frequency** – How often the odour occurs. The MECP typically allows odours to exceed 1 OU with a 0.5 % frequency.
- **Intensity** – The strength of the odour, in odour units. 1 OU is often used in odour assessments in Ontario.
- **Duration** – How long the odour occurs.
- **Offensiveness** – How objectionable the odour is.
- **Location** – Where the odour occurs. The MECP assesses at odours where human activity is likely to occur.

The MECP has decided to apply odour-based standards to locations “where human activities regularly occur at a time when those activities regularly occur,” which is generally accepted to be places that would be considered sensitive such as residences and public meeting places.



2.1.4 Dust

Ontario Regulation 419/05 also provides limits for dust, including limits for suspended particulates and dust fall. Under Reg. 419/05, these air quality limits must be met at the property line and all points beyond.

2.1.5 Cumulative Assessments

Cumulative impact assessments, examining the combined effects of individual industries, or the combined effects of industry and roadway emissions, are generally not required. Neither the PPS, the D-Series of guidelines, Regulation 419/05, or the current MECP odour assessment protocols require an assessment of cumulative impacts.

Which is not to say that such assessments are never warranted; rather, the need to do so is considered on a case-by-case basis, depending on the nature and intensity of the industrial operation(s), and the nature of the pollutants released. In this case, there were no significant industrial uses associated with air quality or noise emissions identified in proximity to the subject property and, subsequently a cumulative effects assessment was not considered.

2.1.6 Assessment of Potential Air Emissions

As mentioned above, the local area does not contain any significant manufacturing or industrial uses.

Industries surrounding the Future Development were outside of the Potential Area of Influence. Therefore, the development of the Future Development is anticipated to be compatible with these facilities from an air quality perspective. In addition, emissions of dust, and/or odour at the Future Development are not anticipated.

2.2 Transportation Related Air Pollution

Transportation related air pollution (TRAP) is generally considered in background pollution levels, however, based on recent studies conducted by Toronto Public Health (TPH), the City of Toronto is starting to look more closely at TRAP and its potential air emissions on new residential developments near major highways and roadways. The 2017 Toronto Public Health *'Avoiding the Trap' Technical Report – Land Use Planning at the Project site Level* and *"Operational and Behaviour strategies in Buildings"* document notes that TRAP is a major local contributor to air pollution in Toronto and can result in adverse health outcomes for people residing near highways and roadways. Common mitigation strategies for TRAP include filtration, strategic intake/amenity location, HVAC system operational procedures (i.e. timing around rush hour), physical barriers and vegetation buffers.



The City of Toronto document entitled Reducing Health Risks from Traffic Related Air Pollution (TRAP) in Toronto, October 16, 2017² identifies that:

“Exposures to traffic-related air pollution (TRAP) are highest near highways and busy roads. The health literature indicates that health risk from TRAP is higher within 500 metres of highways with an average daily traffic volume of 100,000 vehicles or more, and within 100 metres of arterial roads with an average daily traffic volume of 15,000 vehicles or more.”

The report recommends that City Staff:

“develop guidance to assist appropriate City agencies, corporations, and divisions in establishing traffic-related air pollution mitigation measures at City owned sites located within 500 metres of roads with annual average traffic volumes of 100,000 vehicles or more per day, and within 100 metres of roads with annual average traffic volumes of 15,000 vehicles or more per day; and

develop best practices guidelines for new and existing buildings, in consultation with industry professionals, and raise awareness of these practices among school board staff, childcare centre operators, long-term care facility operators, and residents, as well as builders, developers, designers, architects, engineers and other professionals”

At this time, there is no guidance related to addressing TRAP within potential exposure zones.

2.2.1 Arterial Roadways

The surrounding arterial roadways within the potential 100 m TRAP exposure zone include Kingston Road and St. Clair Avenue East.

SLR has experience with responding to City requests for detailed quantitative TRAP studies. To date, the City has only requested quantitative detailed TRAP studies to be completed for developments located within 100 m of major highways with average traffic volumes of 100,000 vehicles or more per day. Therefore, a detailed TRAP assessment is not warranted for the Future Development.

Although a TRAP study is not warranted for this project, traffic related emissions will be present in the area. Developments in urban settings should take into consideration design features such as HVAC filtration systems appropriate in urban settings to address issues such as particulate matter or dust.

2.3 Summary of Air Quality, Dust and Odour Conclusions and Recommendations

The potential for air quality emissions at the Future Development including dust and odour have been assessed. No major industrial or manufacturing facilities are located within the D-6 guidelines setbacks. The potential for TRAP exposure has been assessed and a detailed study is not warranted for the Future Development.

² <https://www.toronto.ca/legdocs/mmis/2017/pe/bgrd/backgroundfile-108665.pdf>



3.0 Noise Assessment

3.1 MECP Publication NPC-300 Guidelines for Stationary Noise

The applicable MECP noise guidelines for new sensitive land uses adjacent to existing industrial commercial uses are provided in MECP Publication NPC-300. NPC-300 revokes and replaces the previous noise assessment guideline, Publication LU-131 and Publication NPC-205, which was previously used for assessing noise impacts as part of Certificates of Approval / Environmental Compliance Approvals granted by the MECP for industries.

3.1.1 Application of the NPC-300 Guidelines

The stationary noise guidelines apply only to residential land uses and to noise-sensitive commercial and institutional uses, as defined in NPC-300 (e.g., schools, daycares, hotels). For the Future Development, the stationary noise guidelines only apply to the residential portions of the development, including:

- Individual residences;
- Communal indoor amenity areas; and
- Communal outdoor amenity areas.

All of the above have been considered as noise-sensitive points of reception in the analysis.

3.1.2 Guideline Summary and Interpretation

The following presents a summary of the guidelines and settlements presented above.

- The applicable Ministry of the Environment noise guideline for assessing new residential development applications is Publication NPC-300, which is also referenced in the City Noise By-law. Noise levels from industry meeting NPC-300 requirements will meet the requirements of Bylaw Section 591-2.8.
- The proposed re-development meets the general requirements of a Class 1 or 4 area designation under NPC-300.

3.1.3 Assessment of Potential Stationary Source Noise Emissions

A Bell Canada building is located due west of the Future Development at 3787 St. Clair Avenue East which contains rooftop mechanical equipment. Several small businesses are located on the southeast side of Kingston Road and Brooklawn Avenue which contain rooftop mechanical equipment. Several of the surrounding midrise residential buildings also contain rooftop mechanical equipment. To the north of the Future Development is R. H. King Academy which has several cooling towers and mechanical equipment.

The stationary noise from the surrounding buildings equipment is anticipated to meet the applicable NPC-300 Class 1 or 4 sound limits, as applicable.



3.2 Transportation Sources

3.2.1 Transportation Noise Sources

Transportation sources of interest with the potential to produce noise at the Future Development are roadway noise from the Kingston Road and St. Clair Avenue East. The closest rail line is approximately 1 kilometer away. The Future Development is outside of aircraft NEF 25 contours. Therefore, an assessment of rail and aircraft noise is not required.

Given the proximity of the Future Development to the surrounding roadways, an assessment of Sound Transmission Classes (STCs) for wall and façade construction may be required. This assessment is recommended to be completed in the future when a proposed massing design for the Future Development has been established. A transportation warning clause may be required depending on the predicted sound levels.

4.0 Vibration Assessment

4.1 Industrial (Stationary) Sources

There are no existing significant industrial vibration sources within 75 m of the Future Development, such as large stamping presses or forges. Any future industries which may use significant vibration sources will be able to incorporate vibration isolation into their design. Adverse impacts from industrial vibration are not anticipated.

4.2 Transportation Sources

The Railway Association of Canada / Federation of Canadian Municipalities (“RAC/FCM”) have developed *Guidelines for New Development in Proximity to Railway Operations*. The “Proximity Guidelines” have been adopted by CN, CP, and Metrolinx. International Standard ISO 2631-2: 2003 (1989) also provides supplementation criteria for commercial and office space and for industrial buildings. For public transit systems, the MECP has previously issued a number of draft protocols for vibration assessment of various planned TTC expansions. The MECP has also developed a draft *Guideline for Noise and Vibration Assessment of Transit Projects*.

There are no existing or proposed transportation vibration sources within 75m of the Future Development. Adverse impacts from transportation vibration are not anticipated.

5.0 Conclusions

A high-level compatibility/mitigation review has been completed, examining the potential for air quality, dust, odour, and noise and vibration impacts from surrounding roadways and nearby industrial land uses to affect the Future Development.

The Future Development is anticipated to be compatible with the surrounding land uses. Further, the Future Development is not anticipated to affect the ability for industrial facilities to obtain or maintain compliance with applicable Provincial environmental policies, regulations, approvals, authorizations, and guidelines, as these land use features were not identified in the area surrounding the subject lands.



The requirements of MECP Guideline D-6, Regulation 419/05, and Publication NPC-300 are met. As the applicable policies and guidelines are met, the Future Development is:

- Unlikely to result in increased risk of complaint and nuisance claims; and
- Unlikely to result in operational constraints for major industrial facilities.

6.0 Statement of Limitations

This letter has been prepared by SLR Consulting (Canada) Ltd. (SLR) for Canadian Tire Real Estate Limited (Client) in accordance with the scope of work and all other terms and conditions of the agreement between such parties. SLR acknowledges and agrees that the Client may provide this letter to government agencies, interest holders, and/or Indigenous communities as part of project planning or regulatory approval processes. Copying or distribution of this letter, in whole or in part, for any other purpose other than as aforementioned is not permitted without the prior written consent of SLR.

Any findings, conclusions, recommendations, or designs provided in this letter are based on conditions and criteria that existed at the time work was completed and the assumptions and qualifications set forth herein.

This letter may contain data or information provided by third party sources on which SLR is entitled to rely without verification and SLR does not warranty the accuracy of any such data or information.

Nothing in this letter constitutes a legal opinion nor does SLR make any representation as to compliance with any laws, rules, regulations, or policies established by federal, provincial territorial, or local government bodies, other than as specifically set forth in this letter. Revisions to legislative or regulatory standards referred to in this letter may be expected over time and, as a result, modifications to the findings, conclusions, or recommendations may be necessary.

7.0 Closure

The Future Development can be compatible with surrounding area, provided the appropriate mitigation and studies are completed. An acoustic consultant should be retained to conduct an Environmental Noise study once more detailed information is available.

Regards,

SLR Consulting (Canada) Ltd.



Nigel Taylor, M.Sc., EP
Principal, Air Quality



Aaron K. Haniff, P.Eng.
Principal Acoustic Engineer

Attachments Figures





<p>CANADIAN TIRE REAL ESTATE LIMITED</p>	<p>True North</p>	<p>Scale: A 1:7,000</p>	<p>METRES</p>	
<p>2850 KINGSTON ROAD TORONTO, ONTARIO</p>		<p>Date: Feb 2025 Rev: 0.0</p>	<p>Figure No. A</p>	
<p>MECP GUIDELINE D-6 SEPARATION DISTANCES</p>		<p>Project No. A 241.032048.00001A</p>	<p>1</p>	



October 7, 2025

Via: Email (Cameron.McKeich@toronto.ca)

Mr. Cameron McKeich
Solicitor, Planning & Administrative Tribunal Law
City of Toronto Legal Services
55 John Street, 26th Floor
Toronto ON M5V 3C6

Dear Mr. McKeich:

**Re: Peer Review of the Compatibility/Mitigation Review Letter
2850 Kingston Road, Toronto
First Submission
Project No.: 300060199.0000**

R.J. Burnside & Associates Limited (Burnside) was retained by the City of Toronto (the City) to provide a peer review of the Compatibility/Mitigation Review Letter prepared in support of the proposed residential development at 2850 Kingston Road in Toronto (the Site). The following document was reviewed as part of this undertaking:

- 2850 Kingston Road – Toronto, Compatibility/Mitigation Peer Review Letter, dated February 21, 2025, prepared by SLR Consulting (Canada) Ltd.

The Compatibility/Mitigation Review Letter (the Compatibility Letter) was prepared by SLR Consulting (Canada) Ltd. (SLR) as a high-level compatibility assessment in support of the proposed development at 2850 Kingston Road in Toronto.

The proposed development is located southwest of intersection of Kingston Road and St. Clair Avenue East. The Site is surrounded by a mix of commercial, institutional and residential land uses.

The Compatibility Letter considered potential land use compatibility impacts from following sources:

- Industrial air quality, odour, and dust emissions;
- Transportation-related air pollution;
- Industrial/commercial noise and vibration; and
- Transportation-related noise and vibration.

The Compatibility Study was prepared following the Ministry of Environment, Conservation and Parks (MECP) D-6 Guideline and intended to address the City of Toronto Terms of Reference for Compatibility/Mitigation Study, Air Quality and Odour Study, and Noise Study requirements.

Potential Air Emissions

Based on aerial imagery, no manufacturing or industrial land uses were identified in the area surrounding the proposed development. The list of all business within 300 m of the Site was not included in the Compatibility Letter as it typically would be in a full Compatibility Study. We have no reason to believe otherwise upon screening review of Google Earth imagery.

Transportation Related Air Pollution

The Compatibility Study determined that the proposed development is located within potential 100 m TRAP exposure zone of two arterial road, Kingston Road and St. Clair Avenue East. It was concluded that a detailed TRAP impact study is not warranted; however, general recommendations were provided on how to minimize the impact. We agree with this approach. TRAP mitigation measures can be specified at the Site Plan Approval stage and should have no impact on re-zoning decision.

Stationary Noise

Stationary noise sources in the form of rooftop mechanical equipment were identified at the Bell Canada building located west of the Site as well as several other surrounding buildings. Several cooling towers and mechanical equipment were identified at R. H. King Academy. It was concluded that noise from surrounding stationary noise sources is anticipated to meet NPC-300 Class 1 or Class 4 sound limits. We were not able to confirm whether Class 1 limits will be met from the mechanical equipment at Bell Canada and/or R. H. King Academy as no further information was provided. We have no reason to believe mechanical equipment at any other surrounding business would be an issue. Considering Class 4 limits are 10 dB higher than Class 1 limits, it is most likely that sound levels from mechanical equipment at Bell Canada and R. H. King Academy will be below these limits at the proposed development. However, class area designation is typically addressed at the early planning stages, e.g., OPA, ZBA, and noise impact assessment are required to support this request.

Transportation Noise

Transportation noise sources with potential impact onto the proposed development were identified as Kingston Road and St. Clair Avenue.

SLR acknowledged that a Sound Transmission Class (STC) assessment for wall and façade construction may be required. It was recommended to be completed in the future when a proposed massing design is available. We agree that STC requirements are typically addressed at the Detailed Design stage.

Transportation noise impact assessment was not included nor discussed in the Compatibility Letter. The preliminary assessment is typically undertaken at an early planning stage; however, under certain circumstances it could be postponed to the Detailed Design stage as the Proponent has full control over standard mitigation measures such as air conditioning and acoustic barriers that might be required at the proposed development.

Based on the proximity to the nearest rail line and airport, we agree that rail and aircraft noise impact assessment is not warranted.

Vibration

The Compatibility Letter identified no industrial nor transportation vibration sources within 75 m of the proposed Site; therefore, adverse industrial vibration impact is not anticipated. We agree with this conclusion.

Conclusions

The Compatibility Letter concluded that the proposed development "can be compatible with surrounding area, provided the appropriate mitigation and studies are completed". As recommended in the Compatibility Letter, a noise impact assessment should be conducted for the proposed development. Considering the Proponent has no control over external stationary noise sources, noise impact should be addressed prior to the re-zoning decision.

Yours truly,

R.J. Burnside & Associates Limited



Kristina Zeromskiene, Ph.D., LEL
Senior Air & Noise Scientist
KZ:bp

cc: Harvey Watson, R.J. Burnside & Associates Limited (Via: Email)

251007_Peer Review Letter_2850 Kingston Rd_060199
07/10/2025 10:29 AM

Authority: Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-24-001245

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend By-law 1260-2024, being a by-law to amend Zoning By-law 569-2013, as amended, to permit residential uses in mid-rise buildings on 2850 Kingston Road.

Whereas on November 14, 2024, the Council of the City of Toronto enacted By-law 1260-2024 to update permissions and performance standards for mid-rise buildings on certain *Avenues*; and

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and its Order issued on [date], in respect of Tribunal File OLT-24-001245, upon hearing an appeal under Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P13, as amended, determined to amend By-law 1260-2024 with respect to 2850 Kingston Road; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the *Planning Act*, as amended, to pass this By-law; and

Whereas pursuant to Section 36 of the *Planning Act*, as amended, the Ontario Land Tribunal may, in a by-law passed under Section 34 of the *Planning Act*, use a holding symbol “(H)” in conjunction with any use designation to specify the use to which lands, buildings, or structures may be put once the holding symbol “(H)” is removed by amendment to the by-law; and

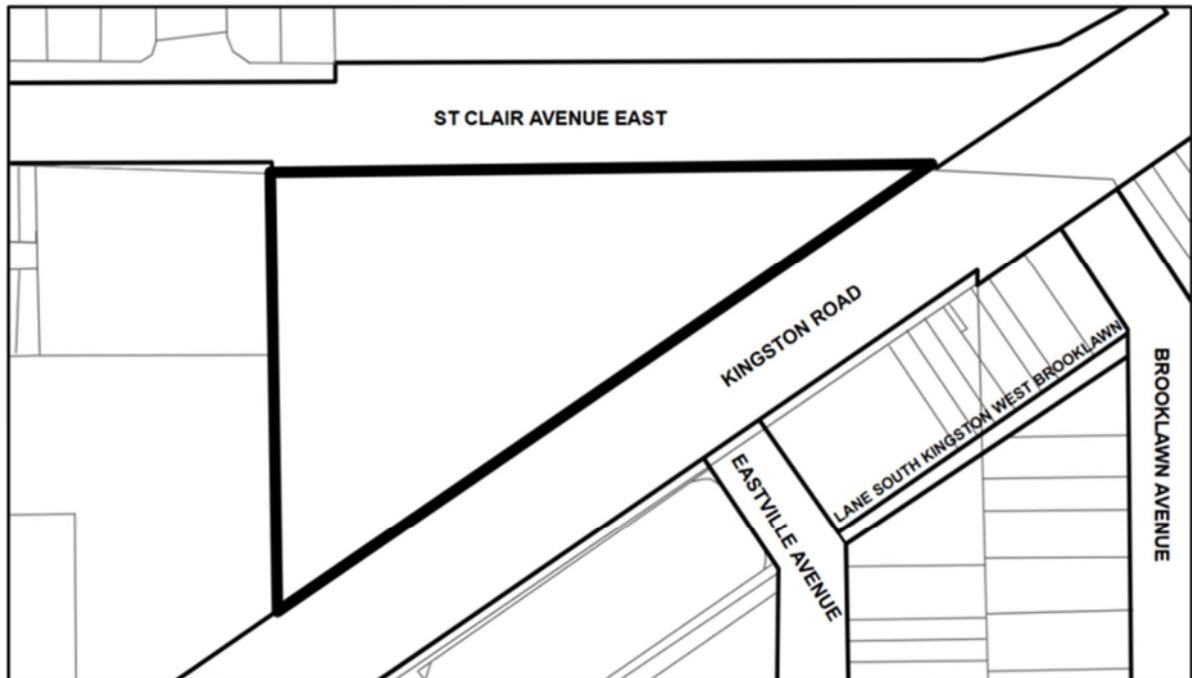
Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol “(H)”.

The Ontario Land Tribunal orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. Zoning By-law 1260-2024 is amended by amending Schedule A of the By-law, being the schedule amending the zone label on the Zoning By-law Map in Section 990.10 of Zoning By-law 569-2013, as amended, respecting 2850 Kingston Road, to a zone label of (H) CR 6.7 (c6.7; r6.7) SS5 (x501) as shown on Diagram 2 attached to this by-law.
3. Holding Symbol Provisions
 - (A) The lands zoned with the holding symbol “(H)” delineated by heavy lines on Diagram 2 attached to this By-law must not be used for any residential use or purpose, until the holding symbol “(H)” has been removed; and

- (B) An amending by-law to remove the holding symbol “(H)” referred to in (A) above may be enacted when the following are fulfilled:
- (i) The Owner has submitted a Noise Study acceptable to, and to the satisfaction of, the Executive Director, Development Review, confirming that Class 1 sound limits under Publication NPC-300 would be met by any surrounding stationary noise sources; or
 - (ii) A decision of City Council has been made regarding the classification of the lands as a Class 4 Noise Area pursuant to Publication NPC-300, should the Noise Study in subsection (B)(i) above confirm that a reclassification of the lands to a Class 4 site is required.

Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-24-001245.

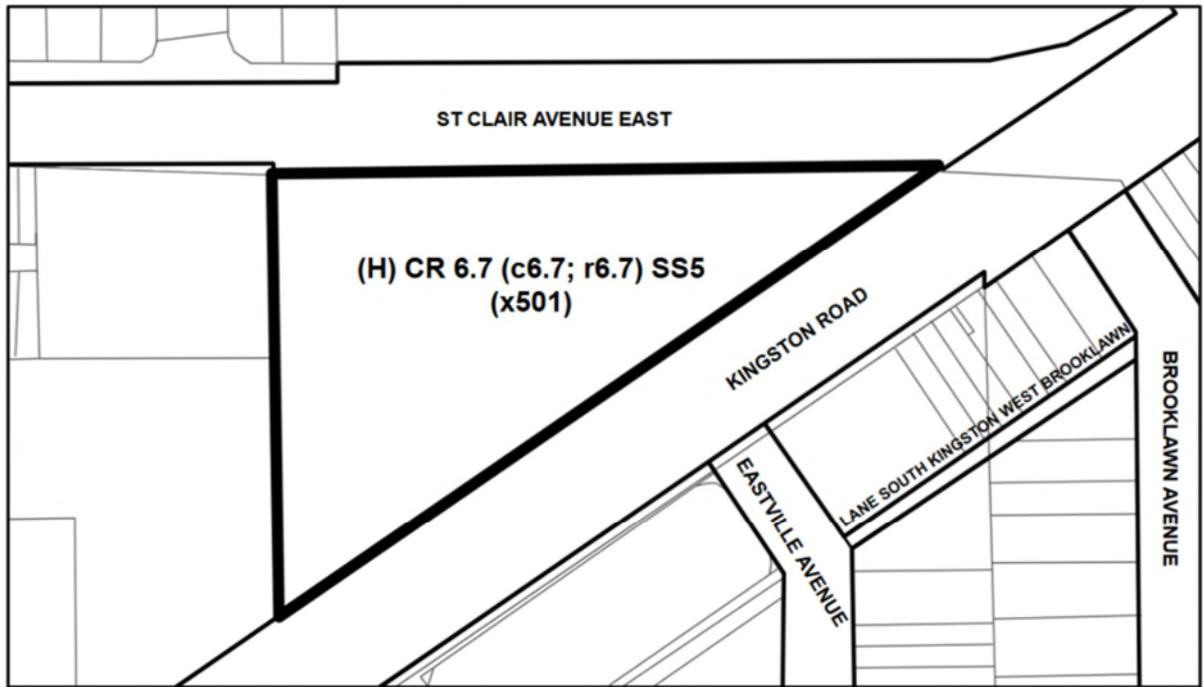


2850 Kingston Road


Diagram 1



City of Toronto By-law 569-2013
Not to Scale



2850 Kingston Road

 **TORONTO**
Diagram 2

