



File: A116/19

Applicant: Lousia Benoliel-Benitah

Address: 2 Forest Lane Drive, Thornhill

Agent: Paul Guest

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

Adjournment History: Dec 12/19, Jan 16/20

Background History: None



Minor Variance
Application

Agenda Item: 14

A116/19

Ward: 5

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date of Hearing: Thursday, February 6, 2020

Applicant: Lousia Benoliel-Benitah

Agent: Paul Guest

Property: 2 Forest Lane Drive, Thornhill

Zoning: The subject lands are zoned R3 Residential Zone Three, and subject to the provisions of Exception No. 9(641) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010: Low-rise Residential

Related Files: None

Purpose: Relief from the By-Law is being requested to permit the construction of a proposed inground pool and shed to be located in the exterior side yard.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A minimum of 50% front yard landscaping is required, 60% of which shall be comprised of soft landscaping.	1. To permit a minimum of 45.79% front yard landscaping.
2. The accessory building shall be located in the rear yard only.	2. To permit the accessory structure (shed) not to be located in the rear yard only.
3. A minimum exterior side yard setback of 4.5 metres is required to the accessory structure (shed).	3. To permit a minimum exterior side yard setback of 1.63 metres to the accessory structure (shed).
4. A private swimming pool shall be located entirely in the rear yard.	4. To permit a private swimming pool not to be located entirely in the rear yard.
5. A minimum rear yard setback of 1.5 metres is required to the swimming pool.	5. To permit a minimum rear yard setback of 1.22 metres to the swimming pool.
6. A minimum exterior side yard setback of 4.5 metres is required to the swimming pool.	6. To permit a minimum exterior side yard setback of 3.09 metres to the swimming pool.

Background (previous applications approved by the Committee on the subject land): None

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History:

Hearing Date:	Members Absent from Hearing:	Status of Adjournment: (i.e. date/sine die)	Reason for Adjournment:
Dec 12, 2019	None	Adjourn to Jan 16/2020	To permit time for the applicant to address sightline (fence) concerns with Development Engineering.
Jan 16, 2019	None	Adjourn to Feb 6/2020	To permit time for the applicant to address sightline (fence) concerns with Development Engineering.

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on January 22, 2020

Applicant confirmed posting of signage on January 23, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	Approx 2008
Shed	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): It is a corner lot and there is not enough room behind the house for a pool and a cabana.

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2.

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

Building Inspections (Septic):

No comments or concerns

Development Planning:

Vaughan Official Plan 2010: Low-rise Residential.

The Owner is proposing the construction of a swimming pool and shed in the side yard the Subject Lands which is a corner lot abutting Forest Lane Drive and Concord Road.

The Owner is requesting a minimum front yard landscaping of 45.79% (Variance #1). The proposed variance is existing condition and considered minor in nature.

The Owner is proposing the accessory structure and swimming pool to be located in the rear and exterior yard (Variance #2 and Variance #4), The variance is minor in nature as the lot is a pie shaped corner lot having a large exterior side yard amenity space.

The Owner is proposing an exterior side yard setback of 1.633 metres to the shed (Variance #3), an rear yard setback of 1.222 metres to the swimming pool (Variance #5) and an exterior side yard setback of 3.096 metres to the swimming pool (Variance #6). These variances are considered minor in nature and have been historically supported throughout the neighbourhood.

The Development Engineering Department has reviewed the application and has no concerns with the proposed variance.

The Owner submitted an Arborist Report prepared by Centre Tree Care Ltd on July 24, 2019, and amended August 30, 2019. The Urban Design and Cultural Heritage Division of the Development Planning Department and Parks, Forestry and Horticulture Operations has reviewed the submitted Arborist Report and is satisfied.

The Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the minor variances.

Cultural Heritage (Urban Design):

No Response.

Development Engineering:**December 12, 2019 Comments:**

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply.

The Development Engineering (DE) Department does not object to variance application A116/19 subject to the following conditions:

The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.

January 16, 2020 Comments:

The agent for Minor Variance application A116/19, 2 Forest Lane Drive, has provided an updated site plan to address the sight and safety along concerns along the rear property line adjacent to neighboring property raised during the committee meeting. Development Engineering and Transportation Engineering have reviewed the proposed site plan and have found the site plan to be acceptable and provides adequate sight for the passing of pedestrians on the sidewalk.

January 27, 2020 Comments:

The Development Engineering (DE) Department does not object to variance application A116/19.

As per By-Law 240-99 a By-law to amend City of Vaughan By-Law 80-90, a By-law for prescribing the height and description of lawful fences in the City of Vaughan and for establishing minimum standards for swimming pool fences. A sight triangle must be erected and reviewed by the City of Vaughan Engineering Department.

The Transportation Engineering Department has reviewed the updated site plan submitted December 16, 2019. The applicant has proposed a sight triangle of 3.5m x 6.3m at the north-west corner of the lot which has provided approximately 6m of visibility to approaching vehicles, and more than 3m before reaching the sidewalk which provides more than enough reaction time for vehicles turning out of the driveway to stop.

Typically in the past Development Engineering had requested a 1.5m x 1.5m to provide adequate visibility for similar corner lots. Due to the angle of the road, the applicant has increased the sight triangle to 3.5m x 6.3m to consider the angle of the road in which the Transportation Department has reviewed and provide no more comments.

As a reference Development Engineering Department reviewed a similar existing lot within the area, located at 4 Fairfax Court which is also a corner lot and has provide a sight triangle due to an adjacent driveway of 1.5m x 1.5m.

Photos have been provided in Schedule B for reference.

Parks, Forestry and Horticulture Operations:

No Response.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comment, no concerns

Fire Department:

No comments

Schedule A – Plans & Sketches**Schedule B – Public Correspondence**

December 11, 2019 – Public Correspondence (141, 145 & 149 Concord Rd.)

December 12, 2019 – Public Correspondence (141, 145 & 149 Concord Rd.)

January 16, 2020 – Public Correspondence/Petition (118, 141, 145 Concord Rd.)

January 22, 2020 – Agent Response to Public Correspondence/Petition (January 16, 2020), including rendering of proposed fence and updated site plan.

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

Schedule D: Previous Approvals (Notice of Decision)

None

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers 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.

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:

	Department/Agency	Condition
1	Development Engineering Jason Pham 905-832-8585 x 8716 Jason.pham@vaughan.ca	The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.

Please Note:

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

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. 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.

Notice to the Applicant – 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 to Public

WRITTEN SUBMISSIONS: 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. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information 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.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) 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.

For further information please contact the City of Vaughan, Committee of Adjustment

Adriana MacPherson

T 905 832 8585 Extension 8360

E CofA@vaughan.ca

Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

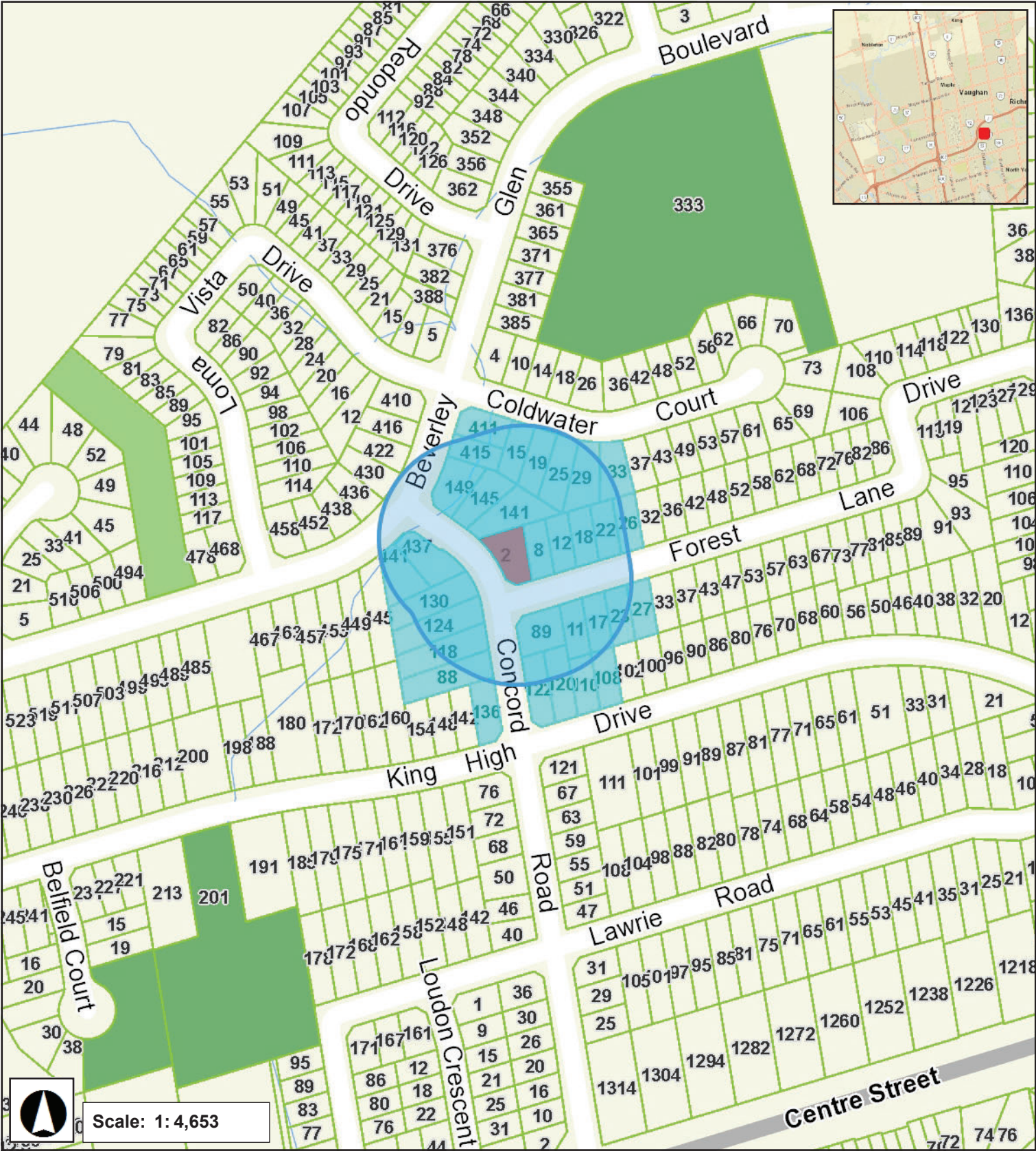
Location Map
Sketches



LOCATION MAP = A116/19

2 FOREST LANE DRIVE, THORNHILL

Highway 7



Committee of Adjustment

5688 Main Street, Box 760, Stouffville, Ontario, L4A 7Z9

Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

December 11, 2019 – Public Correspondence (141, 145 & 149 Concord Rd.)

December 12, 2019 – Public Correspondence (141, 145 & 149 Concord Rd.)

January 16, 2020 – Public Correspondence/Petition (118, 141, 145 Concord Rd.)

January 22, 2020 – Agent Response to Public Correspondence/Petition (January 16, 2020), including rendering of proposed fence and updated site plan.

RECEIVED

December 11, 2019

Committee of Adjustment

WRITTEN SUBMISSION DIRECTED TO CITY OF VAUGHAN, COMMITTEE OF A

To: **All members of Committee of Adjustment City of Vaughan, (CofA@vaughan.ca)**

Alan Shefman, Ward 5 Councillor, (alan.shefman@vaughan.ca)

Christine Vigneault (Mgr, Dev. Services & Secretary Treasurer to CofA),
(christine.vigneault@vaughan.ca)

From: **Property Owners of municipal addresses 141 concord rd., 145 concord rd., 149 concord rd., Thornhill ON. L4J 7S2**

Olton Hysenbegas, Selda Hysenbegas,

Arion Hysenbegas, Vjollca Starova

Ted Szilagy, Robyn Szilagy

Subject: **Committee of Adjustment, Dec. 12, 2019, regarding application A116/19**

Request to adjust & modify design/sketch for application A116/19, to mitigate safety risk

Date: **December 10, 2019**

We, support the application A116/19 submitted by owner of 2 forest lane drive to build a pool in their property in compliance with city of Vaughan bylaws. Any investment that is made in increasing value of neighborhood properties is supported and welcome. The benefit of the project is that it appears owners of 2 forest lane will as well cut among others, a tall tree in particular located in the back yard of 2 forest line drive and south side of 141 concord rd which poses risk to both homes mentioned above, in case that tree falls. (Picture provided as appendix for reference).

Background: Traffic on concord rd. is very heavy. There is one stop sign on forest lane drive and no stop sign at intersection forest lane drive & concord rd. and one speed bump on Concord rd.; and despite this, cars speed up and have caused accidents in the past on concord rd. in front of 141 and 145 concord rd. properties. This is due to heavy traffic and the way the concord road is built which involves a curve at intersection forest lane drive and concord before the intersection with Beverly Glenn Blvd.

In the current or as is state, the concord rd. curve represents a blind spot for owners of these properties and drivers who cannot see incoming or outgoing traffic on concord rd. View is currently also blurred by cars parked on concord road (picture provided as appendix/reference). Most residents park their cars and back out from their driveway; as it is it is very difficult at times to park in the owner driveway or get out of the driveway.

The way homes are built on concord rd. and the concord rd. curve provides currently a limited line of sight, however with application A116/19 that line of sight will be obstructed either completely or partially.

Implications/Risk identified in current sketch submitted with Application A116/19: The proposed sketch to build the pool on the side of 2 forest line property, which includes also one upper and one lower patio, in addition to the patio build along the whole (most) of backyard of 2 forest lane ensures a

unobstructed view for 2 forest lane drive property, both sides of driveway. The proposed pool for 2 forest line is proposed to be built on the side of 2 front lane drive property which corresponds to the front lawns/yards of all concord properties; in particular of concord rd. (141, 145, 149) impacted properties. This poses a **safety concern because it obstructs line of sight & view for those properties/owners** because the pool requires an enclosure to be built, which is also shown in the sketch submitted. Fence around the proposed pool and proposed patios as per bylaw will have to be a private fence, and 4 feet to 6 feet tall.

The proposed sketch/design and enclosure required by by law will block/obstruct line of sight completely for 141 concord residents/owners as they drive in or out of their home and has some significant sight blocking/obstructed view for 145 Concord and 149 Concord rd. residents/owners which as a result will increase likelihood of more accidents that could involve beside cars, pedestrians walking on the sidewalk that cannot be seen, cars driving on concord rd., kids going to school et. In addition, because of elevation the fence in some areas will be higher than 4-6 feet. This will not allow for 141,145,149 concord residents to enjoy their property. If design and sketch is left unchanged the city it is assumed takes the responsibility for the damages, accidents and liabilities.

Sight distance triangle for 2 forest lane applies to 141 and 144 and 149 Concord rd. owners/residents and incoming and outgoing traffic from the curve of Concord rd. to Beverly Glenn Blvd. As an example, 145 concord has complied to the line of sight distance triangle allowing for all homes on concord rd. and Beverly Glenn to have a clear line of sight of both roads.

Observation: The area has a lot of young children and kids that walk on sidewalk to go to school and/or come back from school home, sidewalk is used by concord and other street residents to walk dogs, just walk in the neighborhood and this zoning change impacts safety of our kids, residents of this area and poses a safety risk that city of Vaughan should consider seriously when a decision is made.

Objecting current sketch / design and requesting that owner redesigns the sketch/design in a different way to mitigate safety risk and considering line of sight distance triangle for 141, 145 and 149 concord rd. properties from concord rd. curve (as outlined in the attached marked in red outline) to Beverly Glenn Blvd and forest lane residents stopping at stop sign at forest lane and concord intersection.

We support the project as mentioned with the condition the new sketch/design to allow for clear line of sight and unobstructed view from the curve of concord rd. to the driveways of 141, 145 and 149 concord road and Beverly Glenn Blvd. as marked in red color on the proposed sketch/design.

Best regards,

Request includes the following attachments:

- 1. Unobstructed view triangle to be considered in the new design***
- 2. Enclosed and with this email is the request for sending us the decision in writing to owners of 141, 145 and 149 Concord Rd***
- 3. Pictures outlined in the above request showing tree, cars parked and traffic***
- 4. Short videos outlining current heavy traffic on Concord rd.***

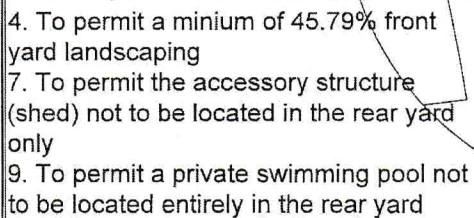








A116119



5688 Main Street, Box 760, Stouffville, Ontario, L4A 7Z9

Vigneault, Christine

From: Olton Hysenbegas [REDACTED]
Sent: Thursday, December 12, 2019 8:38 PM
To: [REDACTED]
Subject: As per committee of adjustment hearing of Dec. 12, 2019 at 6pm , re: Application 116/19
Attachments: To ensure unobstructed view line marked in red to be considered as red line in new design.pdf

Dear Committee of Adjustment (CoA) chair and CoA members, Mr. Shefman, Ms. Vigneault and Ms. MacPherson and Thornhill / Concord Rd neighbors,

Was able to attend today's CoA committee hearing on your behalf and as per written submission letter did outline the concerns about safety and enjoyment of our properties, relating to application A116/19.

Want to thank the CoA and City of Vaughan development engineering for adding the new condition to application A116/19 for clear line of sight triangle for 141 concord rd, 145 concord rd and 149 concord rd. in accordance with fence by law 80-90 & property standards by law 231-2011 and consideration for clear traffic circulation.

The new condition from development engineering is to address the safety issue raised due to obstruction of view / line of sight from the concord rd curve to 141, 145 and 149 concord rd properties and allow us to continue to enjoy our properties. Pointed out that what shows on paper and what is in the on site there are 2 different things. The current (As is state of concord) zoning and planning allows clean line of sight. The change for this may be small as an adjustment when looking at numbers, however the impact to safety and enjoyment of our property is significant and major and that is the reason why the Mr. Shefman is notified.

The minutes of today's CoA hearing and decision will be sent to us, as requested, however what was requested and heard approval from committee, the next steps are:

1. the development engineering representative/engineer meets with us in person to see on site the line of sight violation of the current design and/or small triangle adjustment shown during the meeting today - both are unacceptable.
2. the development engineering to work with the 2 forest lane drive owner and pool/landscaping company to ensure the new design complies to the fence and clear line of sight triangle, clear traffic by law, property standards by law etc. The new changed/modified design draft when submitted should be reviewed by us, property owners of concord properties, before being approved and/or permit to be issued.
3. as outlined in the written submission the triangle below the red line in the current design to be free and unobstructed view.
4. another visual for the clear line of sight triangle from the picture done onsite, refers to the attached picture which was shown in the hearing and attached to this note. As per picture attached the clear triangle is from the tree in the corner left of the picture to the concord rd curve (centre of the picture).

Ms. Vigneault and Ms. MacPherson, and CoA members, want to thank you for the opportunity to present to the committee.

Kindly requesting on behalf of us residents/owners of Concord Rd.:

- A) please pass this email to development engineering and copy us when done and
- B) add this email to the file/documentation for application A116/19.
- C) please arrange or provide a contact so we have a date and time when the development engineering engineer will come on site so we can show the line of sight triangle, traffic clearance etc so the new design when is reviewed by engineering considers the details from the .

Looking forward to hearing from you.

Catching the opportunity to wish everyone season greetings!

Best regards,

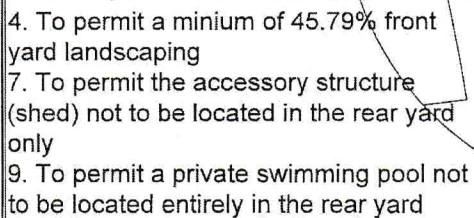
On Wednesday, December 11, 2019, 03:46:25 p.m. EST, Olton Hysenbegas <oltonh@yahoo.com> wrote:

Dear Committee of Adjustment members, Mr. Shefman, Christine,

Please find attached our written request requesting modification to the sketch/design to mitigate safety risk outlined in the artifact below, the red line and request to be notified of decision. Submitting this before 4pm today as requested.

I will send in a separate email the pictures in a separate email.

A116119



5688 Main Street, Box 760, Stouffville, Ontario, L4A 7Z9

RECEIVED

January 16, 2020
Committee of Adjustment

Request/Petition

To: The City of Vaughan re: application A116/19,
Vaughan Committee of Adjustment

Date: Jan. 16, 2020

From: Residents of Thornhill, neighborhood - Concord Rd, Forest Lane Drive that support this request

We support the application A116/19 submitted by owner of 2 forest lane drive as long as it complies with city of Vaughan bylaws and addresses neighborhood residents/community concerns. Any investment that is made in increasing value of neighborhood properties, is supported and welcome. We are looking for a win-win solution. This additional effort is forward looking and as we work as a community together is to support our neighbor so no issues raised later.

We want to catch to opportunity to thank the city of Vaughan engineering for adding the condition for clear sight triangle & the CofA, chair and all members of the committee of adjustment for agreeing and for requesting the new design to be presented again to the committee on Jan. 2020 to comply with bylaw.

As a fast follow request to the written submission sent to the city of Vaughan, Committee of Adjustment on December 10, 2019, we residents impacted by application 116/19, request the city of Vaughan and Committee of Adjustment as it reviews exceptions to bylaws for application A116/19 to consider the below before making a decision.

1. By laws are to protect citizens. The adjustments, variations look small from a numbers perspective alone and that perhaps is considered minor adjustment, however the **impacts to the neighborhood and in particular to 141, 145, 149 Concord rd. properties/residences are significant.**
 - a. Looking at just numbers doesn't give the full picture; looking at the qualitative items will allow for the right decision that is win-win for all to be made.
 - b. We understand our right as per the property standards by law 231, that because changes are asked, if it is not in our community interest, we may not permit.
2. The original approved zoning and planning for the area and in particular for this corner property (2 forest lane) as approved (current state) allows for somehow unobstructed view of Concord rd. maintaining the green and open front and side/external yard.
 - a. However, because of concord rd. curve, elevation, grading and properties listed above, grading and elevation it's been accidents in the past that we as residents are aware of. **With this proposal the view will be further obstructed to a point that is just to wait for more accidents to happen, resulting in further endangering residents in the area.**
 - b. **No changes to zoning and planning in the past 30 years for 141 & 145, 149 concord and no changes to zoning and planning for 2 forest lane for the past 22 years.**
3. Is the adjustment minor when the pool is built on the side/exterior side of the yard (most of it), instead of what is specified in the zoning bylaw it states that a " pool is a must that the pool must be built in the rear yard onlyPool is required in the rear yard for safety, health and privacy

reasons. Setbacks are set for safety (to ensure if a child gets over the fence will not fall on the pool). Building this to face front yards of properties should not be allowed.

4. The shed as an accessory is to be built only in the rear yard as per bylaw. The exception for this project, outlines it is between back and side however as per bylaw it should be all on the side of the property so adjustment requested to be updated.
5. **The revised design of Dec. 16, 2019, shows a small sight triangle that does not address the safety concern raised by community. As per discussion with engineering on Jan. 15, 2020 there is no standard for this scenario and calculation was done based on people walking on the side walk (method of calculation and criteria not shared).**
 - a. **The scenario described for the proposed triangle does not consider kids using the bike and biking on the side walk, residents jogging or kids running, dogs unleashed, also based on the speed limit on concord rd. and distance from concord to 141 or 145 concord rd. properties the time a car can reach them is between 1-3 seconds.**
 - i. **Without proper and clear sight triangle the community does not feel safe.**
 - ii. **At the absence of a standard for the scenario known scenarios and engineering standard to be applied. The clear triangle is to be set back in 8 meters in the driveway of 141 concord rd. and 12 meters set back on the exterior yard of 2 forest lane drive.**
 - iii. **The sight triangle to be city owned, so that no changes to the triangle will not be allowed to be made by any of the owners in the future. Nothing is to be planted or built in the safety sight triangle (no shrubs, trees, just to be left with grass and to the grade). City to consider and provide relief to 2 forest lane property owner. Proposal shared with Ward 5, councilor Mr. Shefman.**
 - b. **Concord rd. has only side walk on located on the front of 141, 145, 149 concord rd. and exterior yard of 2 forest lane etc. Residents of both sides of concord rd. use the sidewalk, same applies for forest lane drive road.**
6. **The pool company, city engineers and anyone else will only look at this request now, however we residents of the neighborhood will have to live with the safety & risk consequences for as long as we live here, as explained in written submission of Dec. 10, 2019 and reiterated in this request/petition/written submission.**
7. **Our area is "open," or a "residential estate" area. If changes are allowed for this one owner to make changes to the look and feel, green landscaping and openness of the neighborhood, this will be followed by others, affecting property valuation. Many residents now are realizing that this will impact their property value, and are concerned of losing home equity, property value etc. and the city will lose significant income from taxes. Financial implications who will own risk?**
8. **Grading, elevations and drainage system – what considerations are in place? How are risks mitigated?**

9. **Protecting the sidewalk** – what considerations are in place?
10. **What is the purpose of so many exceptions to bylaws for one property & is the list of exceptions complete?**
11. Will an exemption be requested for a fencing?
12. **The parks, bylaw & compliance, TRCA, and Min. of transportation, zoning have not seen this application as per material circulated, what considerations are to be looked at this phase that will address their requirements?**
13. Given that there is a number of mature trees being cut, **as per by law double of that number of trees needs to be planted, so approx. 8 trees?** where are those new trees being planted, location, how tall will it grow? Any shrubs, any cedar trees etc. planned as part of landscaping? Anything else?
14. How high is the **shed in meters (height)?**
15. Where is the **Cabana going to be located?** What is the position, height, width, length?
16. **Where is the pool equipment going to be located?** What is the position, height, width, length?

Because of the size of the pool equipment may make noise and the **assessment for noise to be added to the considerations for this application (dependent on location, size, power).**

17. **Consideration to the correct setbacks for sight triangle as per by law number 240-99** to allow children, pedestrians, and cars traffic sufficient time to see and protect themselves from cars backing out or cars backing out from concord properties driveways and residents/ owners of concord properties above to see children, pedestrians, dogs and car traffic.
 - a. Bylaws that are impacted by this request are fence by law, property standards, clear line of sight, clear traffic circulation /obstruction of view, zoning by law etc.
 - i. Refer to by law, no fence between 141 concord front / driveway is to be allowed.
18. **Our concern is safety for pedestrians, children, dogs and cars walking on the sidewalk and cars driving on concord rd./forest lane dr.**
 - a. **With the original design for this application and modified design/sketches there are serious concerns from a safety standpoint because of obstructed line of sight which will not allow children/pedestrians & cars / traffic to see cars backing out and cars backing out to allow sufficient time to see children, pedestrians and traffic.**
 - b. **Our kids will not enjoy the front yards as they do today when they play in the front yard with their friends basketball or soccer etc.**
 - c. **Already there has been accidents on concord recorded in the past-present.**

19. The many exception to allow this application to proceed will **not allow us to enjoy our properties because we will no longer will feel safe in our properties.**
20. **Third Party Liability litigation/risk: high risk of endangering children's, pedestrians, dogs, cars. Who owns the liability / safety risk given that the safety concerns were raised by the residents and filed with CofA, for December 12, 2019 CofA meeting and resubmitted for Jan. 16, 2020 CofA meeting?**
21. **We as impacted residents advised CofA and agent for 2 forest lane to use the current view that the homes on concord + 2 forest lane and outline how the proposed structures and changes will fit in, including existing chain link fence that is original that should not be touched (original property line set 30 years ago), the new fence, elevation etc...for example helpful to see the decorative tree, basketball net as points of reference etc. for 141 concord etc. to outline where the details will go, difficult to envision with what we have or how it will look from the streets on concord in front of 2 forest lane as 130, 124, 118 concord rd. Updated design to be shared as a 3-dimensional rendering mock up using current neighborhood pictures and concord rd. Meeting to be set up between agent and residents to review updated designs ahead of the Feb. 6, 2020 meeting as agreed.**
22. The city has to apply a consistent standard, approach to all residents and properties. Does the Committee of Adjustment feel this is the case?
23. **We understand the process that after the preliminary approval or denial of the upcoming CofA committee, because of legalities, we as owners will have to agree in writing before the decision is final & binding. This is to avoid issues in the future from arising. What are the timelines/expectations?**

List of owners that support this request/petition:

Arion Hysenbegas – 141 concord rd

Vjollca Hysenbegas – 141 concord rd.

Selda Hysenbegas – 141 concord rd

Olton Hysenbegas – 141 concord rd.

Ted Szilagy – 145 concord rd.

Robyn Szilagy – 145 concord rd.

Anna Brandes – 118 concord rd.

Dov Brandes – 118 concord rd

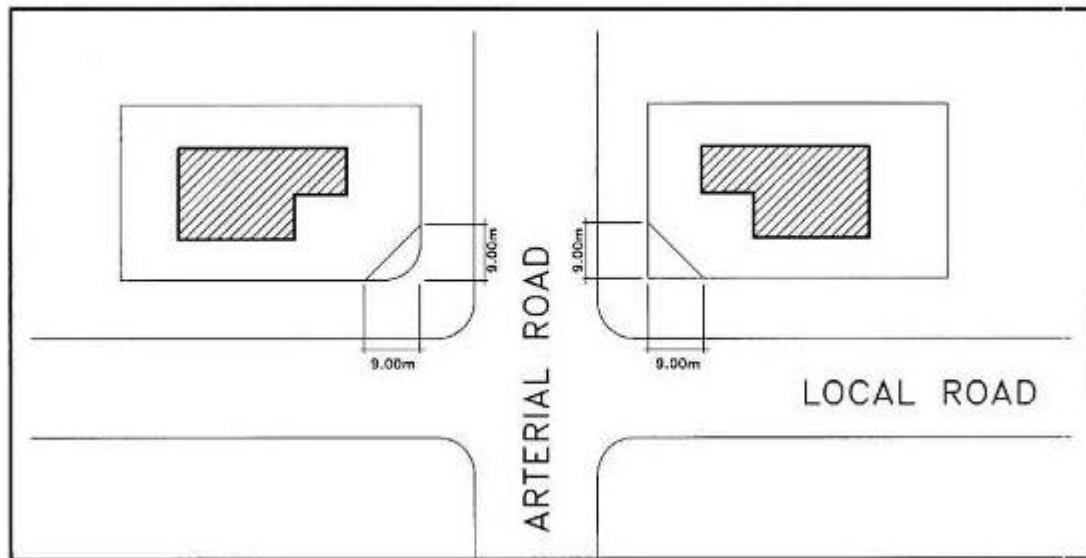
Note there are more owners on Concord rd. and on forest lane that support this petition and have requested to be added if the petition will go to city council.

Appendix A: Sightline obstructions as defined by By-law.

Help keep sightlines clear. It's important that gardens, plants or fences on your property not impede the view of motorists, cyclists and pedestrians in your neighborhood.

Measure the sightline triangle: To find the sightline triangle on your property, start at the corner survey stake. The stake is usually located several feet back from the sidewalk or curb. If you cannot find a stake, check your property survey to locate your property lines.

Corner lots: Measure nine metres (30 feet) from the stake in both directions. The area between these three points is the sightline triangle, and must be kept free of obstructions.



Corner lot sightlines

No fence, shrub or foliage of any kind may exceed 0.8 metres (32 inches) in height as measured from the roadway. This usually means that the height may not exceed 0.66 metres (26 inches) as measured from the ground where the fence, shrub or foliage is located.

Any overhead obstructions, such as tree branches, that are within the sightline triangle and are less than 1.1 metres (3.01 feet) above the ground may need to be trimmed in order to comply with the City's Zoning Bylaw.

Picture 1: (2 forest lane/141/145/149 concord rd)



Picture 2: (4 cold water/385 Beverly Glenn Blvd.) – similar situation no obstruction



Picture 3: 2 forest lane sunk pump water to 141 concord rd.



Picture 3 & 4: 141 concord front lawn and driveway & 2 forest lane side/external yard.



Picture 4 & 5: 141 concord front lawn and driveway & 2 forest lane side/external yard (different view showing slope, grading, elevation etc).



RECEIVED

January 22, 2020

Committee of Adjustment

Request/Petition

**To: The City of Vaughan re: application A116/19,
Vaughan Committee of Adjustment**

Date: Jan. 16, 2020

From: Residents of Thornhill, neighborhood - Concord Rd, Forest Lane Drive that support this request

We support the application A116/19 submitted by owner of 2 forest lane drive as long as it complies with city of Vaughan bylaws and addresses neighborhood residents/community concerns. Any investment that is made in increasing value of neighborhood properties, is supported and welcome. We are looking for a win-win solution. This additional effort is forward looking and as we work as a community together is to support our neighbor so no issues raised later.

We want to catch to opportunity to thank the city of Vaughan engineering for adding the condition for clear sight triangle & the CofA, chair and all members of the committee of adjustment for agreeing and for requesting the new design to be presented again to the committee on Jan. 2020 to comply with bylaw.

As a fast follow request to the written submission sent to the city of Vaughan, Committee of Adjustment on December 10, 2019, we residents impacted by application 116/19, request the city of Vaughan and Committee of Adjustment as it reviews exceptions to bylaws for application A116/19 to consider the below before making a decision.

- By laws are to protect citizens. The adjustments, variations look small from a numbers perspective alone and that perhaps is considered minor adjustment, however the **impacts to the neighborhood and in particular to 141, 145, 149 Concord rd. properties/residences are significant.**
 - Looking at just numbers doesn't give the full picture; looking at the qualitative items will allow for the right decision that is win-win for all to be made.
 - We understand our right as per the property standards by law 231, that because changes are asked, if it is not in our community interest, we may not permit.

The owner would be allowed to erect a fence if a pool or shed was not installed. Fence, of course, would still have to be adjusted for sight lines. Pool and shed are not affecting traffic sightlines.

- The original approved zoning and planning for the area and in particular for this corner property (2 forest lane) as approved (current state) allows for somehow unobstructed view of Concord rd. maintaining the green and open front and side/external yard.
 - However, because of concord rd. curve, elevation, grading and properties listed above, grading and elevation it's been accidents in the past that we as residents are aware of. **With this proposal the view will be further obstructed to a point**

that is just to wait for more accidents to happen, resulting in further endangering residents in the area.

- **No changes to zoning and planning in the past 30 years for 141 & 145, 149 concord and no changes to zoning and planning for 2 forest lane for the past 22 years.**

Grading will not be affected around property line. Engineering at the City verifies grading at time of permit issuance and does not allow any grading changes within 600 mm of property lines.

- Is the adjustment minor when the pool is built on the side/exterior side of the yard (most of it), instead of what is specified in the zoning bylaw it states that a " pool is a must that the pool must be built in the rear yard onlyPool is required in the rear yard for safety, health and privacy reasons. Setbacks are set for safety (to ensure if a child gets over the fence will not fall on the pool). Building this to face front yards of properties should not be allowed.

The variance for the pool is considered minor. Because it is a corner lot the pool needs to be situated in the exterior side yard. The pool enclosure fence will be pool legal at 1.5m to 1.8m in height. This will ensure the rear yard and side yard where the pool is located is safe and private.

- **The shed as an accessory is to be built only in the rear yard as per bylaw.** The exception for this project, outlines it is between back and side however as per bylaw it should be all on the side of the property so adjustment requested to be updated.

The shed is located close to the house and is only 2.5m in height. It will have no effect on the sightline of traffic. The location and setback of the shed has been supported by the City.

- The revised design of Dec. 16, 2019, shows a small sight triangle that does not address the safety concern raised by community. As per discussion with engineering on Jan. 15, 2020 there is no standard for this scenario and calculation was done based on people walking on the side walk (method of calculation and criteria not shared).

- The scenario described for the proposed triangle does not consider kids using the bike and biking on the side walk, residents jogging or kids running, dogs unleashed, also based on the speed limit on concord rd. and distance from concord to 141 or 145 concord rd. properties the time a car can reach them is between 1-3 seconds.

- Without proper and clear sight triangle the community does not feel safe.
- At the absence of a standard for the scenario known scenarios and engineering standard to be applied. **The clear triangle is to be set back in 8 meters in the driveway of 141 concord rd. and 12 meters set back on the exterior yard of 2 forest lane drive.**

- The sight triangle to be city owned, so that no changes to the triangle will not be allowed to be made by any of the owners in the future. Nothing is to be planted or built in the safety sight triangle (no shrubs, trees, just to be left with grass and to the grade). City to consider and provide relief to 2 forest lane property owner. Proposal shared with Ward 5, councilor Mr. Shefman.

- Concord rd. has only side walk on located on the front of 141, 145, 149 concord rd. and exterior yard of 2 forest lane etc. Residents of both sides of concord rd. use the sidewalk, same applies for forest lane drive road.

We have dealt with Jason Pham and Tong Wang at City Engineering and our proposal is acceptable to them from a Traffic and Safety point of view concerning the road and sidewalk.

- The pool company, city engineers and anyone else will only look at this request now, however we residents of the neighborhood will have to live with the safety & risk consequences for as long as we live here, as explained in written submission of Dec. 10, 2019 and reiterated in this request/petition/written submission.

We feel that we have dealt with any safety issues with our revised proposal of the pool fence enclosure and meet requirements from the City concerning the proposed triangle.

- Our area is "open," or a "residential estate" area. If changes are allowed for this one owner to make changes to the look and feel, green landscaping and openness of the neighborhood, this will be followed by others, affecting property valuation. Many residents now are realizing that this will impact their property value, and are concerned of losing home equity, property value etc. and the city will lose significant income from taxes. Financial implications who will own risk?

Each proposal would be considered on an individual basis. This project should not impact property values negatively in any way.

- **Grading, elevations and drainage system** – what considerations are in place? How are risks mitigated?

The City would ensure that our proposed approved grading plan is what is actually built.

- **Protecting the sidewalk** – what considerations are in place?

The sidewalk will be protected during construction and would not be altered in any way. Deposits are put in place and are not released until inspected and approved by the City.

- What is the purpose of so many exceptions to bylaws for one property & is the list of exceptions complete?

Variances are for pool and shed. All variances have been reviewed by the City.

- Will an exemption be requested for a fencing?

A fence exemption is not required. The pool enclosure fence will be built to required City standards.

- The parks, bylaw & compliance, TRCA, and Min. of transportation, zoning have not seen this application as per material circulated, what considerations are to be looked at this phase that will address their requirements?

TRCA is not required. The City circulates to all necessary departments for approval and also verifies TRCA requirements.

- Given that there is a number of mature trees being cut, as per by law double of that number of trees needs to be planted, so approx. 8 trees? where are those new trees being planted, location, how tall will it grow? Any shrubs, any cedar trees etc. planned as part of landscaping? Anything else?

Tree protection and replacements are covered in the arborist report.

- How high is the shed in meters (height)?

The shed is 2.5m in height.

- Where is the Cabana going to be located? What is the position, height, width, length?

The shed is located beside the house and is shown on the site plan. It is 3.658m x 2.733m and is 2.5m in height.

- Where is the pool equipment going to be located? What is the position, height, width, length?

Because of the size of the pool equipment may make noise and the assessment for noise to be added to the considerations for this application (dependent on location, size, power).

The pool equipment will be located in the shed, therefore noise will not be an issue.

- Consideration to the correct setbacks for sight triangle as per by law number 240-99 to allow children, pedestrians, and cars traffic sufficient time to see and protect themselves from cars backing out or cars backing out from concord properties driveways and residents/ owners of concord properties above to see children, pedestrians, dogs and car traffic.

- Bylaws that are impacted by this request are fence by law, property standards, clear line of sight, clear traffic circulation /obstruction of view, zoning by law etc.
 - Refer to by law, no fence between 141 concord front / driveway is to be allowed.

City Engineering Department support our revised fence enclosure at the back of property by 141 Concord Road's driveway.

- Our concern is safety for pedestrians, children, dogs and cars walking on the sidewalk and cars driving on concord rd./forest lane dr.
 - With the original design for this application and modified design/sketches there are serious concerns from a safety standpoint because of obstructed line of sight which will not allow children/pedestrians & cars / traffic to see cars backing out and cars backing out to allow sufficient time to see children, pedestrians and traffic.
 - Our kids will not enjoy the front yards as they do today when they play in the front yard with their friends basketball or soccer etc.
 - Already there has been accidents on concord recorded in the past-present.

The sightlines with the revised plan are appropriate for the sidewalk and road and do not cause any safety issues.

- The many exception to allow this application to proceed will not allow us to enjoy our properties because we will no longer will feel safe in our properties.

The proposed project should not affect enjoyment of property or present any safety issues.

- Third Party Liability litigation/risk: high risk of endangering children's, pedestrians, dogs, cars. Who owns the liability / safety risk given that the safety concerns were raised by the residents and filed with CofA, for December 12, 2019 CofA meeting and resubmitted for Jan. 16, 2020 CofA meeting

We feel safety issues have been addressed and City Engineering supports our proposal for the traffic triangle.

- We as impacted residents advised CofA and agent for 2 forest lane to use the current view that the homes on concord + 2 forest lane and outline how the proposed structures and changes will fit in, including existing chain link fence that is original that should not be touched (original property line set 30 years ago), the new fence, elevation etc...for example helpful to see the decorative tree, basketball net as points of reference etc. for 141 concord etc. to outline where the details will go, difficult to envision with what we have or how it will look from the streets on concord in front of 2 forest lane as 130, 124, 118 concord rd. Updated design to be shared as a 3-dimensional rendering mock up using current neighborhood pictures and concord rd. Meeting to be set up between agent and residents to review updated designs ahead of the Feb. 6, 2020 meeting as agreed.

- The city has to apply a consistent standard, approach to all residents and properties.

Does the Committee of Adjustment feel this is the case?

- **We understand the process that after the preliminary approval or denial of the upcoming CofA committee, because of legalities, we as owners will have to agree in writing before the decision is final & binding. This is to avoid issues in the future from arising. What are the timelines/expectations?**

List of owners that support this request/petition:

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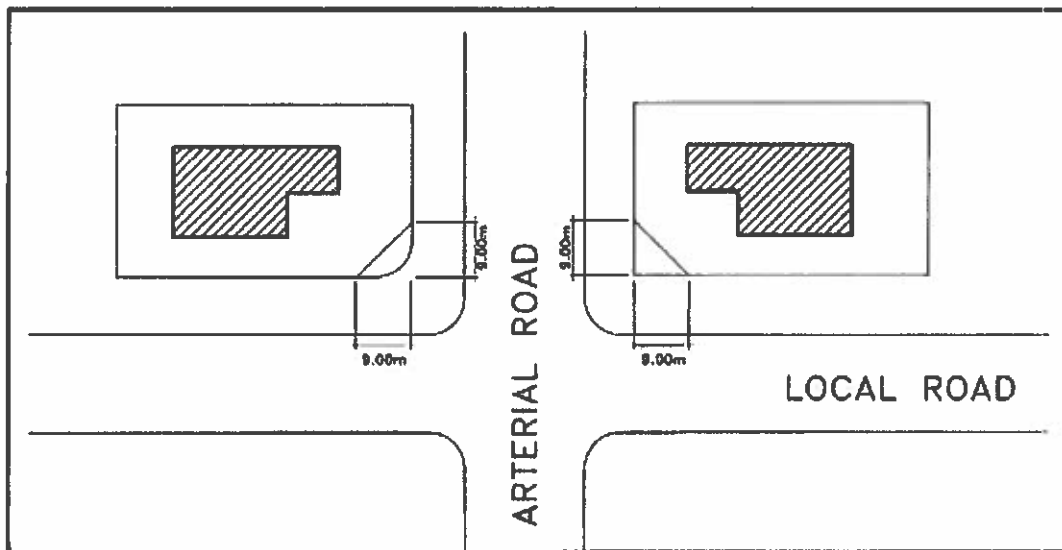
Note there are more owners on Concord rd. and on forest lane that support this petition and have requested to be added if the petition will go to city council.

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Corner lot sightlines

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Picture 3: 2 forest lane sunk pump water to 141 concord rd.



Picture 3 & 4: 141 concord front lawn and driveway & 2 forest lane side/external yard.





Picture 4 & 5: 141 concord front lawn and driveway & 2 forest lane side/external yard (different view showing slope, grading, elevation etc).

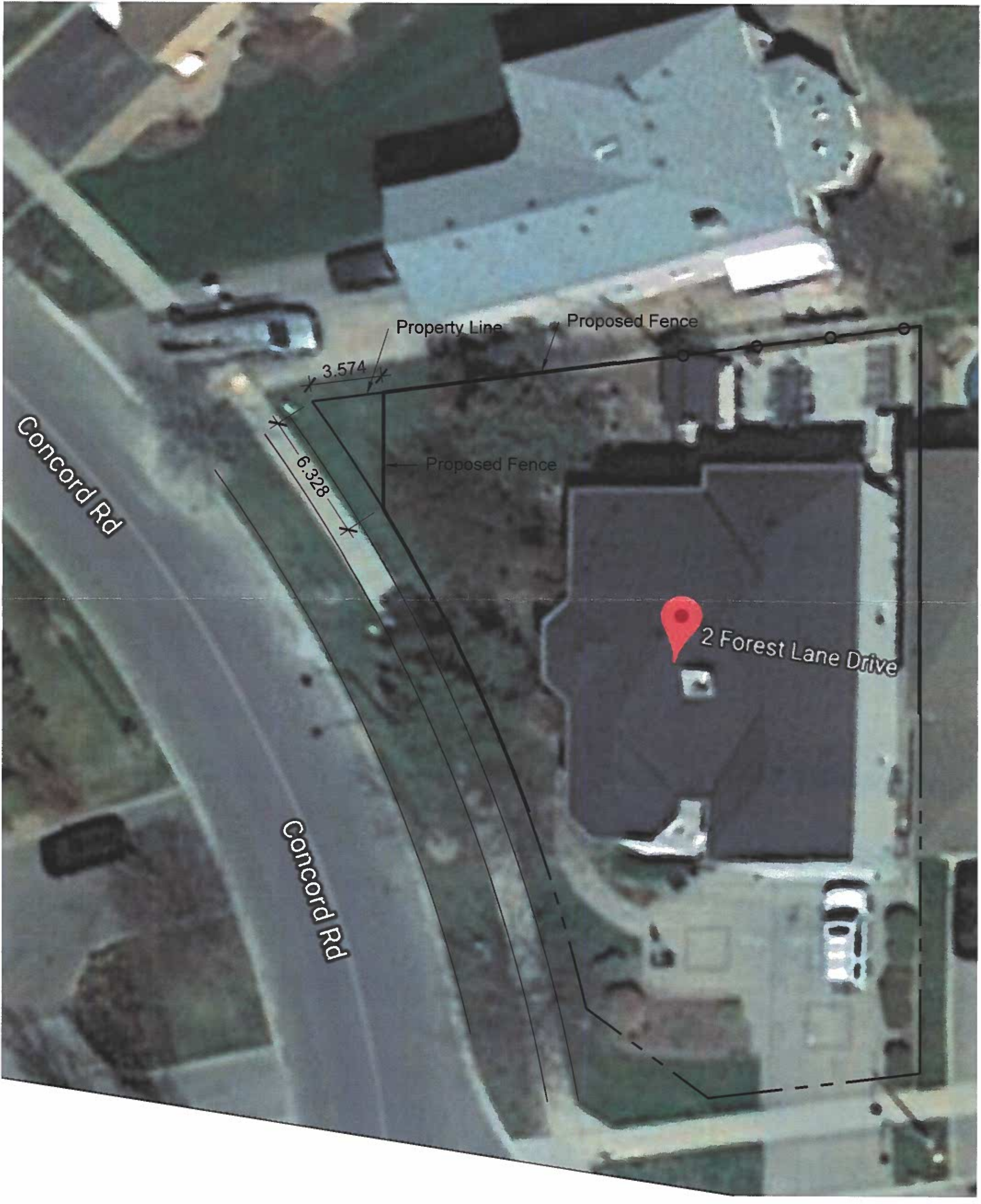




Rendering of proposed fence







Concord Rd

Concord Rd

Property Line

Proposed Fence

Proposed Fence



2 Forest Lane Drive

3.574

6.328

Google Maps 539 Beverley Glen Blvd



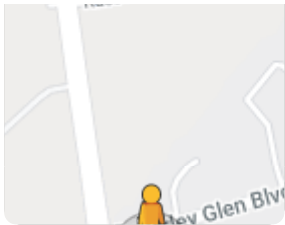
Image capture: Aug 2018 © 2020 Google

Vaughan, Ontario



Street View





Google Maps 550 Beverley Glen Blvd



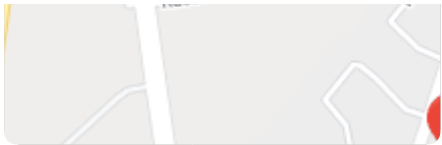
Image capture: Aug 2018 © 2020 Google

Vaughan, Ontario



Street View





Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections



COMMENTS:

☐

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
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Vigneault, Christine

From: Skouros, Julia <Julia.Skouros@york.ca>
Sent: Monday, November 18, 2019 11:05 AM
To: Vigneault, Christine
Subject: (A116/19) MVAR.19.V.0340 - 2 Forest Lane Drive

Hi Christine,

The Regional Municipality of York has completed its review of the above mentioned Minor Variance Application and has no comment.

Should you have any questions or concerns, please contact me using the information provided below.

Best,
Julia Elena

Julia Elena Skouros | Assistant Planner, Community Planning, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 74886 | Julia.Skouros@york.ca | york.ca

Our Mission: **Working together to serve our thriving communities – today and tomorrow**

Attwala, Pravina

Subject: FW: A116/19 - REQUEST FOR COMMENTS

From: Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>
Sent: September-03-19 2:49 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Subject: RE: A116/19 - REQUEST FOR COMMENTS

Hi Pravina,

The MTO has no comments or concerns regarding the subject Minor Variance Application at this time.

Regards,

KEVIN SCHOLZ
Corridor Management Officer | Ministry of Transportation | Central Region | Corridor Management
P: (416) 235-5383 | F: (416) 235-4267 | Kevin.Scholz@Ontario.ca
159 Sir William Hearst Ave. - Building D M3M 0B7