



Eileen Costello  
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E-mail: [ecostello@airdberlis.com](mailto:ecostello@airdberlis.com)

February 24, 2026

Our File No. 172368

**BY EMAIL**

***WITHOUT PREJUDICE***

Mark Crawford  
City of Toronto, Legal Services  
Metro Hall, 26<sup>th</sup> Floor  
55 John Street  
Toronto ON, M5V 3C6

Dear Mr. Crawford:

**Re: OLT-24-000742, OLT-24-000743 & OLT-24-000744  
40-62 Spadina Avenue and 378 Wellington Street West  
Without Prejudice Settlement Proposal**

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As you are aware, Aird & Berlis LLP represents Forty-Six Spadina Ave. Limited and Capitol Buildings Properties Inc. (collectively, our “**Client**”) with respect to its property municipally known as 40-62 Spadina Avenue and 378 Wellington Street West in the City of Toronto (the “**Lands**”), and the above-noted Ontario Land Tribunal (“**OLT**”) appeals.

### **Description of the Lands**

The Lands are approximately 0.37 hectares in size and are located on the west side of Spadina Avenue, mid-block between King Street West and Wellington Street West. The Lands are currently occupied by two warehouse buildings, ranging from 2 to 4½ storeys in height, which have been converted to office purposes, with a surface parking lot to the rear.

The Lands are located within the King Spadina Heritage Conservation District (“**HCD**”) and therefore designated under Part V of the *Ontario Heritage Act*. The 40-50 Spadina Avenue properties are classified as “contributing” in the HCD Plan, while the 58-62 Spadina Avenue and 378 Wellington Street West properties are classified as “non-contributing” in the HCD Plan. A contributing property is defined as “a property, structure, landscape element or other feature of an HCD that supports the identified significant cultural heritage value, heritage attributes and integrity of the District”.

### **Application History**

On August 5, 2022, our Client’s planning consultant, Bousfields Inc. (“**Bousfields**”), filed an Official Plan Amendment (“**OPA**”), Zoning By-law Amendment Application (“**ZBA**”) and Site Plan Application (collectively, the “**Applications**”) with respect to the Lands. The Applications proposed the redevelopment of the Lands with a 28-storey building, plus additional levels for a mechanical penthouse at a total metric height of 99.2 metres. The Applications proposed a total gross floor area (“**GFA**”) of 38,693 m<sup>2</sup>, with 32,138 m<sup>2</sup> would be dedicated to residential uses (521 dwelling units), 5,908 m<sup>2</sup> would be dedicated to office uses and 647 m<sup>2</sup> would be dedicated to at-grade retail uses. The easterly and southern façade of the heritage building at 40-46 Spadina

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Avenue were proposed to be conserved as part of the redevelopment, and a portion of the northern elevation to be reconstructed. The Applications were deemed complete as of August 10, 2022.

Following a Community Consultation Meeting and a number of meetings with City Planning, Urban Design and Heritage Preservation Services to discuss comments received from City Staff, Bousfields resubmitted the Applications on May 14, 2024. While the building massing, including heights, setbacks and stepbacks generally remained the same as the initial application, the proposed office space on Levels 2 and 3 were replaced with residential and amenity space uses. The revised proposal also utilized the previously proposed mechanical penthouse for residential uses. As a result, the redevelopment was revised to propose a 30 storey building, without a material change in the metric height, an overall GFA of 38,161.8 m<sup>2</sup>, a total residential GFA of 37,387.7 m<sup>2</sup> (550 dwelling units) and a total of 774 m<sup>2</sup> to be dedicated for ground floor retail.

### **Heritage Permit Application**

In addition to the Applications, our Client made an application for a permit under section 42 of the *Ontario Heritage Act* to permit the proposed alterations to the contributing properties and the proposed redevelopment of the Lands within the HCD. Our Client's heritage consultant, ERA Architects, worked closely with City Staff to develop a heritage conservation strategy for the contributing properties on the Lands. This heritage conservation strategy retains the east façade and eastern portion of the south façade, with appropriate stepbacks above the retained façades.

The purpose of the heritage conservation strategy is to ensure compatibility within the existing and planned context of neighbouring streetwall heights, and will relate to the height, scale and built form character of the existing context of Spadina Avenue. As part of the resolution of our Client's appeal of the King-Spadina HCD, our Client received written confirmation from the City that the conservation strategy for the heritage attributes on the Lands "would comply with and not be contrary to the objectives of the King-Spadina Heritage Conservation District Plan".

At its meeting commencing on March 26, 2025, City Council adopted the recommendations of Heritage Planning staff to accept our Client's proposed heritage conservation strategy and approve the requested heritage permit, subject to conditions (the "**Heritage Permit**").

### **Appeals**

On July 9, 2024, our Client appealed its OPA and ZBA Applications to the OLT based on Council's failure to render a decision within the statutory timeframe pursuant to subsections 22(7) and 34(11) of the *Planning Act*, and referred its Site Plan Application pursuant to section 114 of the *City of Toronto Act, 2006*, for Council's failure to make a decision respecting the Site Plan Application ("**Appeals**").

### **Settlement Proposal**

Further to our recent discussions with yourself as well as City Planning and Heritage Planning Staff, we are pleased to provide the enclosed settlement plans, prepared by Wallman Architects dated February 13, 2026 on behalf of our Client (the "**Settlement Proposal**").

The Settlement Proposal makes a number of substantial changes to the original development proposal, as revised:

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- The tower has been reduced to 29 storeys, with a 6 m mechanical penthouse; and
- The overall building massing has been significantly reduced by:
  - introducing a 2 storey transition to the north along Spadina Avenue;
  - increasing the tower setback from both the north and south lot lines to:
    - 12.5 m for levels 3-15, and
    - 18 m for levels 16-29; and
  - introducing an additional 1 m stepback at level 7 along the west elevation to improve the rear transition condition.

The Settlement Proposal continues to contemplate the retention of the eastern elevation and eastern portion of the southern elevation of the contributing building, and to maintain the stepbacks above the elevations that were accepted by the City through the Heritage Permit application process. The Settlement Proposal does introduce projecting balconies along portions of the Spadina frontage above the heritage elevation, which will require an amendment to the Heritage Permit (the “**Heritage Permit Amendment**”).

A HIA Addendum Letter prepared by ERA Architects and dated February 13, 2026 was filed in support of the revised proposal including the projecting balconies and concluded that, at that time, any visual impacts of the proposed projecting balconies to the retained eastern elevation of the contributing building would be mitigated using the following techniques, some of which have been further modified since the HIA Addendum Letter with the input of Heritage Planning staff. All of the below mitigation techniques can be secured through the site specific zoning by-law and the heritage permit process:

- The original continuous projecting balconies have now been divided into two vertical bays (approximately 5.5m apart) that reference the two existing architectural bays of the east elevation;
- The length of each set of projecting balconies,(approximately 14 m each) reference the existing architectural bays of the east elevation;
- The projecting balconies commence at Level 11 of the new development, at a height of approximately 17m above the existing east elevation;
- The balconies will project a maximum of 1.7 m into (i.e. less than 50% the depth) of the 5 metre stepback above the existing east elevation; and
- The projecting balconies will be designed and constructed so as to be compatible with and distinguishable from the contributing property.

# Confidential Appendix A

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Finally, we understand that Heritage Planning staff have indicated that projecting balconies may also be included on the southern elevation of the new proposal above the southern heritage elevation provided those balconies commence at the same height (i.e. approximately 17m above the existing southern elevation).

In support of this without prejudice settlement offer, please find enclosed:

1. Settlement plans illustrating the Settlement Proposal prepared by Wallman Architects dated February 13, 2026 attached as **Appendix "A"**. Please note that these plans will be revised to illustrate the changes to the projecting balconies on the eastern and southern elevations noted above;
2. Heritage Impact Assessment Addendum Letter prepared by ERA Architects dated February 13, 2026 attached as **Appendix "B"**; and
3. Updated OPA and ZBA instruments reflecting the Settlement Proposal attached as **Appendix "C"** and **Appendix "D"**.

## **Implementation**

Given the proposed Heritage Permit Amendment, we are providing this **without prejudice settlement** offer on the understanding that it will be the subject of an in-camera report to the Toronto Preservation Board ("**TPB**") that will be considered at its meeting on March 12, 2026. A supplemental Heritage Permit Application was filed under separate cover on February 24, 2026.

It is our Client's expectation that this without settlement offer will then form the basis of an in-camera report to City Council in respect of our proposed settlement of the OPA and ZBA Appeals, to be considered at its meeting commencing on March 25, 2026.

In the event that this offer is either (1) not considered by City Council at its meeting commencing on March 25, 2026, or (2) is refused by City Council at that meeting, it should be considered revoked.

In the event that City Council accepts this offer, the City agrees to forthwith advise the OLT and the other party and participant to the Appeals that a full settlement of the OPA and ZBA Appeals have been reached, subject to the conditions below and to confirm that the City's issues have been resolved such that it will not be calling any evidence at the Appeals. The City will also confirm that the necessary Heritage Permit has been authorized. Finally, the City further agrees to consent to the timely scheduling a settlement hearing on the Appeals.

Our Client agrees to work with the City on the final form of the instruments in advance of a final order being issued by the OLT, and agrees that any Final Order of the OLT will be withheld until the below-noted conditions are satisfied.

## **Pre-Conditions to Final Order:**

In the event that the OLT allows the OPA and ZBA Appeals in whole or in part, City Council shall authorize the City Solicitor to request that the issuance of any final orders be withheld until such time as the City Solicitor advises that:

## Confidential Appendix A

February 24, 2026

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- a. the final form and content of the draft Official Plan Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;
- b. the final form and content of the draft Zoning By-law Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;
- c. the applicant has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment;
- d. the applicant has addressed all outstanding issues raised by Development Engineering as they relate to the Zoning By-law Amendment application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e. the applicant has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review;
- f. the applicant has provided an updated Conservation Plan, reflecting the settlement proposal and prepared by a qualified heritage consultant, for 40-46 Spadina Avenue to the satisfaction of the Senior Manager, Heritage Planning, City Planning;
- g. the applicant has submitted an Archeological Assessment to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- h. the City has conveyed to the Owner a portion of the public lane abutting 58-62 Spadina Avenue, known as Part 3, Plan 66R-22924, to be part of the development site, to the satisfaction of the General Manager, Transportation Services, the Director, Real Estate Services and the City Solicitor.

Thank you for your ongoing assistance and cooperation in resolving these matters. We would be happy to discuss any questions regarding the above or enclosed.

Yours truly,

AIRD & BERLIS LLP



Eileen P, K. Costello  
EPKC/MTB/AL  
Encl.

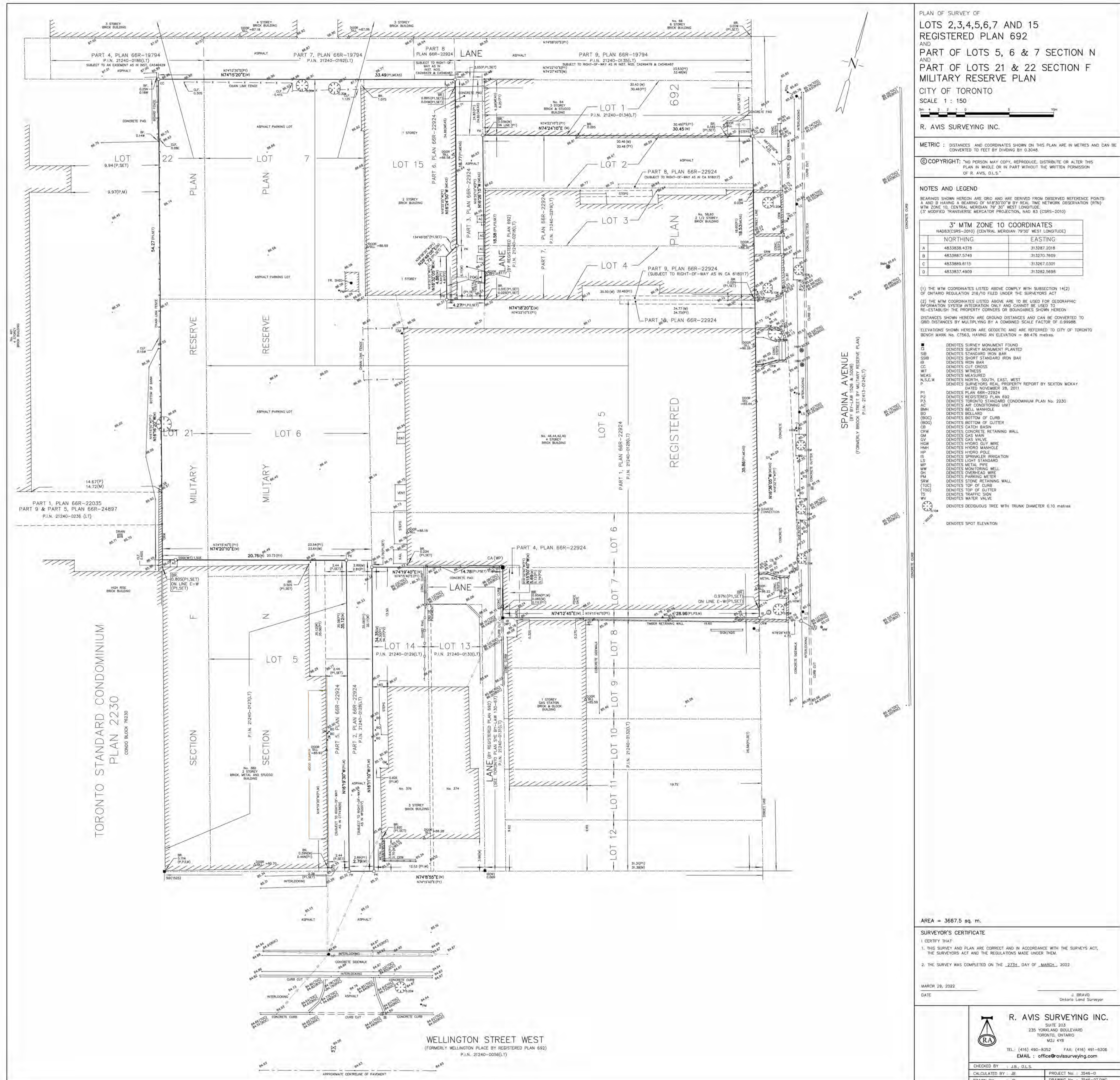
- c. Peter Smith and Alex Savanyu, Bousfields Inc.  
Dan Eylon, ERA Architects Inc.  
Client

67665222.4

AIRD BERLIS

# APPENDIX A





PLAN OF SURVEY OF  
**LOTS 2,3,4,5,6,7 AND 15**  
**REGISTERED PLAN 692**  
 AND  
**PART OF LOTS 5, 6 & 7 SECTION N**  
**AND**  
**PART OF LOTS 21 & 22 SECTION F**  
**MILITARY RESERVE PLAN**  
 CITY OF TORONTO  
 SCALE 1 : 150

R. AVIS SURVEYING INC.

METRIC : DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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**NOTES AND LEGEND**

BEARINGS SHOWN HEREON ARE GRID AND ARE DERIVED FROM DERIVED REFERENCE POINTS A AND B HAVING A BEARING OF N74°12'00" W BY REAL TIME NETWORK OBSERVATION (RTN) WITH ZONE 10, CENTRAL MERIDIAN 79° 30' WEST LONGITUDE, UTM MODIFIED TRANSVERSE MERCATOR PROJECTION, NAD 83 (CSRS-2010)

3° MTM ZONE 10 COORDINATES	
NORTHING	EASTING
A	483388.4378
B	483388.5749
C	483389.6115
D	483387.4909

(1) THE MTM COORDINATES LISTED ABOVE COMPLY WITH SUBSECTION 14(2) OF ONTARIO REGULATION 216/10 FILED UNDER THE SURVEYORS ACT

(2) THE MTM COORDINATES LISTED ABOVE ARE TO BE USED FOR GEOGRAPHIC INFORMATION SYSTEM INTEGRATION ONLY AND CANNOT BE USED TO RE-ESTABLISH THE PROPERTY CORNERS OR BOUNDARIES SHOWN HEREON

DISTANCES SHOWN HEREON ARE GRID DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A CONVERSION SCALE FACTOR OF 0.99985

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO CITY OF TORONTO BENCH MARK NO. 07543, HAVING AN ELEVATION = 88.476 METRES

■ DENOTES SURVEY MONUMENT FOUND  
 □ DENOTES SURVEY MONUMENT PLANTED  
 SSB DENOTES STANDARD IRON BAR  
 SSB DENOTES SHORT STANDARD IRON BAR  
 RB DENOTES IRON BAR  
 CCL DENOTES CUT CROSS  
 MEAS DENOTES MEASURED  
 N DENOTES NORTH, SOUTH, EAST, WEST  
 N DENOTES NORTH, SOUTH, EAST, WEST  
 P1 DENOTES PLAN 692-22924  
 P2 DENOTES REGISTERED PLAN 692  
 T DENOTES TORONTO STANDARD CONDOMINIUM PLAN NO. 2230  
 AC DENOTES AIR CONDITIONING UNIT  
 BMH DENOTES BELL MANHOLE  
 BO DENOTES BOLLARD  
 (BOC) DENOTES BOTTOM OF CURB  
 (BOC) DENOTES BOTTOM OF CUTTER  
 CB DENOTES CONCRETE BLOCK  
 CRW DENOTES CONCRETE RETAINING WALL  
 GM DENOTES GAS MAIN  
 HW DENOTES HYDRO CUT WIRE  
 HMM DENOTES HYDRO MANHOLE  
 HP DENOTES HYDRO POLE  
 LS DENOTES SPRINKLER REGISTRATION  
 LLS DENOTES LIGHT STANDARD  
 M DENOTES METAL PIPE  
 M DENOTES METAL PIPE  
 OH DENOTES OVERHEAD WIRE  
 PM DENOTES PARKING METER  
 SWW DENOTES STONE RETAINING WALL  
 T(D) DENOTES TOP OF CUTTER  
 T(D) DENOTES TOP OF CUTTER  
 TV DENOTES TRAFFIC SIGN  
 WV DENOTES WATER VALVE  
 (C) DENOTES DECIDUOUS TREE WITH TRUNK DIAMETER 0.10 METRES  
 DENOTES SPOT ELEVATION

AREA = 3667.5 sq. m.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE 22<sup>ND</sup> DAY OF MARCH, 2022.

MARCH 28, 2022

DATE

J. BRAVO  
 Ontario Land Surveyor

**R. AVIS SURVEYING INC.**  
 SUITE 303  
 235 YORKLAND BOULEVARD  
 TORONTO, ONTARIO  
 M2J 4Y8  
 TEL: (416) 490-8352 FAX: (416) 491-6208  
 EMAIL: office@avisurveying.com

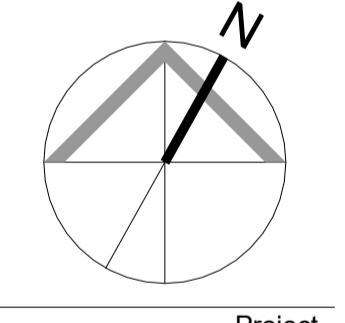
CHECKED BY: J.S., O.L.S.  
 CALCULATED BY: J.S.  
 DRAWN BY: J.S.

PROJECT No.: 3546-01  
 DRAWING No.: 3546-01.DWG

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No | Issued For | Date

**WALLMAN ARCHITECTS**  
 99 Spadina Avenue, Suite 600  
 Toronto, Ontario M5V 3P8  
 t 416 340 1870  
 www.wallmanarchitects.com



Project  
**40-62 Spadina**

Client  
 46-60 Spadina Ave.  
**Forty - Six Spadina Ave. Limited & Capitol Buildings Properties Inc.**

Drawing Title  
**LEGAL SURVEY**

Scale  
 21-18 Project No.  
 Date  
 Drawing No.

**A1.01**

February 4, 2026  
**40-62 Spadina Ave**  
 Project Statistics

Site Area	sm	sf
	<b>3,731</b>	<b>40,161</b>
FSI	10.3	
<b>Height</b>	<b>Stories</b>	<b>Metres</b>
Stories	29	94.5
<b>GFA</b>	<b>sm</b>	<b>sf</b>
Retail	736	7,927
Residential	37,737	406,194
<b>Total</b>	<b>38,473</b>	<b>414,120</b>
<b>Residential Units (*)</b>	<b>No.</b>	<b>% of Total</b>
1 Bedroom	310	60%
2 Bedroom	77	15%
2 Bedroom/3 Bedroom	77	15%
3 Bedroom	52	10%
<b>Total</b>	<b>516</b>	<b>100.0%</b>
<b>Amenity</b>	<b>sm</b>	<b>Ratio per Unit</b>
Indoor	1,032	2.0
Outdoor	1,032	2.0
<b>Total</b>	<b>2,064</b>	<b>4.0</b>
<b>Car Parking (2 Levels)</b>	<b>No.</b>	<b>Ratio per Unit</b>
Residents	71	0.14
Visitors	8	0.02
<b>Total</b>	<b>79</b>	<b>0.15</b>
<b>Bicycles</b>	<b>No.</b>	<b>Ratio per Unit</b>
Res. Short Term	104	0.20
Res. Long Term	464	0.90
<b>Total Residential</b>	<b>568</b>	<b>1.10</b>
Retail Short Term	6	
Retail Long Term	2	
<b>Total Retail</b>	<b>8</b>	
<b>Overall Total</b>	<b>576</b>	

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No	Issued For	Date
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[www.wallmanarchitects.com](http://www.wallmanarchitects.com)

Project  
 40-62 Spadina

Client  
 46-60 Spadina Ave.  
 Forty - Six Spadina Ave.  
 Limited & Capitol Buildings  
 Properties Inc.

Drawing Title  
 PROJECT STATISTICS

Scale  
 21-18 Project No.  
 Date  
 Drawing No.

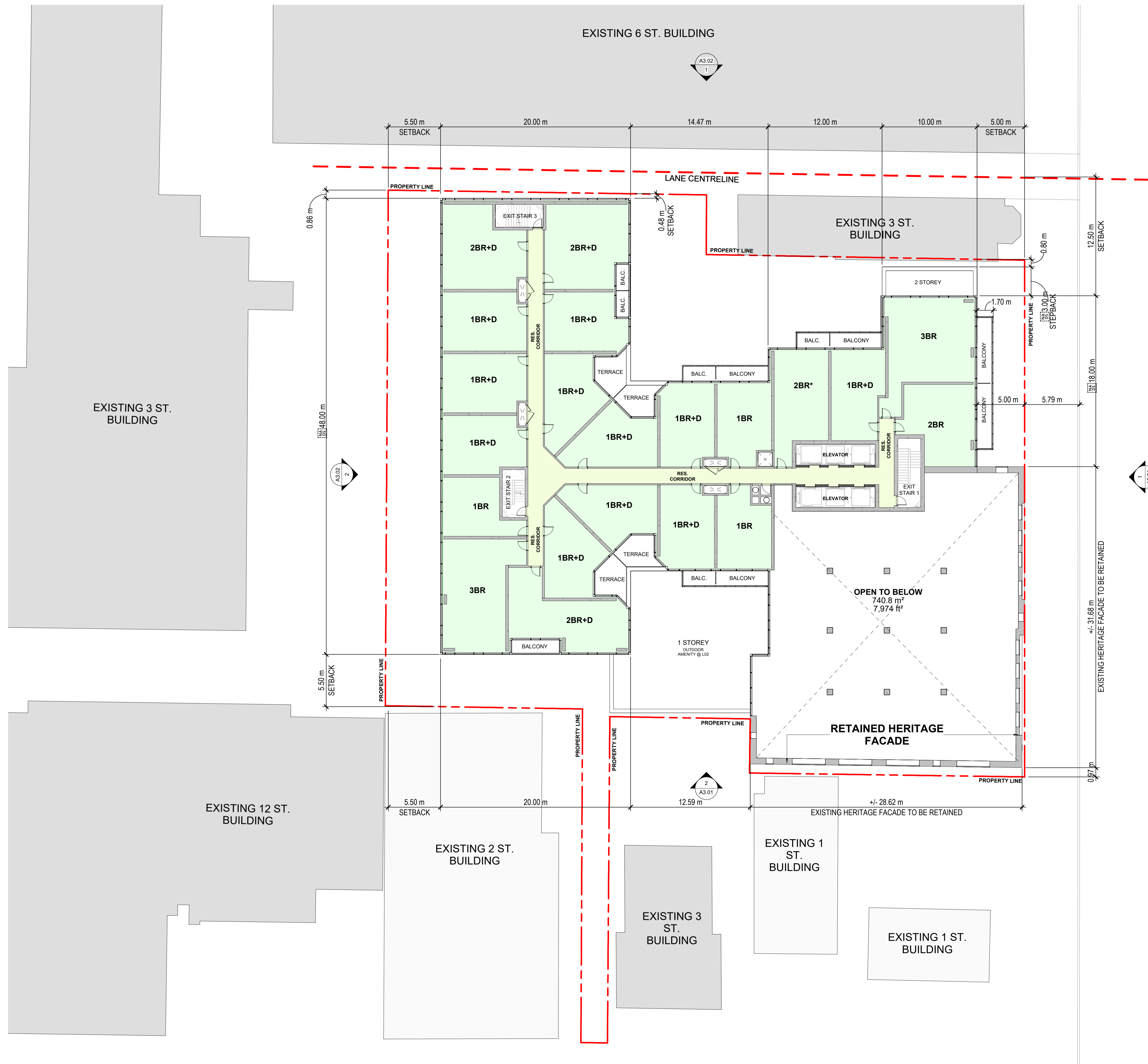
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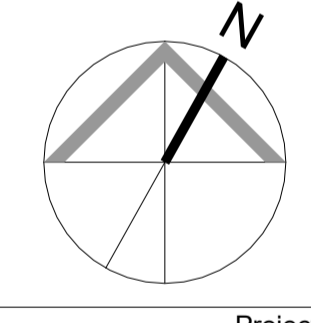




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40-62 Spadina

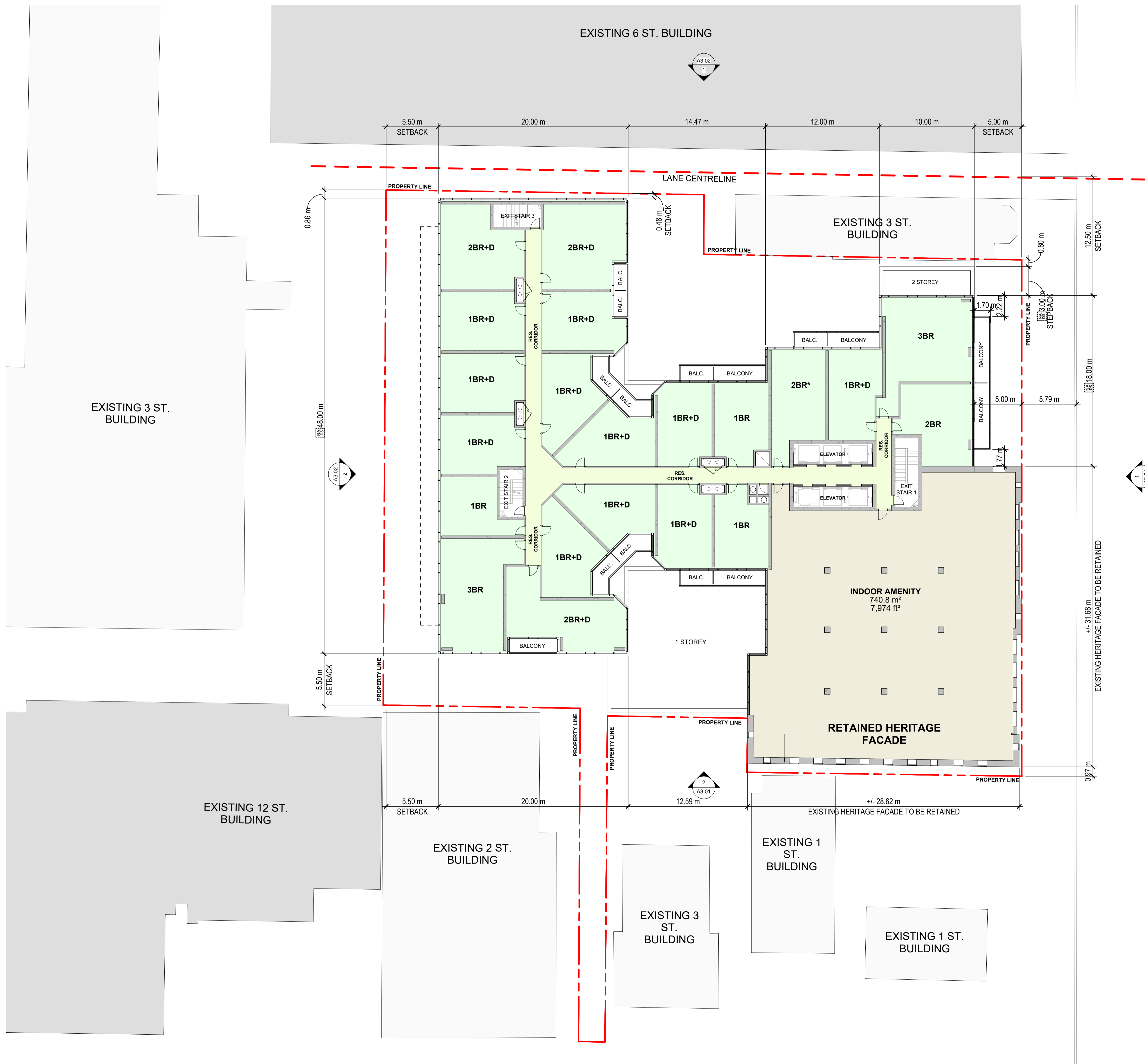
46-60 Spadina Ave.  
 Client  
 Forty - Six Spadina Ave.  
 Limited & Capitol Buildings  
 Properties Inc.

LEVEL 03 FLOOR PLAN

1 : 200	Scale
21-18	Project No.
	Date
	Drawing No.

**A2.07**

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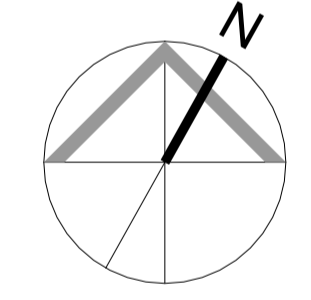


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40-62 Spadina

46-60 Spadina Ave.  
 Client  
 Forty - Six Spadina Ave.  
 Limited & Capitol Buildings  
 Properties Inc.

LEVEL 04 FLOOR PLAN

1 : 200 Scale  
 21-18 Project No.  
 Date  
 Drawing No.

**A2.08**

Plot Date: 2024-02-13 11:40:57 AM File Path: C:\Users\jwallman\Documents\Drawings\21-18\_46\_Spadina\_AVE\Drawings\21-18\_46\_Spadina\_AVE\A2.08.dwg

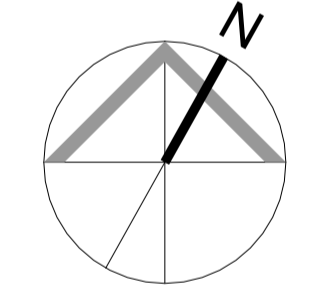


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Project

40-62 Spadina

46-60 Spadina Ave. Client

Forty - Six Spadina Ave. Limited & Capitol Buildings Properties Inc.

Drawing Title

**LEVEL 05 FLOOR PLAN**

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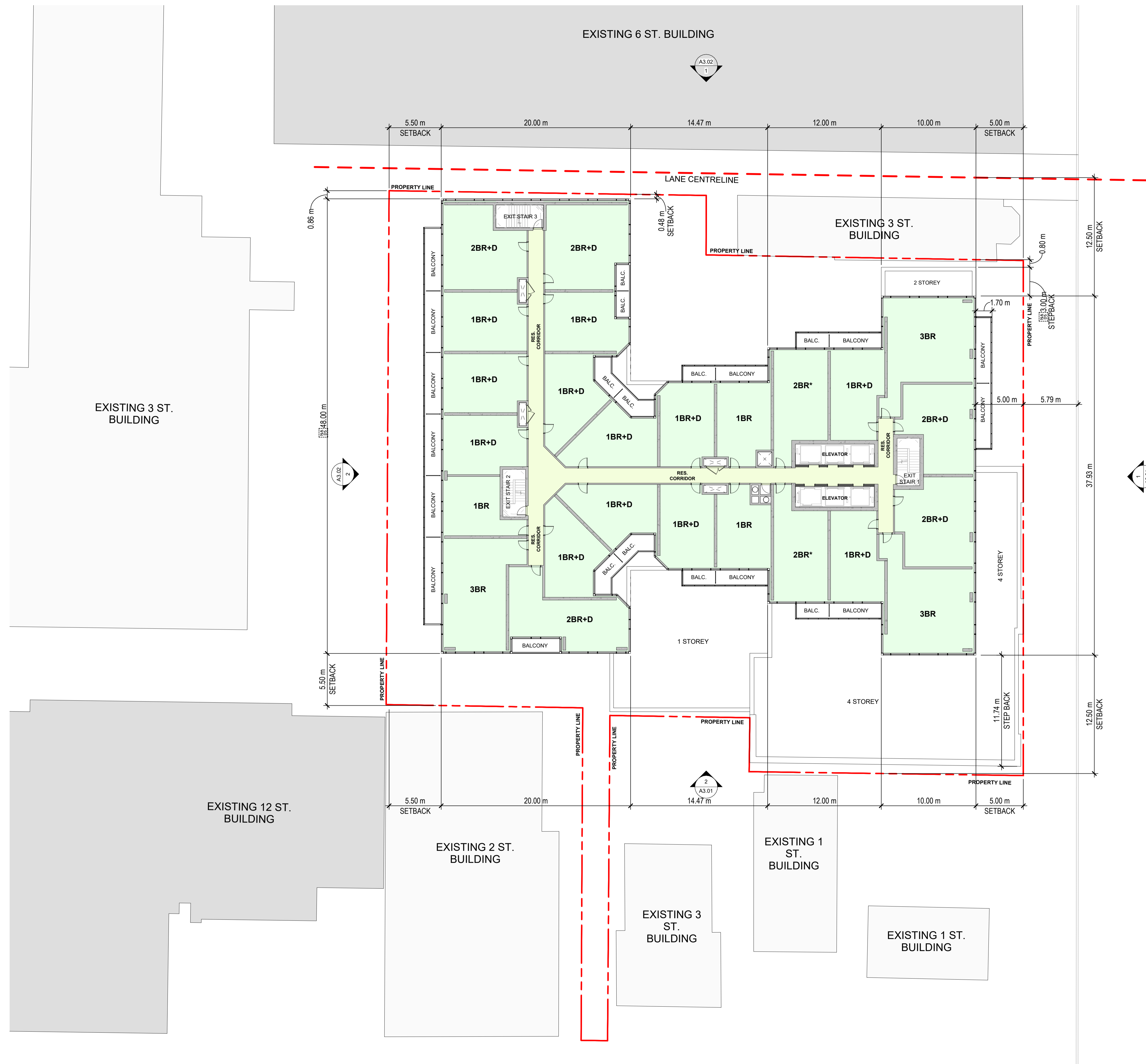
21-18 Project No.

Date

Drawing No.

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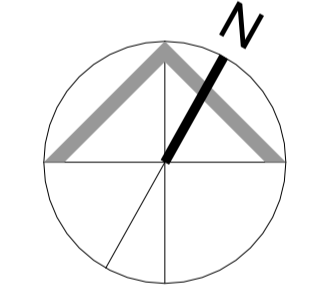
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Project

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Client

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 Properties Inc.

Drawing Title

LEVEL 06 FLOOR PLAN

1 : 200 Scale

21-18 Project No.

Date

Drawing No.

**A2.10**

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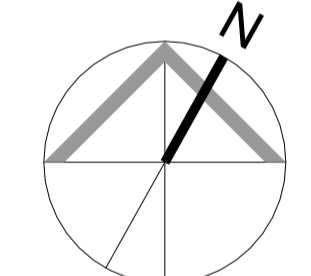


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Project

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 Client  
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 Properties Inc.

Drawing Title

**LEVEL 07 (TYPICAL  
 PODIUM)**

1 : 200 Scale

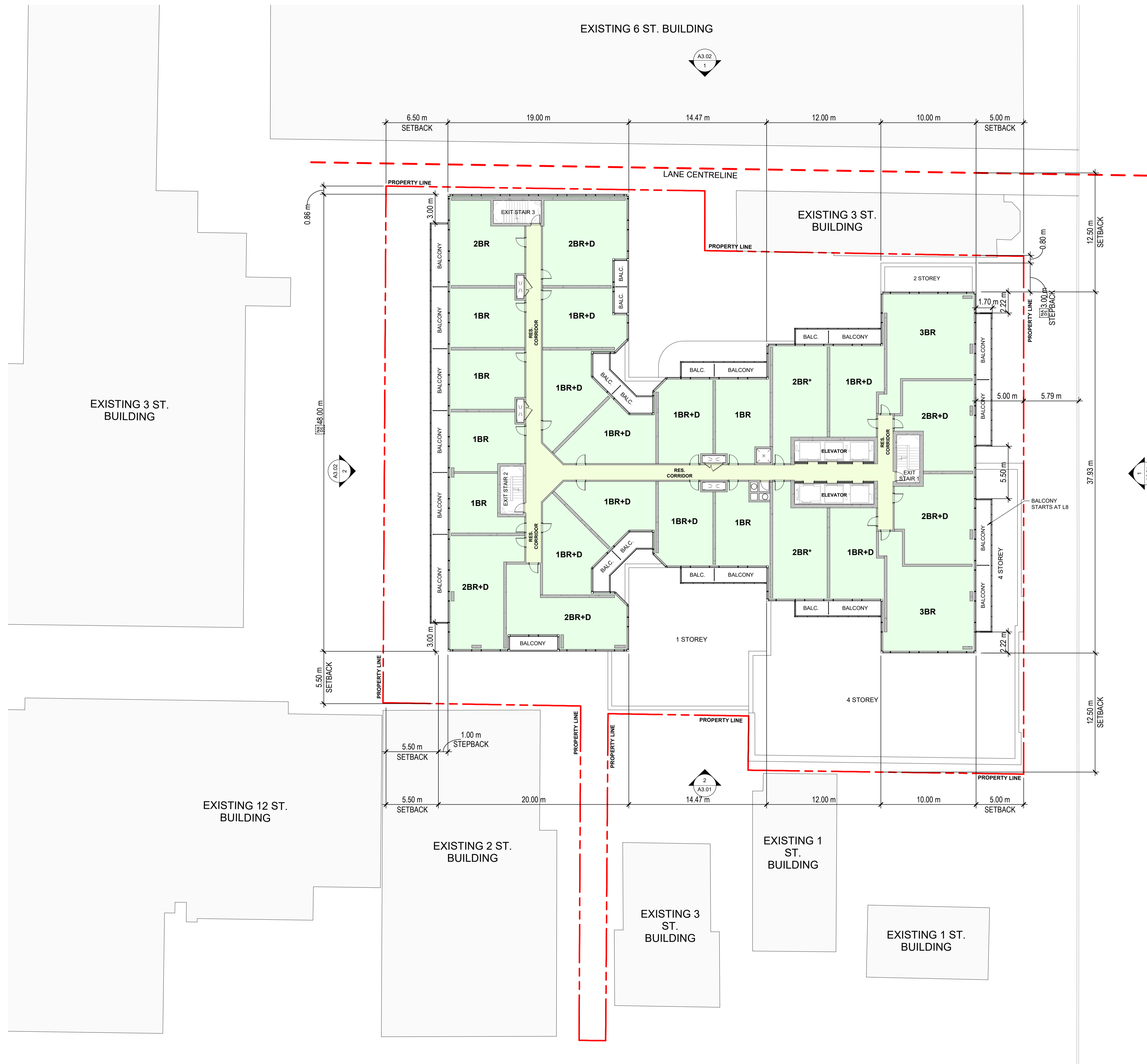
21-18 Project No.

Date

Drawing No.

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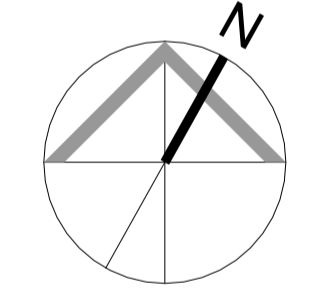


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Project

40-62 Spadina

46-60 Spadina Ave. Client

Forty - Six Spadina Ave. Limited & Capitol Buildings Properties Inc.

Drawing Title

**LEVEL 8-14 FLOOR PLAN**

1 : 200 Scale

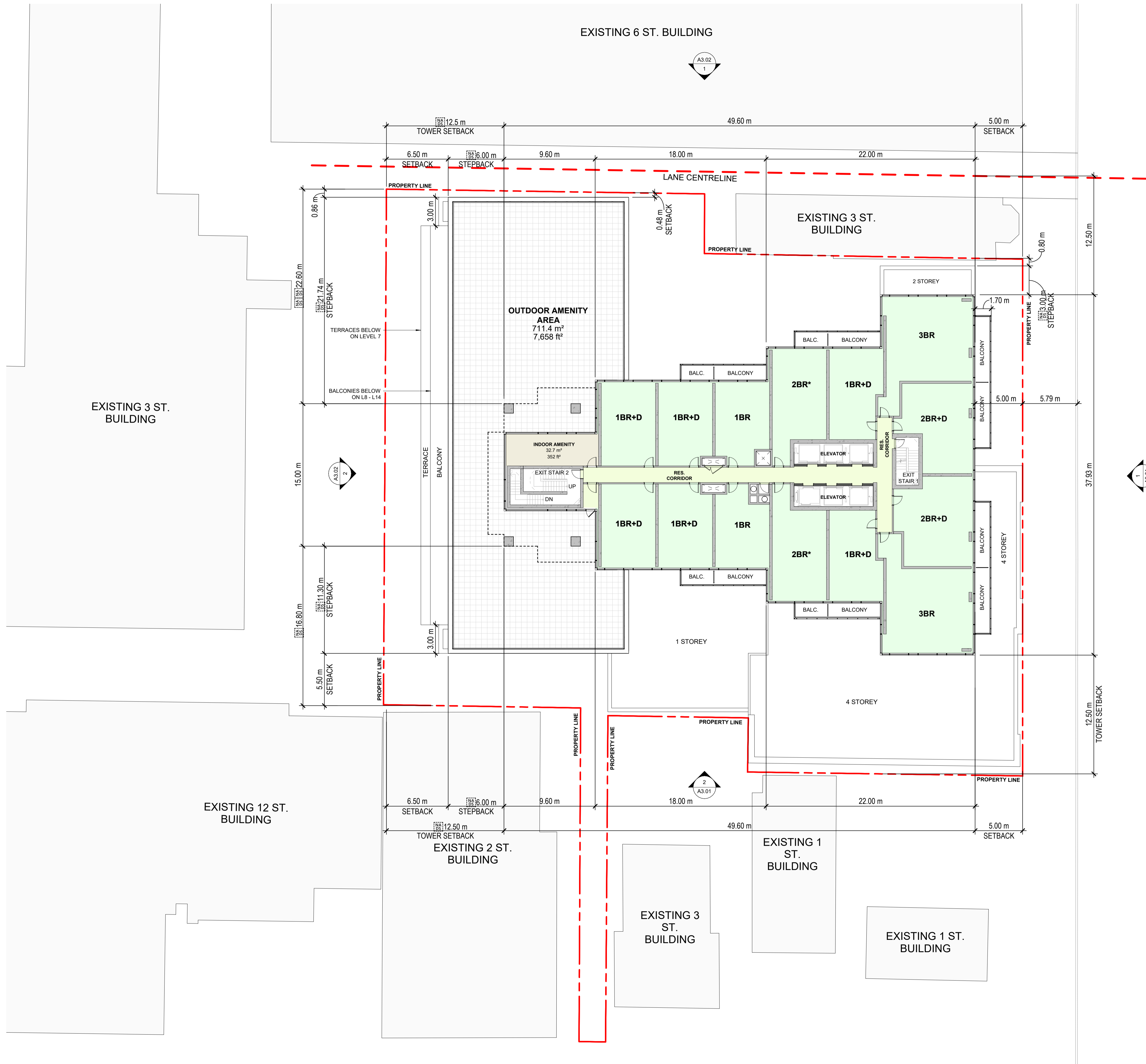
21-18 Project No.

Date

Drawing No.

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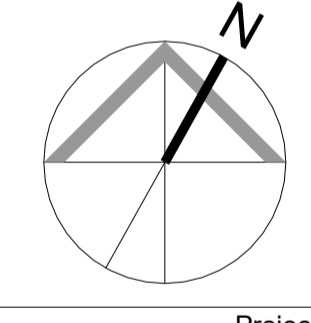
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40-62 Spadina

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 Client  
 Forty - Six Spadina Ave.  
 Limited & Capitol Buildings  
 Properties Inc.

Drawing Title

LEVEL 15 FLOOR PLAN

1 : 200 Scale

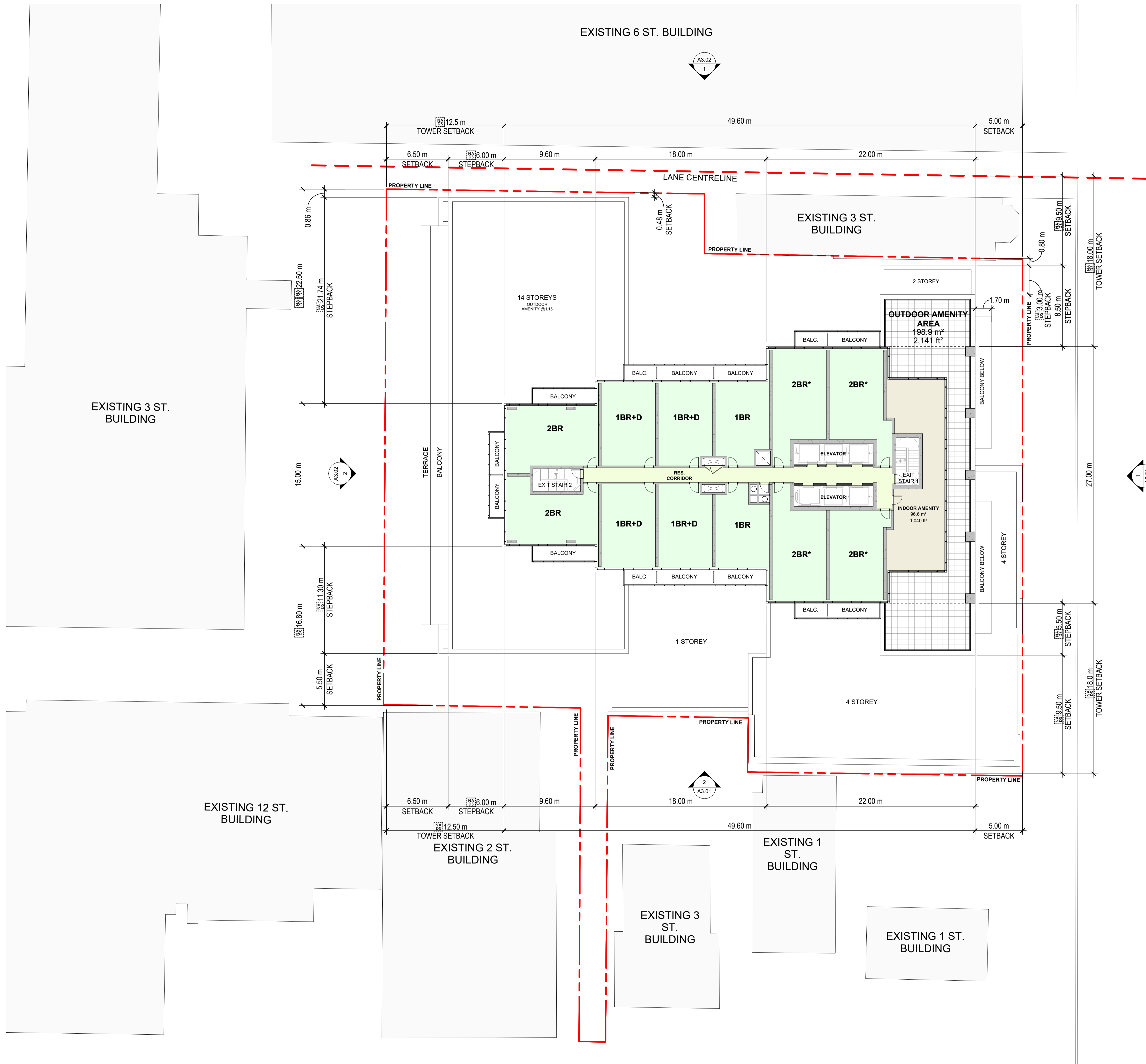
21-18 Project No.

Date

Drawing No.

**A2.13**

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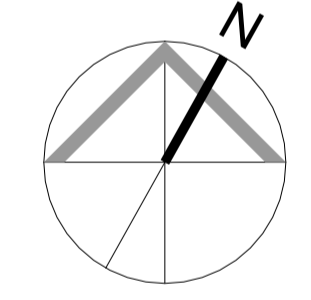


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Project

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Drawing Title

**LEVEL 16 FLOOR PLAN**

1 : 200 Scale

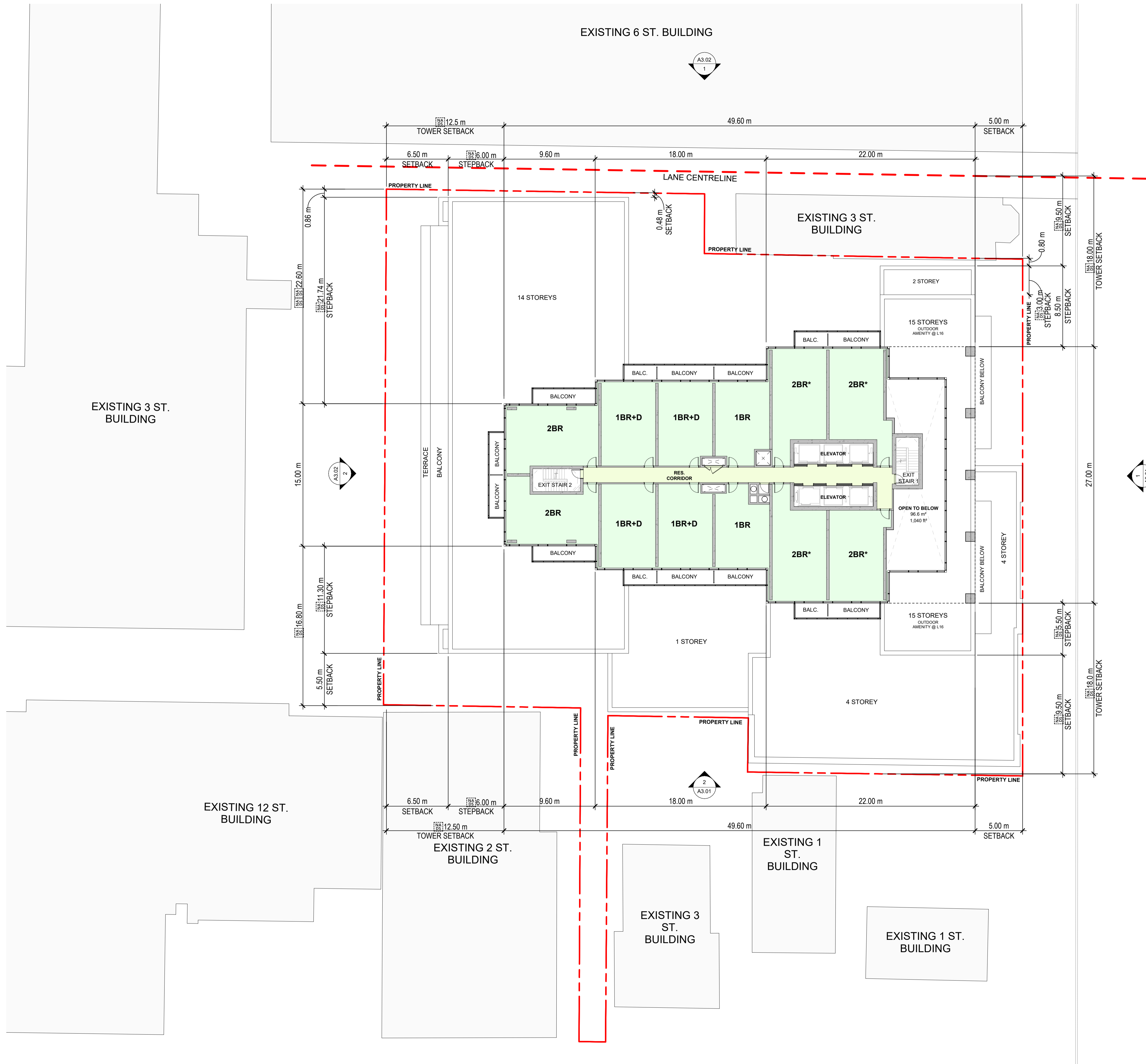
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Date

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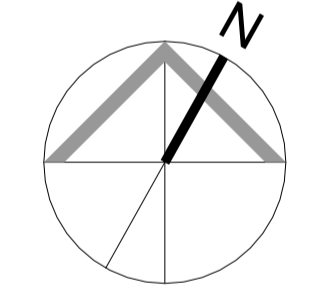


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Project

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46-60 Spadina Ave. Client

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 Properties Inc.

Drawing Title

**LEVEL 17 FLOOR PLAN**

1 : 200 Scale

21-18 Project No.

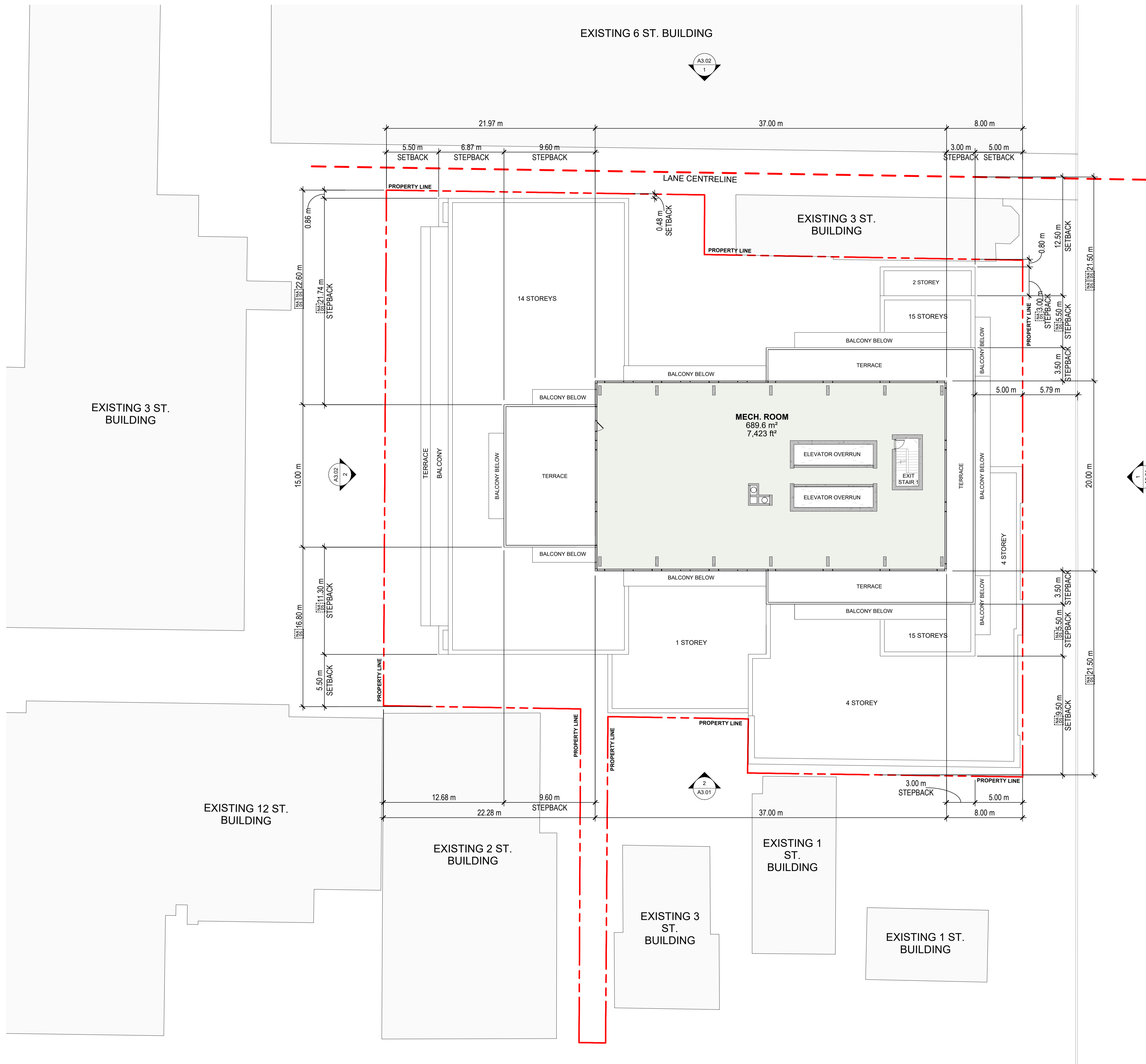
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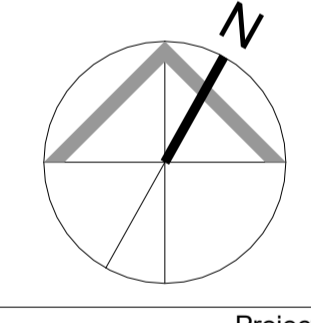




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Project

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 Forty - Six Spadina Ave.  
 Limited & Capitol Buildings  
 Properties Inc.

Drawing Title

**MECHANICAL  
 PENTHOUSE FLOOR  
 PLAN**

Scale

1 : 200

Project No.

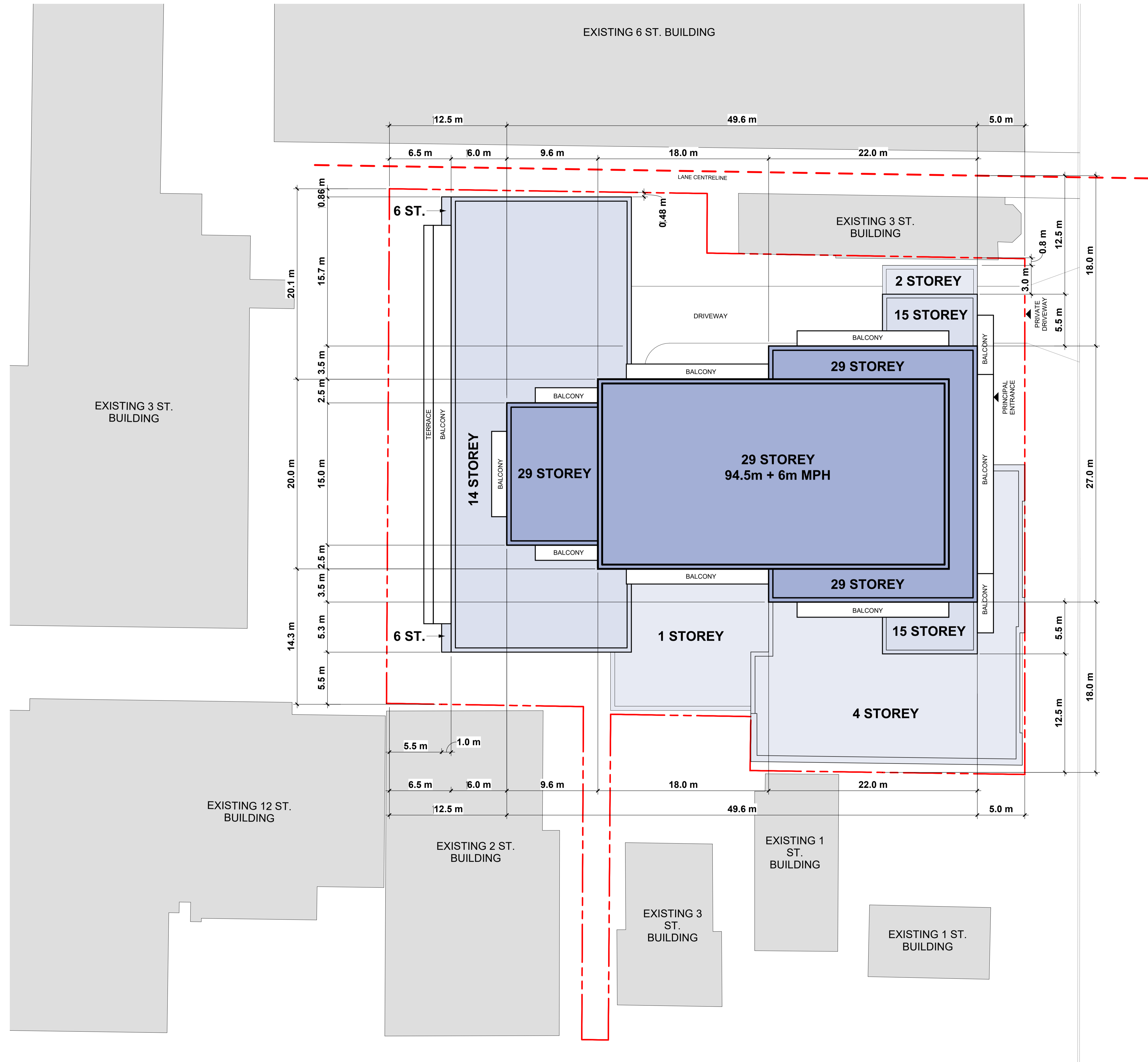
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Date

Drawing No.

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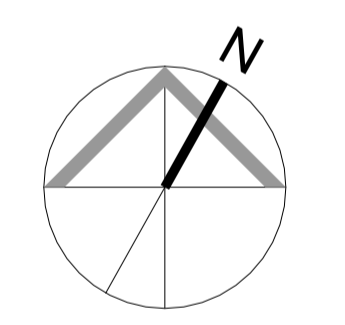


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Project

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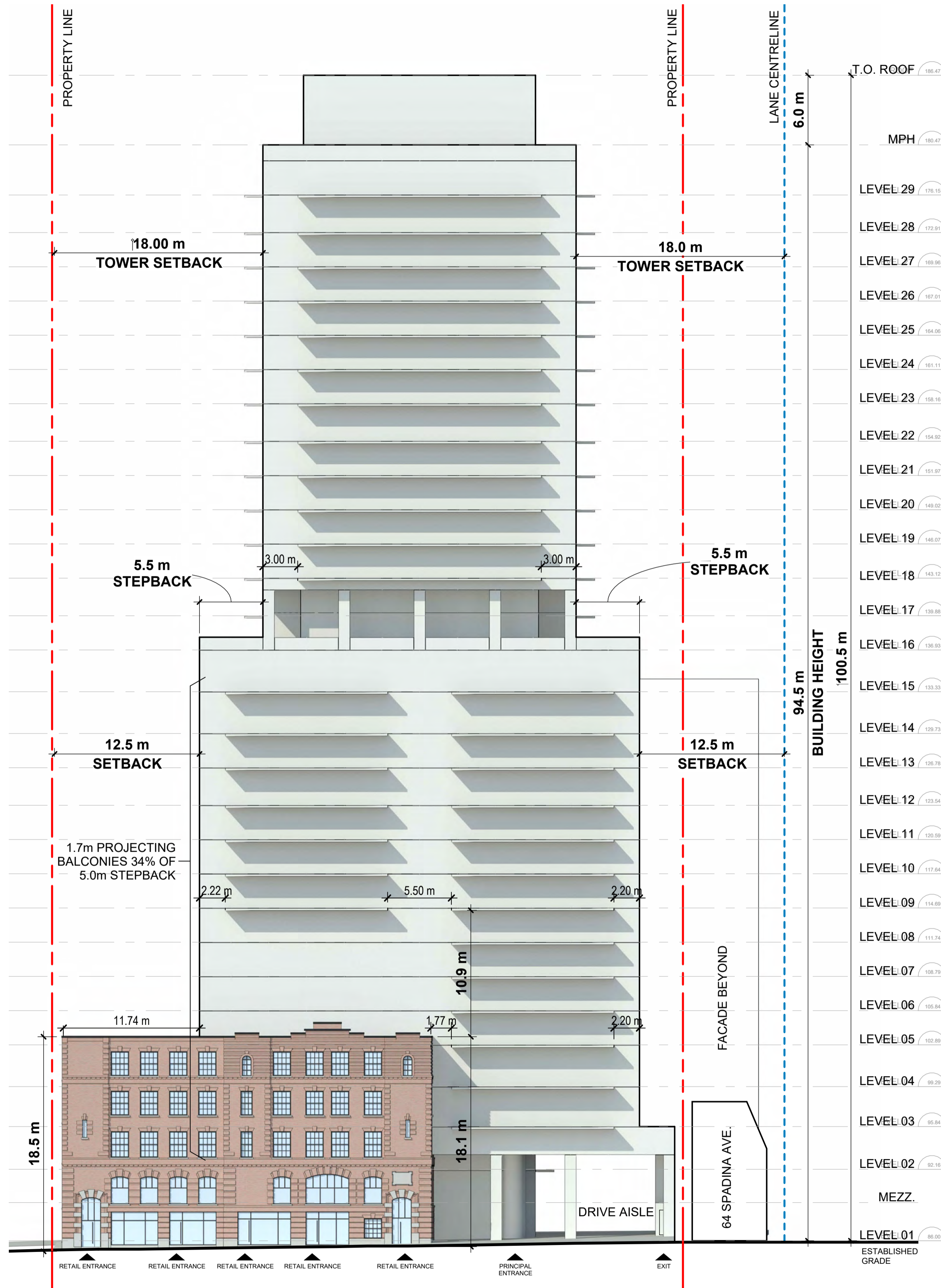
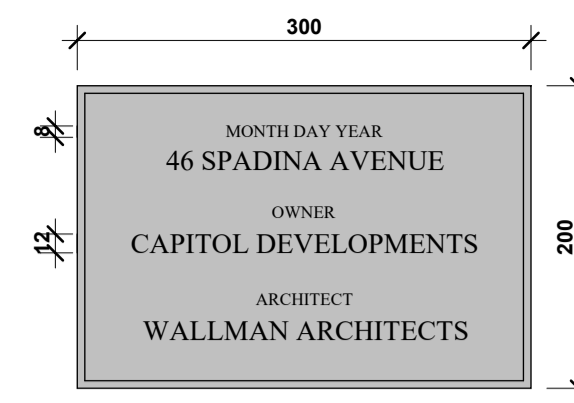
46-60 Spadina Ave.  
 Client  
 Forty - Six Spadina Ave.  
 Limited & Capitol Buildings  
 Properties Inc.

Drawing Title  
**ROOF PLAN & GREEN  
 ROOF DIAGRAM**

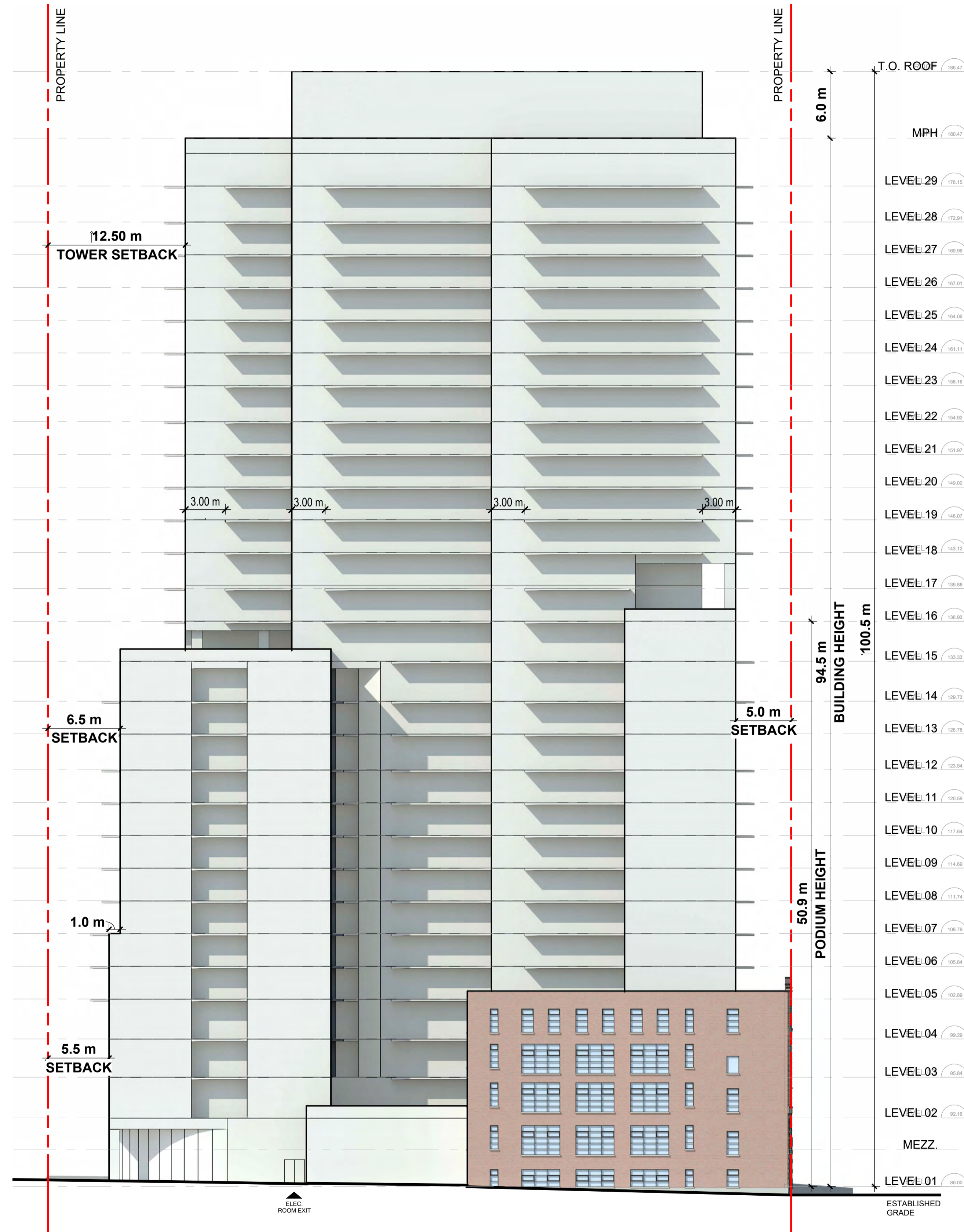
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 Date  
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**A2.18**

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EAST ELEVATION 1  
SCALE: 1 : 250  
A3.01



SOUTH ELEVATION 2  
SCALE: 1 : 250  
A3.01

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Project  
**40-62 Spadina**

Client  
 46-60 Spadina Ave.  
**Forty - Six Spadina Ave. Limited & Capitol Buildings Properties Inc.**

Drawing Title  
**EAST & SOUTH ELEVATION**

1 : 250	Scale
21-18	Project No.
	Date
	Drawing No.

**A3.01**

Plot Date: 2024-02-13 12:00:51 File Path: C:\Users\mwallman\OneDrive - Wallman Architects\Documents\31-18-46 Spadina\_RIT25\_20240213\A3.01.dwg





# **APPENDIX B**



ERA Architects Inc.  
#600-625 Church St  
Toronto ON, M4Y 2G1

**Subject:** HIA ADDENDUM

**Issued To:** Anne Fisher, Program Manager  
Heritage Planning, Urban Design, City Planning, City of Toronto  
anne.fisher@toronto.ca

**Project:** **40-62 Spadina Avenue & 378 Wellington Street West (Project # 21-340)**  
Official Plan and Zoning By-law Amendment Application No. 22 188521 STE 10 OZ

**Prepared by:** AP / DE / CS

**Date Issued:** February 13, 2026

---

### Purpose

This Heritage Impact Assessment (HIA) Addendum has been prepared by ERA Architects Inc. (ERA). It considers the impact of a revised proposal regarding the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications for 40-62 Spadina Avenue and 378 Wellington Street West (the “Site”) in the City of Toronto.

ERA prepared a Heritage Impact Assessment dated July 22, 2022 and revised March 15, 2024; October 29, 2024 (the “2024 HIA”) as part of the OPA and ZBA applications. This HIA Addendum letter is intended to be read in conjunction with the 2024 HIA, and provides an update on design refinements to address City comments as part of an Ontario Land Tribunal settlement agreement.

### Method

ERA has reviewed the architectural drawings prepared by Wallman Architects dated February 13, 2026 (the “Revised Proposal”) in relation to the OPA and ZBA application materials from 2024 (the “2024 Proposal”).

### Revised Development Proposal

ERA has reviewed the proposed design changes and finds that the 2024 HIA is generally reliable for assessing the Revised Proposal. Design updates that are not addressed in the 2024 HIA are addressed in the following sections, which outline potential impact and mitigation measures.

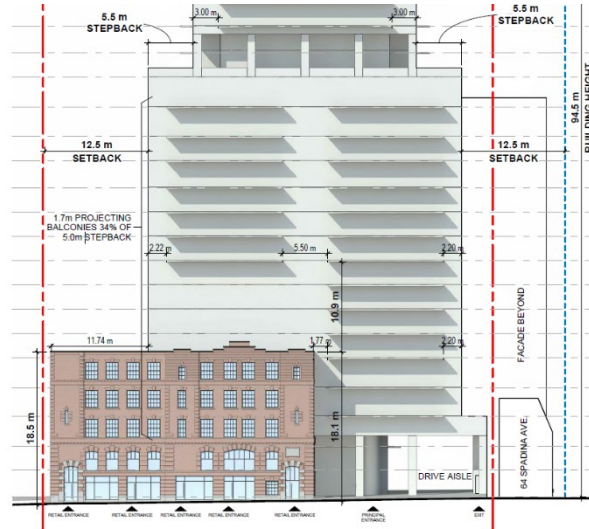
# Confidential Appendix A



ERA Architects Inc.  
#600-625 Church St  
Toronto ON, M4Y 2G1



East elevation – 2024 Proposal



East elevation – Revised Proposal

## Massing

Generally, the massing of the Revised Proposal has been refined to reduce the density fronting onto Spadina Avenue and increase the height of the overall development. The changes to the dimensions of new construction as it relates to the retained heritage elements are outlined below:

### *New Construction Setbacks*

The tower above the heritage facade has been revised to increase setback dimensions as follows:

- The setback from the south property line has been increased from 4.1 metres to 12.5 metres.
- The setback from the east property line has been increased from 4.9 metres at its narrowest point to a consistent 5 metres across the entire length of the setback.

North of the retained elevations, the proposed development has been revised to increase the setback dimensions as follows:

- At the ground floor level, the setback from the east property line has been increased from 4.9 metres to 10 metres.
- Above the ground floor level, the setback from the east property line has been increased from 4.9 metres to 5 metres.

# Confidential Appendix A



ERA Architects Inc.  
#600-625 Church St  
Toronto ON, M4Y 2G1



Rendering – 2024 Proposal



Rendering – Revised Proposal

## Projecting Balconies

The configuration of balconies along the east elevation of the new tower has been revised from inset balconies to projecting balconies. Given that the length of the east elevation behind the heritage facade has been reduced, the units have been reconfigured to maximize the interior floor area of the units while maintaining access to a balcony. The projecting balconies are designed to mitigate potential visual impact on the heritage resource. The design strategy for the balconies aims to provide a zone above and around the east elevation that creates a visual transition and helps reinforce the prominence of the heritage elements. More specifically, the balconies are configured as follows:

- Balconies are divided into two vertical bays that echoes the two architectural bays of the east heritage elevation.
- The length of the balconies is similar in length to the architectural bays of the east heritage elevation.
- The projecting balconies commence 10.9 metres above the top of the east heritage elevation, which is approximately 60% of the height of the east heritage elevation.
- The stepback dimension from the east heritage elevation is 5 metres and the projection of the balconies is limited to 1.7 metres, therefore the balcony projection is less than half of the stepback dimension.
- The balconies will be designed in a manner that does not detract from the east heritage elevation.

### *Additional Consideration*

The 2024 HIA reviews relevant policies and is reliable to that effect. In addition, Heritage Planning staff have requested that as part of the settlement, the following policy included in the King Spadina Heritage Conservation District (KSHCD) Plan is used to assess the projecting balconies above the east heritage elevation. The KSHCD Plan does not define cantilever or projecting balconies.

# Confidential Appendix A



ERA Architects Inc.  
#600-625 Church St  
Toronto ON, M4Y 2G1

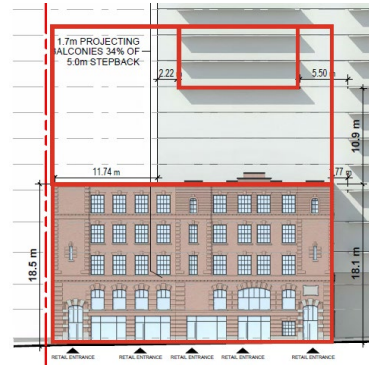
Policy 6.11.7	Response
<p>Cantilevered portions of additions to contributing properties should not be located above any required setback or setback.</p>	<p>Conforms. The proposed development does not contain a cantilevered portion of an addition above the east heritage elevation. Design measures have been utilized to mitigate the potential visual impact of the proposed projecting balconies above the east heritage elevation.</p>
Corresponding Guidelines	Response
<p>(a) If a cantilevered portion of an <i>addition</i> is proposed above a <i>setback</i> and/or <i>setback</i> of a <i>contributing property</i>, the cantilever size, position and design will be determined through its visibility from the <i>public realm</i>, its visual <i>compatibility</i> with the <i>contributing property</i> and:</p>	<p>The proposed development does not contain a cantilevered portion of an addition above the east heritage elevation. The size, position and design of the proposed projecting balconies are visually compatible with the heritage elements on the contributing property. The pedestrian-eye-level view above shows how the visibility of the projecting balconies has been limited by providing a zone without projecting balconies above the east heritage elevation.</p>
<p>i. The depth of the cantilever on any façade (as measured from the relevant façade wall) should generally be half of the required <i>setback</i> and/or <i>setback</i> and consider its relationship to its immediate context;</p>	<p>The proposed development does not contain a cantilever above the east heritage elevation. The setback dimension from the east heritage elevation is 5 metres and the projection of the balconies is limited to 1.7 metres, therefore the balcony projection is less than half of the setback dimension.</p>
<p>ii. The height of any cantilever above the <i>contributing property</i> should generally be greater than the height of the <i>contributing property</i> (as measured to the top of the flat roof or ridge);</p>	<p>The proposed development does not contain a cantilever above the east heritage elevation. The projecting balconies commence 10.9 metres above the top of the east heritage elevation, which is approximately 60% of the height of the east heritage elevation. The design strategy for the balconies aims to provide a zone above and around the east elevation that creates a visual transition and helps reinforce the prominence of the heritage elements.</p>

# Confidential Appendix A



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iii. Regarding *guidelines* i. and ii. above, the extent of cantilever should be informed by the scale of the *primary structure* of the *contributing property* as well as the *addition*;



East elevation – Revised Proposal

The proposed development does not contain a cantilever above the east heritage elevation. The scale of the projecting balconies is compatible with the scale of the east heritage elevation and the new construction. The diagram above outlines the extent of the east heritage elevation and transposes that same outline above the east heritage elevation. The area occupied by the projecting balconies is delineated within that outline and is limited to 16% of the area. Furthermore, the balconies are composed of a platform and guardrail that are less visually intrusive than a projecting solid mass.

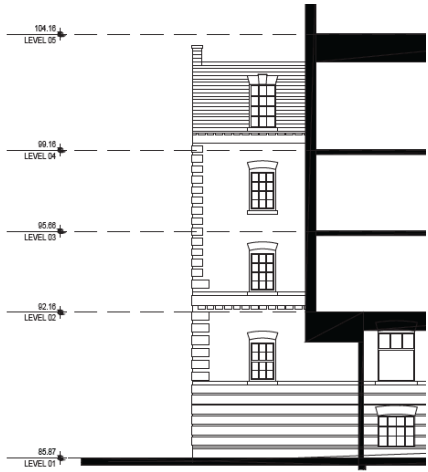
iv. The cantilever is demonstrated, through a Heritage Impact Assessment, to be visually *compatible* with the *contributing property* when viewed from the *public realm*, and any potential visual or physical impact has been appropriately mitigated.

The proposed development does not contain a cantilever above the east heritage elevation. This HIA Addendum describes the rationale and mitigation for the proposed projecting balconies. It demonstrates that the projecting balconies are compatible with the contributing property when viewed from the public realm and potential visual impacts have been mitigated.

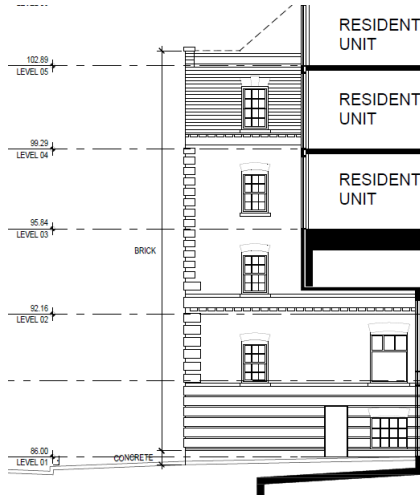
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Section – 2024 Proposal



Section – Revised Proposal

## Reconstructed North Elevation

As noted above, the setback of the new construction north of the retained east heritage elevation has been revised. The setback has been increased, thereby increasing the visibility of the reconstructed north elevation from the public realm. A new egress door has been provided along the reconstructed north elevation for a new exit stair. The scale and proportion of the new opening is consistent with openings along the existing north elevation.

## Assessment of the Revised Proposal

ERA has reviewed the proposed design changes and concludes that the findings of the 2024 HIA are reliable for assessing the current proposal, with additional information provided on the revised massing, projecting balconies, and reconstructed north elevation in this HIA addendum. The proposed development conserves the integrity and identified cultural heritage value, attributes and character of the Site, and meets the intent of the HCD Plan's Statement of Objectives.

# APPENDIX C

Authority: Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-24-000742.

### CITY OF TORONTO

#### BY-LAW XXX

**To adopt Amendment XXX to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2025 as 40-62 Spadina Avenue and 378 Wellington Street West.**

Whereas authority is given to the Ontario Land Tribunal, under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law;

The Official Plan of the City of Toronto, as amended, is further amended by the Ontario Land Tribunal, as follows:

1. The attached Amendment No. ~ to the Official Plan is adopted pursuant to the *Planning Act*, as amended.

Pursuant to Ontario Land Tribunal Decision issued on [date] and Order issued on [date] in Tribunal Case No. OLT-24-000742.

# Confidential Appendix A

City of Toronto By-law No. ~~-2026(OLT)

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## **AMENDMENT NO. ~ TO THE OFFICIAL PLAN**

### **LANDS MUNICIPALLY KNOWN IN THE YEAR 2025 AS 40-62 SPADINA AVENUE AND 378 WELLINGTON STREET WEST.**

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Secondary Plans, Section 41 (Downtown Plan) is amended by amending Map 41-3 by redesignating a portion of the lands municipally known as 40-62 Spadina Avenue and 378 Wellington Street West to the 'Mixed Use Areas 3 – Main Street' designation, as shown on the attached Schedule A.
2. Chapter 6, Secondary Plans, Section 41 (Downtown Plan) is amended by amending Map 41-3B by removing a portion of the lands municipally known as 40-62 Spadina Avenue and 378 Wellington Street West from the 'Mixed Use Areas 2 – Intermediate' designation, as shown on the attached Schedule B.
3. Chapter 6, Secondary Plans, Section 41 (Downtown Plan) is amended by amending Map 41-3C by adding a portion of the lands municipally known as 40-62 Spadina Avenue and 378 Wellington Street West to the 'Mixed Use Areas 3 – Main Street' designation, as shown on the attached Schedule C.
4. Chapter 6, Secondary Plans, Section 16 (King-Spadina Secondary Plan) is amended by amending Map 16-1 to remove the western portion of the lands municipally known as 40-62 Spadina Avenue and 378 Wellington Street West from the West Precinct and to include it within the Spadina Precinct, as shown the attached Schedule D.
5. Chapter 6, Secondary Plans, Section 16 (King-Spadina Secondary Plan) is amended by amending Map 16-2 to redesignate the western portion of the lands municipally known as 40-62 Spadina Avenue and 378 Wellington Street West from *Mixed Use Areas 2* to *Mixed Use Areas 3*, as shown on the attached Schedule E.