

COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A264/21

AGENDA ITEM NUMBER: 10	CITY WARD #: 5
APPLICANT:	Peter and Bessie Lessis
AGENT:	Milenov, Sasha
PROPERTY:	33 Venice Cr, Thornhill
ZONING DESIGNATION:	The subject lands are zoned R3 9(630) and subject to the provisions of Exception under By-law 1-88 as amended and R3 (EN) 377 under By-law 01-2021.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed covered porch/patio to be located in the rear yard.

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:

*Please see **Schedule B** of this report for a copy of Development Planning and Agency correspondence.

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment		\boxtimes		General Comments
Building Standards (Zoning Review)	\boxtimes	\boxtimes		General Comments
Building Inspection (Septic)	\boxtimes			No Comments Recieved to Date
Development Planning	\boxtimes			Application Under Review
Development Engineering		\boxtimes		Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations		\boxtimes		General Comments
By-law & Compliance, Licensing & Permits				No Comments Recieved to Date
Development Finance	\boxtimes			No Comments Recieved to Date
Real Estate				
Fire Department	\boxtimes			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	\boxtimes			No Comments Recieved to Date
Ministry of Transportation (MTO)	\boxtimes			No Comments Recieved to Date
Region of York	\boxtimes	\boxtimes		General Comments
Alectra	\boxtimes	\boxtimes		General Comments
Bell Canada	\boxtimes			No Comments Recieved to Date
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx				
Propane Operator				

PUBLIC & APPLICANT CORRESPONDENCE

*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Arvind Patel	38 Worth Blvd	03/12/22	Letter of Support
Public	Bruno, Olivia and Joanne Montagnese & G. Venditti	22 Venice Cres	03/06/22	Letter of Support
Public	Jan Babins	10 Venice Cres	03/05/22	Letter of Support
Public	Sevhiy Kubay	20 Venice Cres	03/06/22	Letter of Support
Public	Peter Maher	34 Venice Cres	03/06/22	Letter of Support
Public	Iryna Roy	30 Venice Cres	03/06/22	Letter of Support
Public	Sara and Sam Jacob	36 Venice Cres	03/07/22	Letter of Support
Public	Michelle Alber	28 Venice Cres	03/07/22	Letter of Support
Public	Igor Voiteano	24 Venice Cres	03/06/22	Letter of Support
Public	Sarina and Gabe Romano	32 Venice Cres	03/06/22	Letter of Support
Public	Inna Soroteskin	40 Venice Cres	03/13/22	Letter of Support

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see Schedule D for a copy of the Decisions listed below		
File Number	Date of Decision MM/DD/YYYY	Decision Outcome
None		

ADJOURNMENT HISTORY

None

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A264/21

FILE MANAGER: Adriana MacPherson, Administrative Coordinator - Committee of Adjustment

AGENDA ITEM NUMBER: 10	CITY WARD #: 5
APPLICANT:	Peter and Bessie Lessis
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VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed covered porch/patio to be located in the rear yard.

The following variances have been requested from the City's Zoning By-law:

The subject lands are zoned R3 – Residential Zone and subject to the provisions of Exception 9(630) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
1	The rear yard setback shall be a minimum of	To permit a rear yard setback of 5.72m to the
	7.5m. (Schedule A)	unenclosed roof structure.

HEARING INFORMATION

DATE & TIME OF HEARING:Thursday, March 24, 2022 at 6:00 p.m.As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC PARTICIPATION

You can watch a live stream of the hearing at Vaughan.ca/LiveCouncil

If you wish to speak to the Committee of Adjustment on an application please complete and submit a **<u>Request to Speak Form</u>** to <u>cofa@vaughan.ca</u> **by noon** on the last business day prior to the hearing.

Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application must be submitted by **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be emailed to <u>cofa@vaughan.ca</u>

For more information, please visit the City of Vaughan website.

INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider the following:

That the general intent and purpose of the by-law will be maintained.

That the general intent and purpose of the official plan will be maintained.

That the requested variance(s) is/are acceptable for the appropriate development of the subject lands. That the requested variance(s) is/are minor in nature.

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

COMMITTEE OF	ADJUSTMENT COMMENTS	
Date Public Notice Mailed:	March 8, 2022	
Date Applicant Confirmed Posting of Sign:	March 9, 2022	
Applicant Justification for Variances: *As provided by Applicant in Application Form	The rear yard setback of 5.72 metres proposed patio roof as shown on the drawings, encroaches into the requir rear yard setback of 7.5 metres.	submitted permit
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	None	
Was a Zoning Review Waiver (ZRW) Form	submitted by Applicant:	No
*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.		
*A revised submission may be required to addres part of the application review process.	s staff / agency comments received as	
*Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.		
Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice. An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.		
Committee of Adjustment Comments:	None	
Committee of Adjustment Recommended Conditions of Approval:	None	
	ARDS (ZONING) COMMENTS	
Stop work orders and orders to comply: There are no outstanding Orders on file		
Building Permit(s) Issued: Building Permit No. 21-122181 for Shed/Gazebo - Alteration, Issue Date: (Not Yet Issued)		
The proposed covered porch encroaches into the rear yard setback as follows:		
As per 1-88, the required setback is 7.5m and the proposed setback is 5.72m. Proposed porch encroaches the side yard by 1.78m. Similarly, the required setback of porch in R3 zone is 6.0m under By-law 01-2021. Proposed setback is 5.72m. Therefore, the encroachment under this by-law is 0.28m. Additionally, by-law 01-2021 requires a minimum 0.6m setback from property line to the hard landscape. The proposal has 0m setback proposed. The applicant shall be advised that additional		

The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001. Please note as of January 1, 2015 Accessible Parking Spaces are subject to the provisions of Ontario Regulation - O.Reg.413/12, Subsections 80.32 through 80.39, which supersede the current by-law requirements in By-law 1-88 as amended.

variances may be required upon review of detailed drawing for building permit/site plan approval. The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region

Conservation Authority.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.

An A/C unit and/or pool equipment shall be setback a minimum of 1.2 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard. Building Standards Recommended Conditions of Approval:

DEVELOPMEN	IT PLANNING COMMENTS
**See Schedule C for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	Under Review

DEVELOPMENT ENGINEERING COMMENTS

As the proposed covered concrete deck in the subject property is 25.75 m2, the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City's Development Engineering Department. Please note any in ground structure over 10 m2 requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition.

Development	The Owner/applicant shall submit the revised Lot Grading and/or Servicing Plan	
Engineering	to the Development Inspection and Lot Grading division of the City's	
Recommended	Development Engineering Department for final lot grading and/or servicing	
Conditions of	approval prior to any work being undertaken on the property. Please visit or	
Approval:	contact the Development Engineering Department through email at	
	DEPermits@vaughan.ca or visit	
	https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx_	
	to learn how to apply for lot grading and/or servicing approval.	

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Parks: None

Forestry: Forestry has no comment at this time

Please note that Forestry comments do not supersede the requirements of other commenting departments/agencies, including Development Planning with respect to the requirement of an Arborist Report and other tree protection requirements. Arborist Reports and other tree protection requirements may be required by other commenting departments to facilitate the review process of your application for the purpose of finalizing recommendations to the Committee of Adjustment.

Horticulture: None

Parks: None Forestry: None
Horticulture: None

DEVELOPMENT FINANCE COMMENTS

No comment	no co	oncerns
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Development Finance Recommended Conditions of Approval: None

None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

None

BCLPS Recommended Conditions of Approval:

BUILDING INSPECTION (SEPTIC) COMMENTS

None	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS

None	
Fire Department Recommended Conditions of Approval:	None

SCHEDULES TO STAFF REPORT *See Schedule for list of correspondence		
Schedule A	Drawings & Plans Submitted with the Application	
Schedule B Development Planning & Agency Comments		
Schedule C (if required)	Correspondence (Received from Public & Applicant)	
Schedule D (if required)	Previous COA Decisions on the Subject Land	

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval "**if required**". If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

DEPARTMENT / AGENCY

CONDITION(S) DESCRIPTION

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval "**if required**". If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

	sonsent nom the respective department of agency.			
1	Development Planning	Under review		
	roberto.simbana@vaughan.ca			
2	Development Engineering	The Owner/applicant shall submit the revised Lot Grading and/or		
	farzana.khan@vaughan.ca	Servicing Plan to the Development Inspection and Lot Grading division		
		of the City's Development Engineering Department for final lot gradir		
		and/or servicing approval prior to any work being undertaken on the		
		property. Please visit or contact the Development Engineering		
		Department through email at DEPermits@vaughan.ca or visit		
		https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/def		
		ault.aspx to learn how to apply for lot grading and/or servicing approval.		

IMPORTANT INFORMATION – PLEASE READ

CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee's decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City's Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City's Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City's Zoning By-law are not to be considered part of an approval unless specified in the Committee's decision.

DEVELOPMENT CHARGES: That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

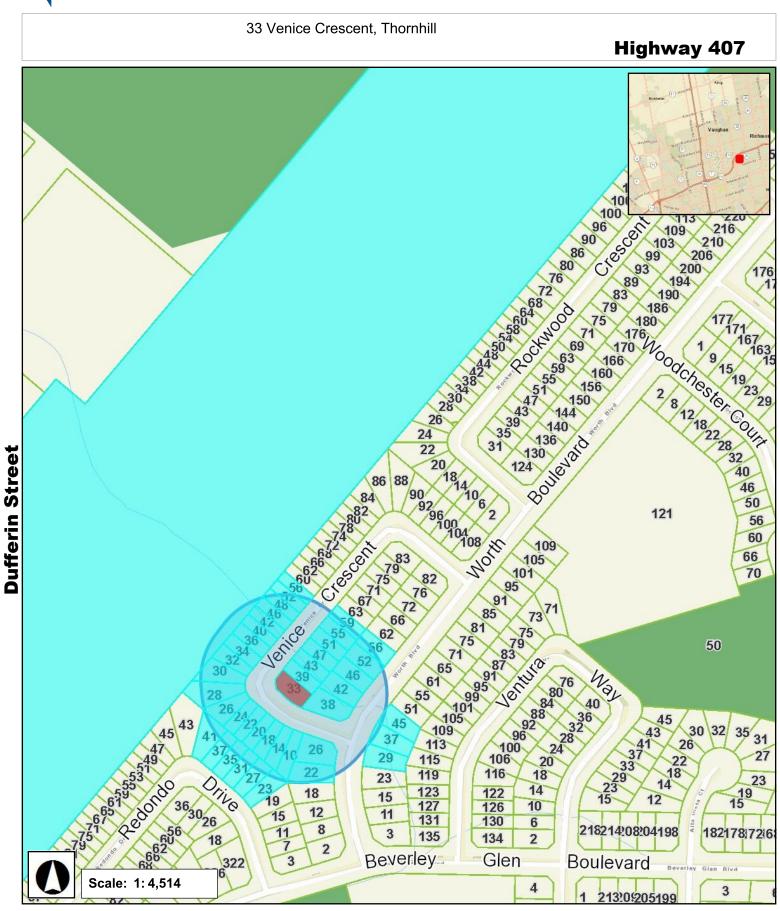
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

SCHEDULE A: DRAWINGS & PLANS

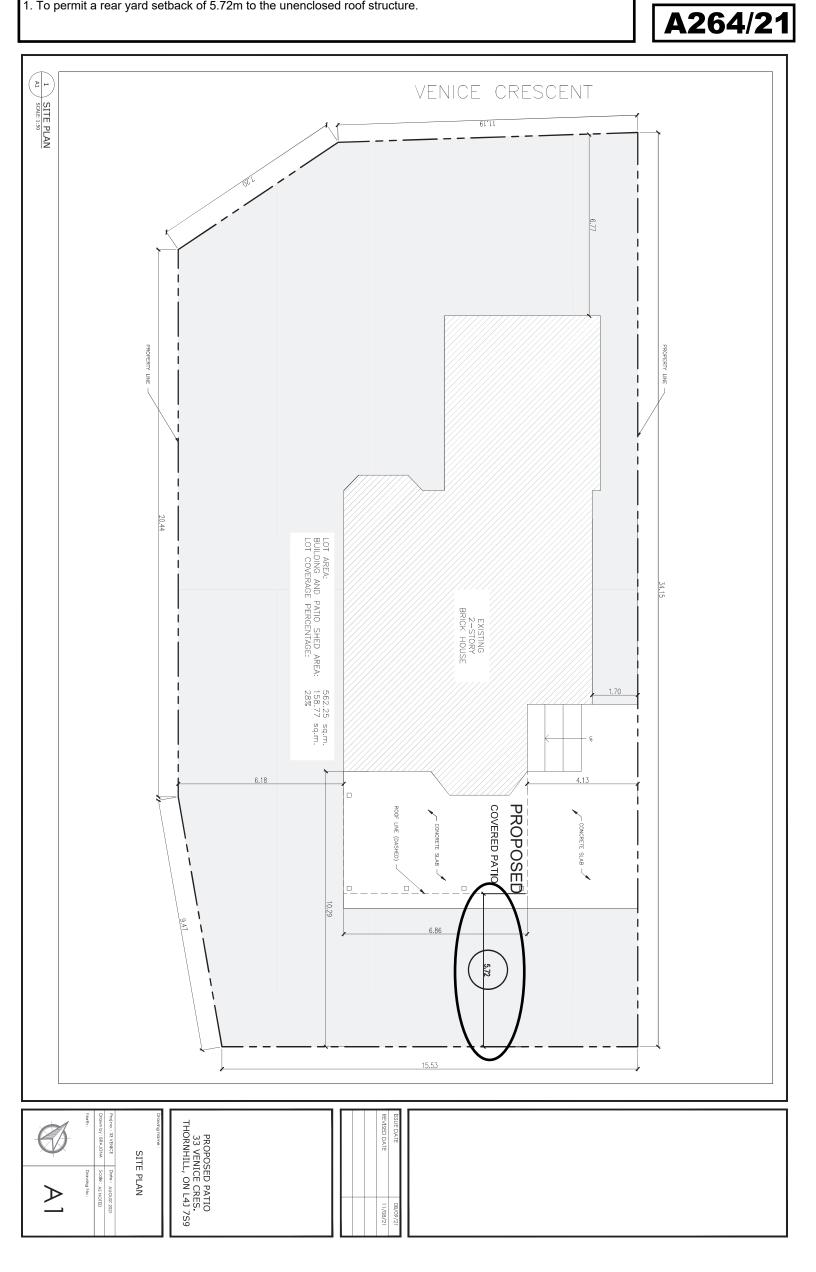


A264/21 - Notification Map



January 25, 2022 12:20 PM





SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA				No Comments Recieved to Date
Ministry of Transportation (MTO)	\boxtimes			No Comments Recieved to Date
Region of York	\boxtimes	\boxtimes		General Comments
Alectra	\boxtimes	\boxtimes		General Comments
Bell Canada	\boxtimes			No Comments Recieved to Date
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx				
Propane Operator				
Development Planning				Application Under Review



COMMENTS:

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We have reviewed the proposed Variance Application and have no comments or objections to its approval.

We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).

We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T Supervisor, Distribution Design, ICI & Layouts (North) *Phone*: 1-877-963-6900 ext. 31297

E-mail: <u>stephen.cranley@alectrautilities.com</u>

Mr. Tony D'Onofrio Supervisor, Subdivisions (Alectra East) *Phone*: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com

Adriana MacPherson

Subject: FW: [External] RE: A264/21 - Request for Comments (33 Venice Crescent, Vaughan)

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: January-13-22 1:29 PM
To: Adriana MacPherson <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A264/21 - Request for Comments (33 Venice Crescent, Vaughan)

Good afternoon Adriana, The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Gabrielle

Gabrielle Hurst mcip rpp | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | <u>gabrielle.hurst@york.ca</u> |<u>www.york.ca</u>

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyy y)	Summary
Public	Arvind Patel	38 Worth Blvd	03/12/22	Letter of Support
Public	Bruno, Olivia and Joanne Montagnese & G. Venditti	22 Venice Cres	03/06/22	Letter of Support
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Public	Igor Voiteano	24 Venice Cres	03/06/22	Letter of Support
Public	Sarina and Gabe Romano	32 Venice Cres	03/06/22	Letter of Support
Public	Inna Soroteskin	40 Venice Cres	03/13/22	Letter of Support

Date: March 12th 2022 Name: ARVIAD. PATEL Address: 38 Worth Blod. Thomaill Onr LHJ 759 ŝ

To: Committee of Adjustment

I would like to express support of my neighbor, Peter and Bessie Lessis's construction of a rear yard covered deck at 33 Venice St. and attest that I have no objection.

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Date: MARCH 6, 2022 Name: BRUNO MONTAGNESE, OLIVIA MONTAGNESE, JOANNE MONTAGNESE, Address: 22 VENICE CR. THORNHILL, ON

File Number: A264/21

To: Committee of Adjustment

I would like to express support of my neighbor, Peter and Bessie Lessis's construction of a rear yard covered deck at 33 Venice St. and attest that I have no objection.

Signature

Mentognese Unico Montagnese Werder-Montagnese

Date: March & Name: Jan Babins Address: 10 Vanice

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To: Committee of Adjustment

I would like to express support of my neighbor, Peter and Bessie Lessis's construction of a rear yard covered deck at 33 Venice St. and attest that I have no objection.

Jan Bahm Signature

Date: 2022-03-06 Name: Serhiy Kubay Address: 20 Venice Crefcent

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To: Committee of Adjustment

I would like to express support of my neighbor, Peter and Bessie Lessis's construction of a rear yard covered deck at 33 Venice St. and attest that I have no objection.

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Date: MACCH 6 Name: PETER MAILER Address: 34 VENICECR Date:

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To: Committee of Adjustment

I would like to express support of my neighbor, Peter and Bessie Lessis's construction of a rear yard covered deck at 33 Venice St. and attest that I have no objection.

Celuc

Date: March 6, 2022 Name: Iryna Roy Address: 30 Venice Cres, Thornhill, ON L41759

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To: Committee of Adjustment

I would like to express support of my neighbor, Peter and Bessie Lessis's construction of a rear yard covered deck at 33 Venice St. and attest that I have no objection.

Signature

Date: SARAÉSAM JACOB Name: MAR 7/2022 Address: 36 VENICE CRI THORNHILL ONT CUJ799

File Number: A264/21

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To: Committee of Adjustment

I would like to express support of my neighbor, Peter and Bessie Lessis's construction of a rear yard covered deck at 33 Venice St. and attest that I have no objection.

S. JACON Signature

MARCH 7/22 Date: Name: MICHELLE ALBER Address: 28 VENICE CRES.

File Number: A264/21

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To: Committee of Adjustment

I would like to express support of my neighbor, Peter and Bessie Lessis's construction of a rear yard covered deck at 33 Venice St. and attest that I have no objection.

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March 06,2022 Date: 1902 Voiteano Name: Address: 24 Venice crescent Vaugher ON 14,1759

File Number: A264/21

To: Committee of Adjustment

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Signature

Date: Name: Sorind & J2022 Address: 32 Venice Cres

File Number: A264/21

To: Committee of Adjustment

I would like to express support of my neighbor, Peter and Bessie Lessis's construction of a rear yard covered deck at 33 Venice St. and attest that I have no objection.

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Date: March 132022 Name: Inna Sorotskin Address: 40 Vehice eves Thornhill

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File Number: A264/21

To: Committee of Adjustment

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Signature