

# Memorandum to the City of Markham Committee of Adjustment

June 7, 2022

**File:** A/045/22  
**Address:** Rustle Woods Avenue, Markham  
**Applicant:** Forest Hill Homes (Eddie Lee)  
**Agent:** Forest Hill Homes (Eddie Lee)  
**Hearing Date:** Wednesday, June 8, 2022

The following comments are provided on behalf of the East Team. The applicant is requesting relief from the following requirements of the "Residential Two\*607 (R2\*607)" zone under By-law 177-96, as amended:

**a) By-law 177-96, Section 7.607.2 m:**

to permit projections of decks and balconies on the first storey above the garage a minimum of 2.10 meters, whereas the By-law requires projections of decks and balconies on the first storey above the garage to be a minimum of 2.59 meters.

As it relates to the deck projections above the garages for a proposed 60 unit townhouse project. This application is related to a Site Plan Control Application (SPC 21 140960) that is being reviewed concurrently.

## **BACKGROUND**

### **Property Description**

The subject lands are located on the south side of Rustle Wood Avenue, west of Cornell Rouge Boulevard and is located in the Cornell community. There is a site plan application currently under review (SPC 21 140960) to construct 60, 3-storey townhouses on the subject lands.

### **Official Plan and Zoning**

2014 Official Plan, as partially approved on November 24, 2017 and further updated on April 9, 2018

The site is designated 'Residential Mid Rise', which provides for townhouses, as well as multiplex buildings containing 3 to 6 units; stacked townhouses, apartment buildings, and buildings associated with day care centres, places of worship and public schools.

The site however, is also within the Cornell Centre Key Development Area. As such, applicable transition policies require that until an updated secondary plan is approved for Cornell Centre, the provisions of the Official Plan (Revised 1987) as amended and, the current Cornell Secondary Plan, shall continue to apply.

### Official Plan (Revised 1987) & 2008 Cornell Secondary Plan (OPA 168)

The site is designated 'Urban Residential' and 'Residential Neighbourhood – Cornell Centre'. As noted, a secondary plan amendment was approved in November 2016 to provide for townhouses on the subject lands having building heights of 3 – 6 storeys and, a minimum Floor Space Index (FSI) of 0.75. The proposed development conforms to the Cornell Secondary Plan.

### Cornell Centre Secondary Plan

The Draft Land Use Concept for Cornell Centre presented to DSC on September 22, 2015 provided a policy framework for a future secondary plan for Cornell Centre, which is currently being finalized by the City's policy section. The draft land use concept affecting the subject lands proposes a 'Residential Mid Rise I' designation. This will provide for townhouses, multiplex buildings containing 3 to 6 units, stacked townhouses and apartment buildings. The draft land use concept affecting the subject lands contemplates building heights of 3 to 6 storeys with a minimum FSI of 0.75. The proposed development conforms to draft land use concept for Cornell Centre.

### Zoning By-Law 177-96

The subject property is zoned "Residential Two \*607 (R2\*607) under By-law 177-96, as amended, which permits townhouse dwellings and includes a site specific exception which includes a minimum deck and balcony projection of 2.59 m. The applicant is requesting a minor variance to reduce this minimum deck and balcony projection to 2.10 m.

### **ZONING PRELIMINARY REVIEW (ZPR) NOT UNDERTAKEN**

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. Staff advise that it is the owner's responsibility to ensure that the application has accurately identified all the variances to the Zoning By-law required for the proposed development. If the variance request in this application contains errors, or if the need for additional variances is identified during the Building Permit review process, further variance application(s) may be required to address the non-compliance.

### **COMMENTS**

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

The applicant had previously submitted a Zoning By-law Amendment and a Site plan application to permit 4-storey townhouses. A site-specific by-law was drafted to permit the previously proposed development, and the site-specific by-law was approved by Council on October 27, 2020. The previous site plan application however, was never approved and therefore, the applicant submitted a new site plan application with a modified proposal, in 2021.

As part of the site plan application review, staff agreed to allow the reduction of the terrace on the first storey above the garage given the total area of amenity spaces provided for each townhouse in combination with the proposed central private amenity area and the proximity to adjacent parks. Staff therefore; support the proposed variance as it is considered minor in nature.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of June, 7, 2022. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

**CONCLUSION**

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

**APPENDICES**

Appendix "A" - Conditions of Approval

Appendix "B" - Plans

PREPARED BY:



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Justin Mott, Planner I, East District

REVIEWED BY:



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Stacia Muradali, Development Manager, East District

**APPENDIX "A"**

**CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/045/22**

1. The variances apply only to the proposed development as long as it remains; and,
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

CONDITONS PREPARED BY:

A handwritten signature in black ink that reads "Justin Mott". The signature is written in a cursive, slightly slanted style.

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Justin Mott, Planner I, East District



**APPENDIX "B"**  
**PLANS TO BE ATTACHED TO ANY APPROVAL OF A/045/22**







PRELIMINARY  
 NOT FOR CONSTRUCTION



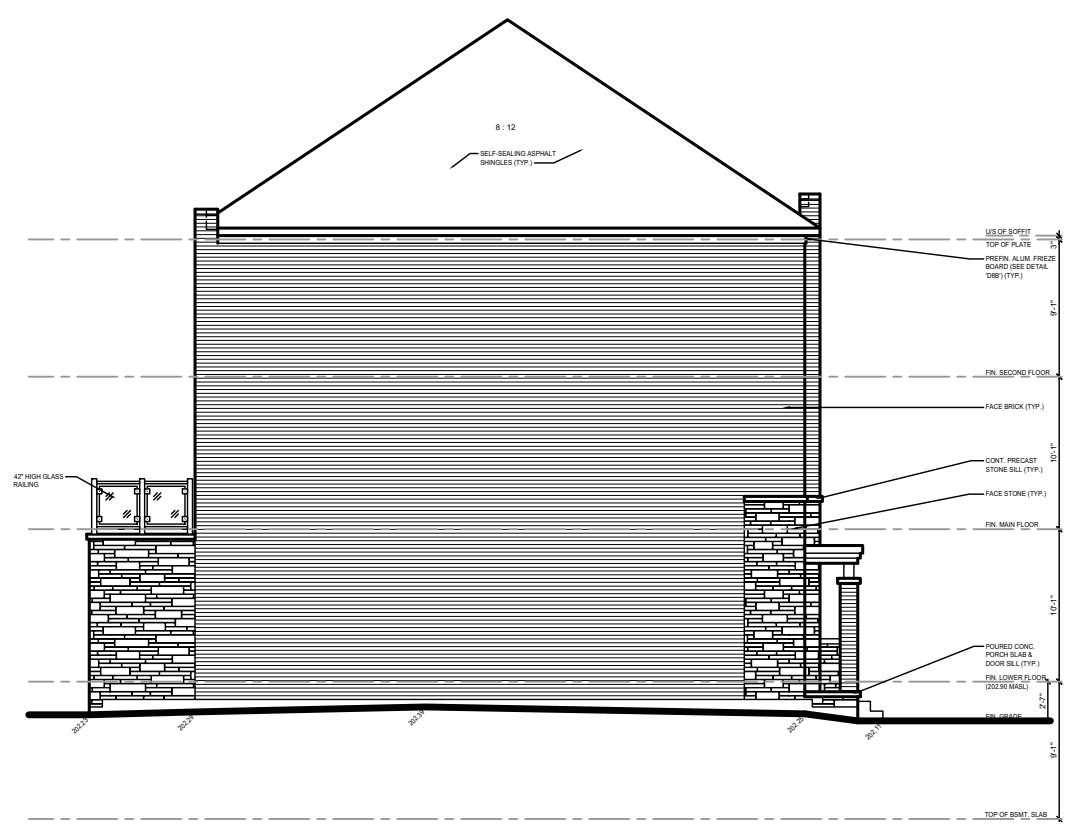
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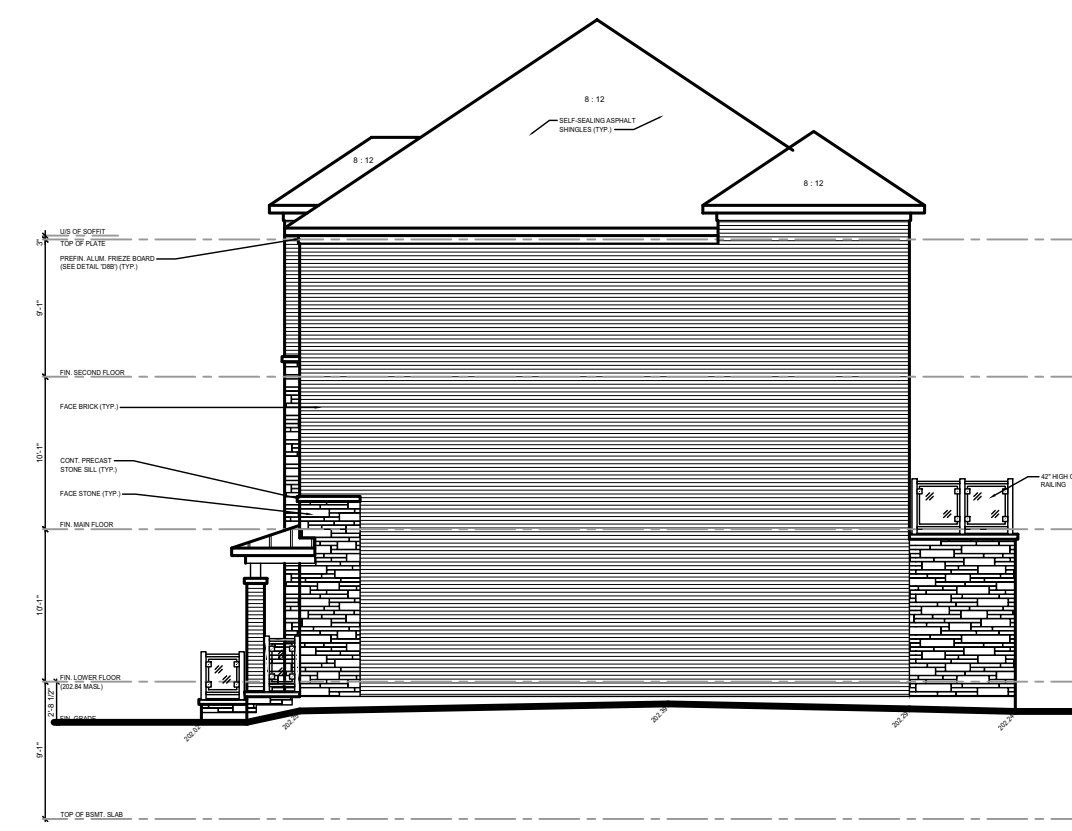
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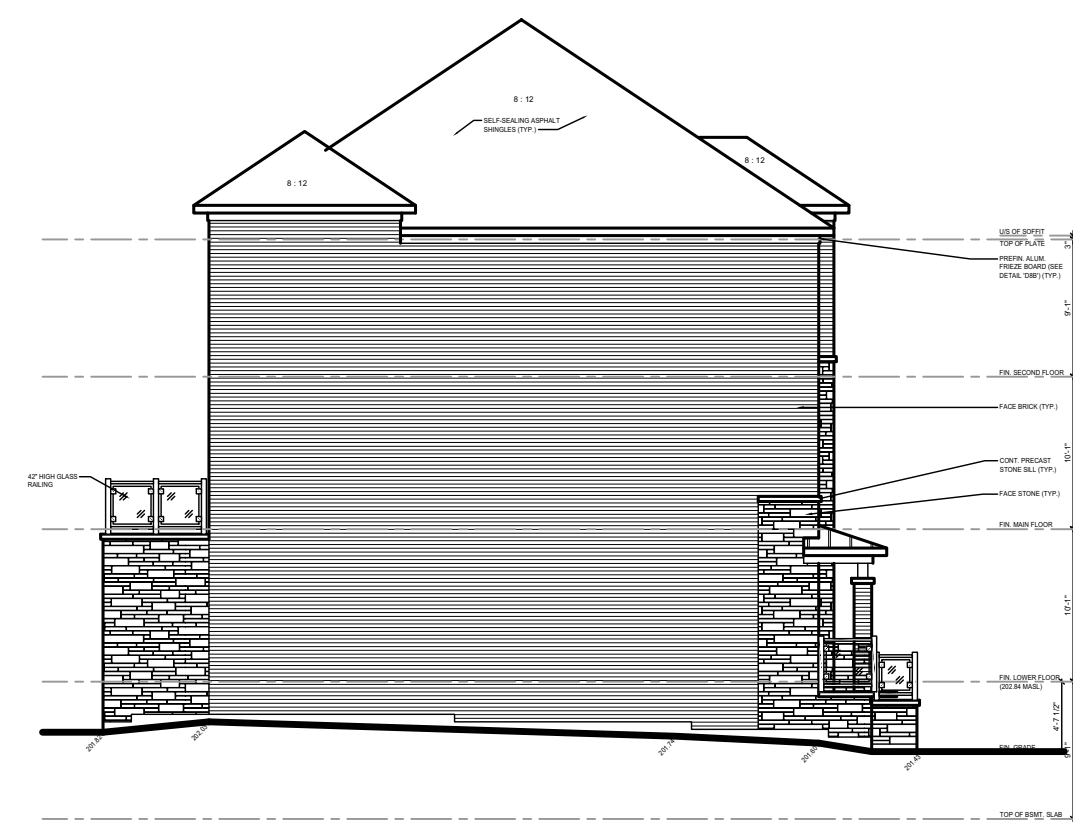
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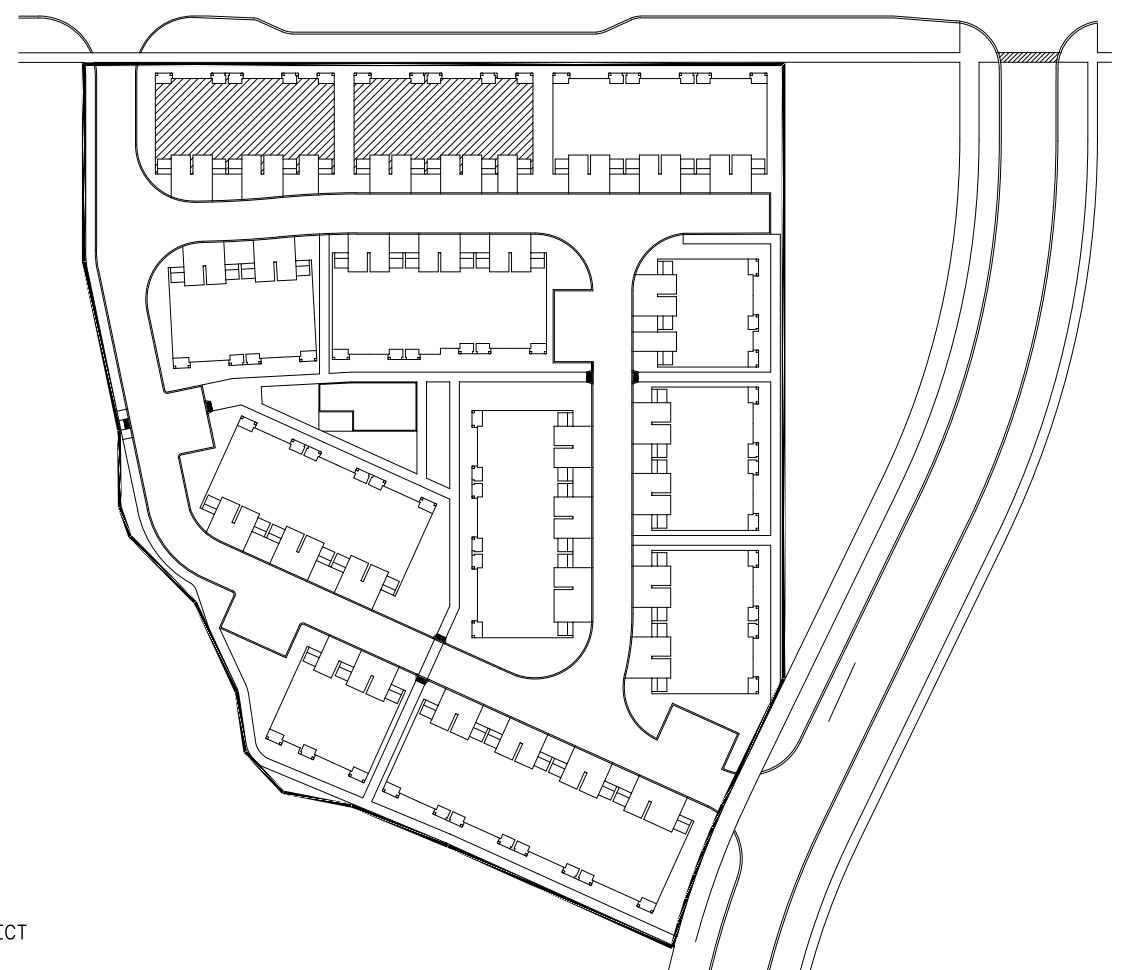
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BLOCK B  
 RIGHT SIDE ELEVATION



SUBJECT  
 AREA  
 Site Plan

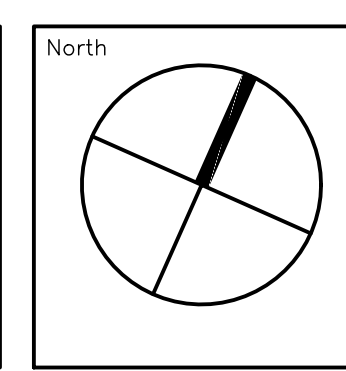


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BLOCK B  
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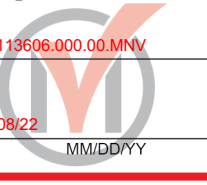
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**BLOCKS A & B**

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 Project No. 2017-07  
 Drawing No. A-2

Drawn by: EO  
 Checked by: SC





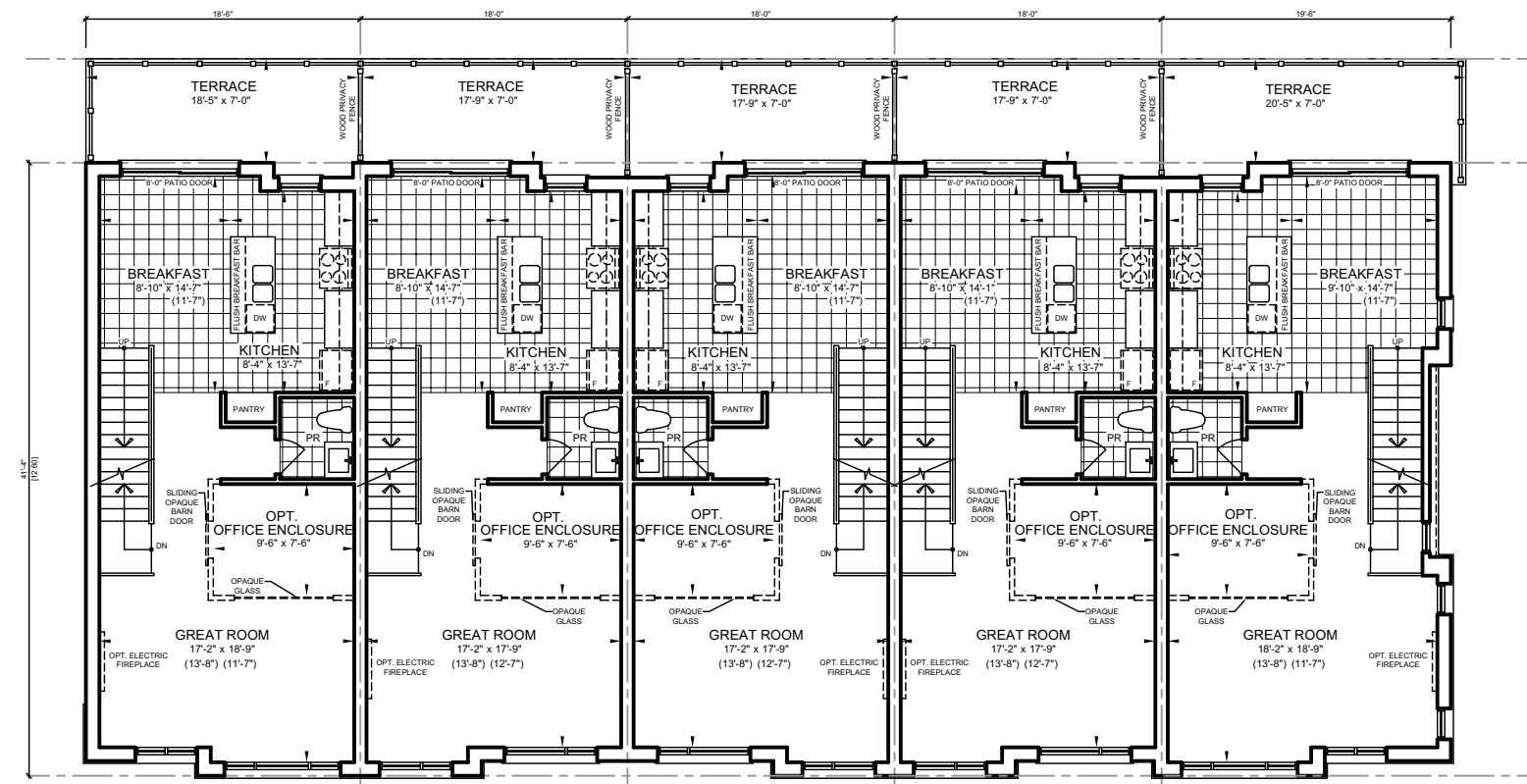
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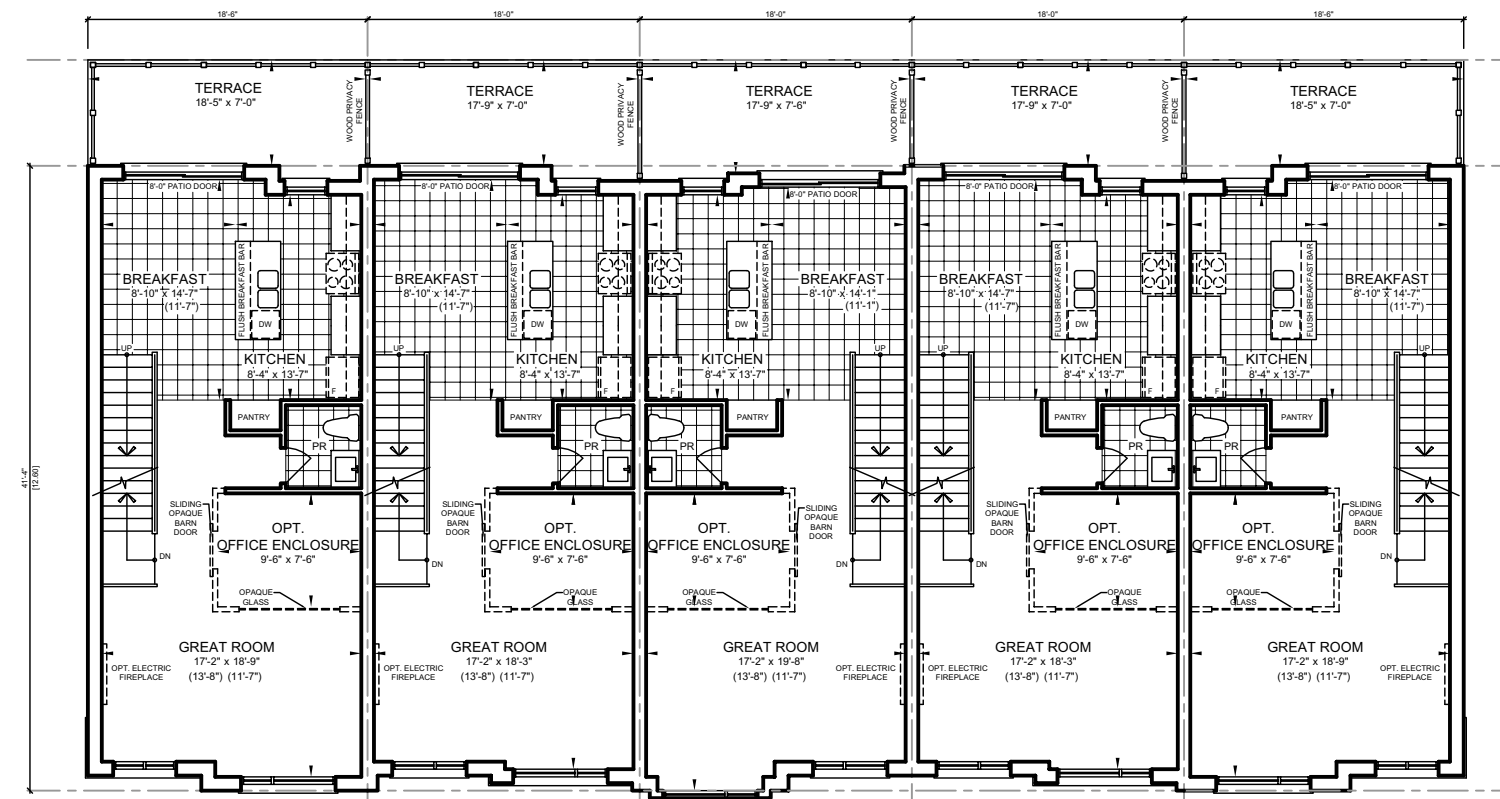
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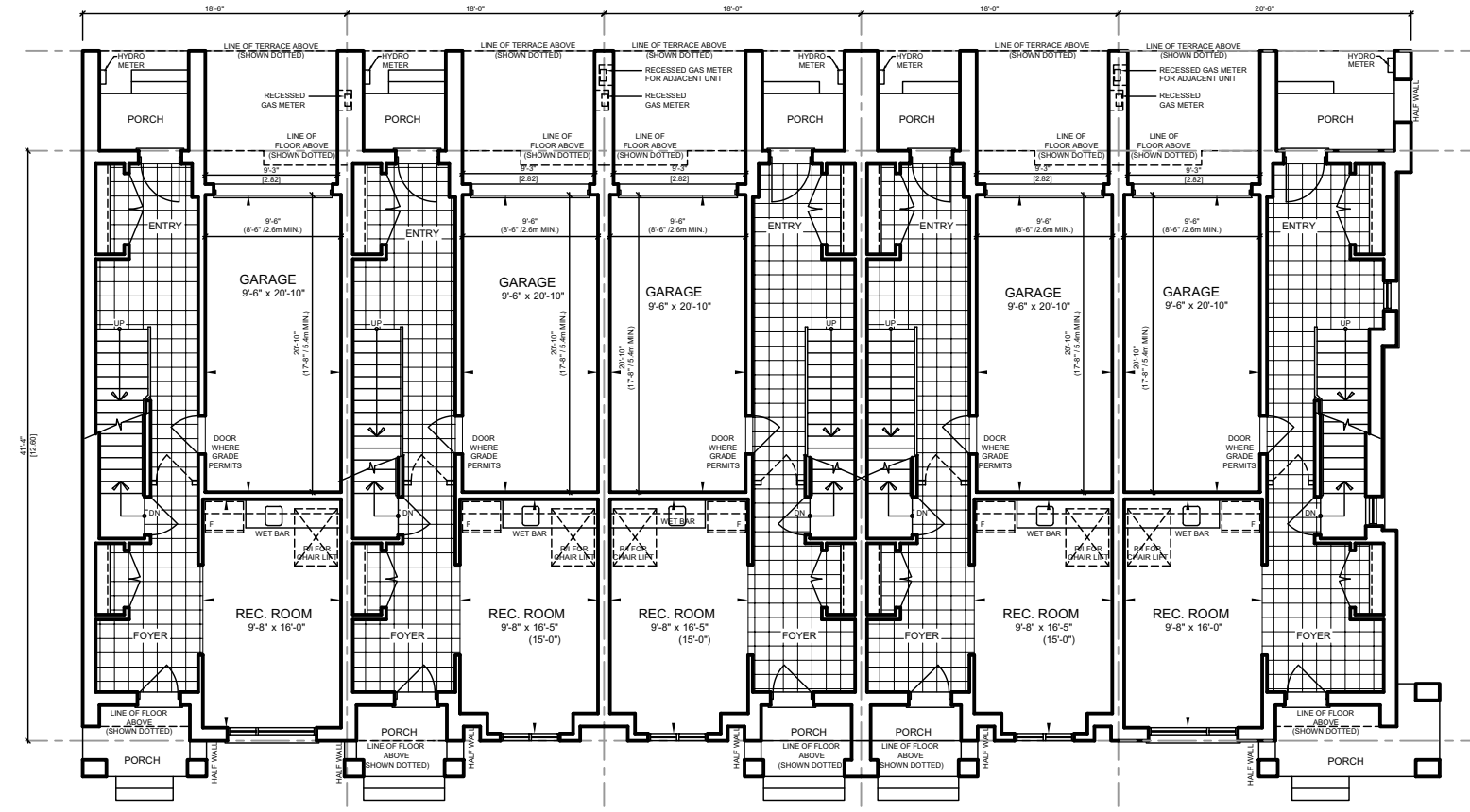
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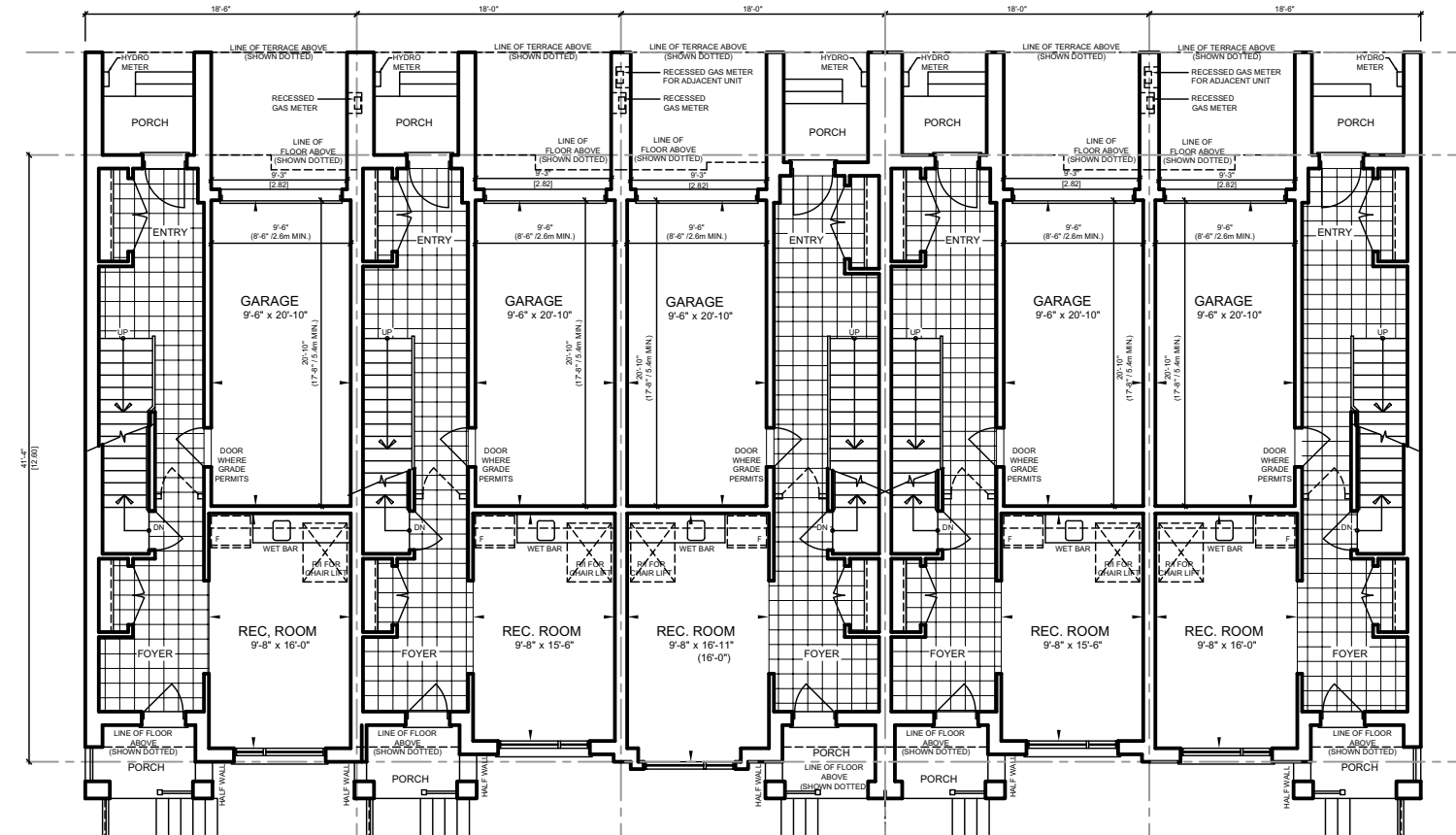
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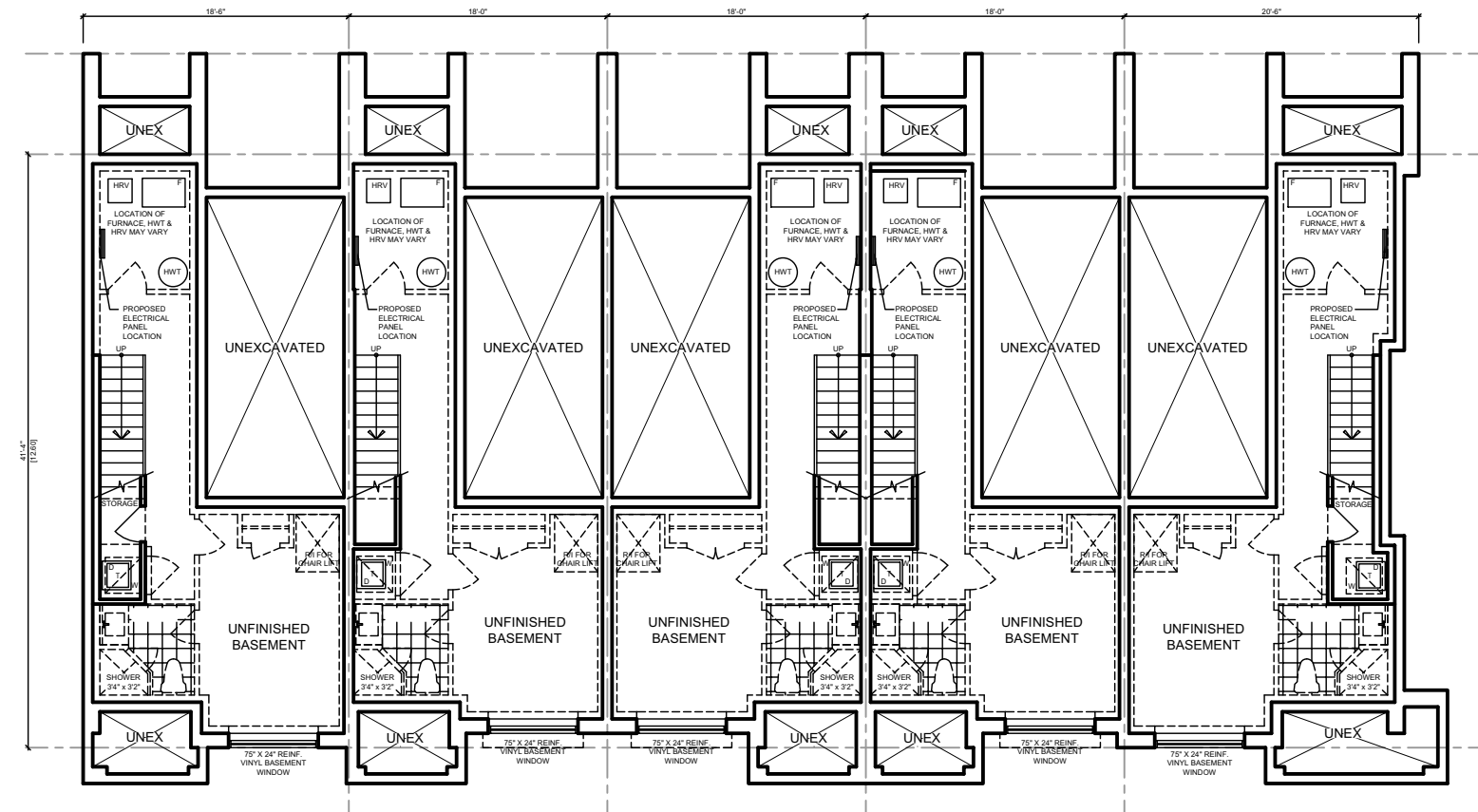
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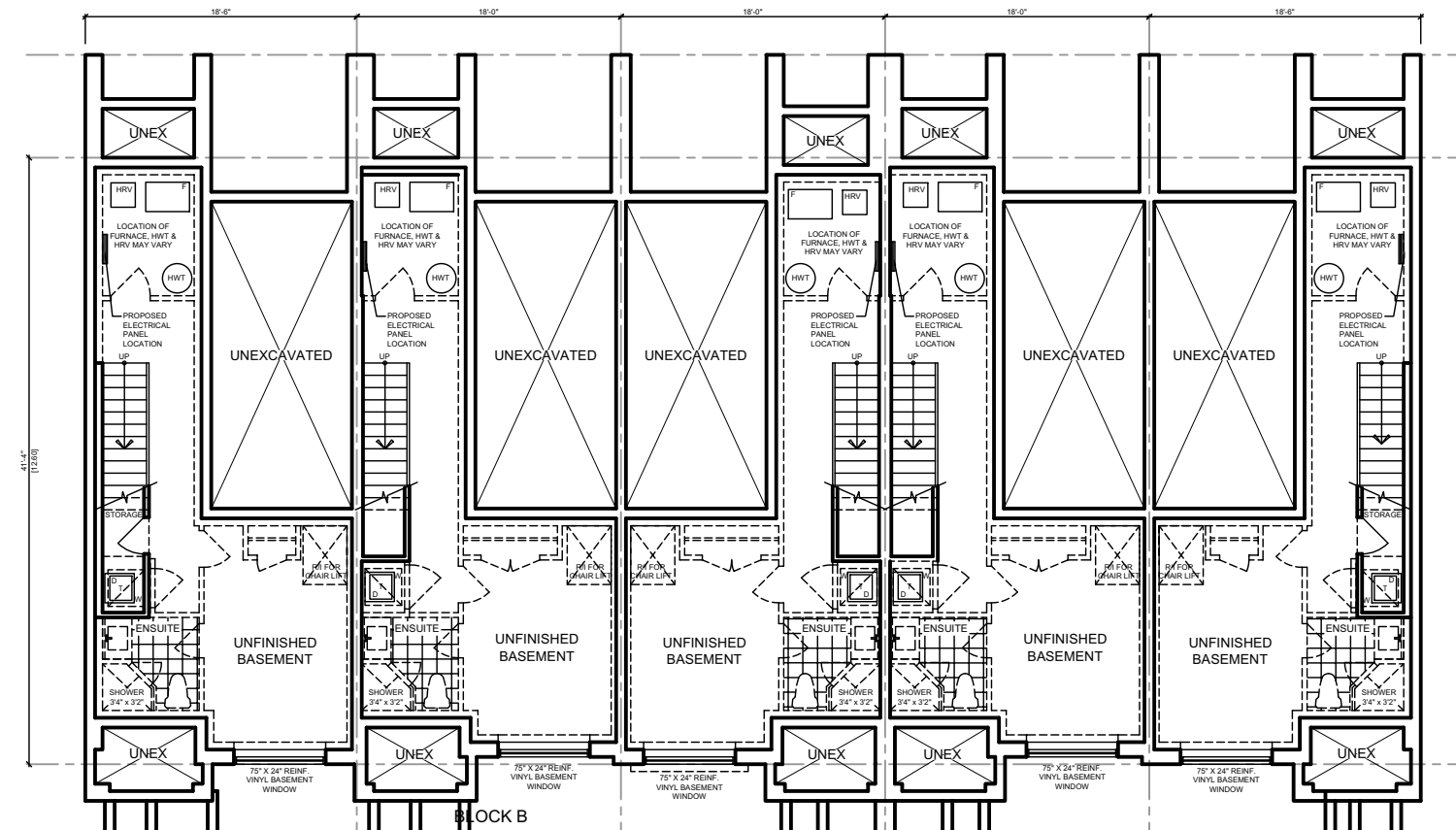
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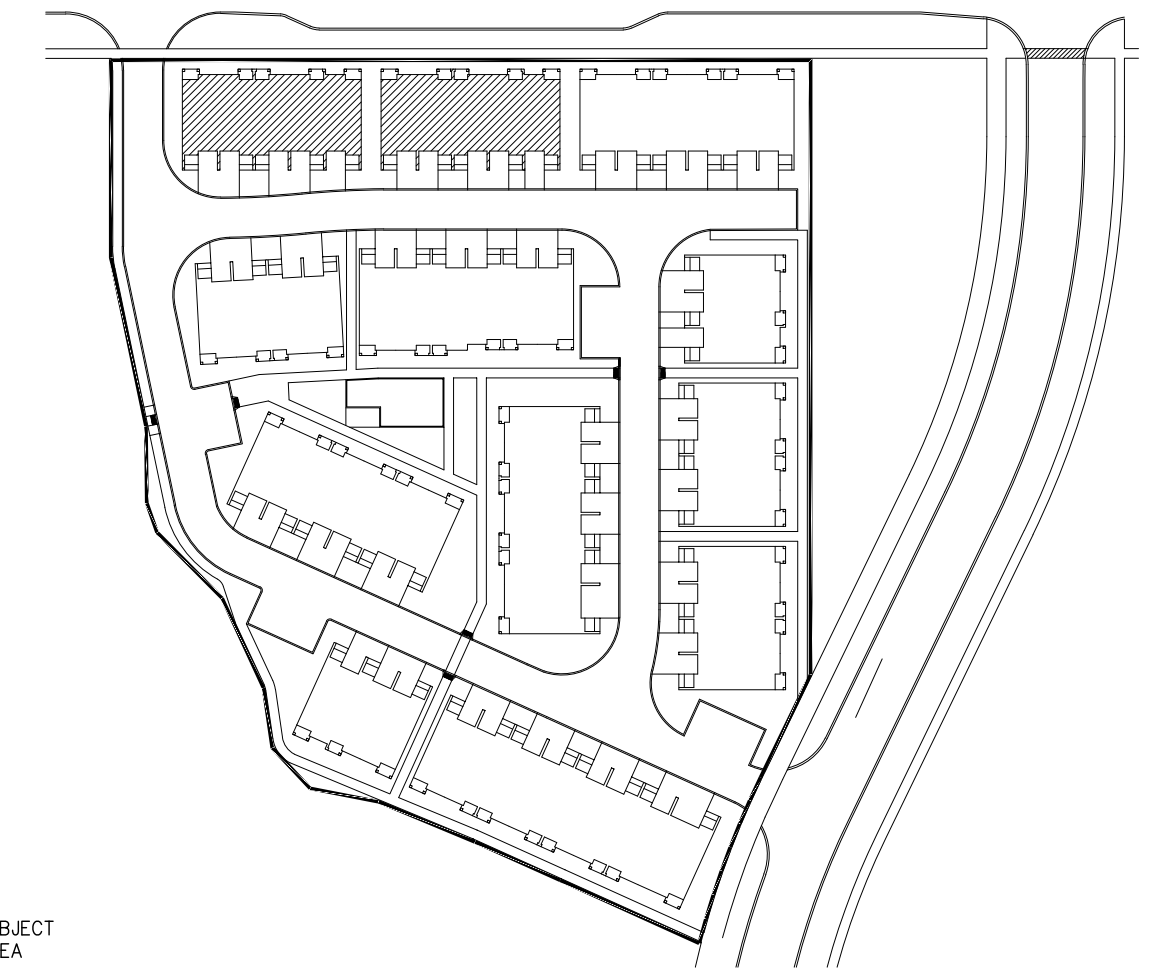
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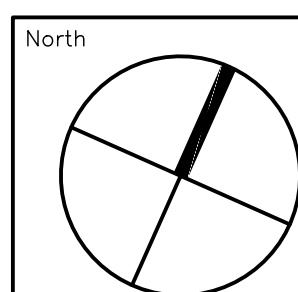
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BLOCK B  
BASEMENT PLAN



SUBJECT  
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Site Plan



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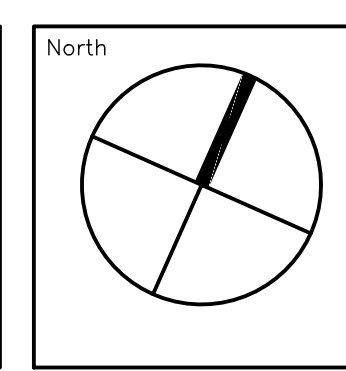
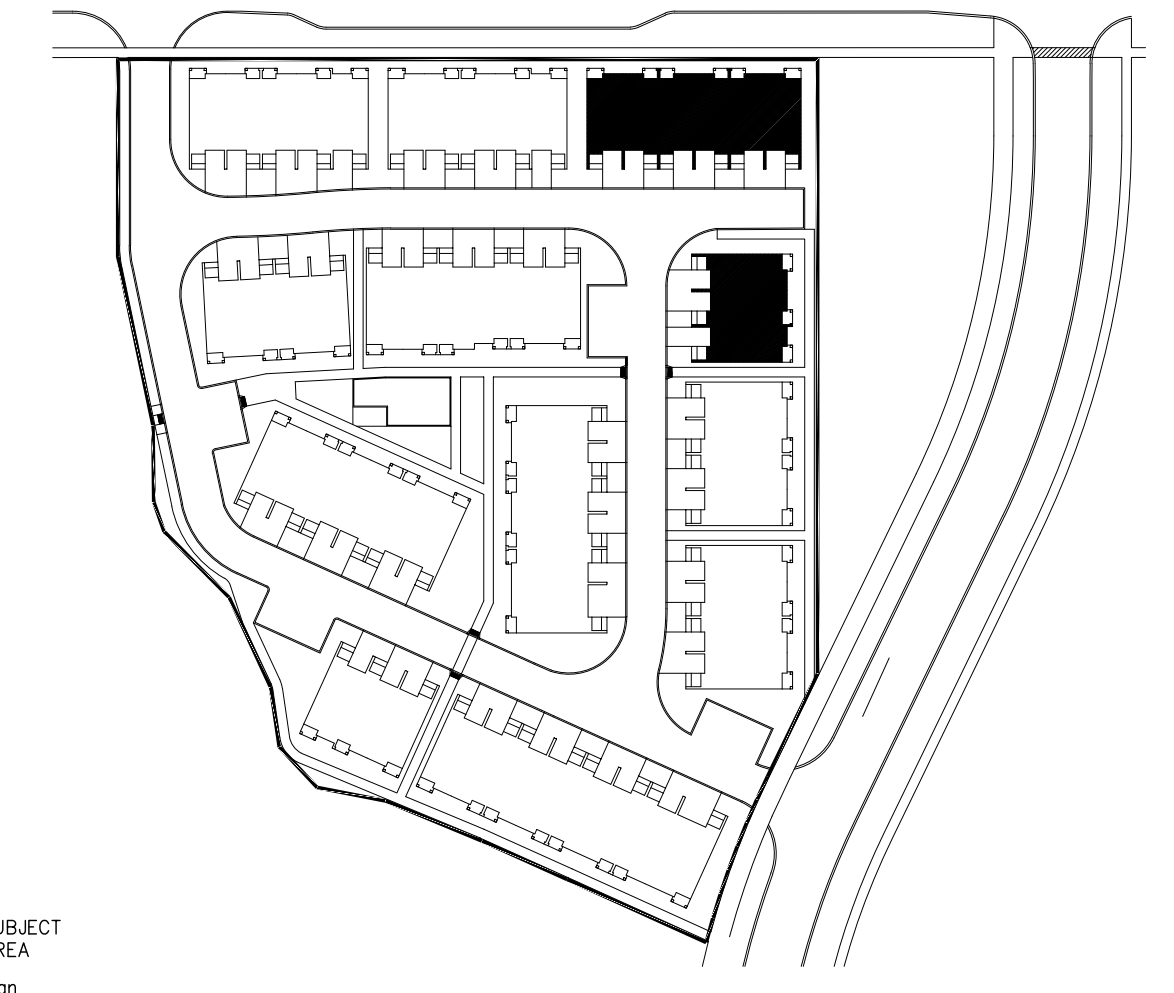
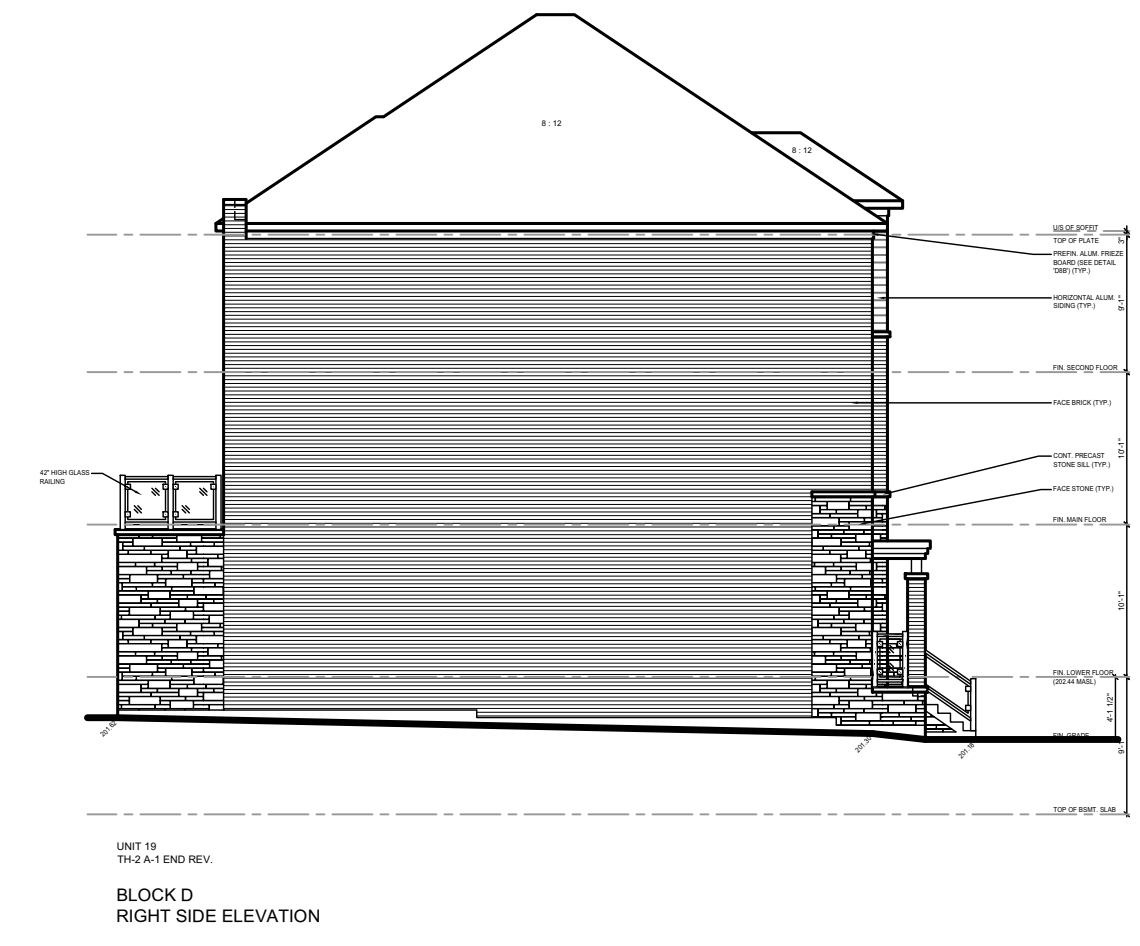
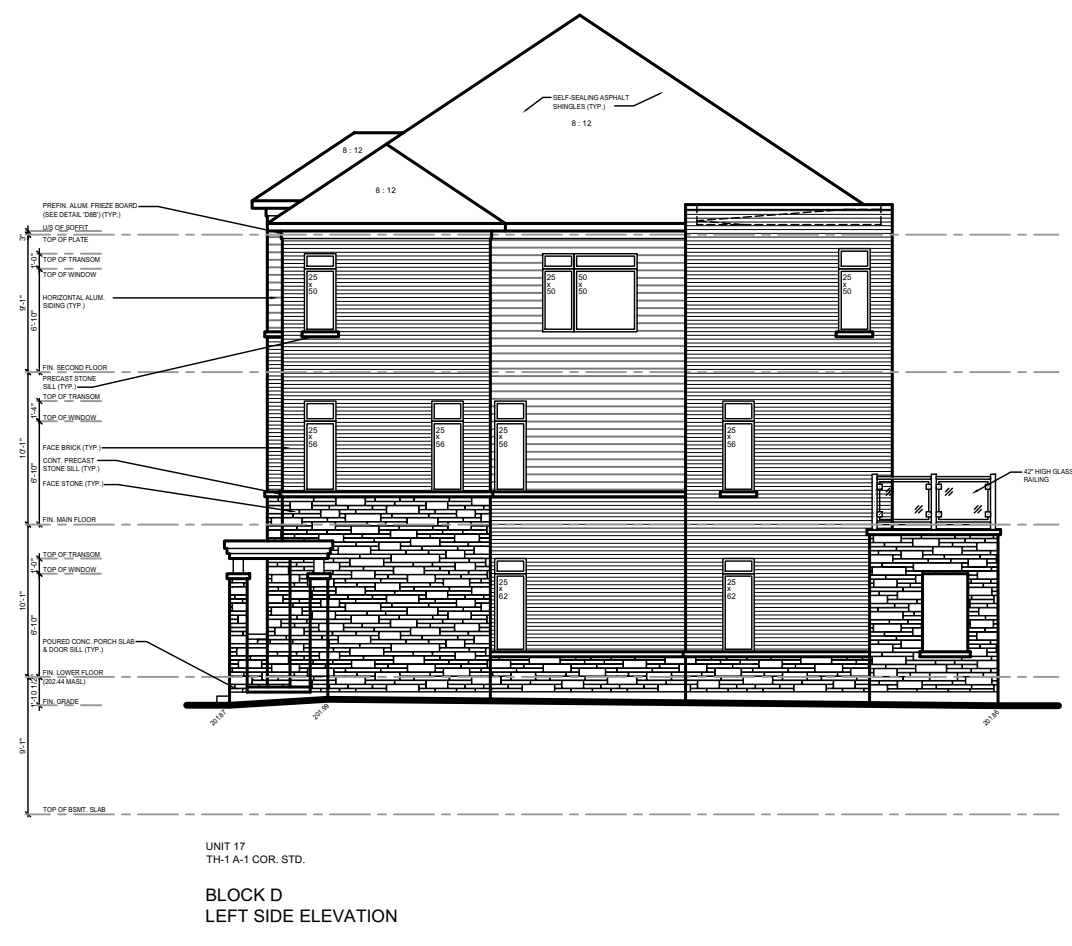
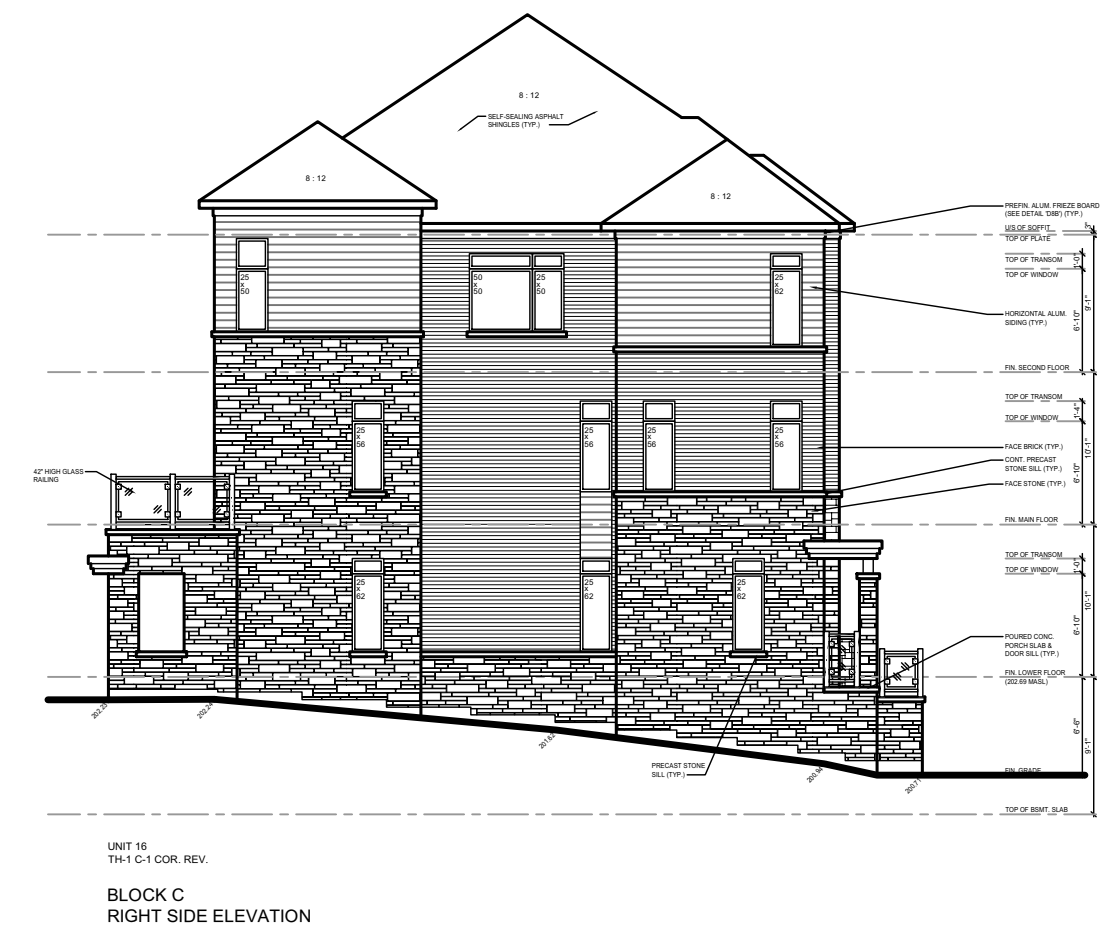
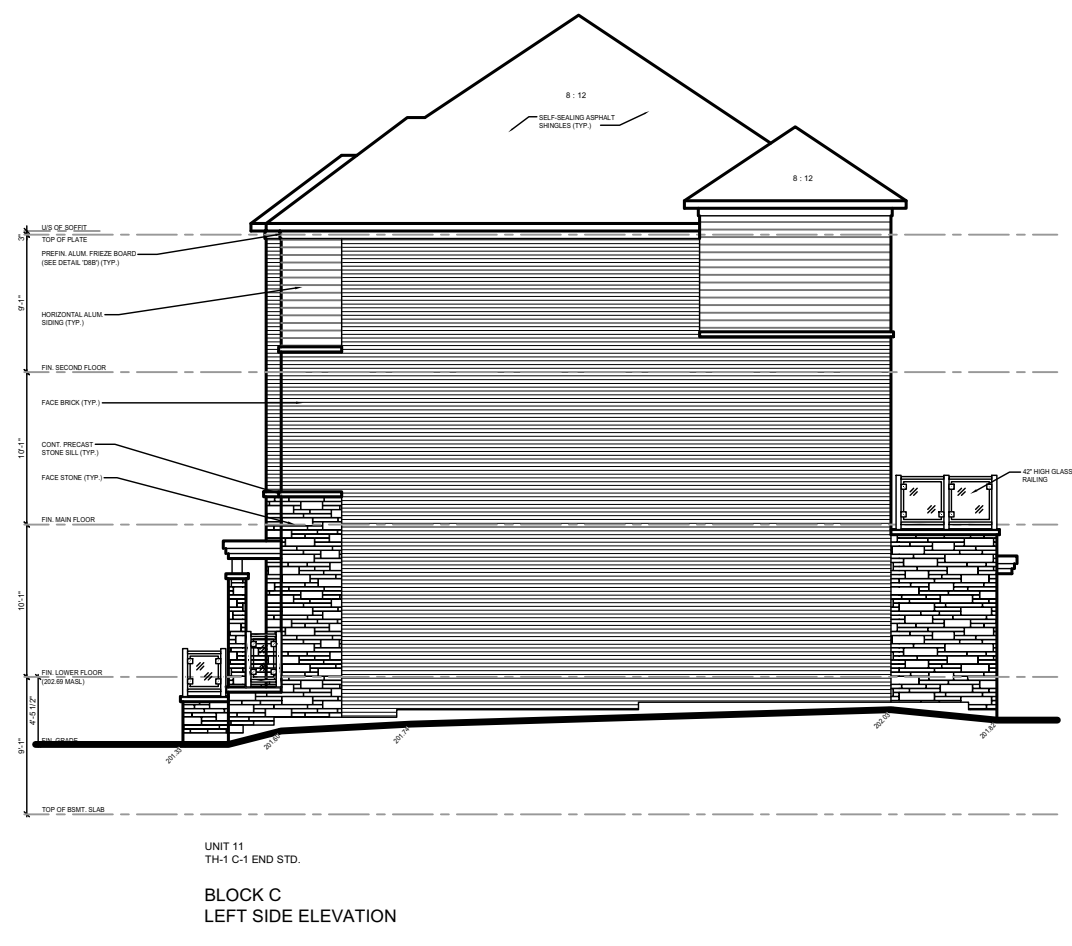
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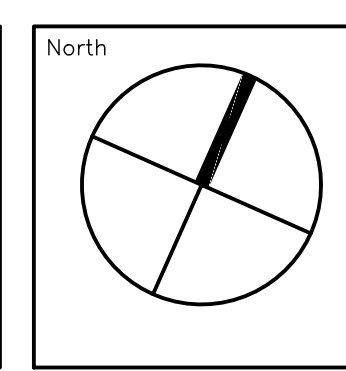
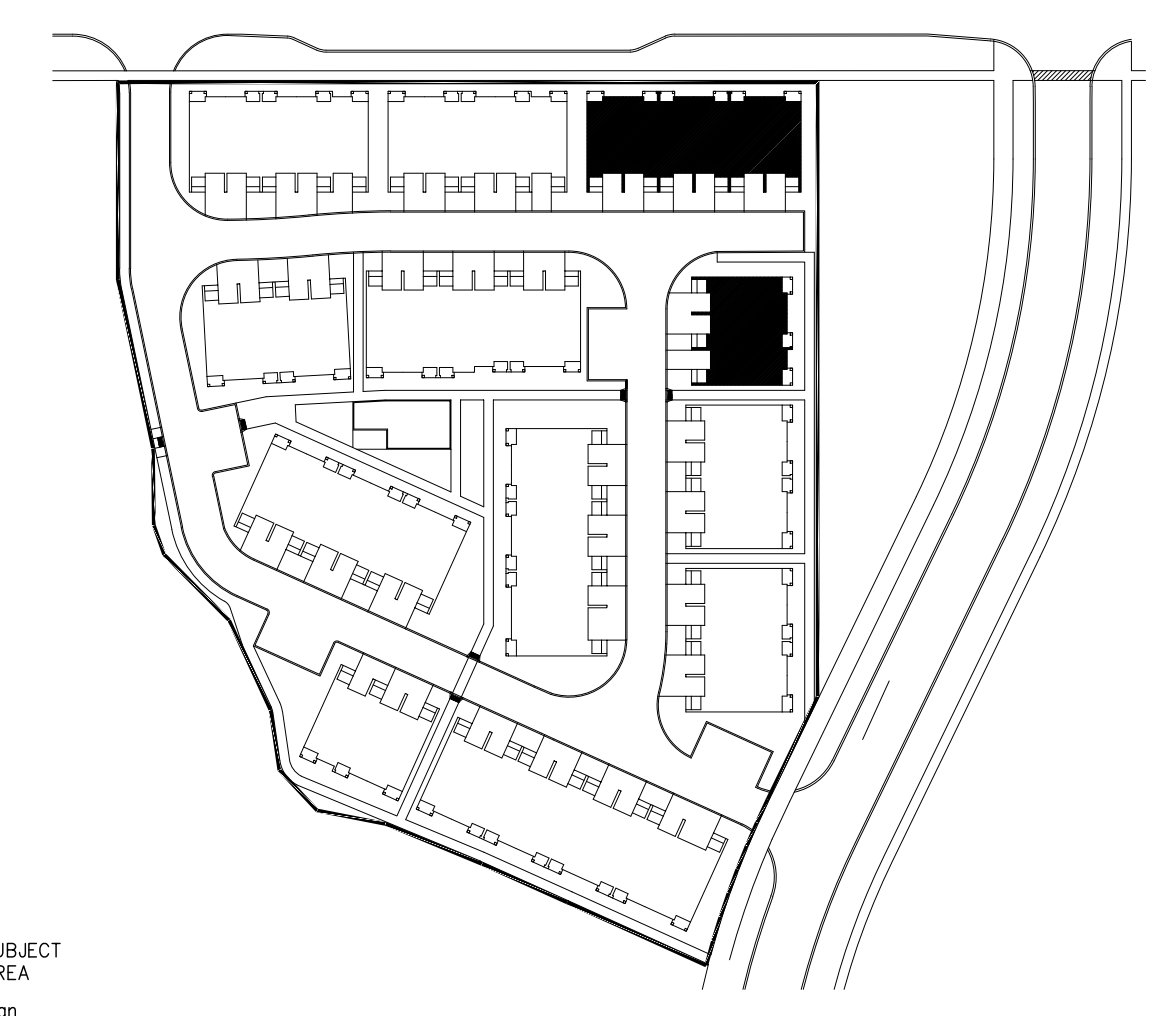
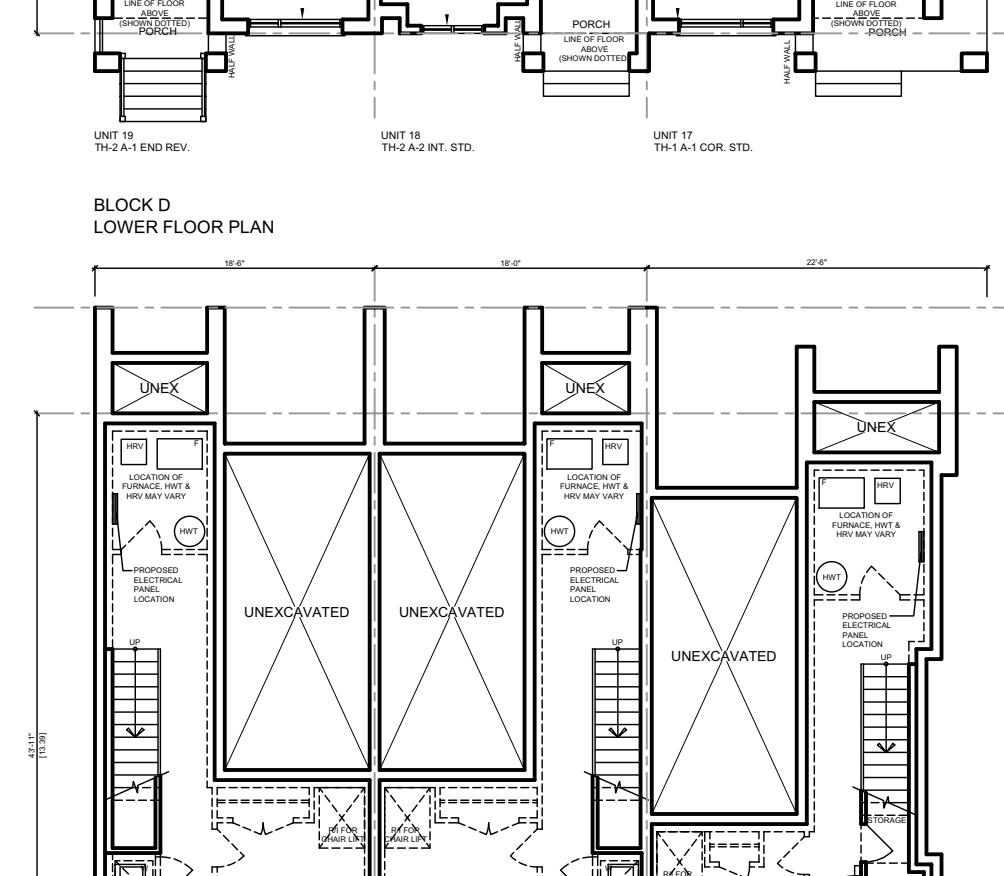
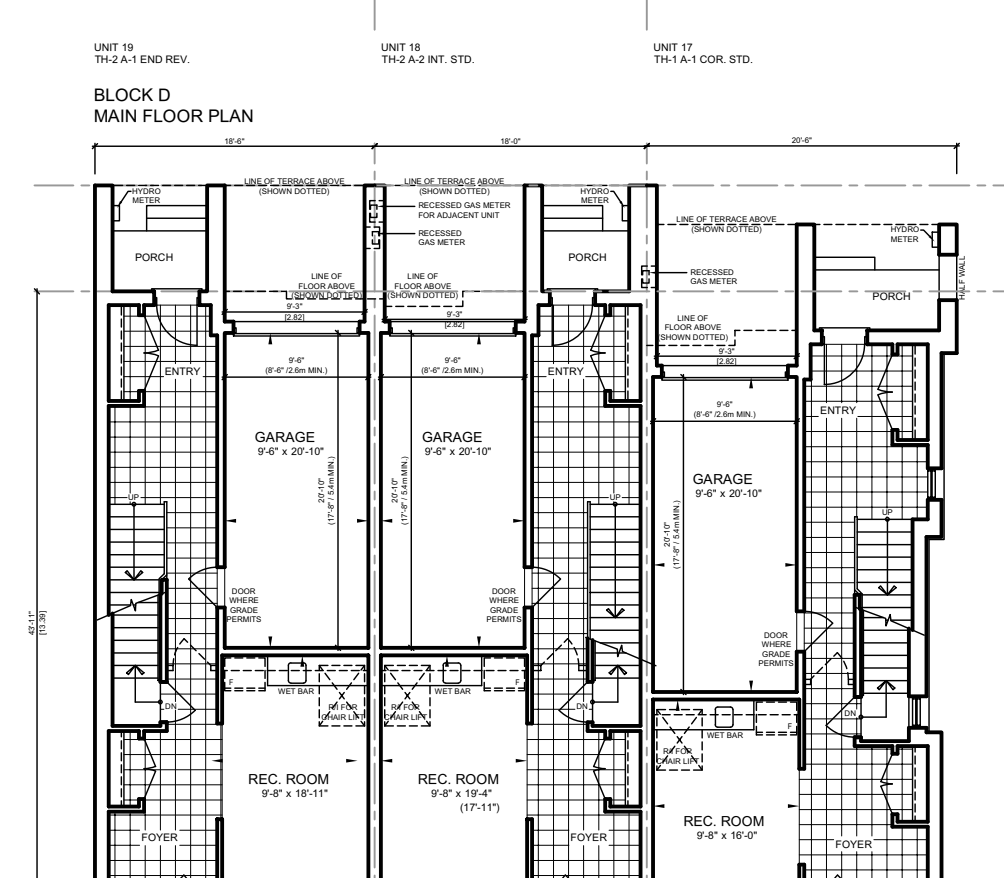
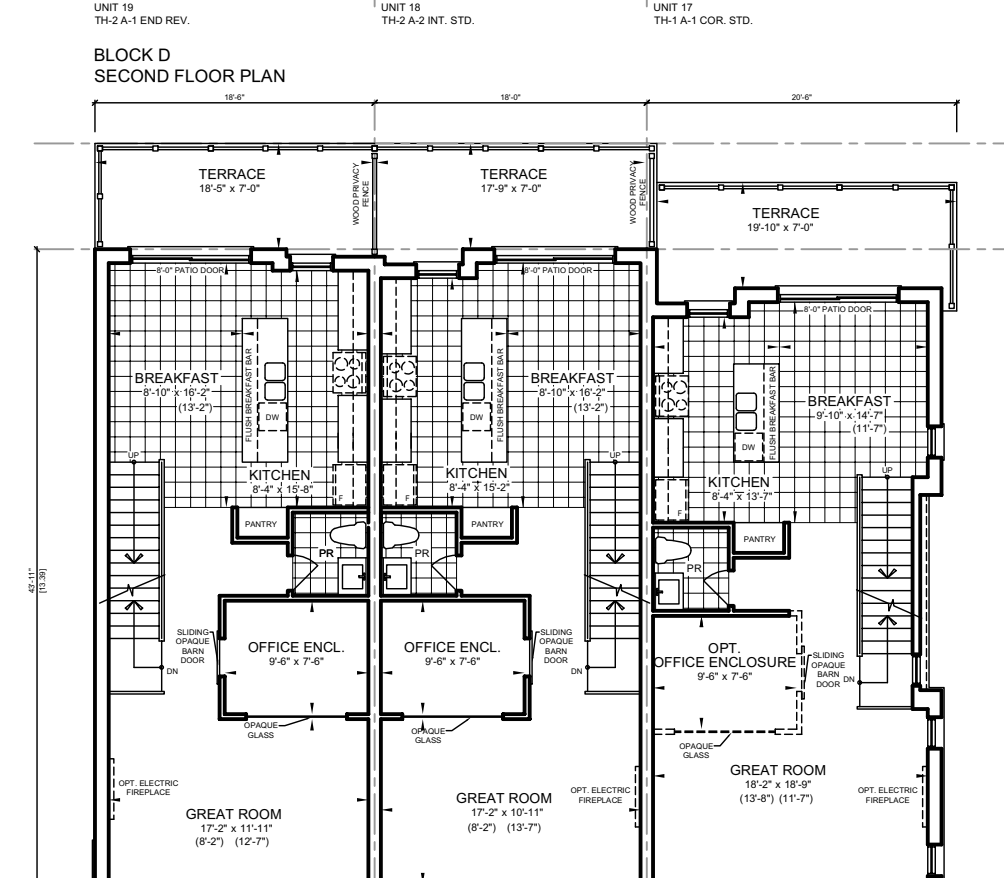
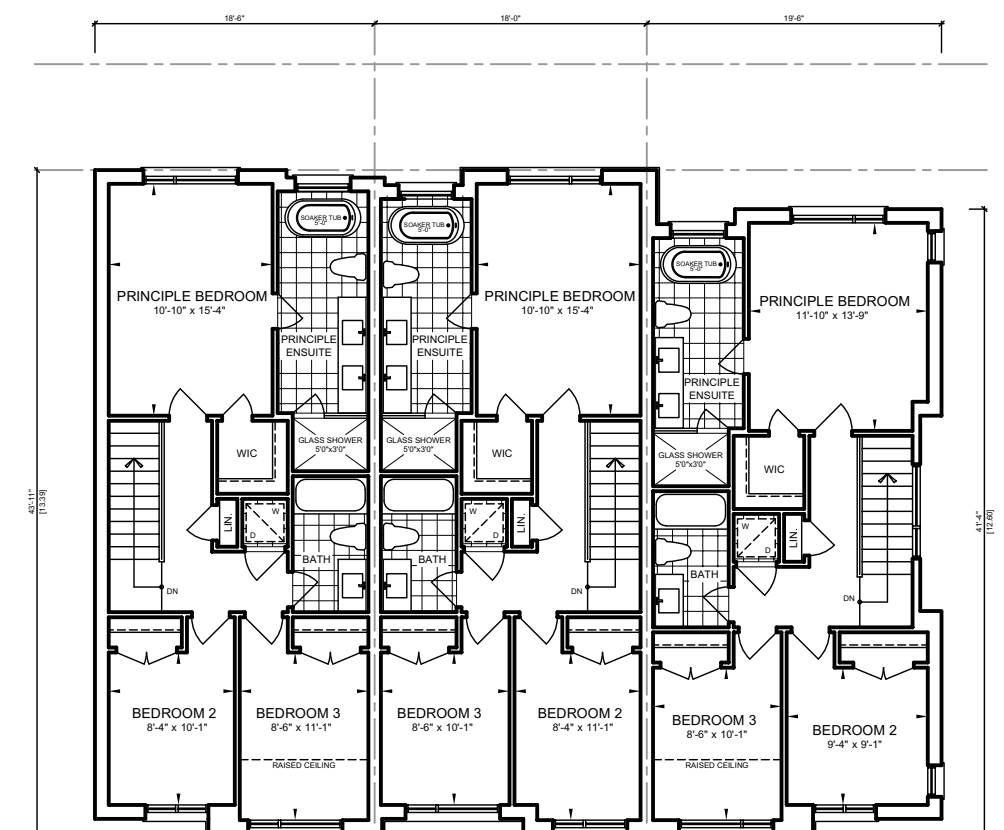
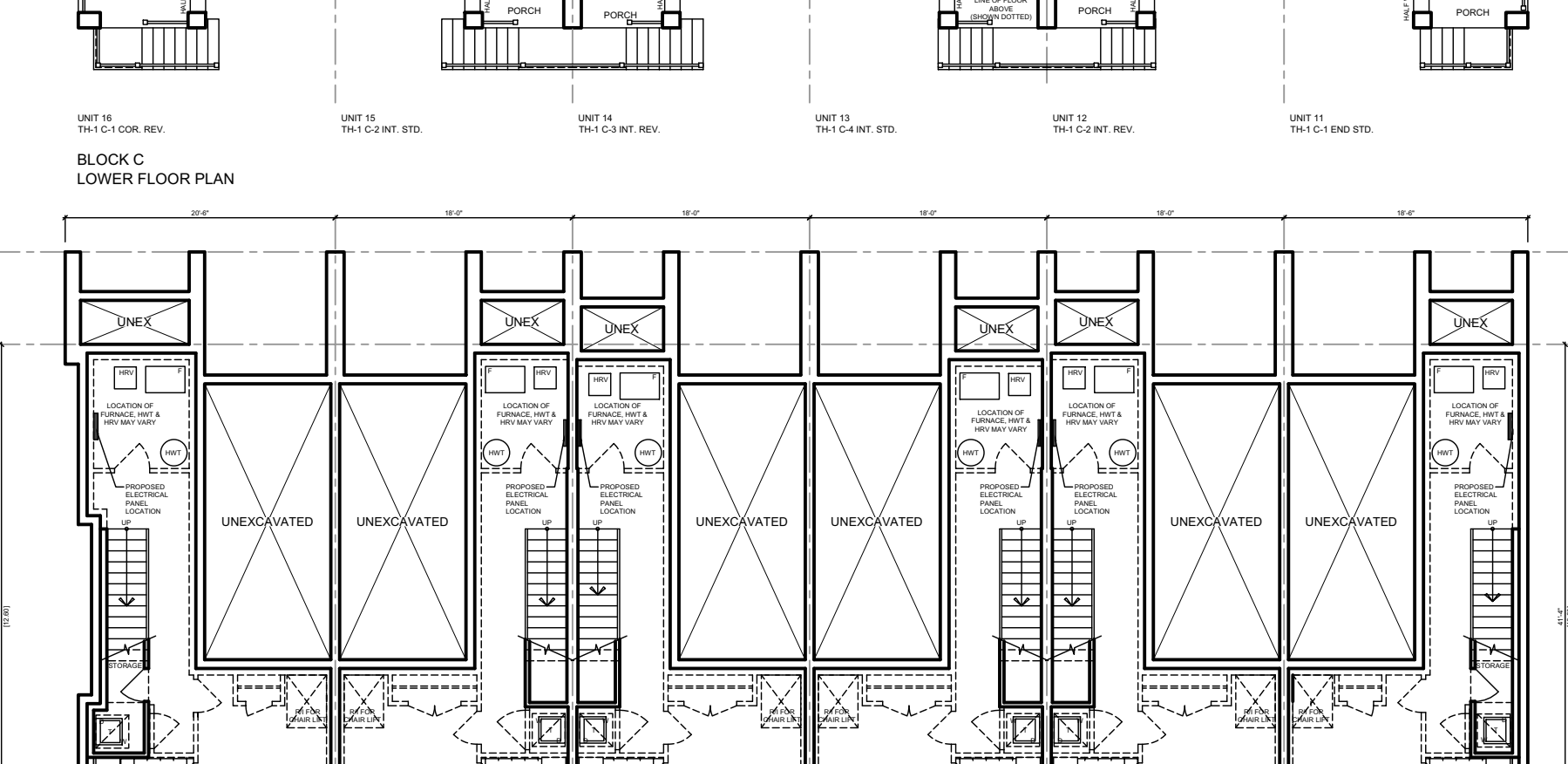
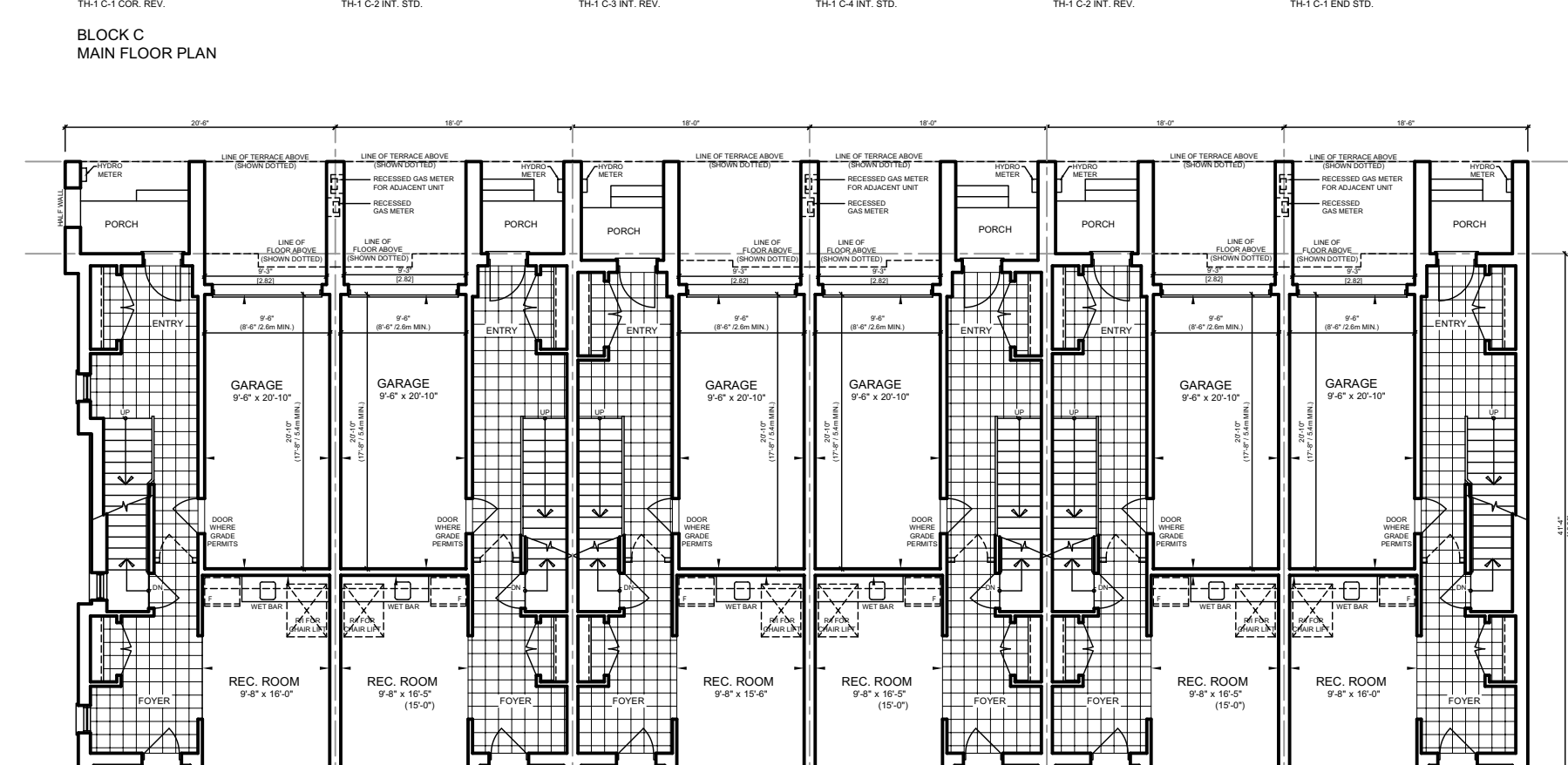
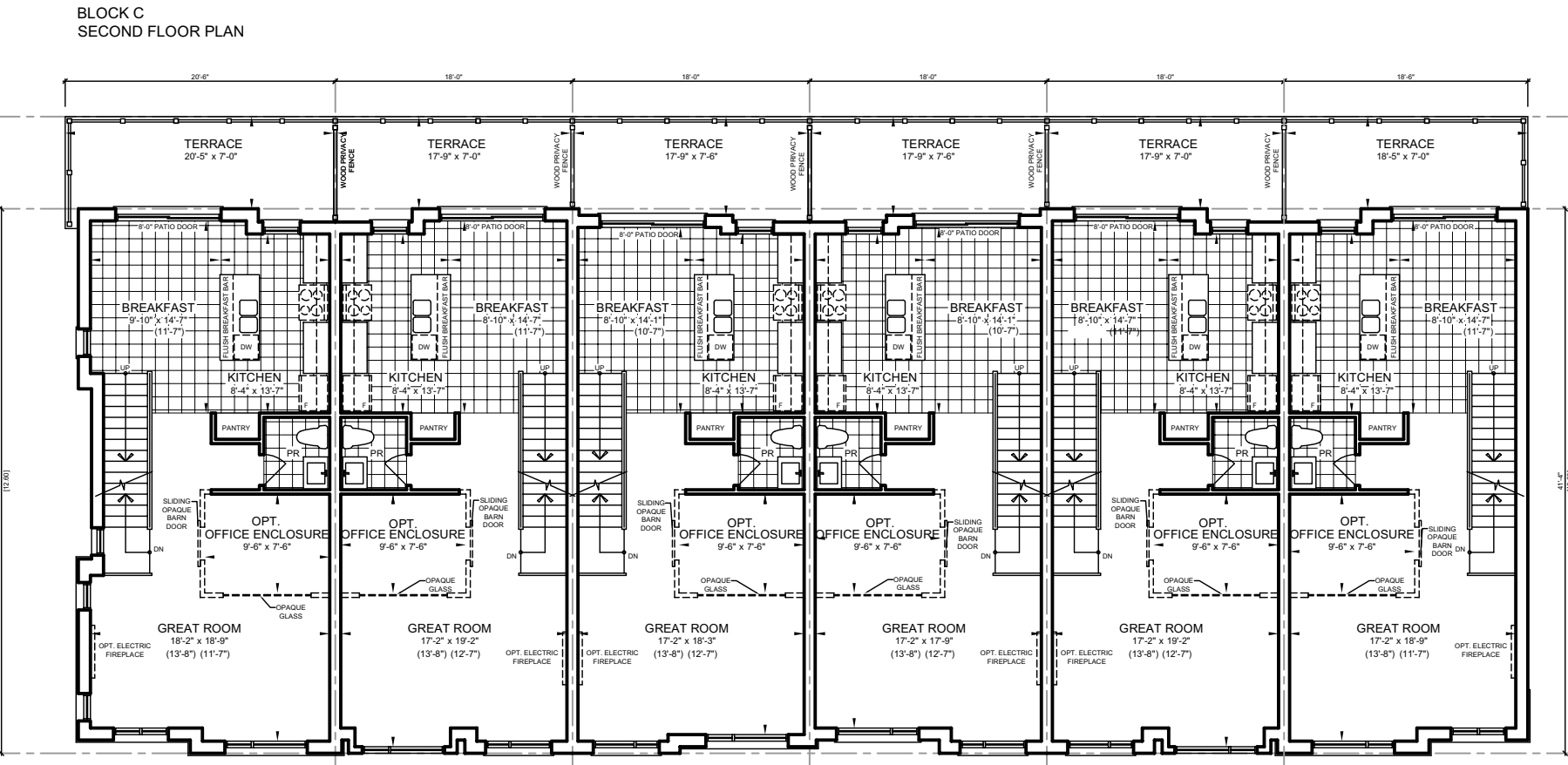
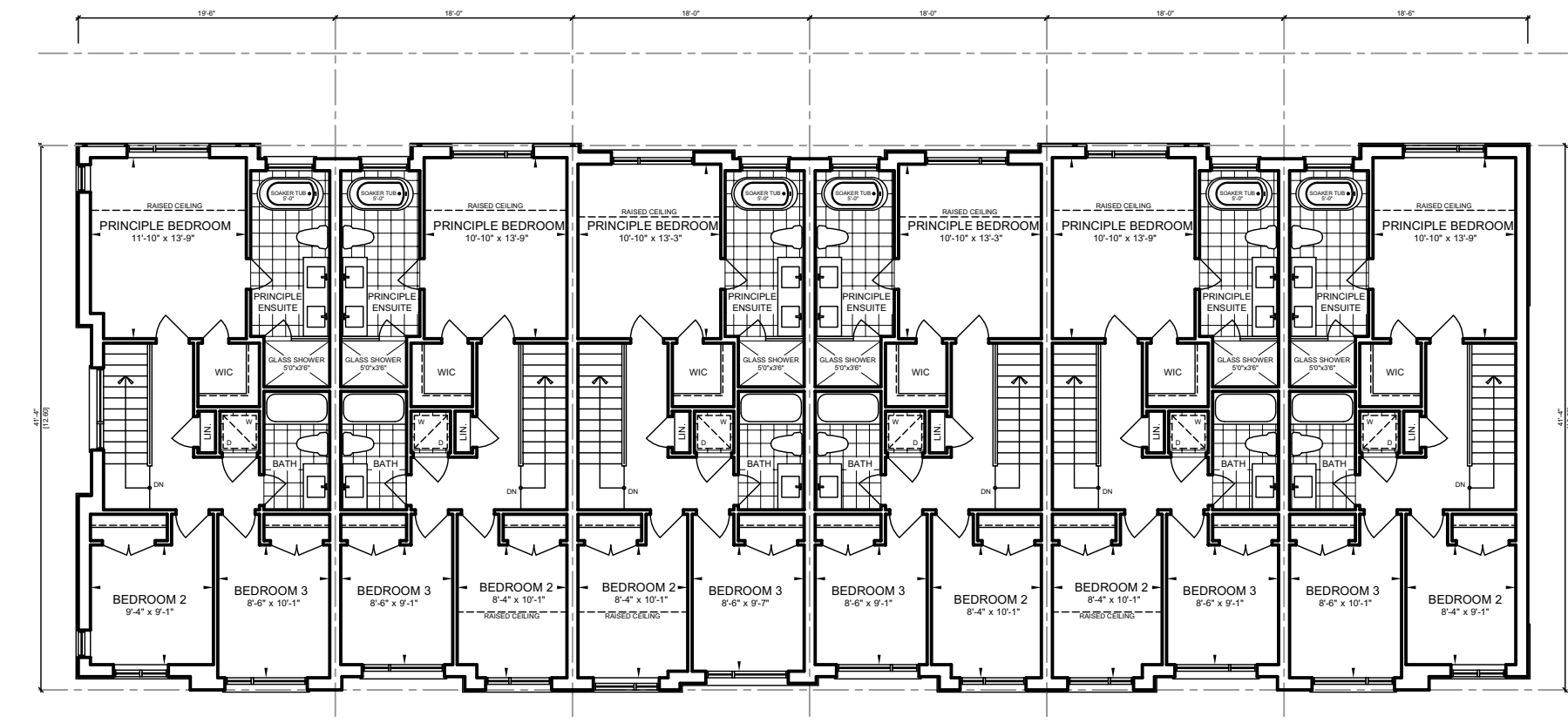
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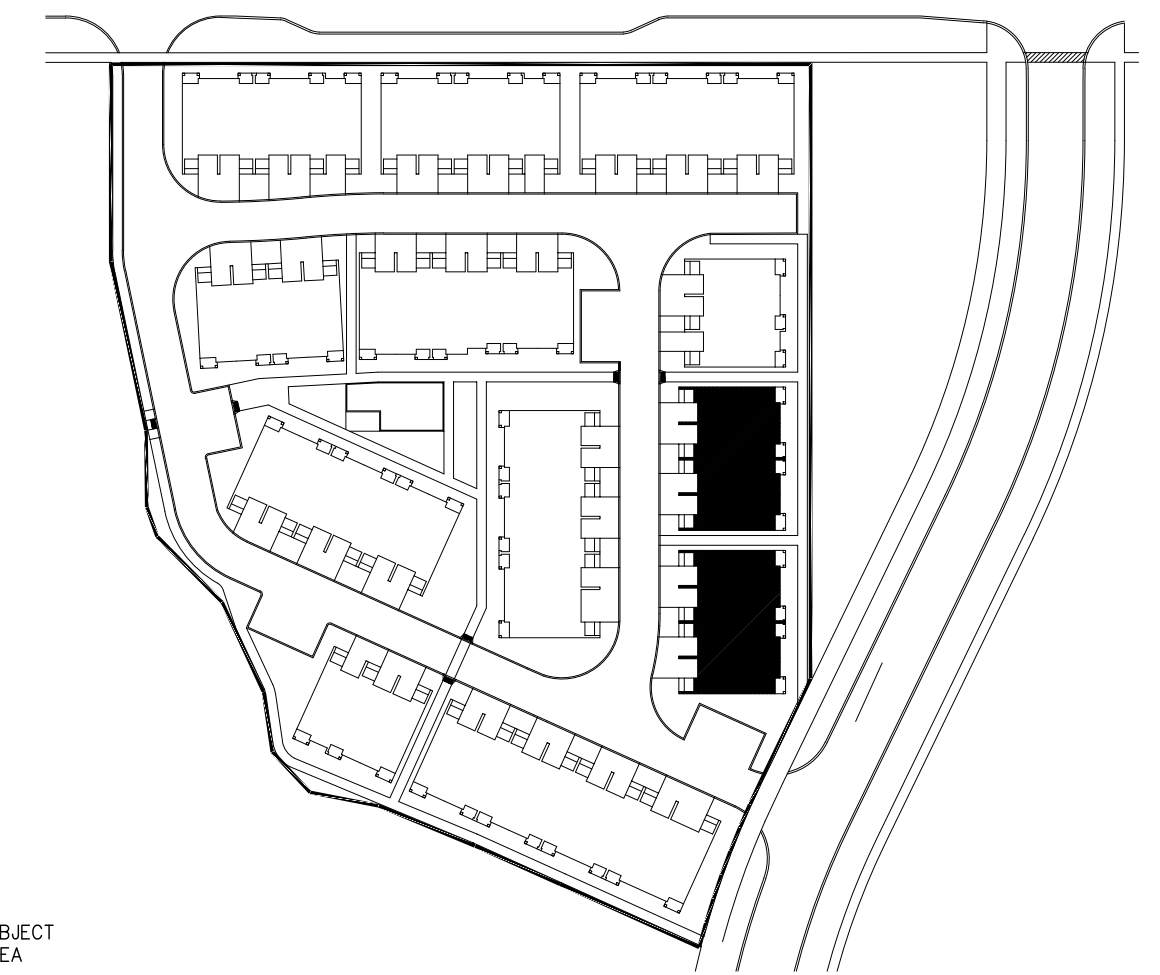
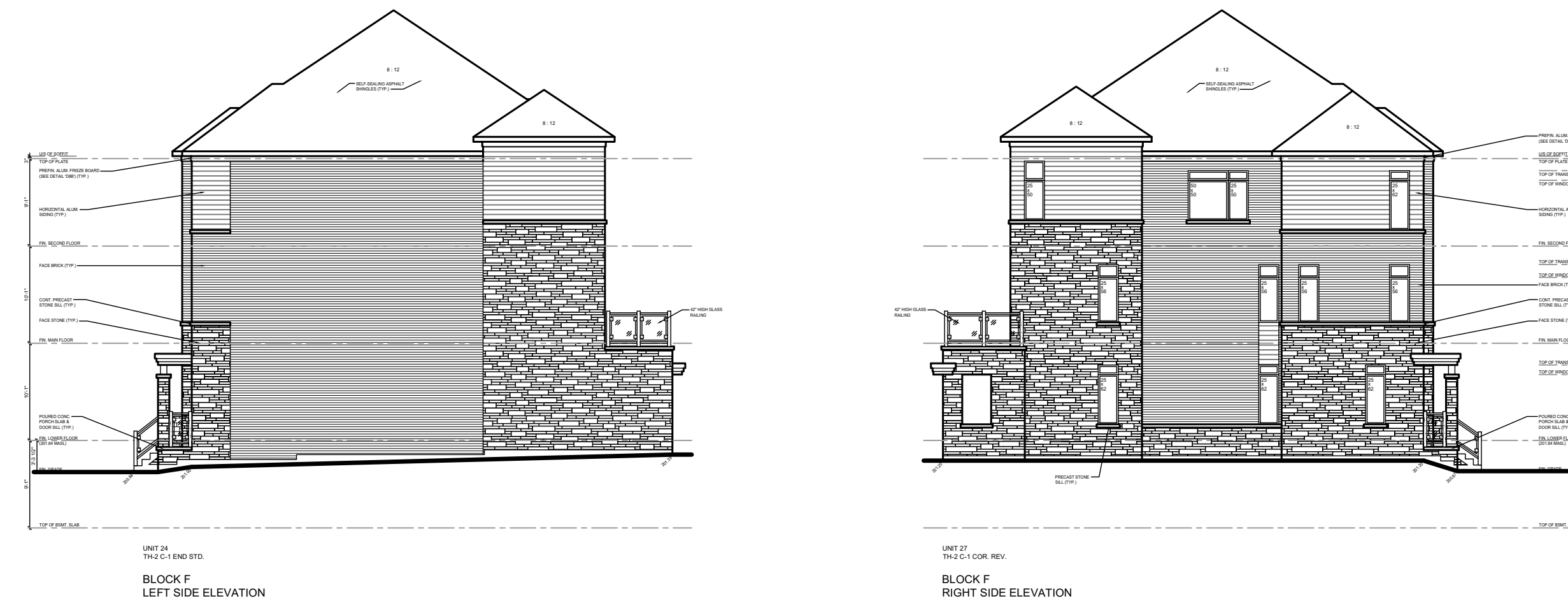
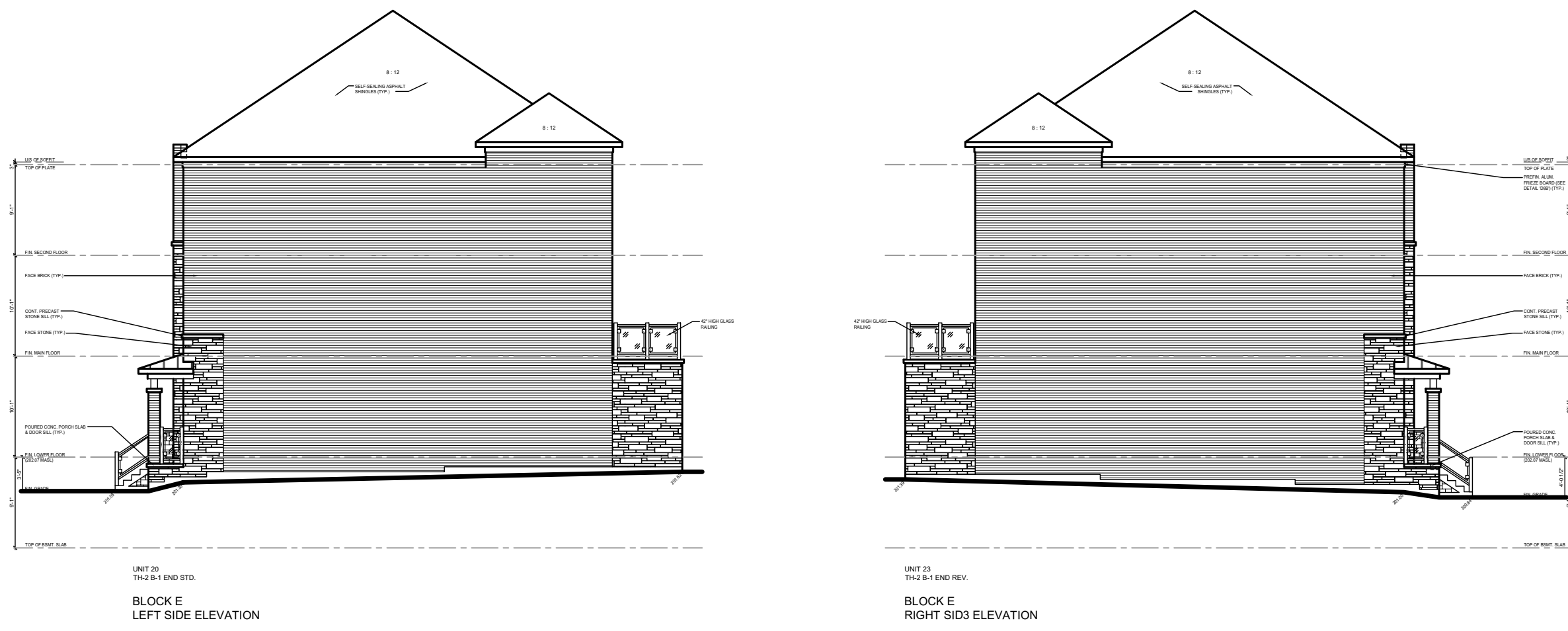
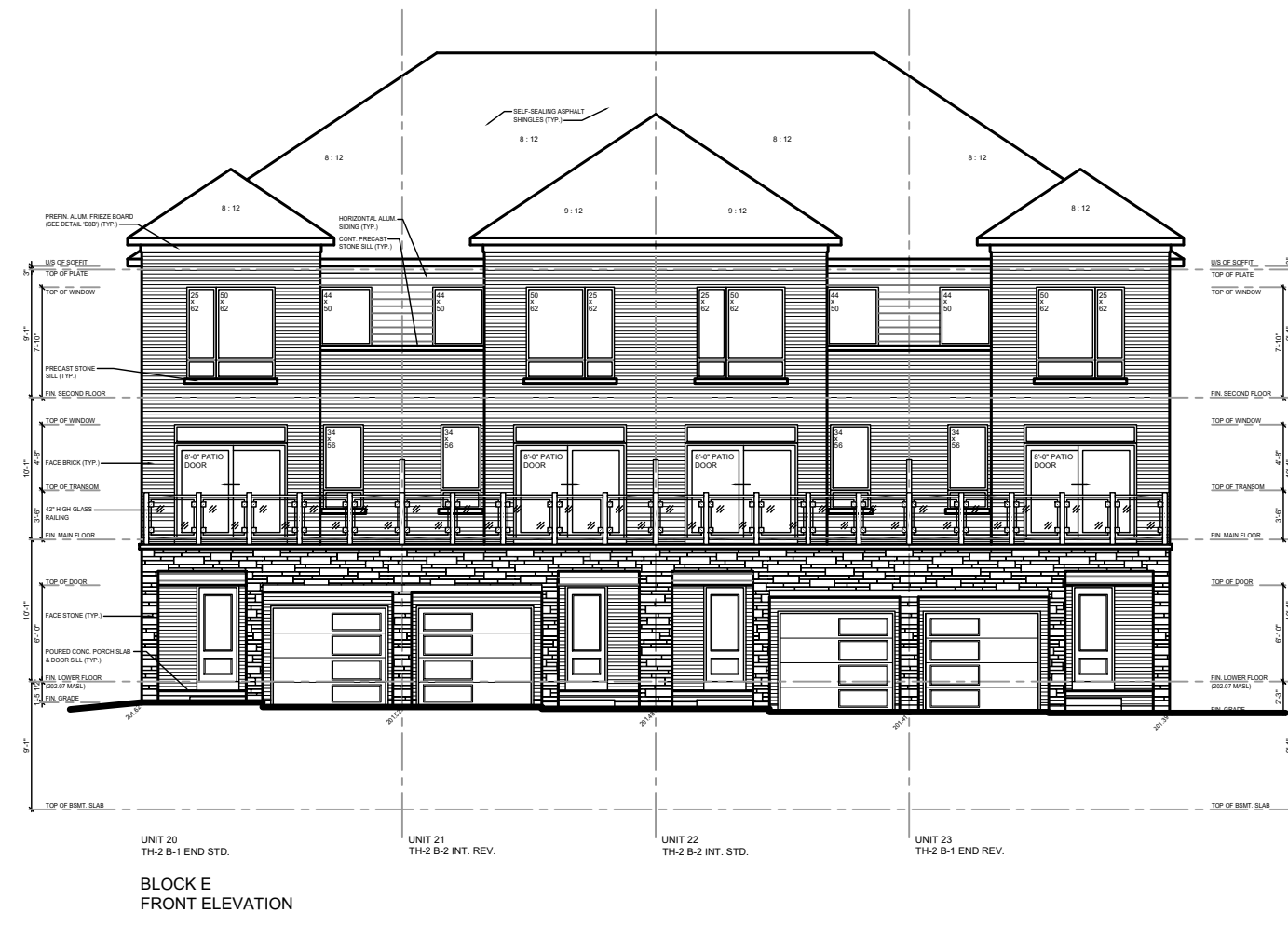
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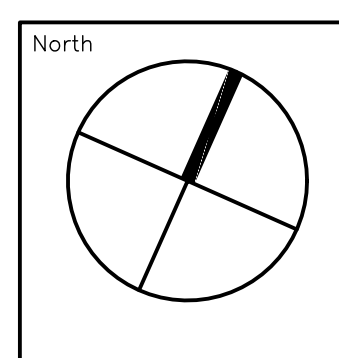
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SUBJECT AREA  
 Site Plan



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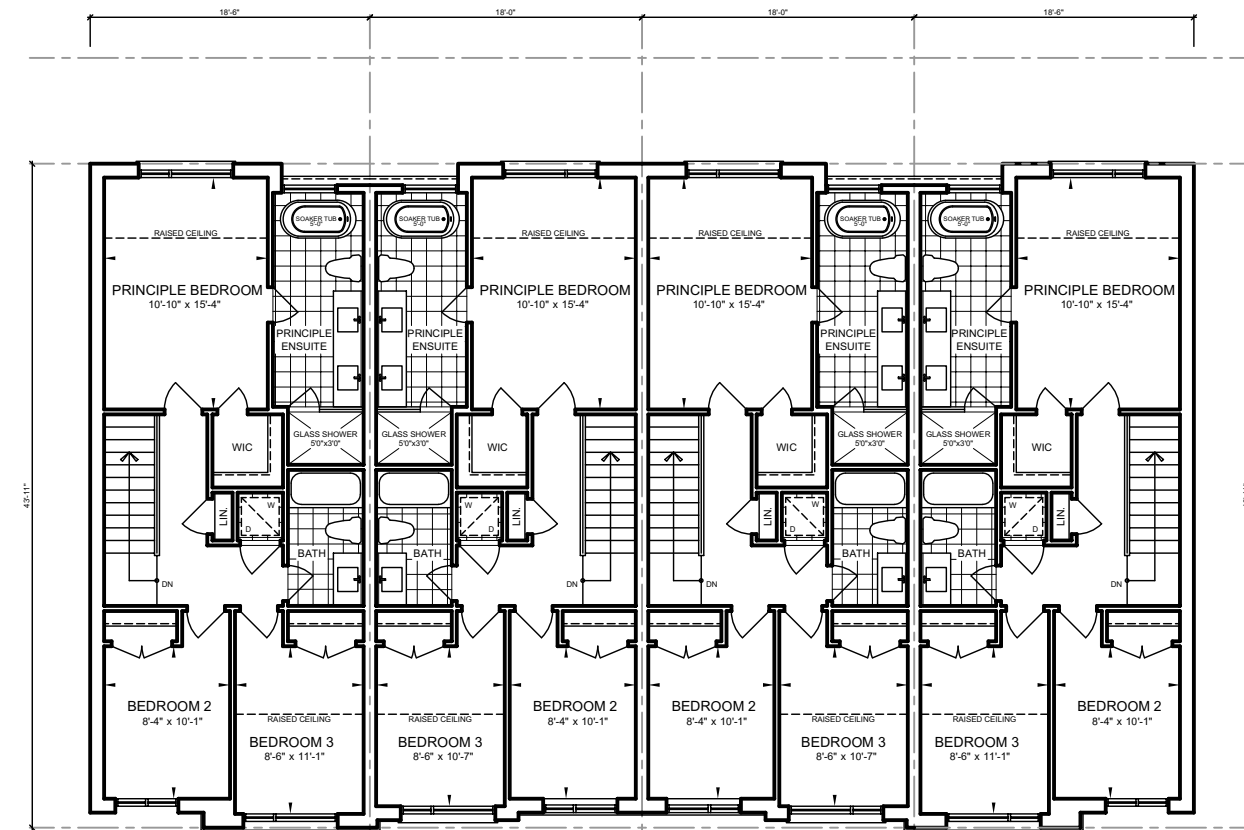
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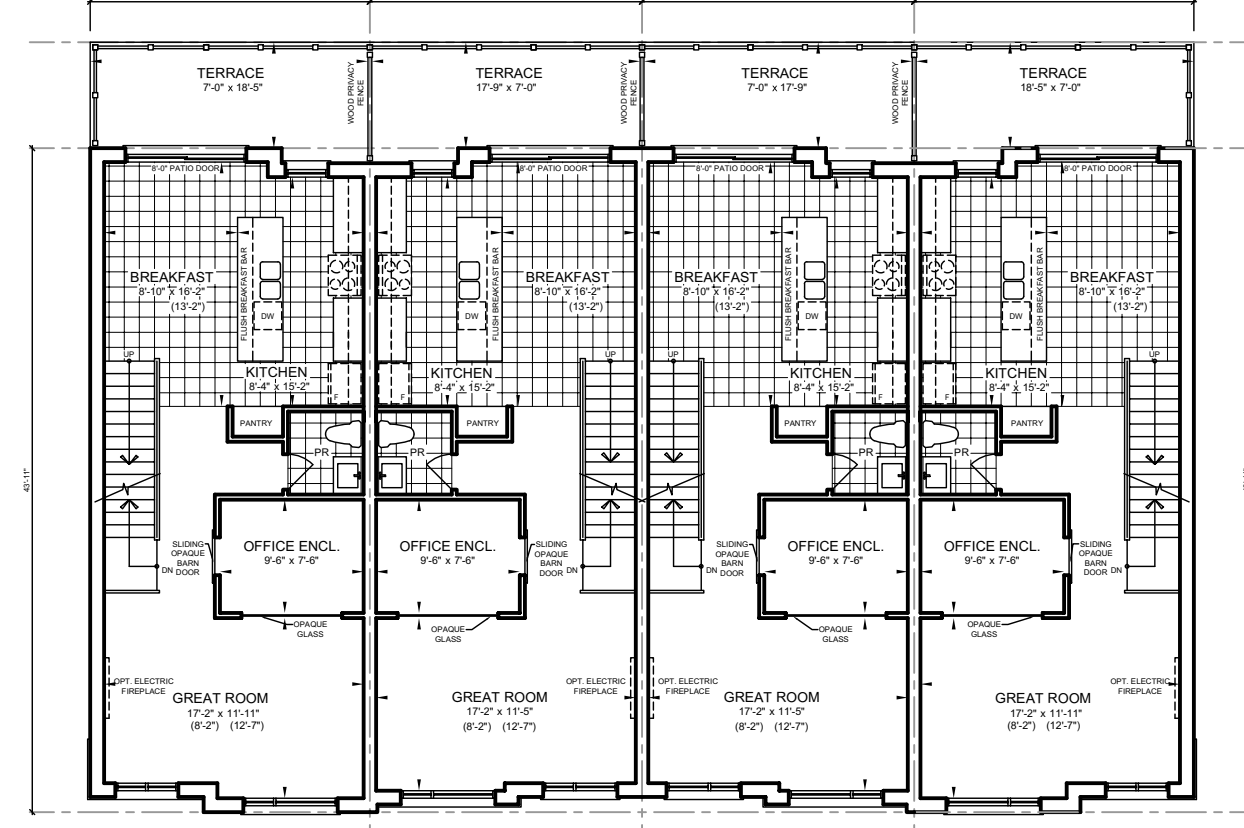
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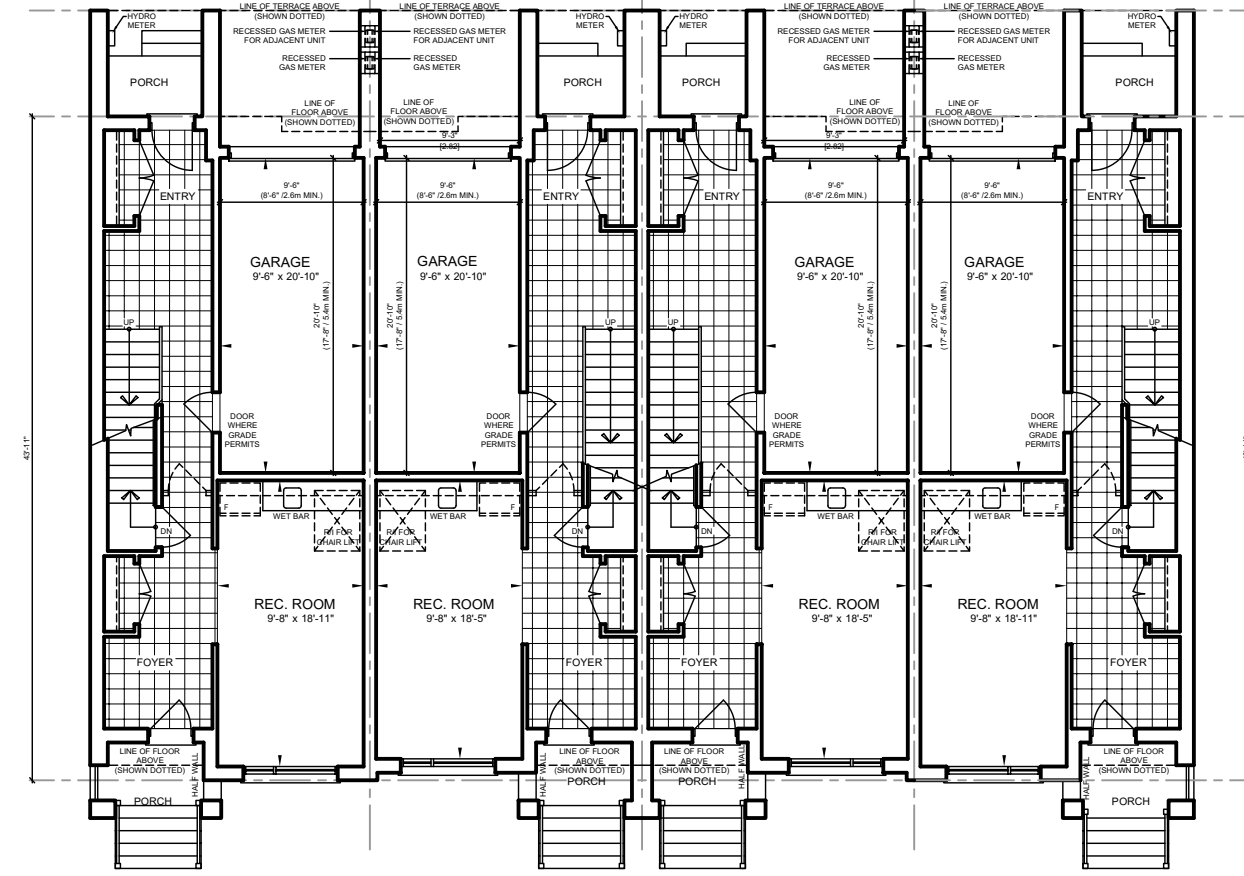
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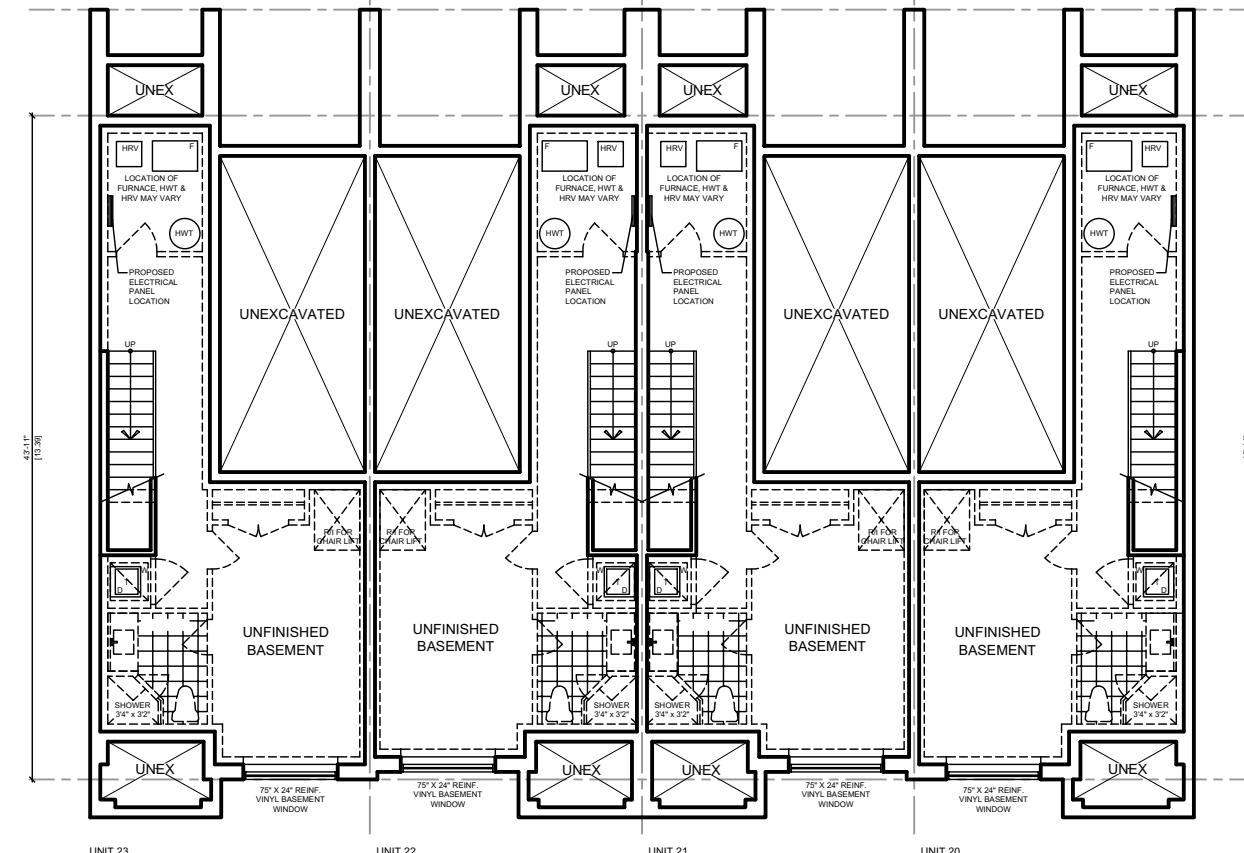
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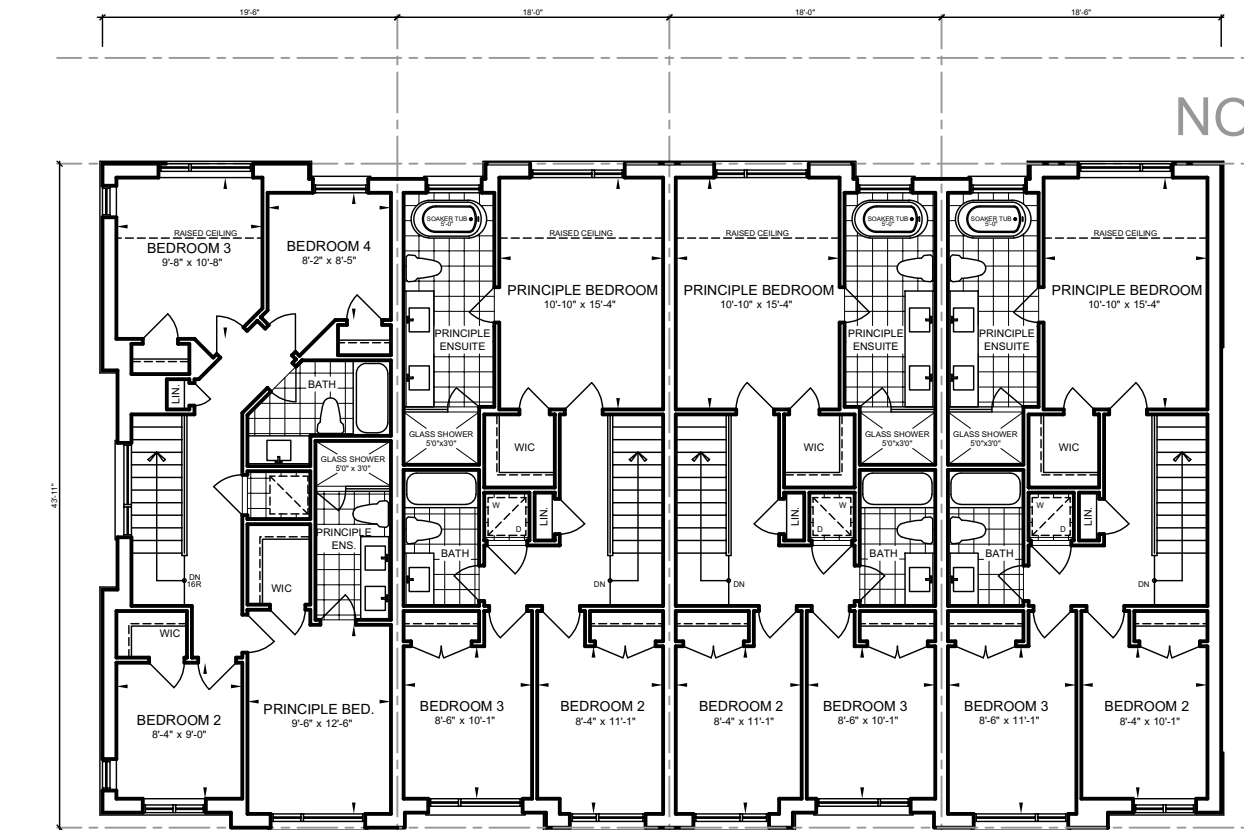
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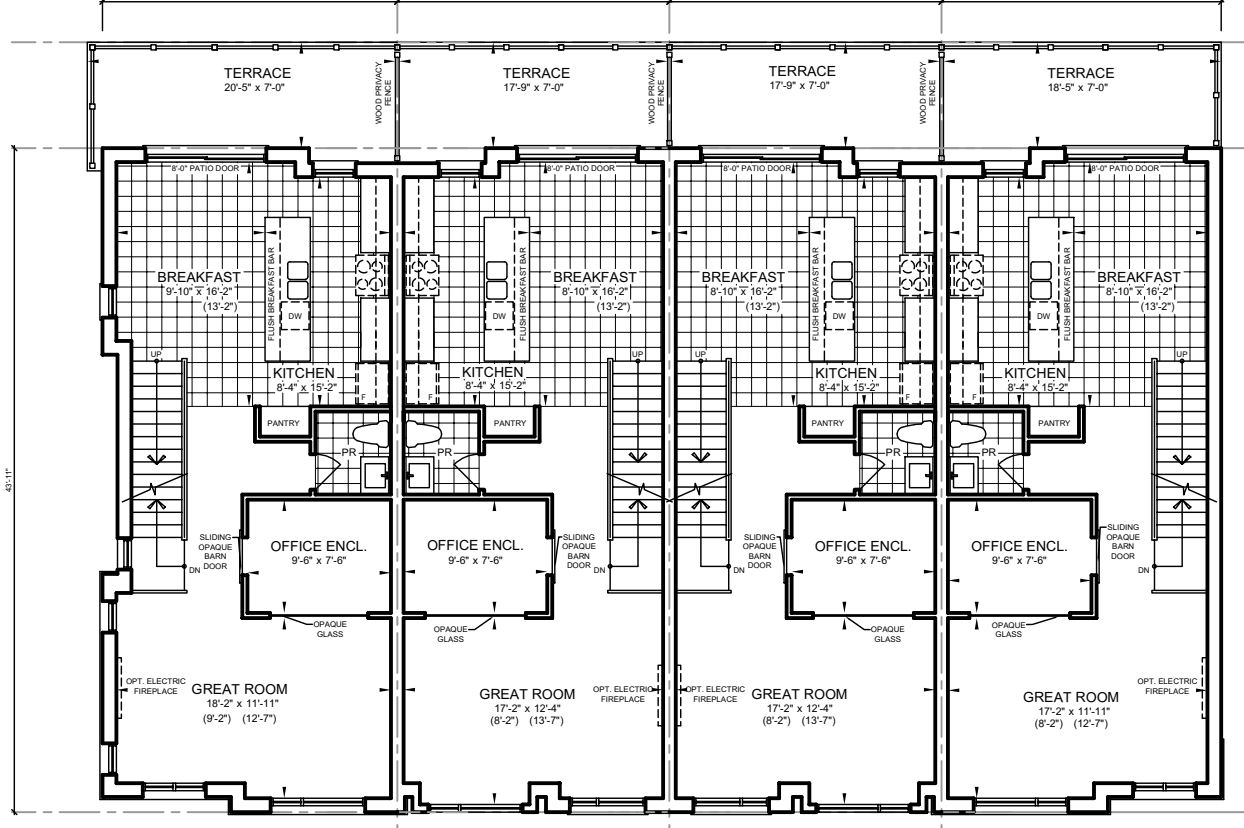
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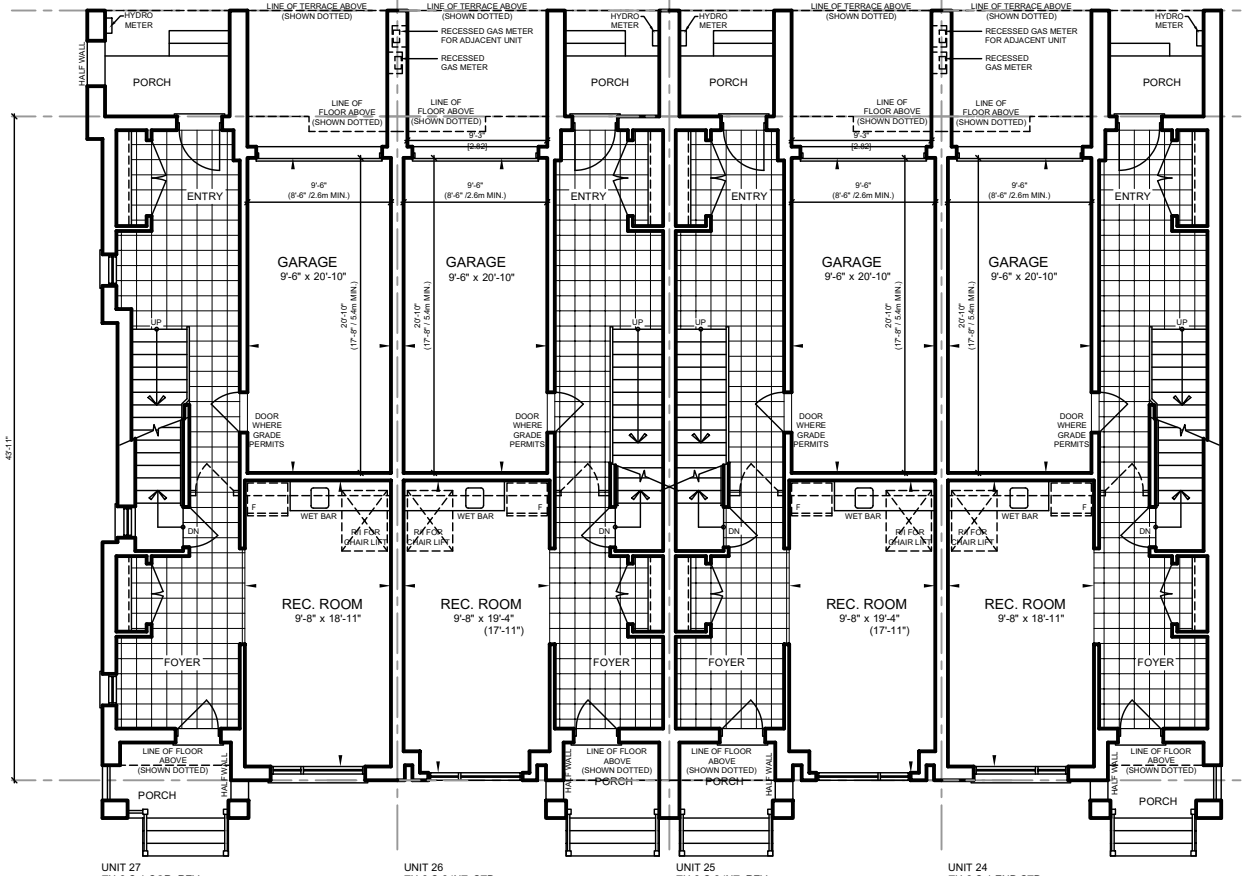
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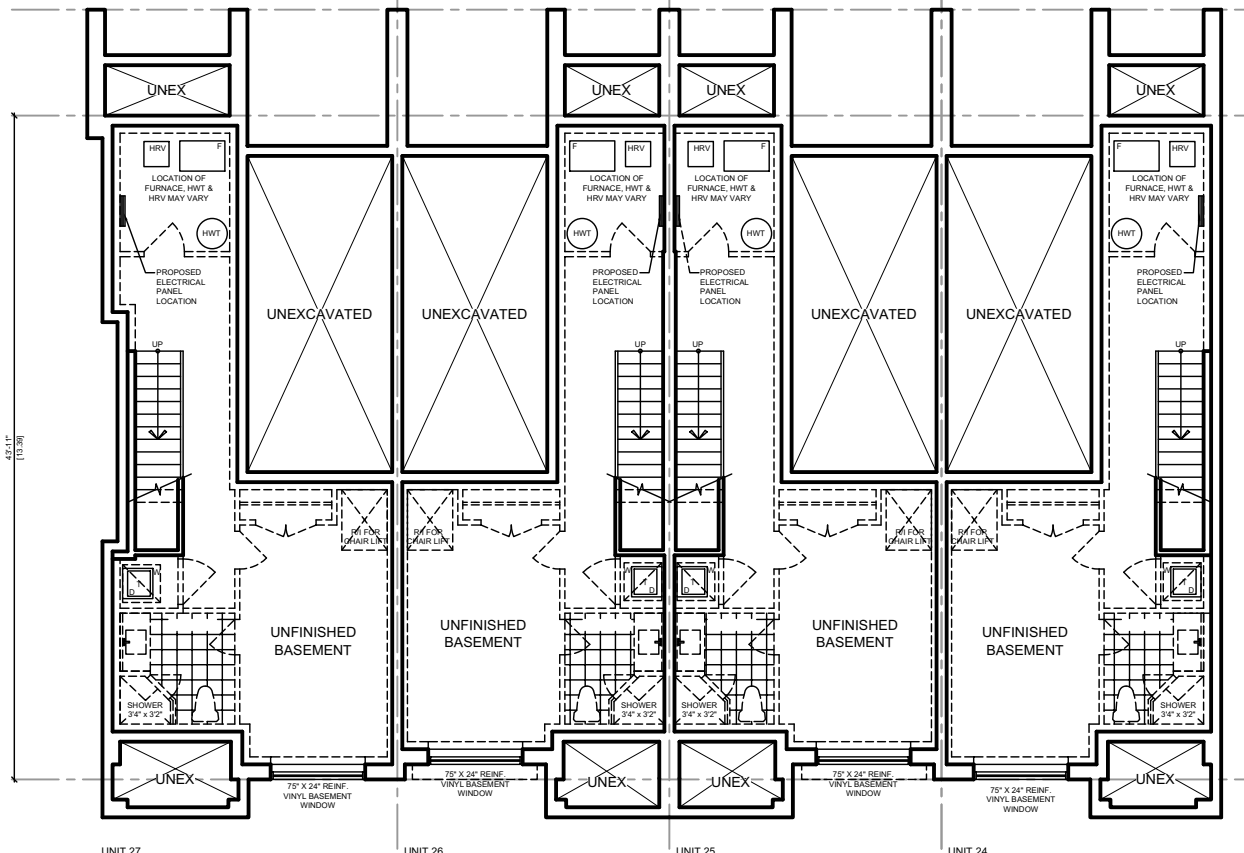
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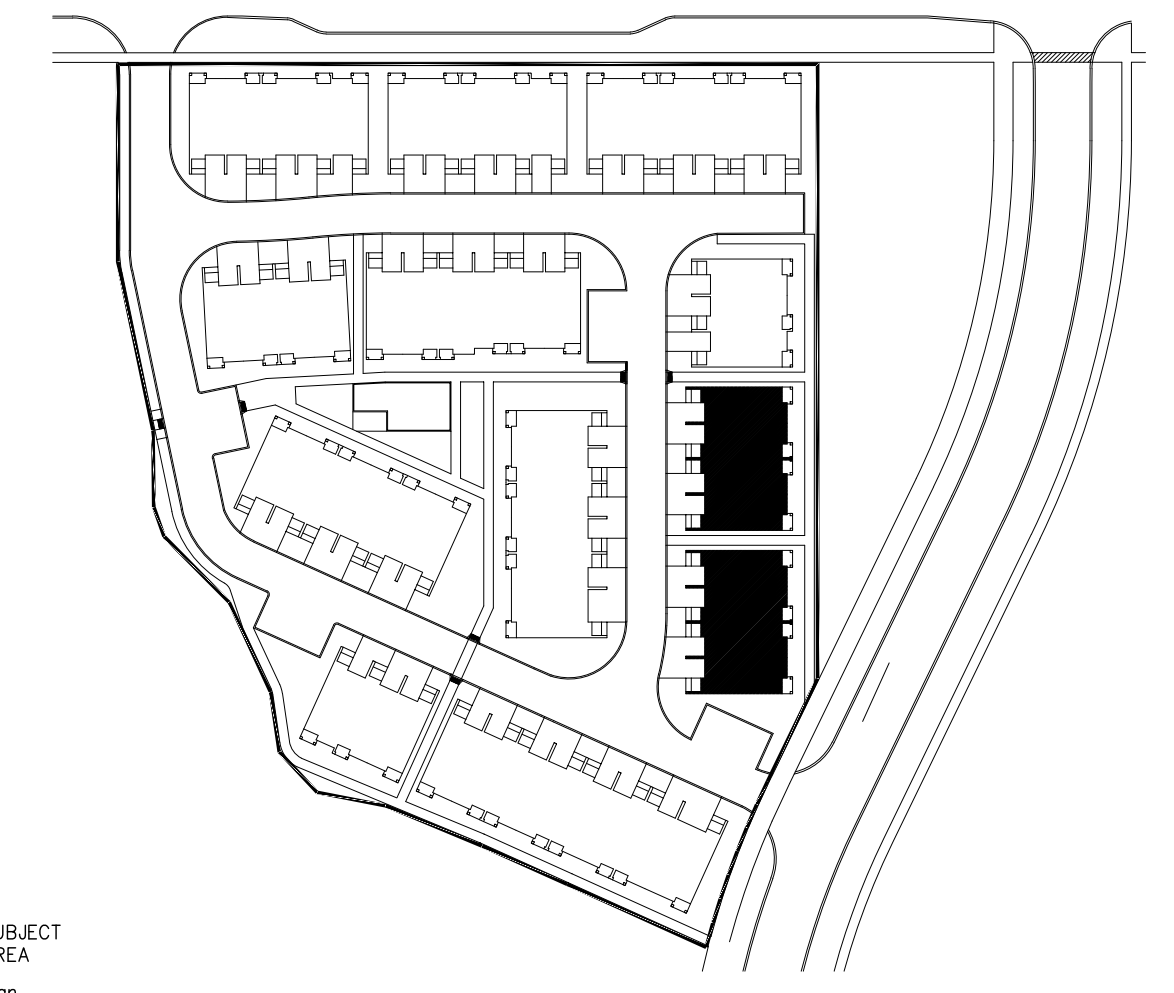
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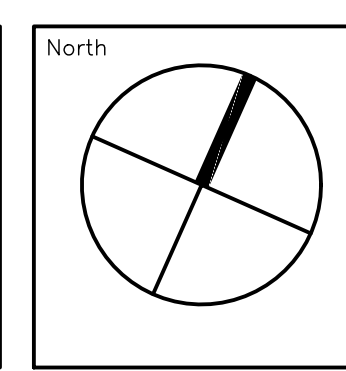
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**BLOCK F  
 BASEMENT PLAN**



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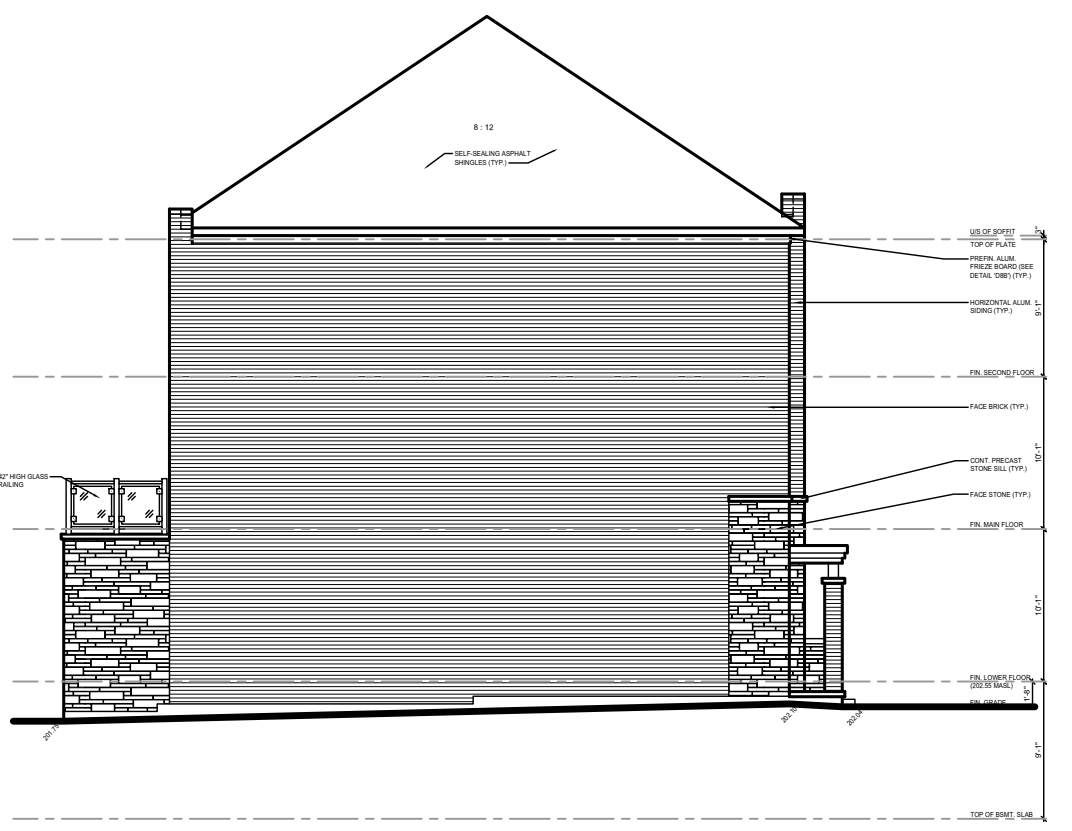
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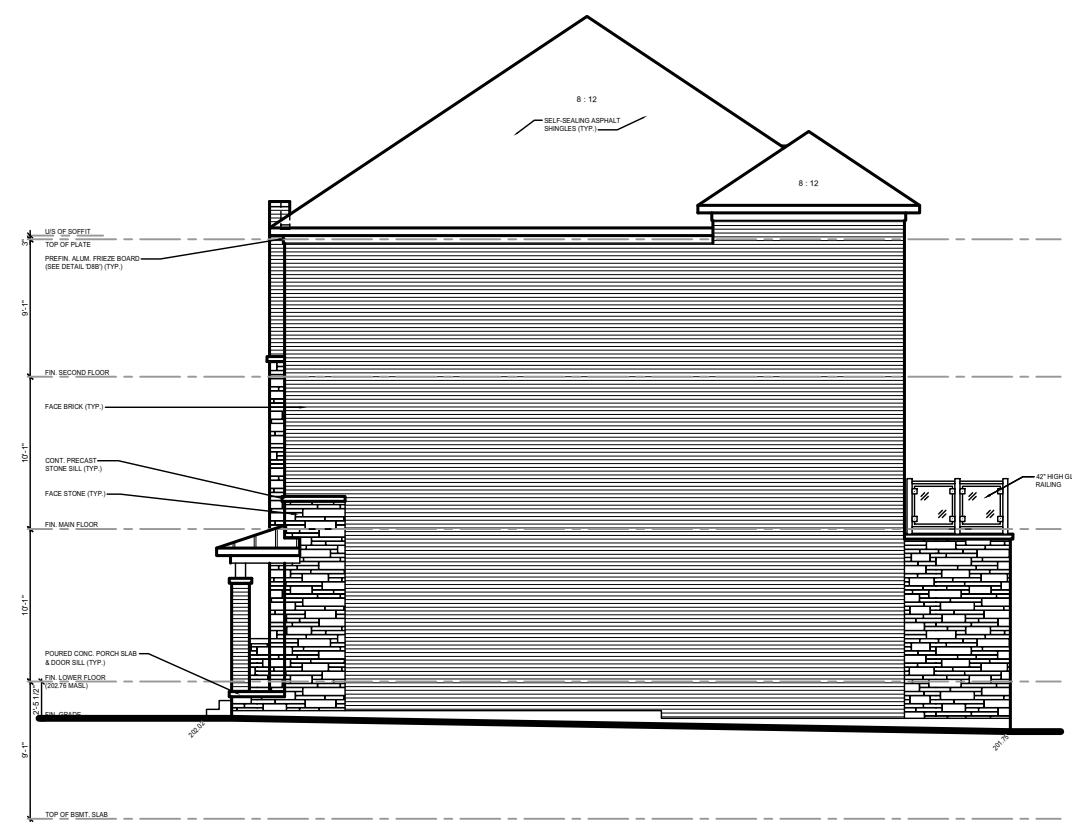
BLOCK H  
 FRONT ELEVATION



BLOCK G  
 LEFT SIDE ELEVATION



BLOCK G  
 RIGHT SIDE ELEVATION



BLOCK H  
 LEFT SIDE ELEVATION



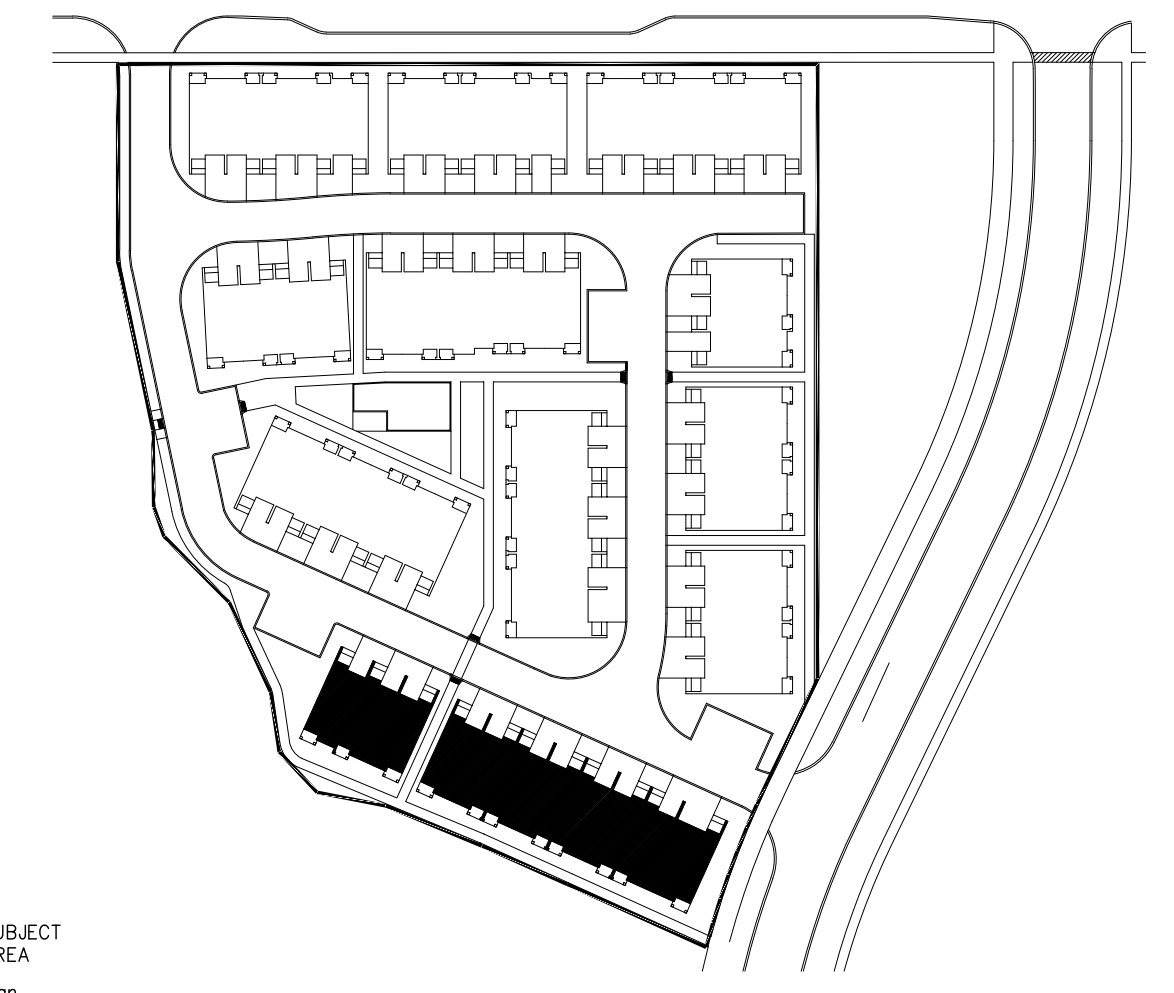
BLOCK H  
 RIGHT SIDE ELEVATION



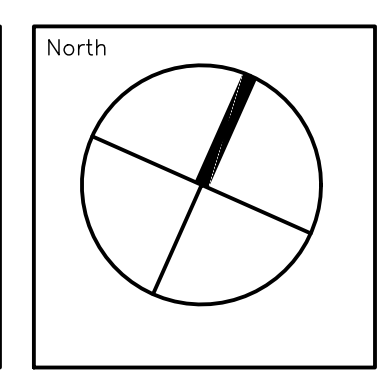
BLOCK G  
 REAR ELEVATION



BLOCK H  
 REAR ELEVATION



SUBJECT  
 AREA  
 Site Plan



NO.	REVISION/ISSUE	DATE
3	ISSUED FOR SECOND SUBMISSION	FEB. 23, 2022
2	REVISED FOR CLIENT COMMENTS & REISSUED FOR REVIEW	FEB. 14, 2022
1	ISSUED FOR FIRST SUBMISSION	AUG. 6, 2021

**Project:** FOREST HILL HOMES  
 CORNELL ROUGE TOWNHOUSES  
 3 STOREY CONDOMINIUM - CITY OF MARKHAM

**S & C ARCHITECTS INC.**  
 T: (416) 848-0991 F: (416) 860-6101  
 INFO@SCARCHITECTS.CA  
 60 RANDALL DRIVE SUITE 10  
 AJAX, ONTARIO L1S 6L3

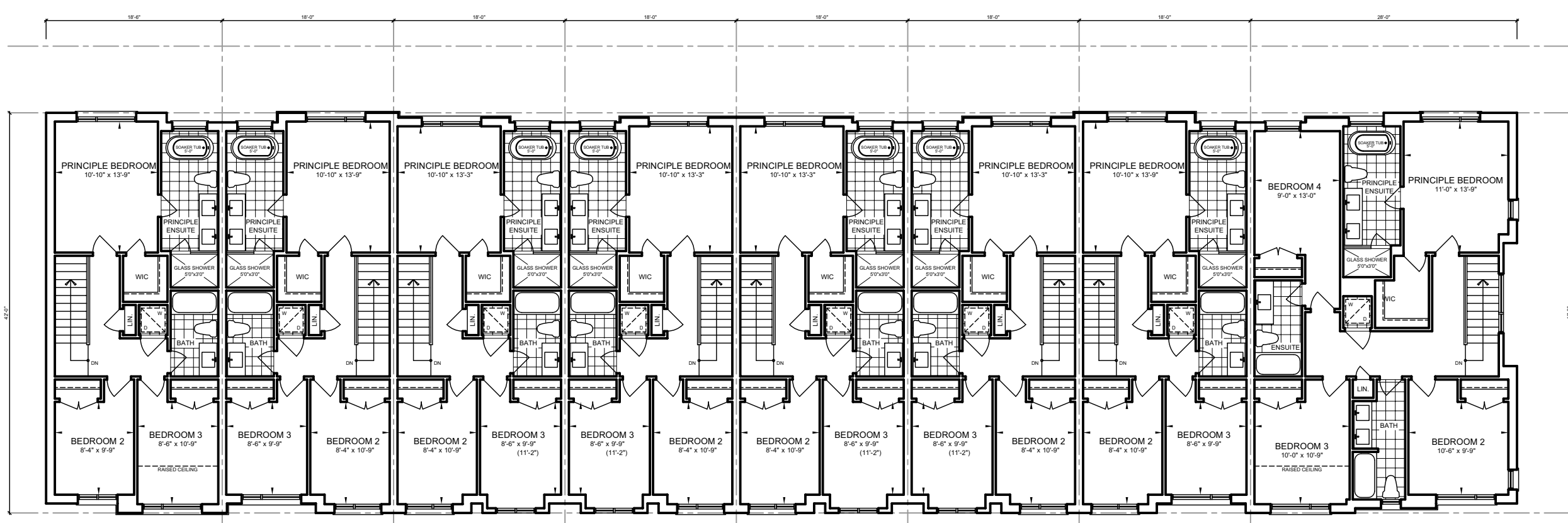
**BLOCKS G & H**

Scale: 1 : 300  
 Date: Sep. 10, 2021  
 Project No. 2017-07  
 Drawing No. A-5

Drawn by: TB  
 Checked by: SA



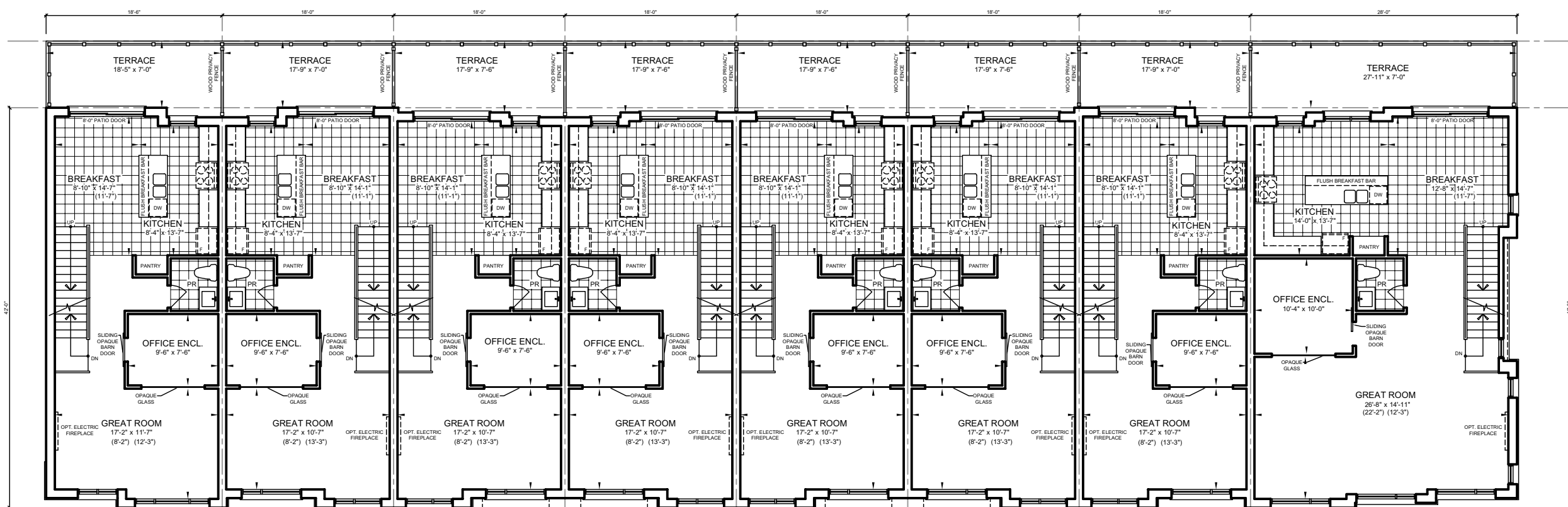
PRELIMINARY  
 NOT FOR CONSTRUCTION



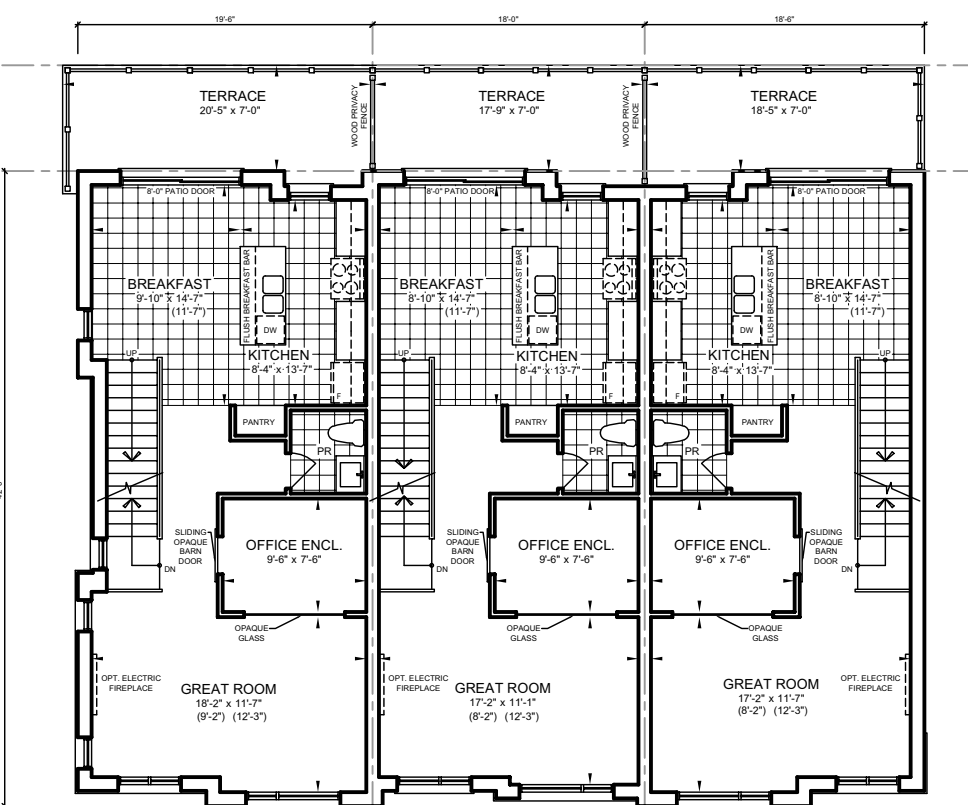
BLOCK G  
 SECOND FLOOR PLAN



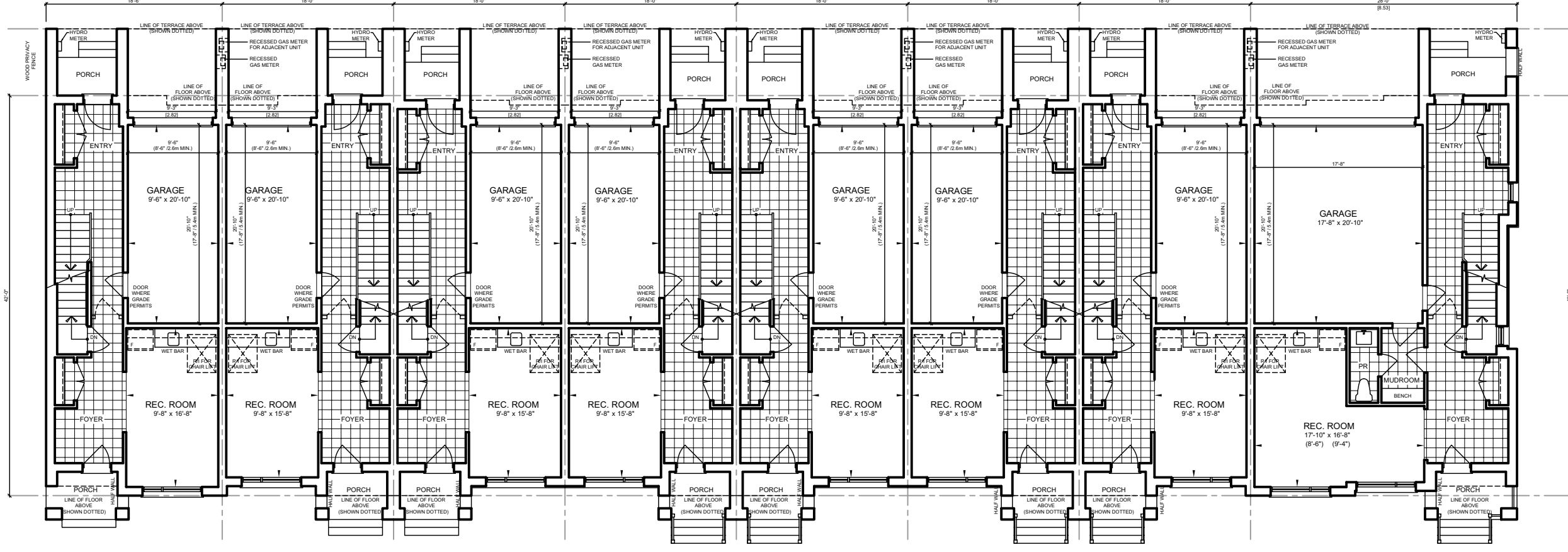
BLOCK H  
 SECOND FLOOR PLAN



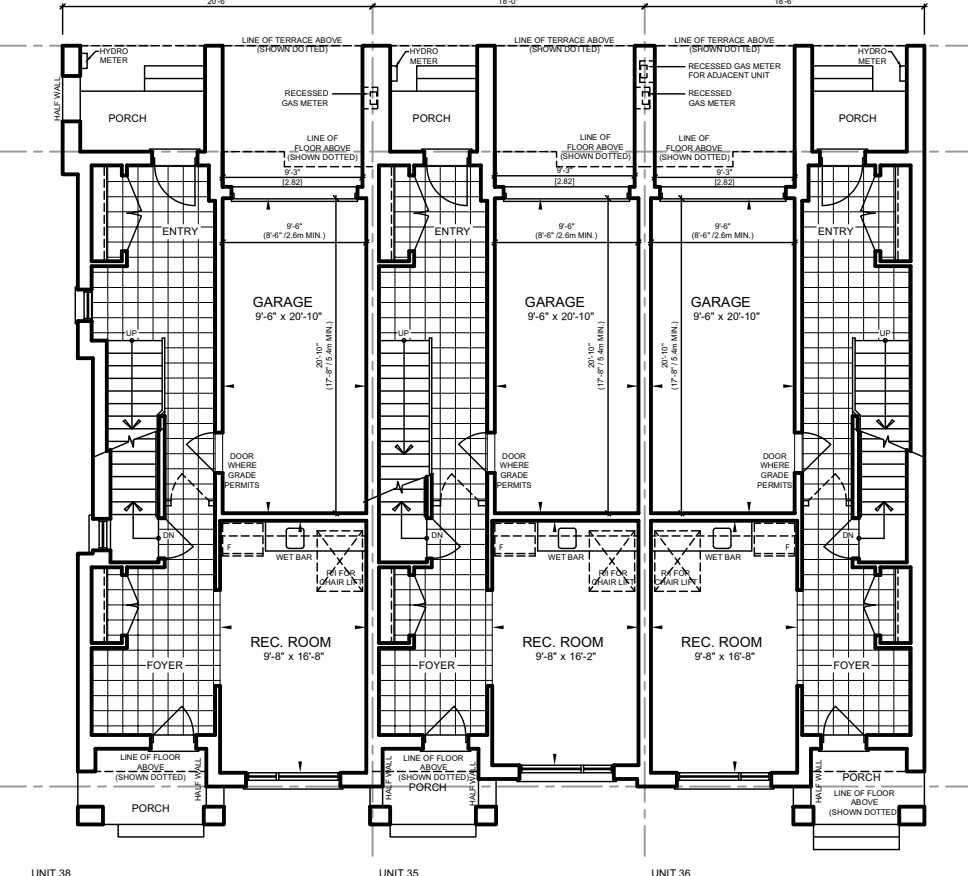
BLOCK G  
 MAIN FLOOR PLAN



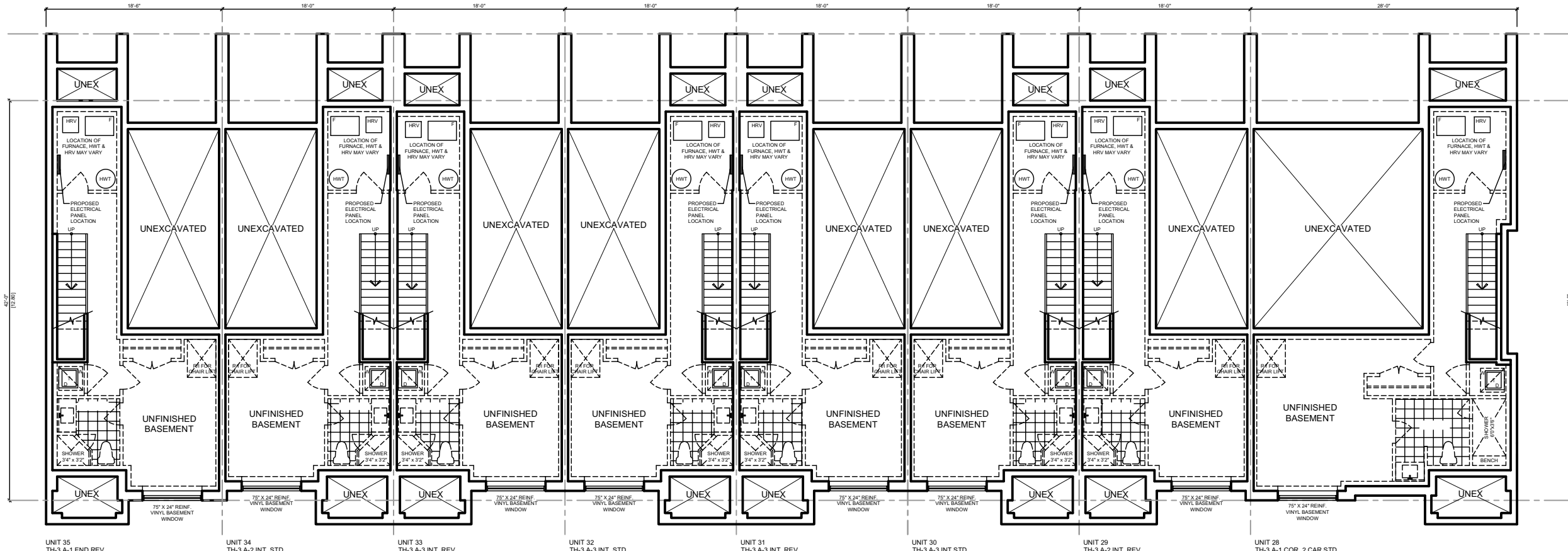
BLOCK H  
 MAIN FLOOR PLAN



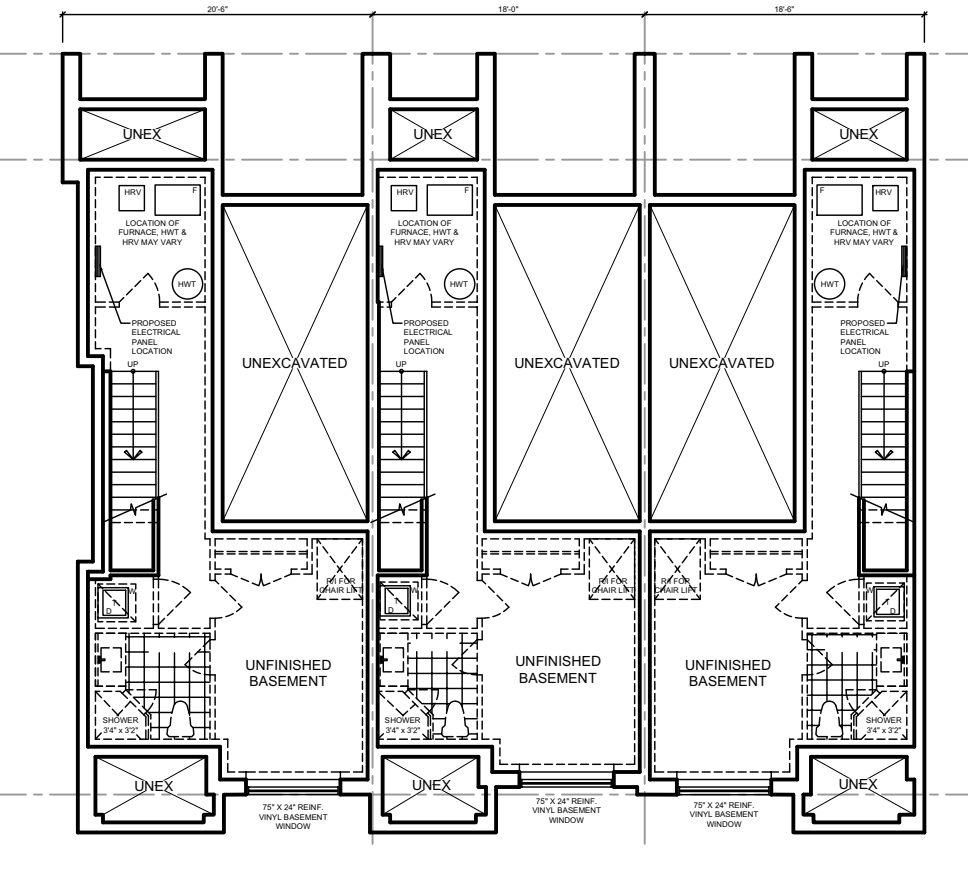
BLOCK G  
 LOWER FLOOR PLAN



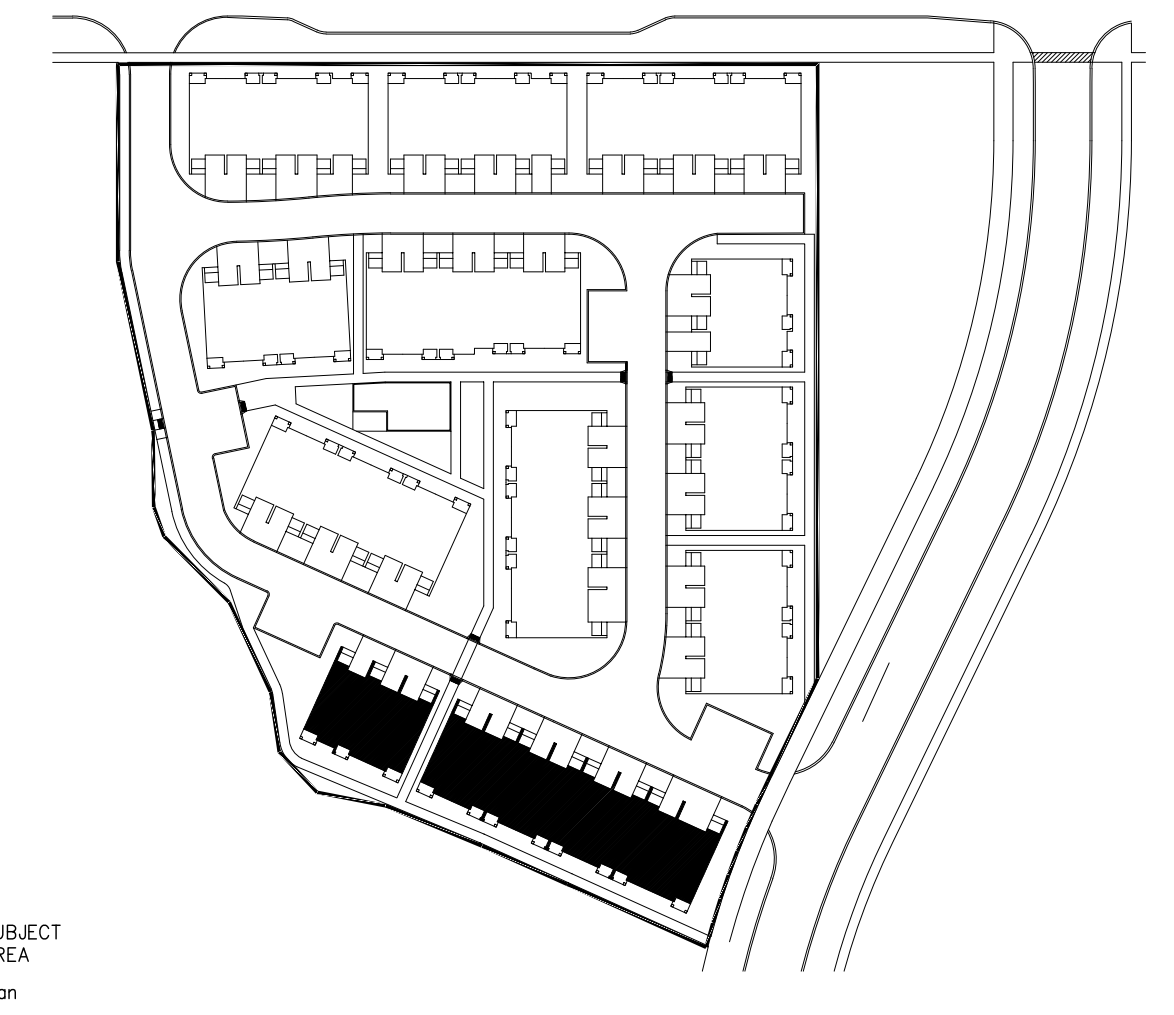
BLOCK H  
 LOWER FLOOR PLAN



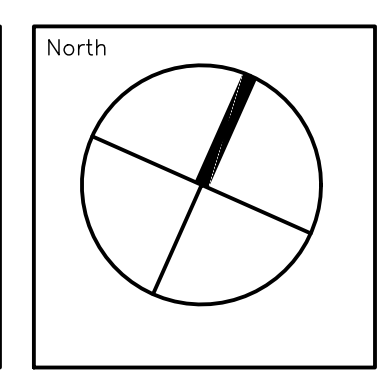
BLOCK G  
 BASEMENT PLAN



BLOCK H  
 BASEMENT PLAN



Site Plan



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**Project:** FOREST HILL HOMES  
 CORNELL ROUGE TOWNHOUSES  
 3 STOREY CONDOMINIUM - CITY OF MARKHAM

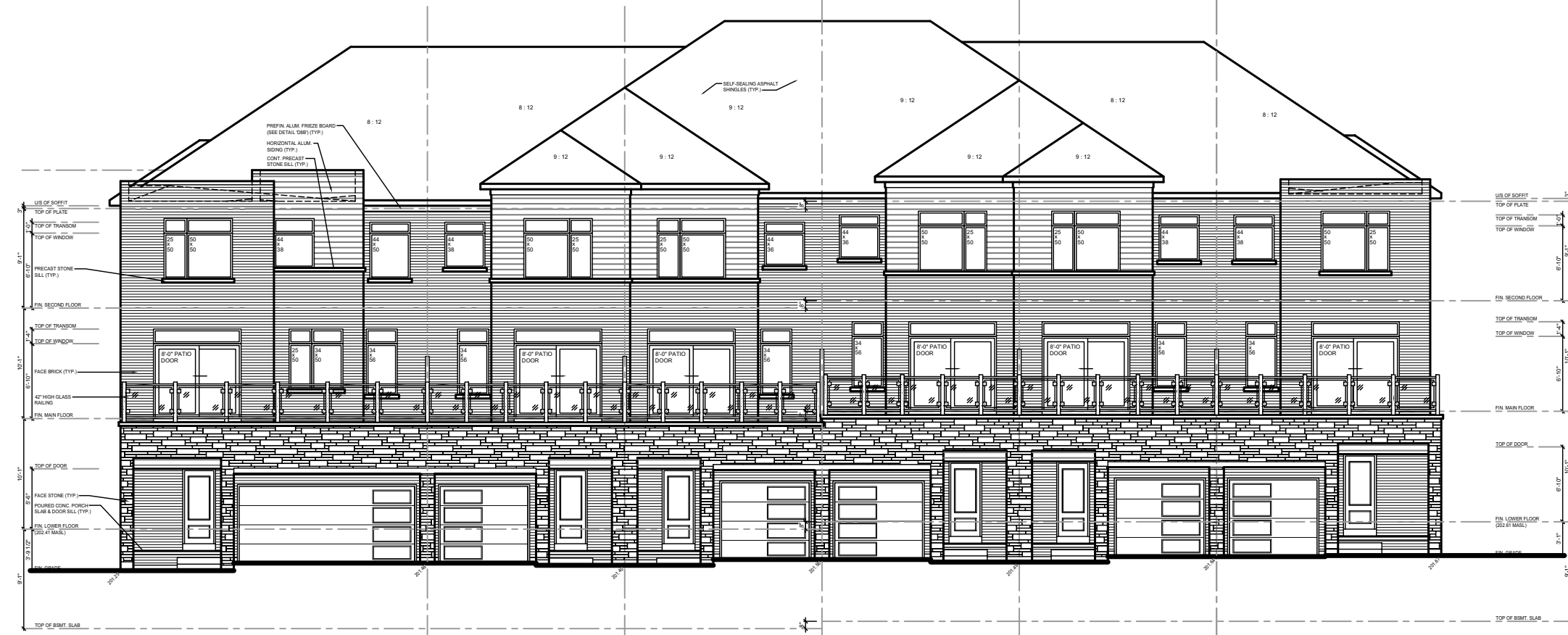
**Scale:** 1 : 300  
**Date:** Mar. 1, 2022  
**Project No.:** 2017-07

**Drawn by:** TB  
**Checked by:** SA  
**Drawing No.:** A-5A

**S & C ARCHITECTS INC.**  
 T: (416) 848-0991 F: (416) 860-8101  
 INFO@SCARCHITECTS.CA  
 60 RANDALL DRIVE SUITE 10  
 AJAX, ONTARIO L1S 6L3



PRELIMINARY  
 NOT FOR CONSTRUCTION



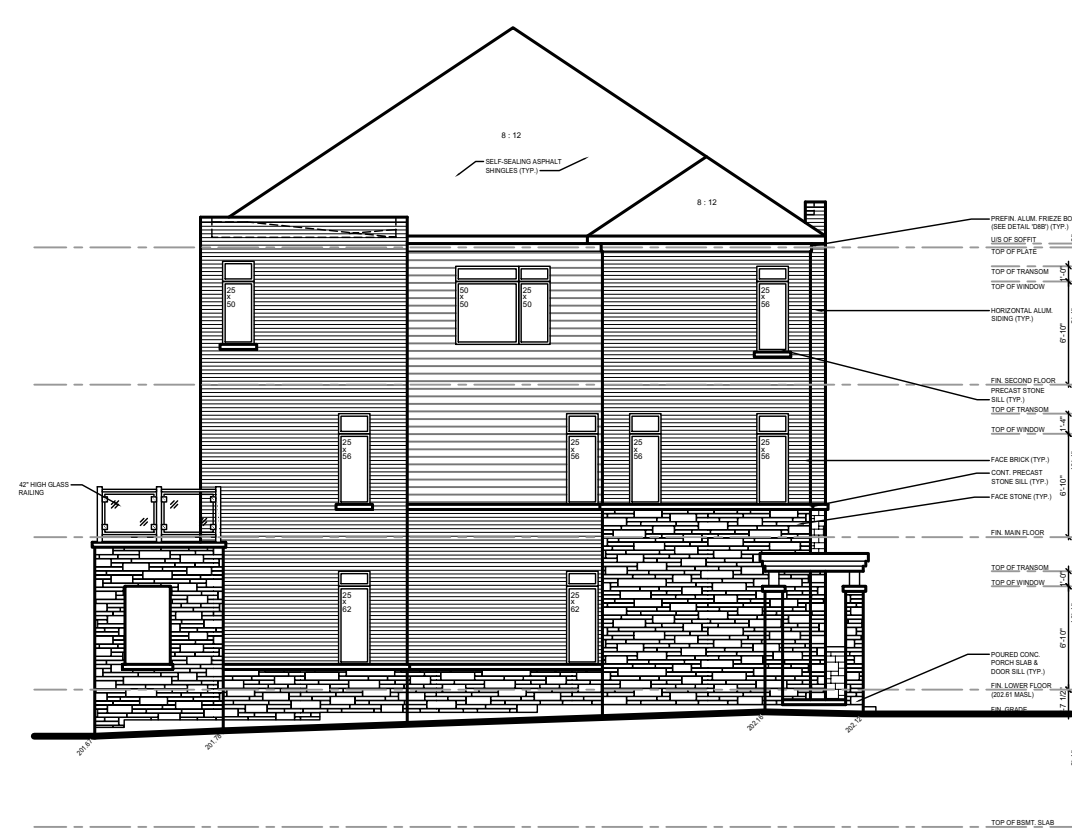
BLOCK I  
 FRONT ELEVATION



BLOCK J  
 FRONT ELEVATION



BLOCK I  
 LEFT SIDE ELEVATION



BLOCK I  
 RIGHT SIDE ELEVATION



BLOCK J  
 LEFT SIDE ELEVATION



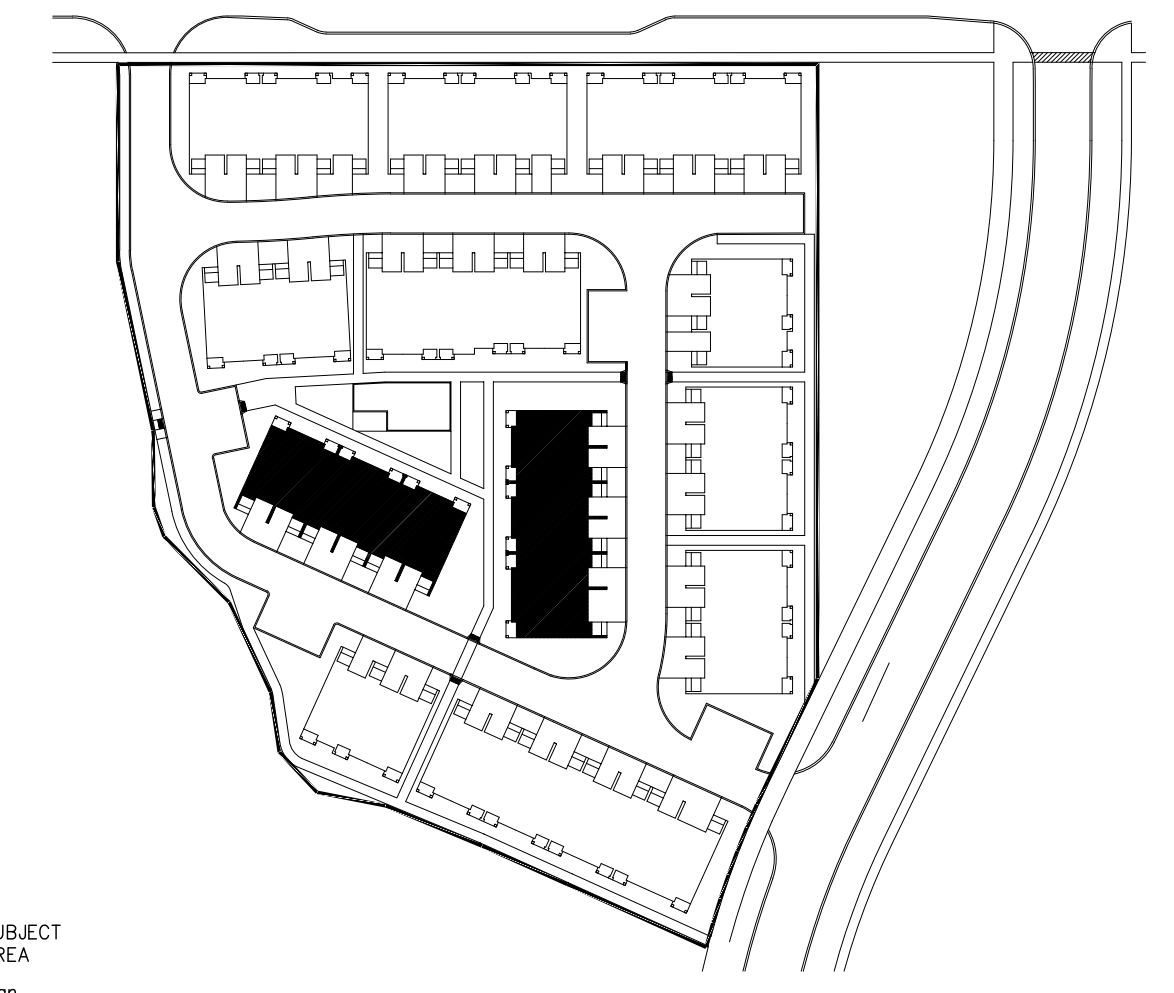
BLOCK J  
 RIGHT SIDE ELEVATION



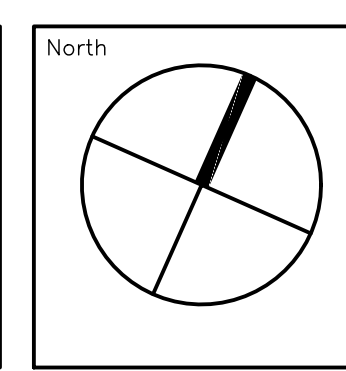
BLOCK I  
 REAR ELEVATION



BLOCK J  
 REAR ELEVATION



SUBJECT  
 AREA  
 Site Plan



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**Project:** FOREST HILL HOMES  
 CORNELL ROUGE TOWNHOUSES  
 3 STOREY CONDOMINIUM - CITY OF MARKHAM

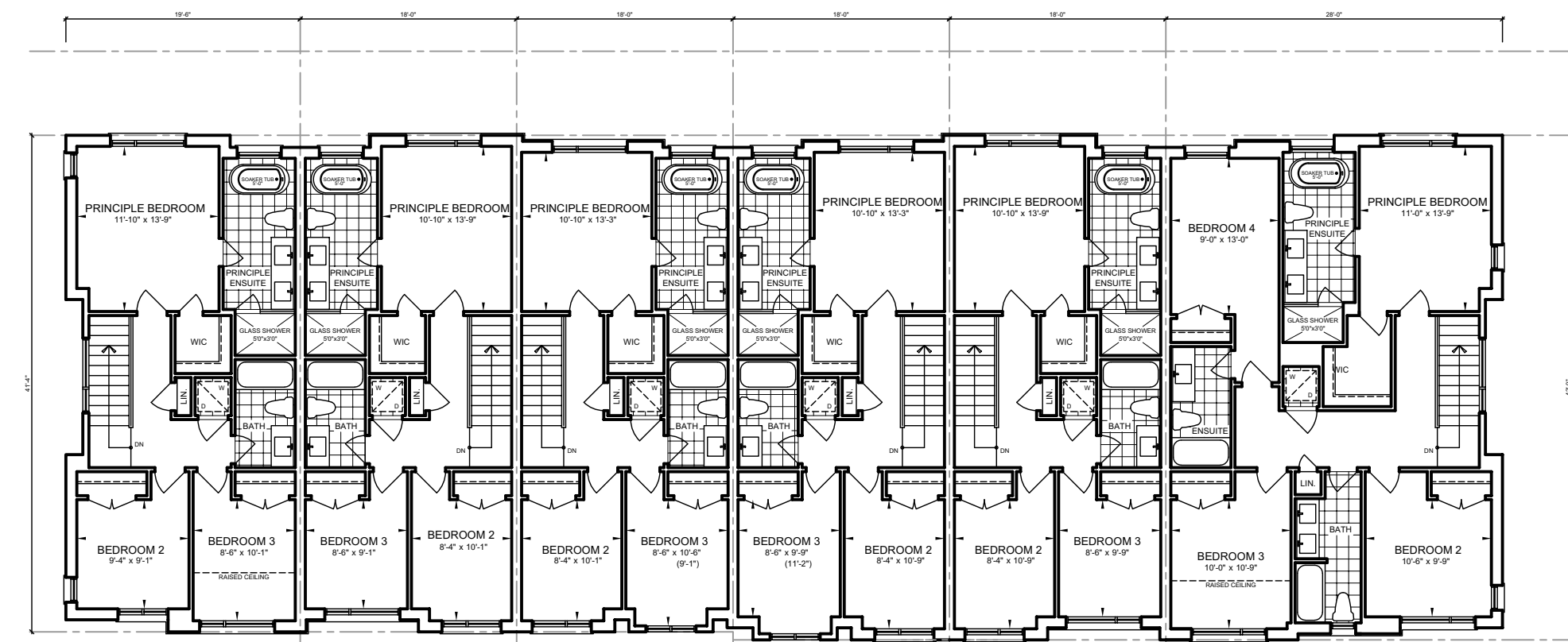
**S & C ARCHITECTS INC.**  
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 INFO@SCARCHITECTS.CA  
 60 RANDALL DRIVE SUITE 10  
 AJAX, ONTARIO L1S 6L3

**BLOCKS I & J**

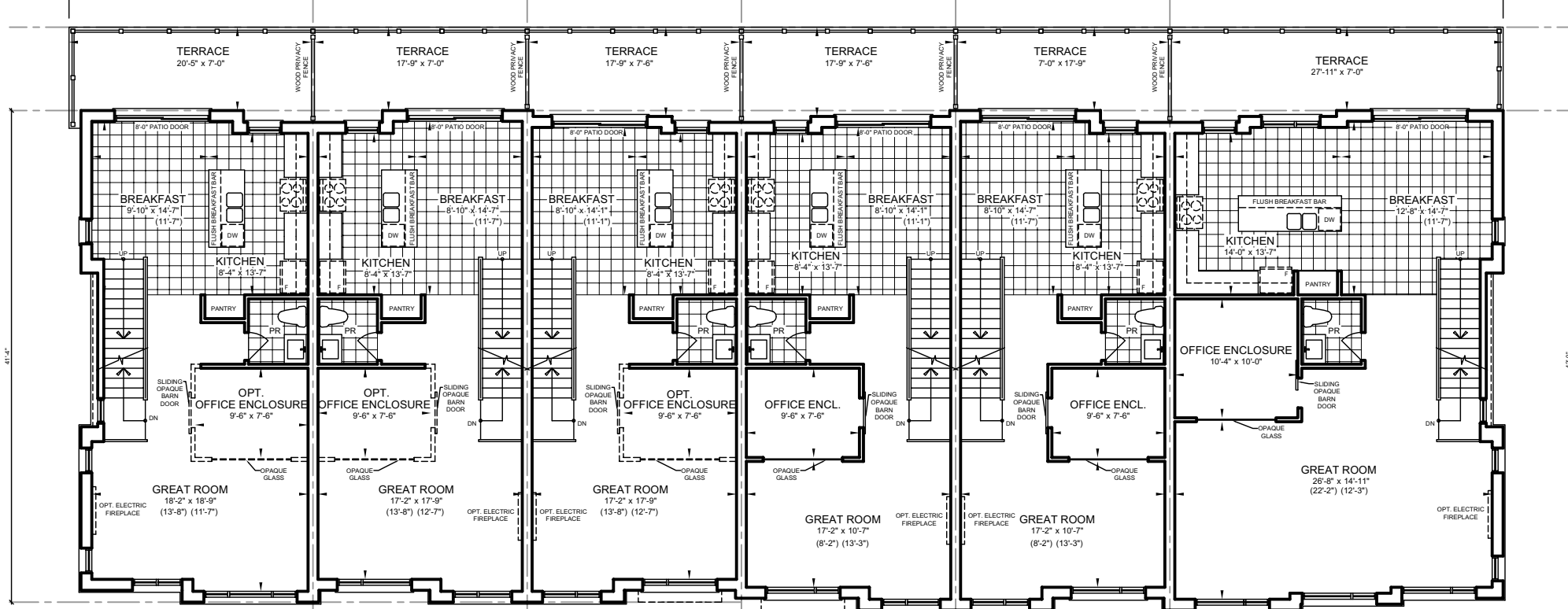
Scale: 1 : 300  
 Date: Sep. 10, 2021  
 Project No. 2017-07  
 Drawing No. A-6

Drawn by: TB  
 Checked by: SA

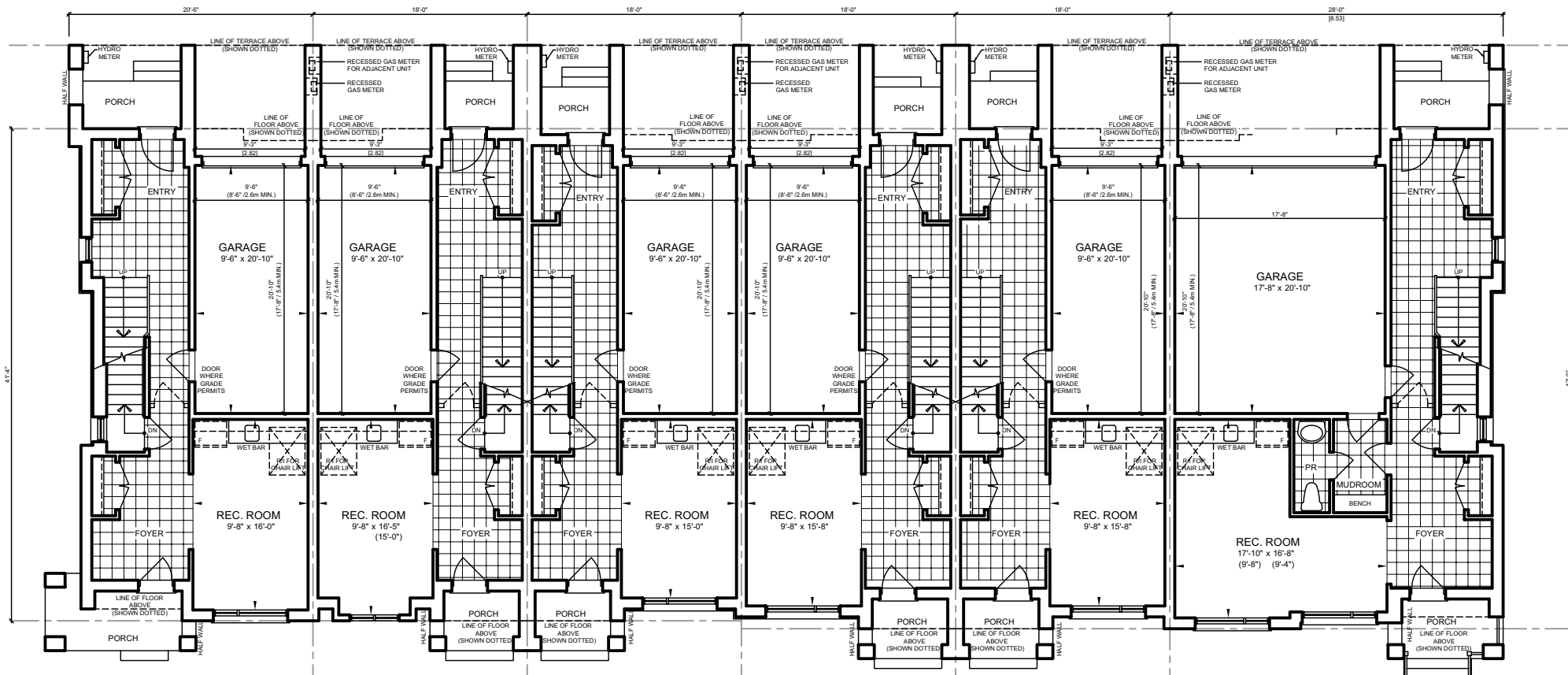




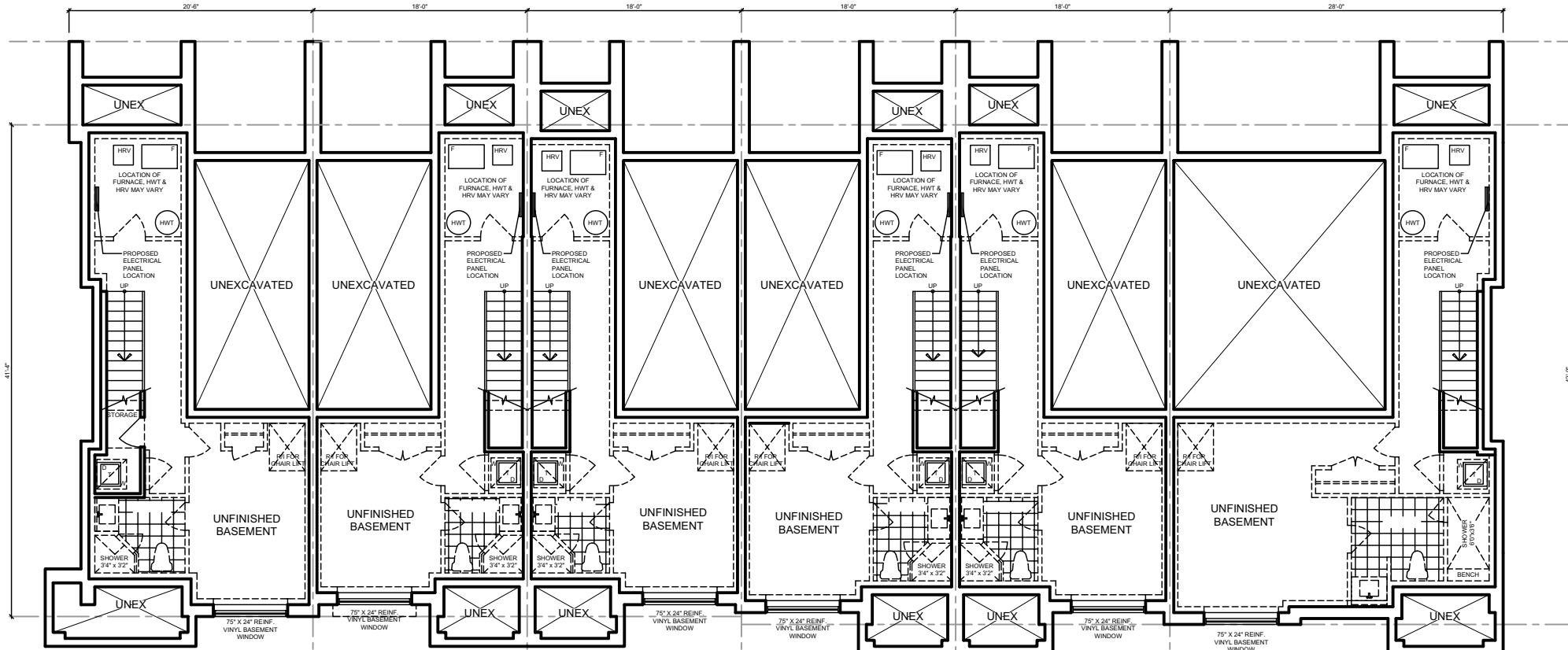
BLOCK I  
SECOND FLOOR PLAN



BLOCK I  
MAIN FLOOR PLAN

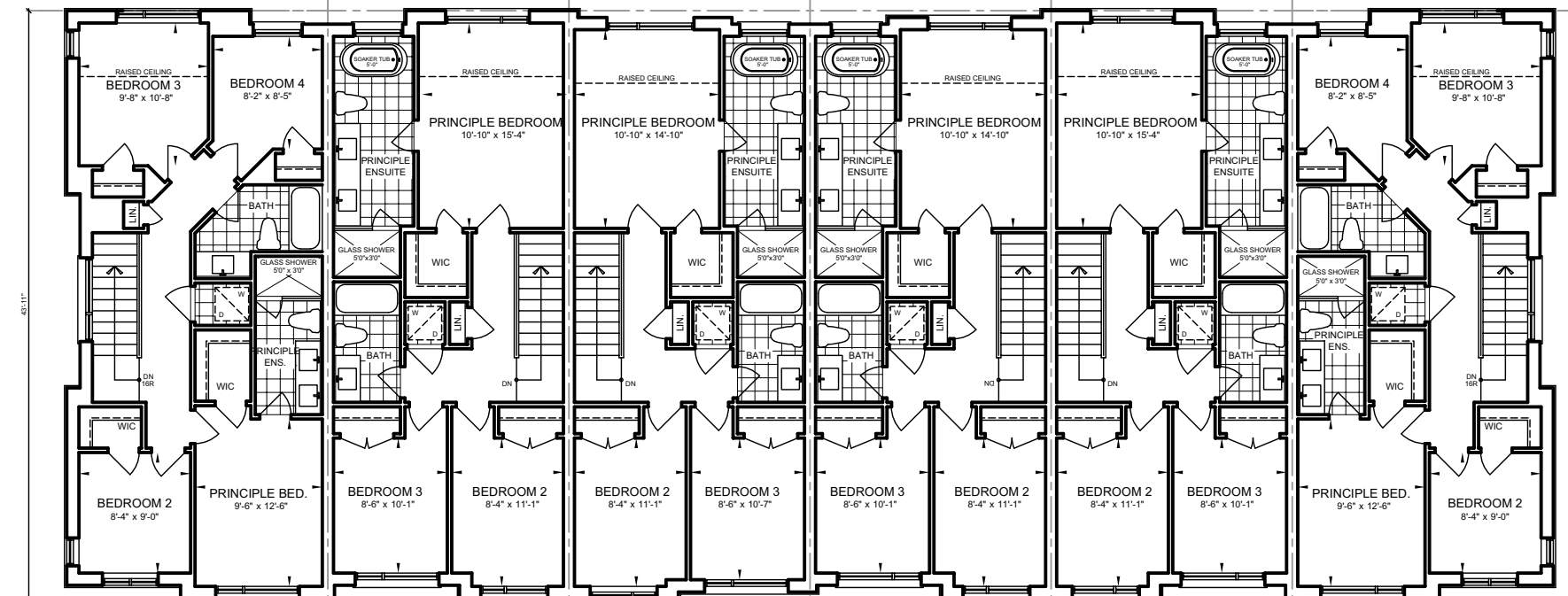


BLOCK I  
LOWER FLOOR PLAN

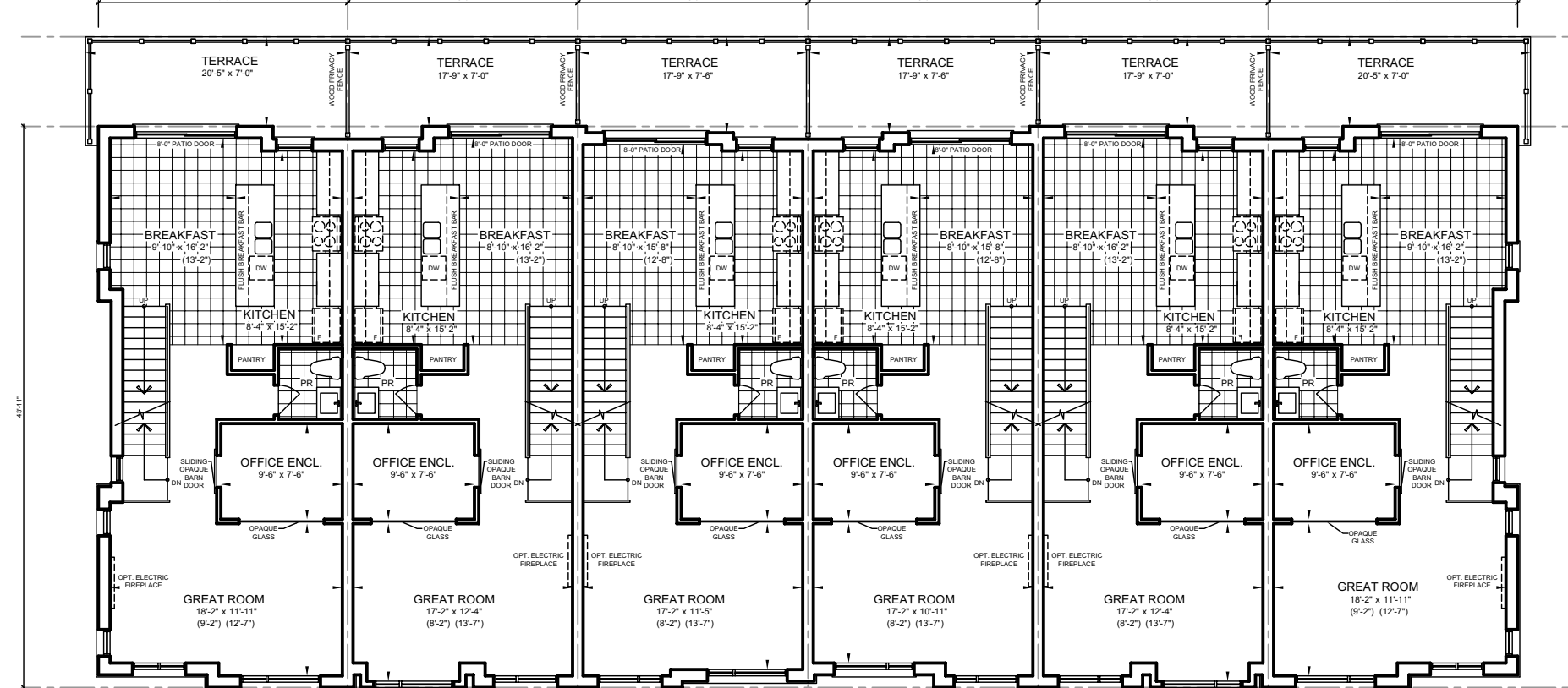


BLOCK I  
BASEMENT PLAN

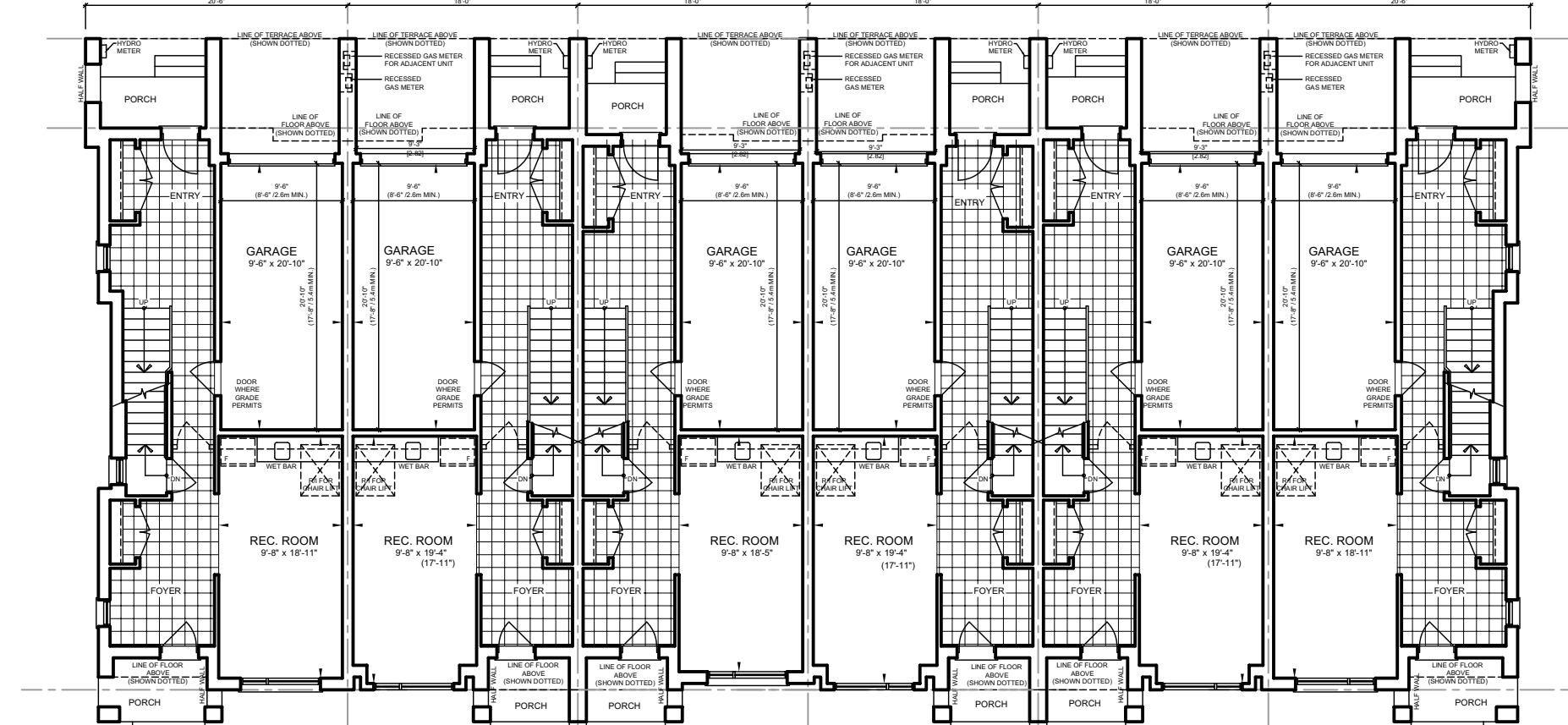
PRELIMINARY  
NOT FOR CONSTRUCTION



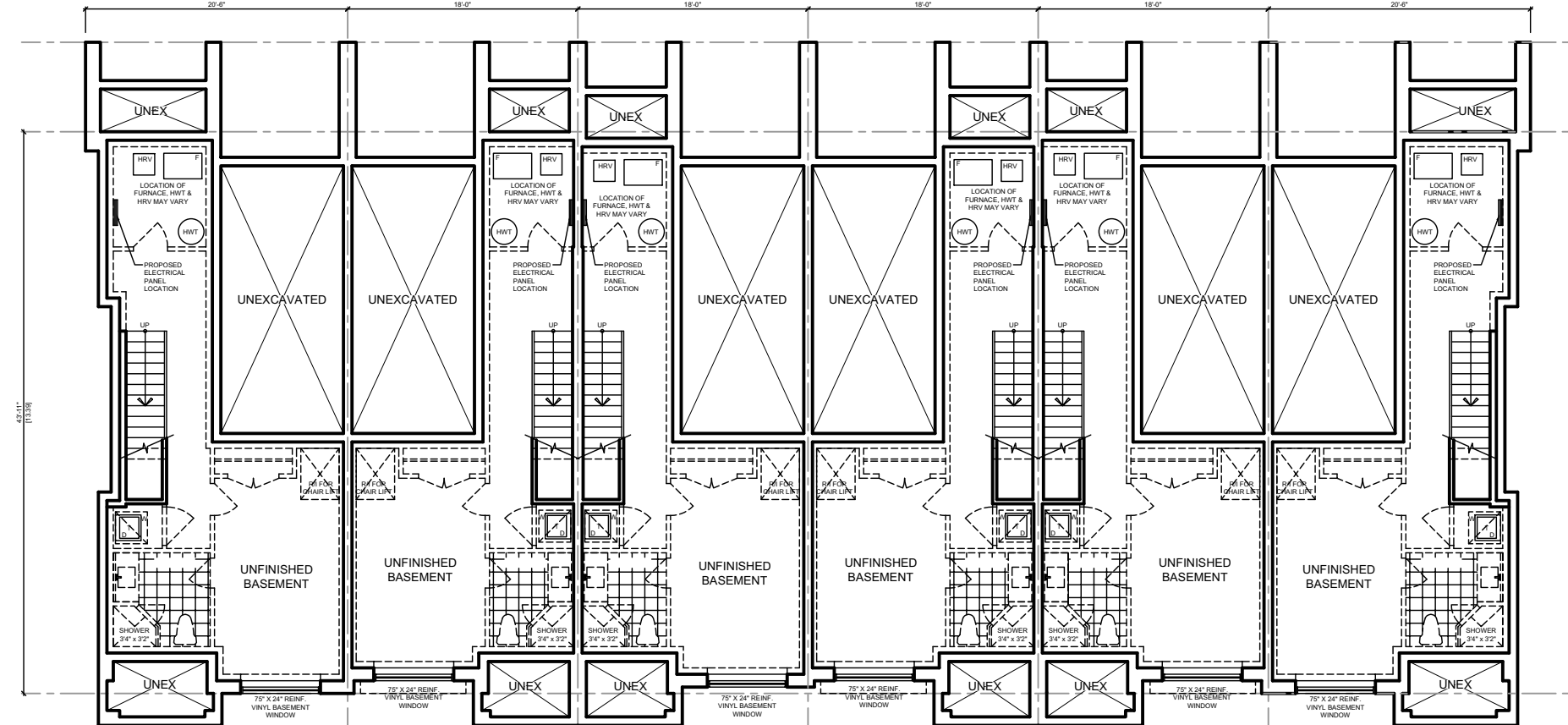
BLOCK J  
SECOND FLOOR PLAN



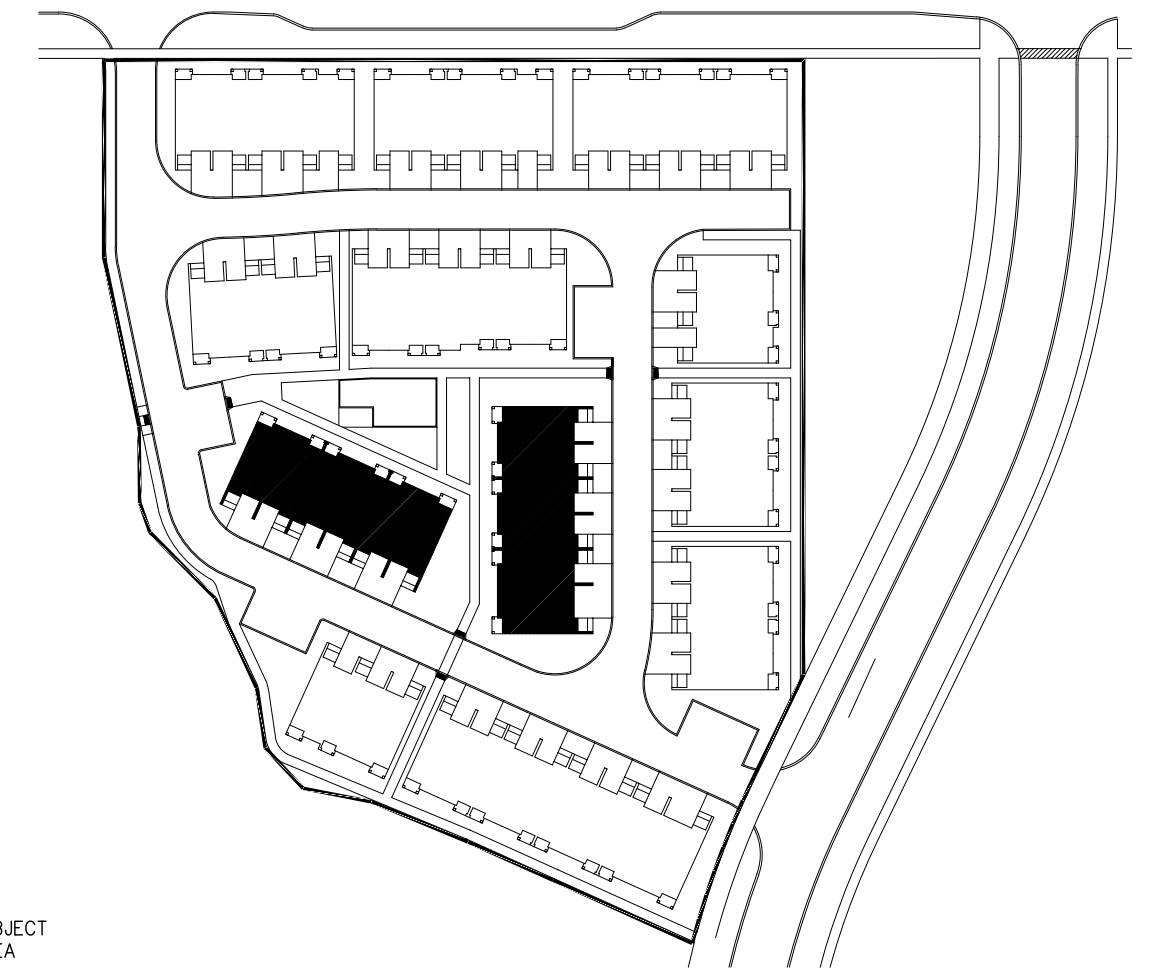
BLOCK J  
MAIN FLOOR PLAN



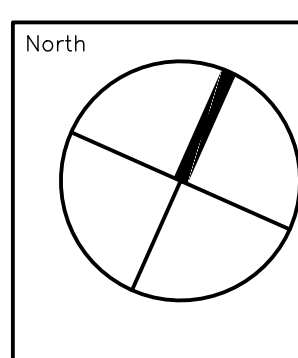
BLOCK J  
LOWER FLOOR PLAN



BLOCK J  
BASEMENT PLAN



SUBJECT  
AREA  
Site Plan







Project: **FOREST HILL HOMES  
CORNELL ROUGE TOWNHOUSES**  
3 STOREY CONDOMINIUM - CITY OF MARKHAM

Scale: 1 : 300  
Date: Mar. 1, 2022  
2017-07

Drawn by: TB  
Checked by: SA  
Drawing No. A-6A

S & C ARCHITECTS INC.  
T: (416) 848-0991 F: (416) 860-8101  
INFO@SCARCHITECTS.CA  
60 RANDALL DRIVE SUITE 10  
AJAX, ONTARIO L1S 6L3

BLOCKS I & J

NO.	REVISION/ISSUE	DATE
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PRELIMINARY  
NOT FOR CONSTRUCTION



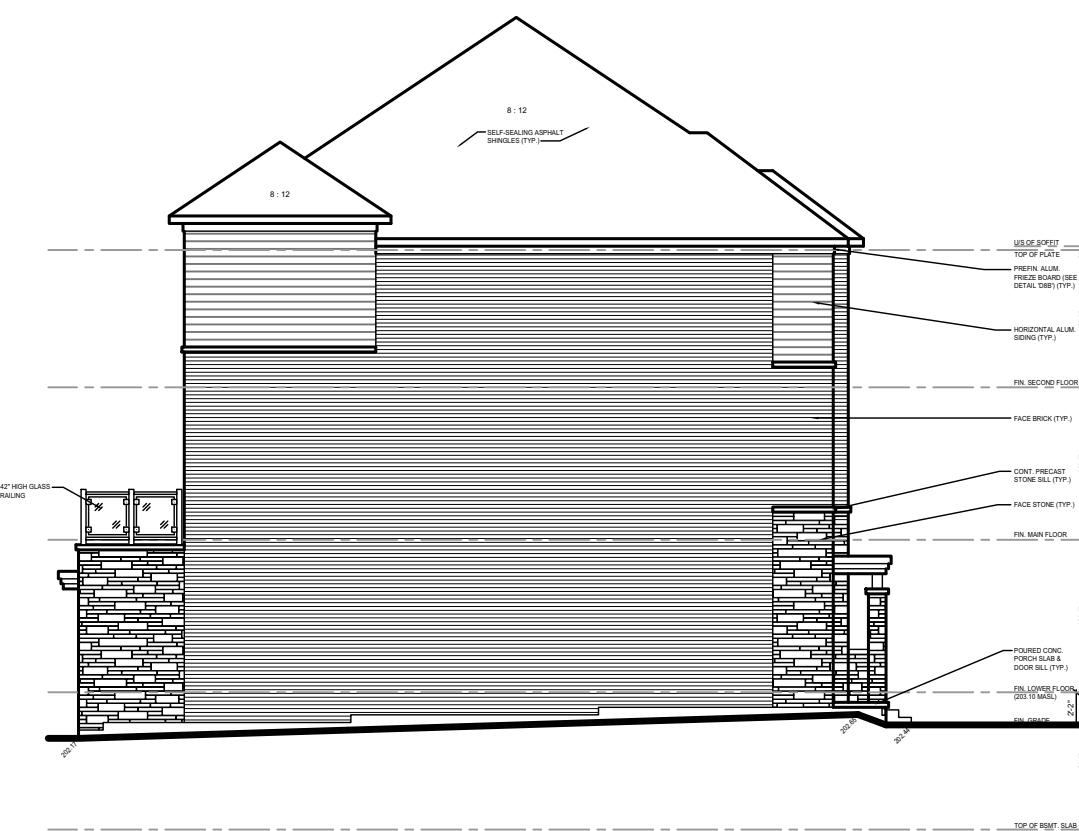
BLOCK K  
FRONT ELEVATION



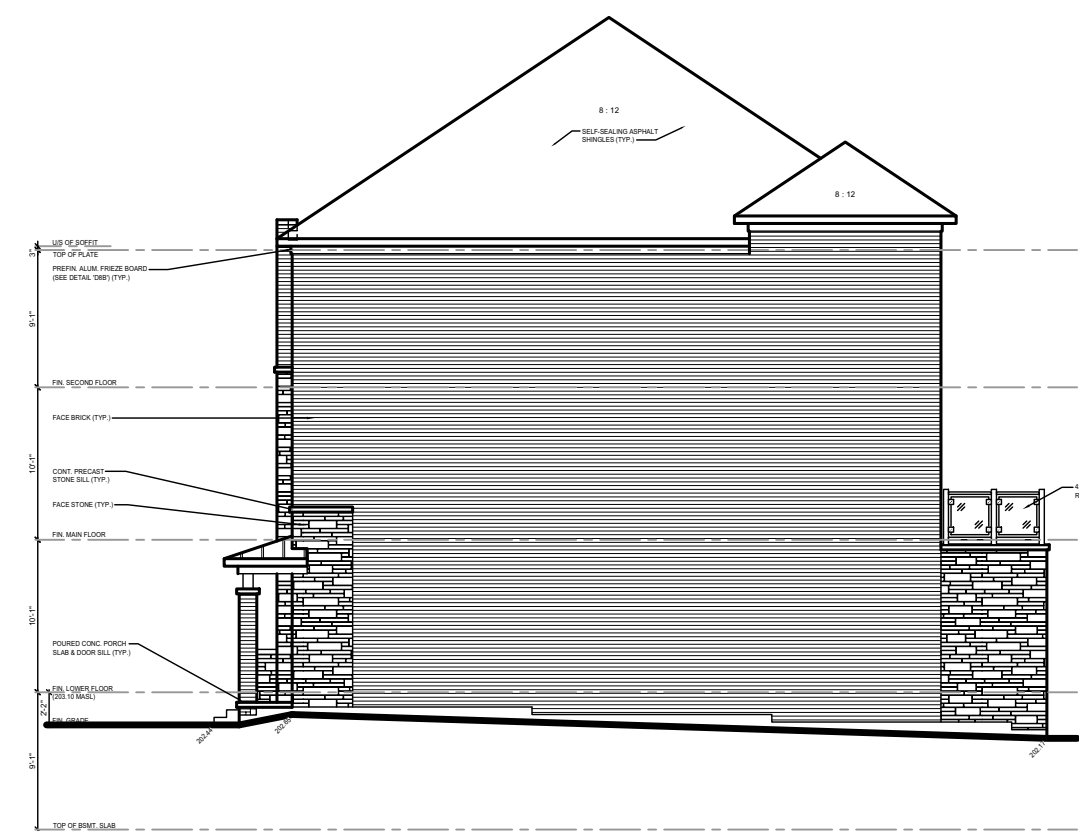
BLOCK L  
FRONT ELEVATION



BLOCK K  
LEFT SIDE ELEVATION



BLOCK K  
RIGHT SIDE ELEVATION



BLOCK L  
LEFT SIDE ELEVATION



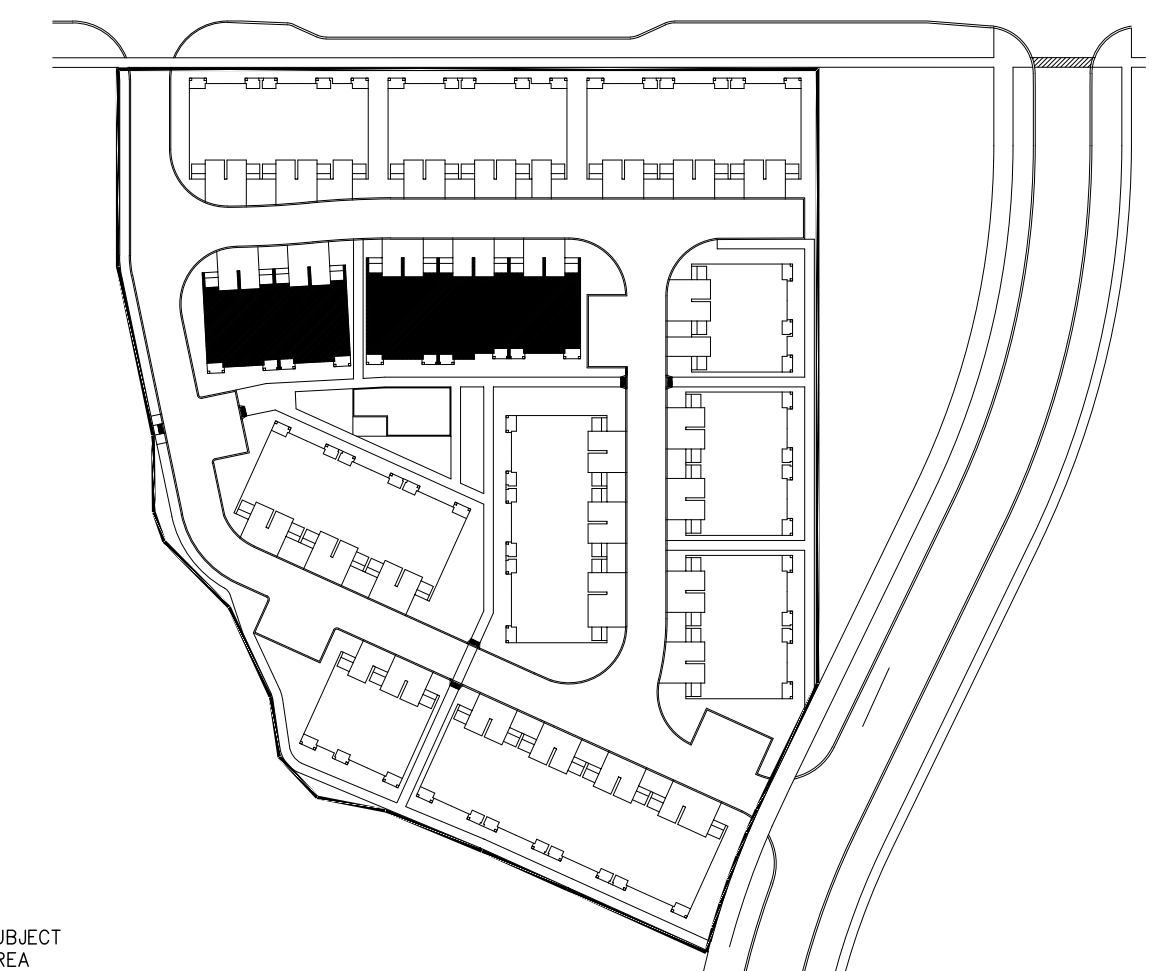
BLOCK L  
RIGHT SIDE ELEVATION



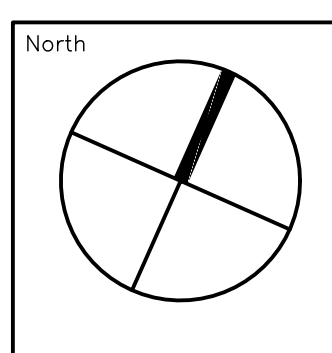
BLOCK K  
REAR ELEVATION



BLOCK L  
REAR ELEVATION



SUBJECT  
AREA  
Site Plan






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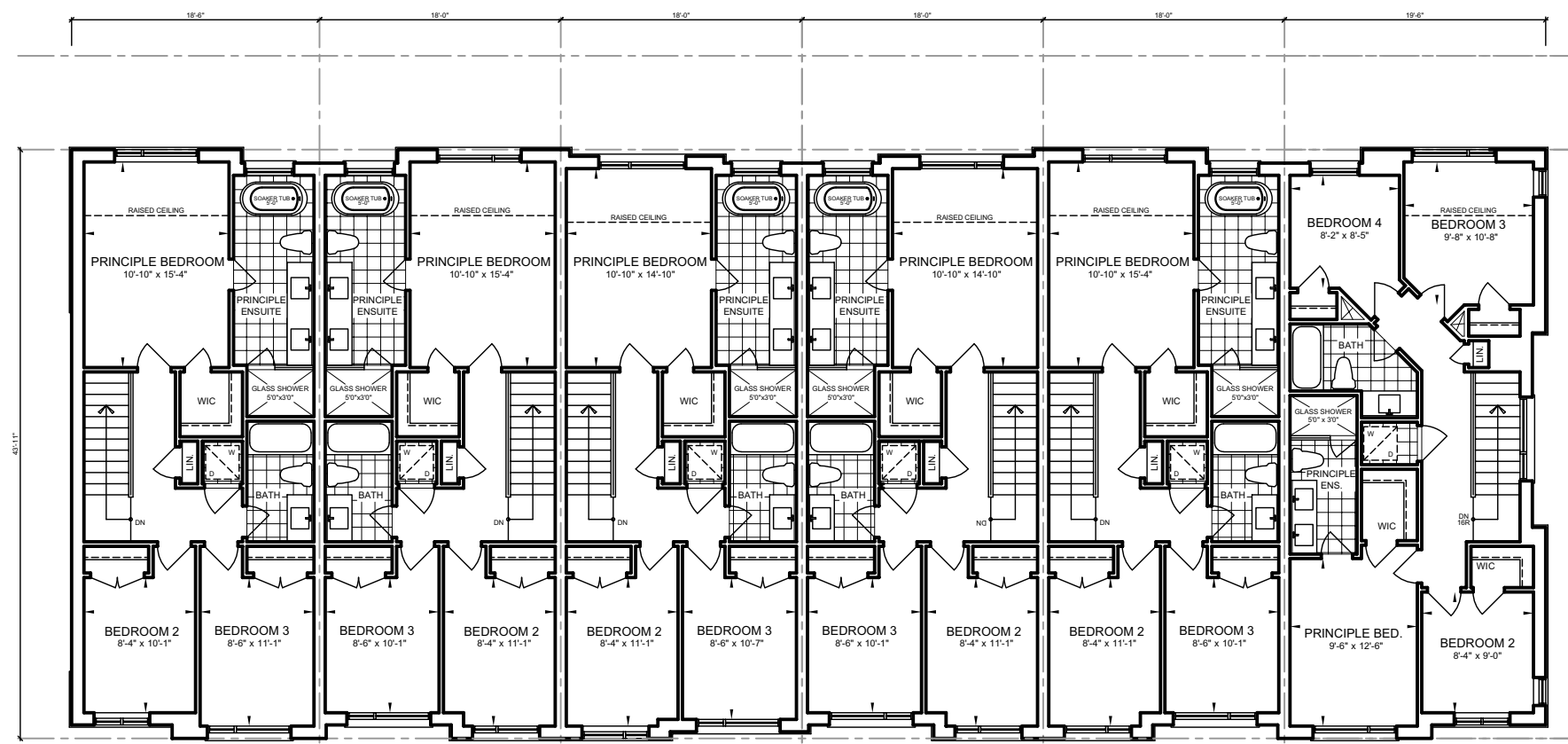
Project: **FOREST HILL HOMES  
CORNELL ROUGE TOWNHOUSES**  
3 STOREY CONDOMINIUM - CITY OF MARKHAM

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AJAX, ONTARIO L1S 6L3

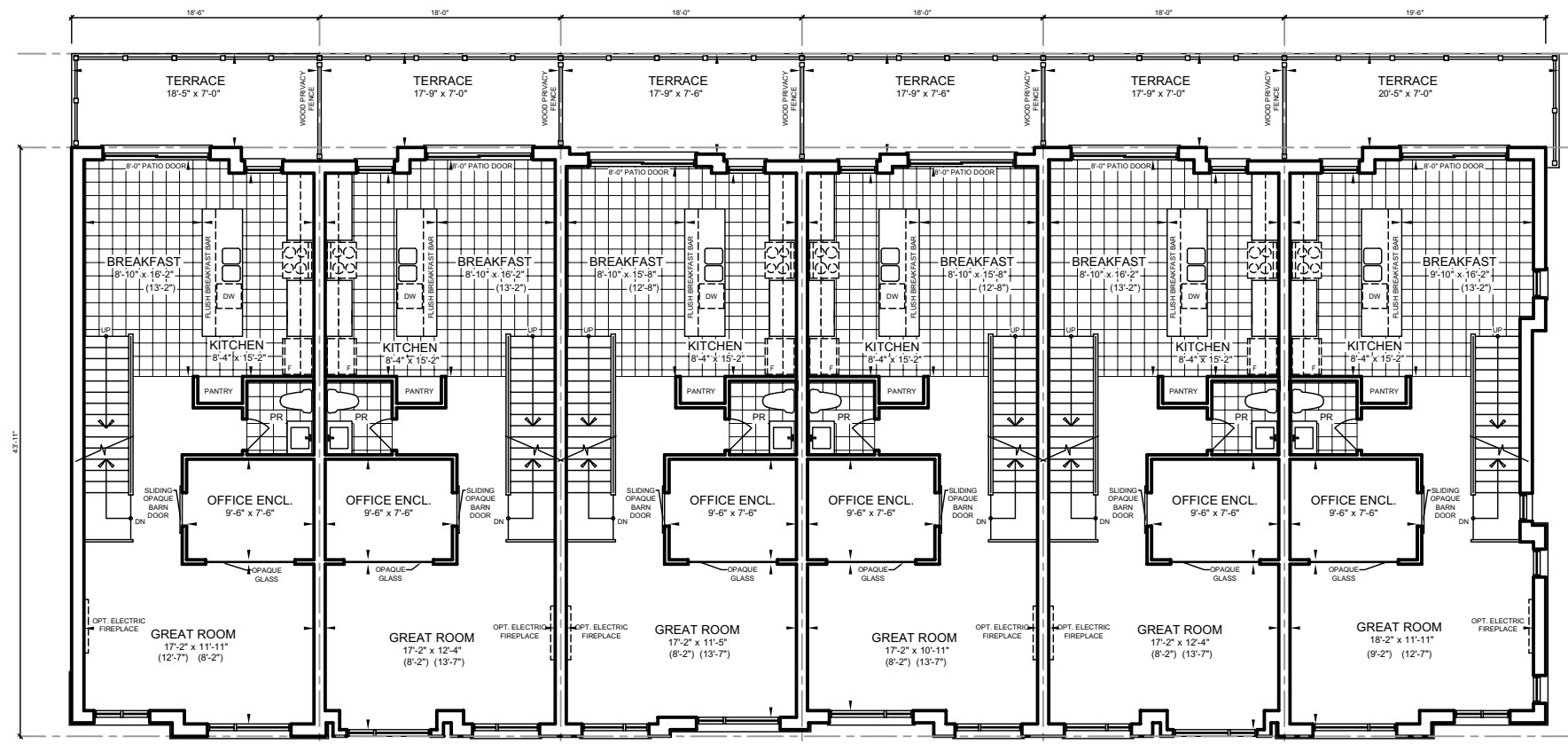
BLOCKS K & L  
Scale: 1 : 300  
Date: Sep. 10, 2021  
Project No. 2017-07  
Drawing No. A-7  
Drawn by: TB  
Checked by: SA



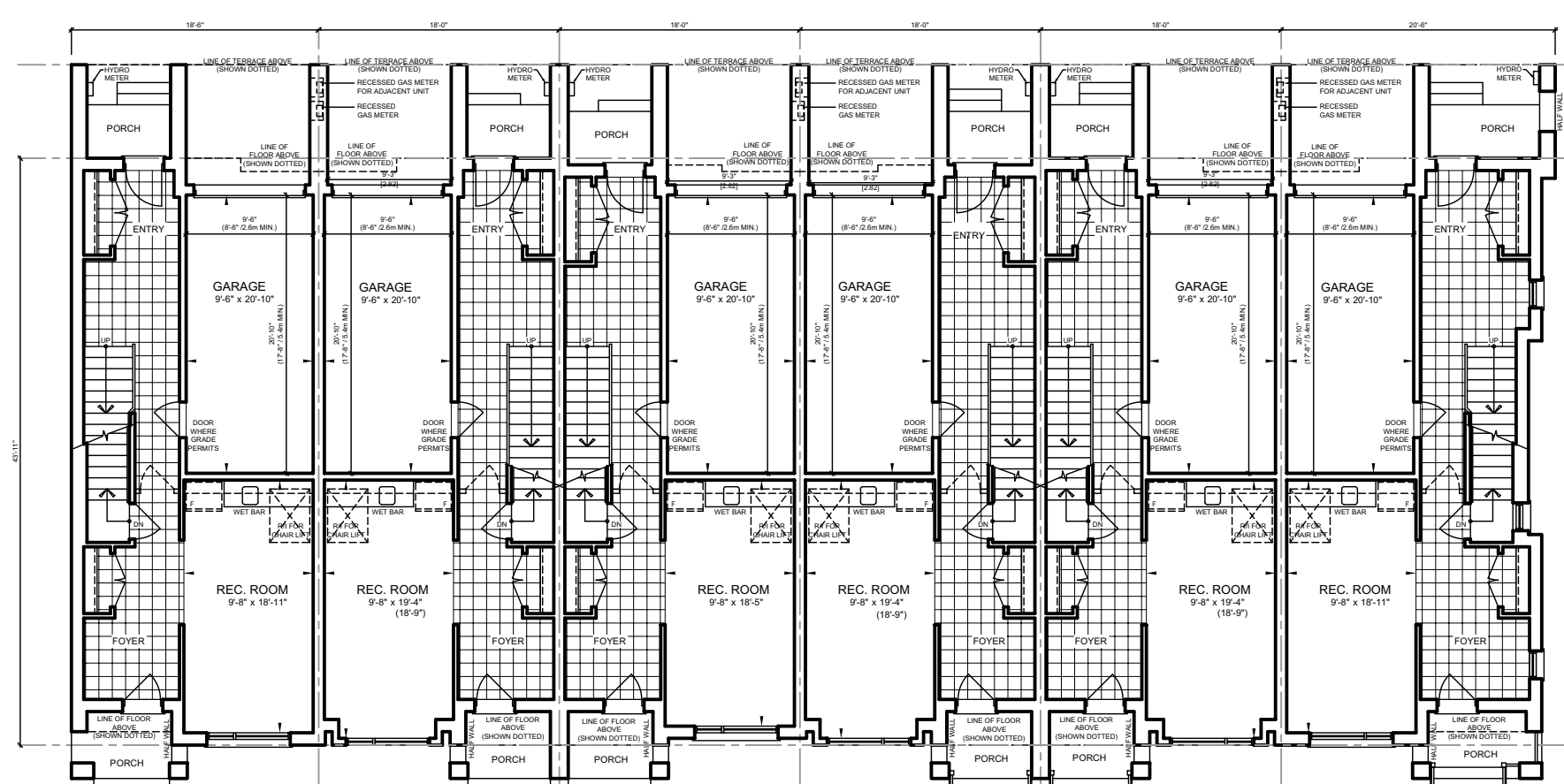
PRELIMINARY  
 NOT FOR CONSTRUCTION



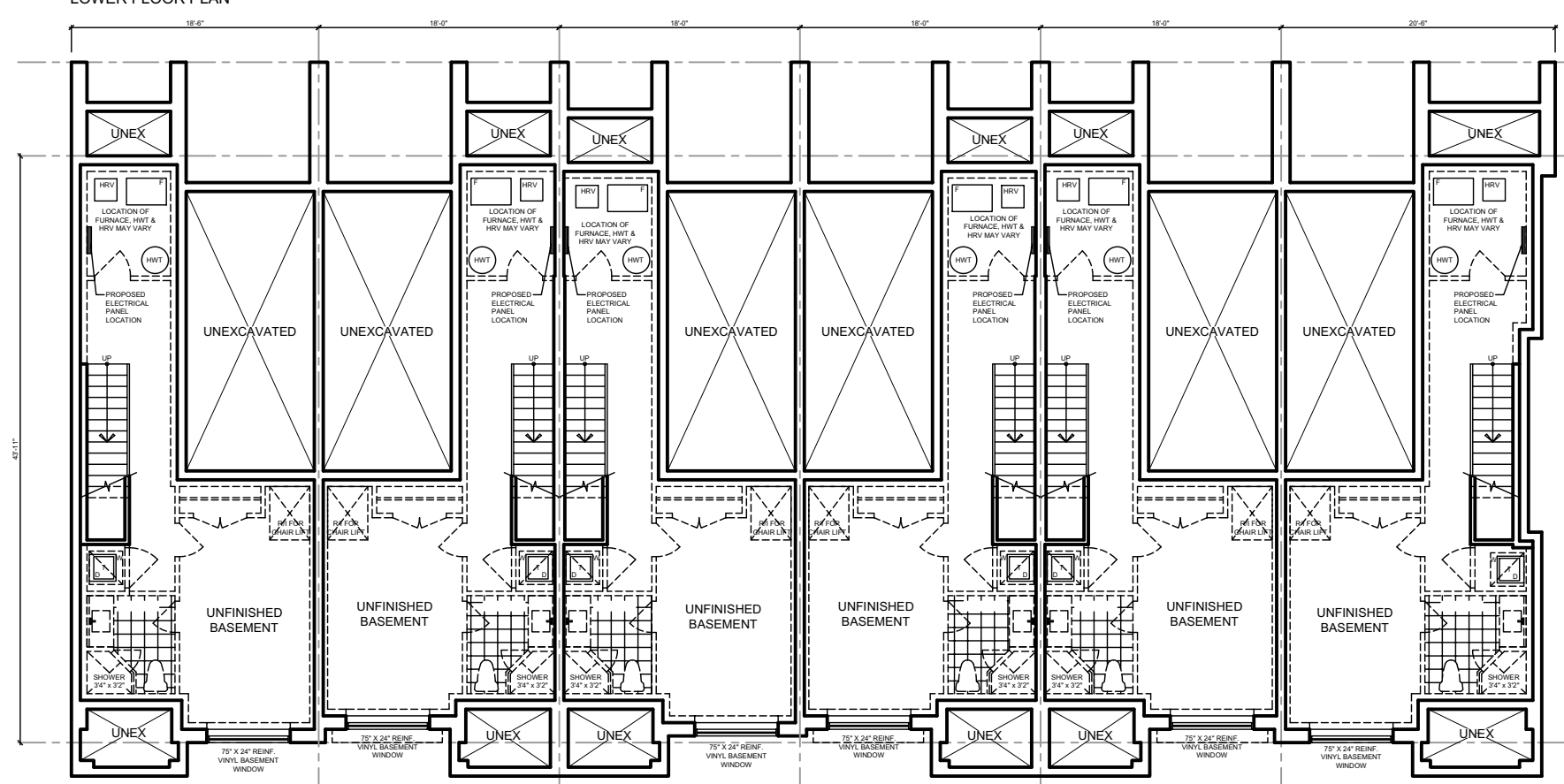
BLOCK K  
 SECOND FLOOR PLAN



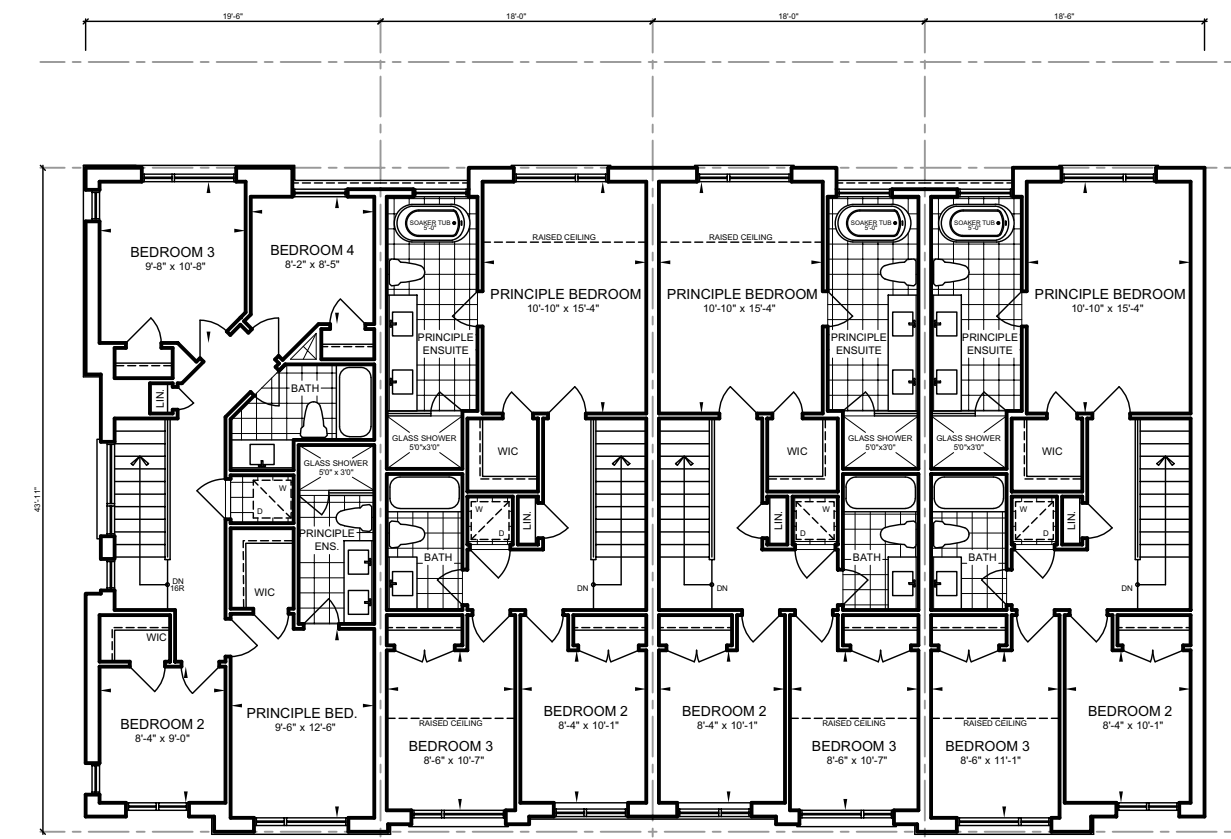
BLOCK K  
 MAIN FLOOR PLAN



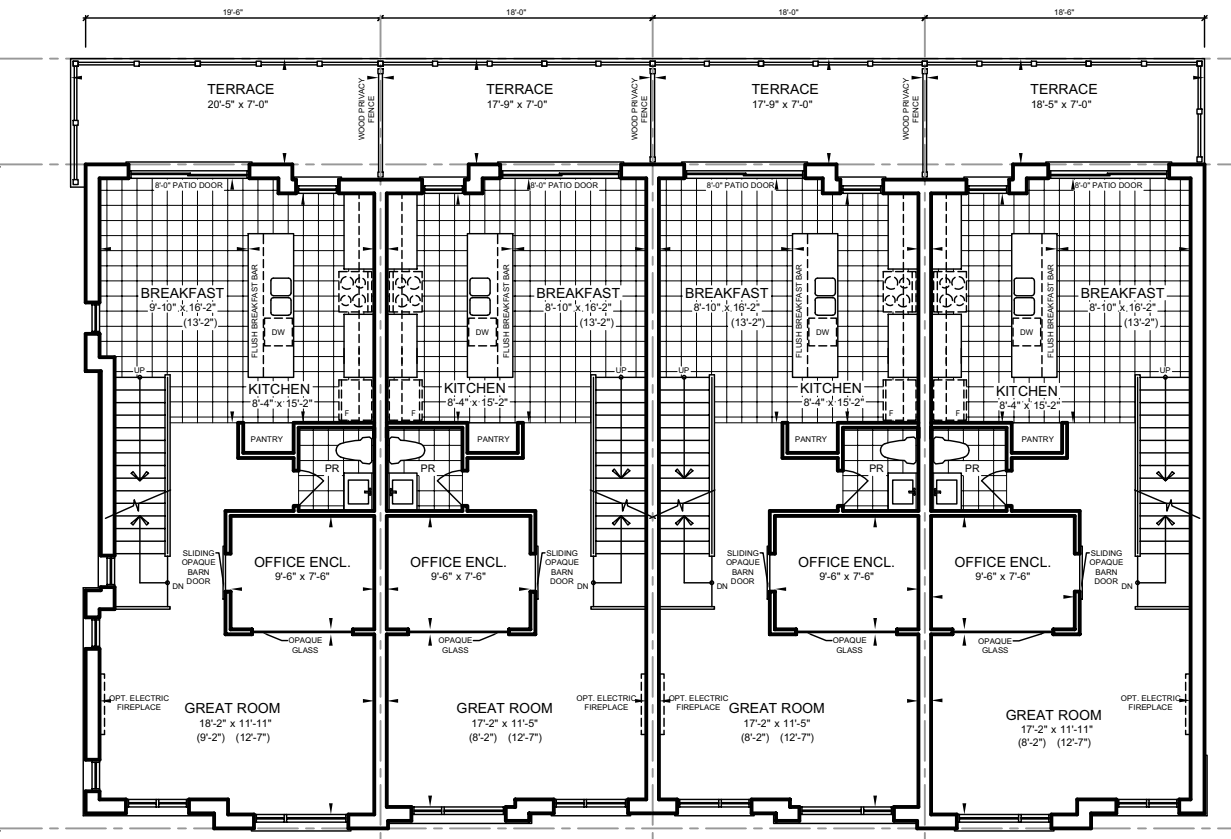
BLOCK K  
 LOWER FLOOR PLAN



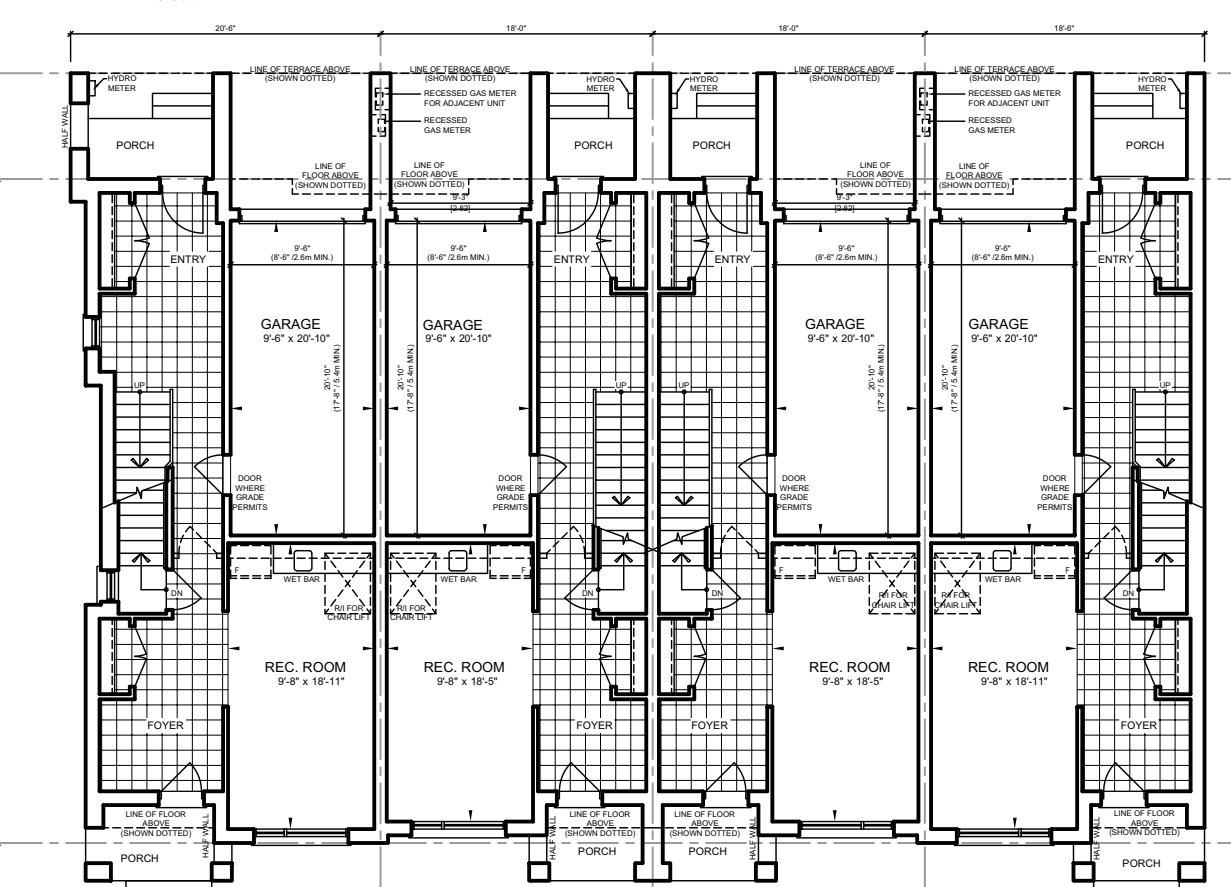
BLOCK K  
 BASEMENT PLAN



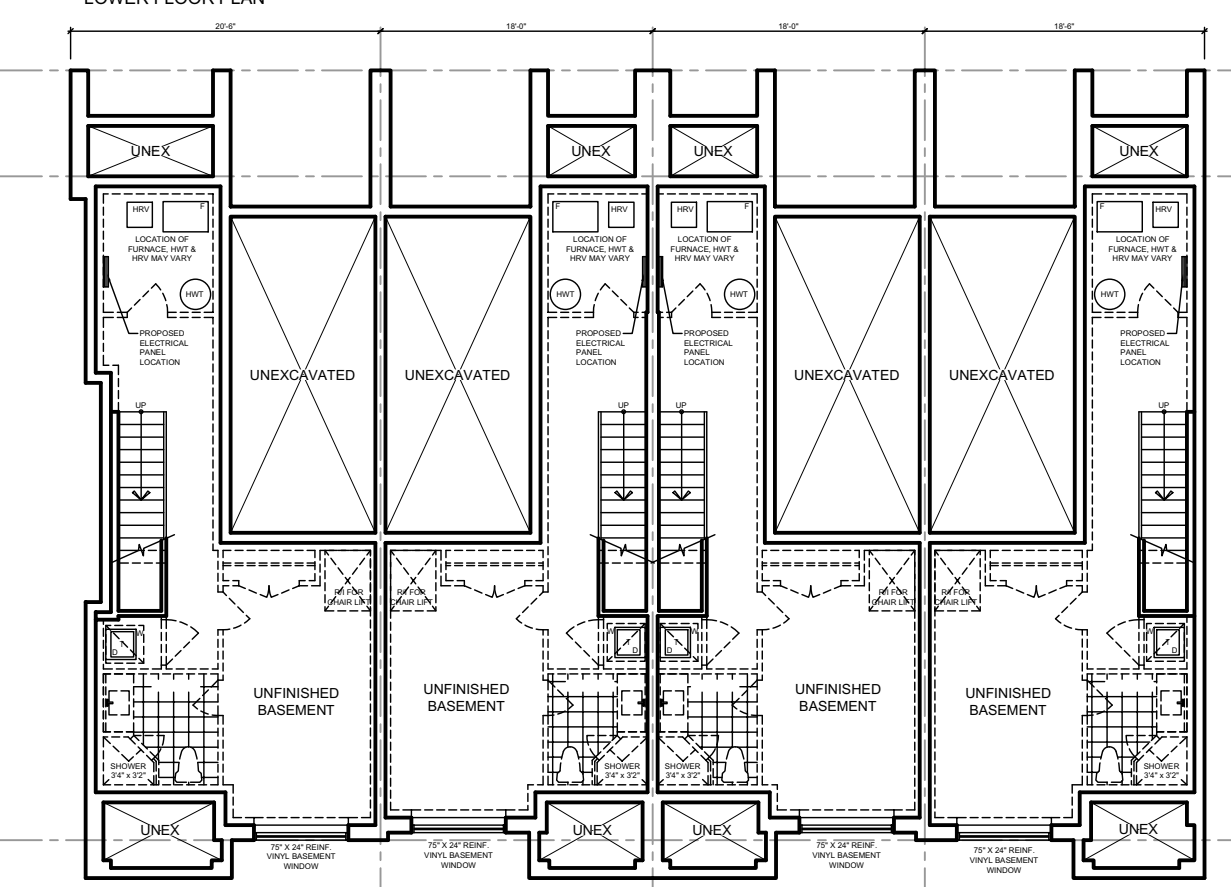
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 SECOND FLOOR PLAN



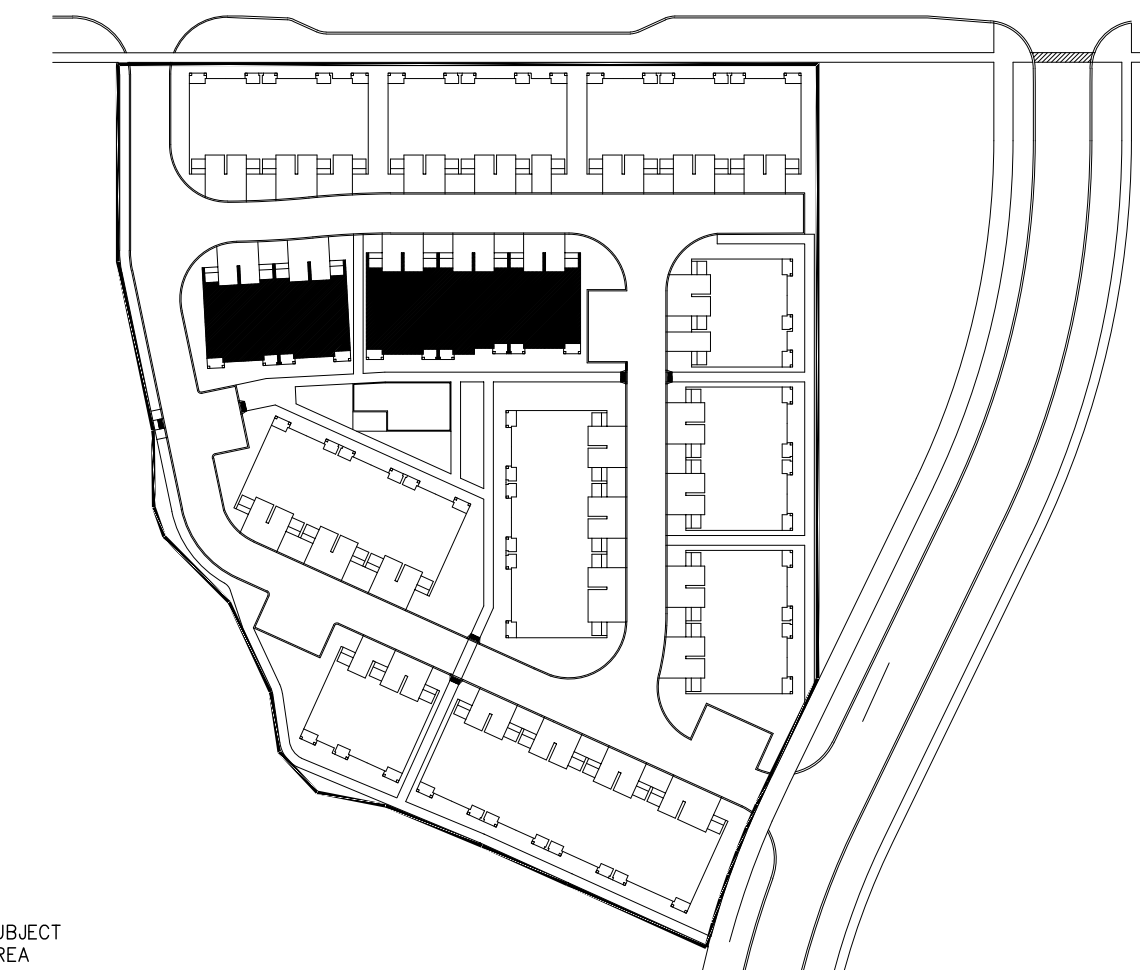
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 MAIN FLOOR PLAN



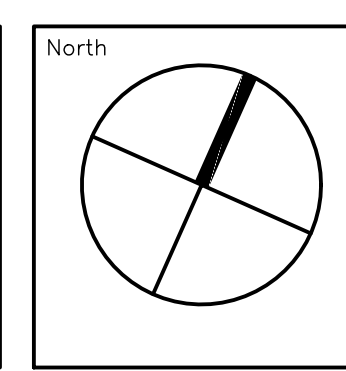
BLOCK L  
 LOWER FLOOR PLAN



BLOCK L  
 BASEMENT PLAN



SUBJECT  
 AREA  
 Site Plan




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 60 RANDALL DRIVE SUITE 10  
 AJAX, ONTARIO L1S 6L3

**Scale: 1 : 300**  
**Date: Mar. 1, 2022**  
**Project No. 2017-07**

**Drawn by: TB**  
**Checked by: SA**  
**Drawing No. A-7A**

**BLOCKS K & L**



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

NUM	ARC	RADIUS	BEARING	CHORD
C1	54.202	120.000	N1°26'50"W	53.742
C2	64.004	141.700	N1°26'50"W	63.461
C3	27.537	142.000	N4°03'45"W	27.494
C4	0.300	142.000	N1°15'55"W	0.300
C5	31.304	142.000	N4°49'20"W	31.241
C6	27.096	120.300	N4°57'35"W	27.039
C7	0.300	120.000	N1°29'20"W	0.300
C8	27.038	120.000	N4°57'45"W	26.981
C9	13.894	142.000	N1°25'15"W	13.889

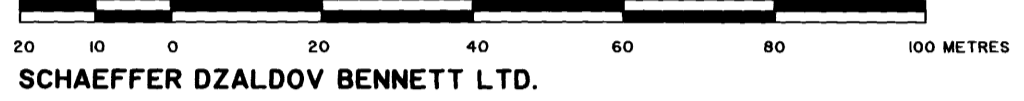
# PLAN 65M-4525 Appendix B

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE OFFICE FOR THE LAND TITLES DIVISION OF YORK REGION ON THE 29th DAY OF SEPTEMBER 2016 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER No. 70013-0997 AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. YR2552100

*Linda Moote*  
Representative For Land Registrar

THIS PLAN COMPRISES PART OF PIN 70013-0997.

## PLAN OF SUBDIVISION OF PART OF LOT II, CONCESSION 9 (GEOGRAPHIC TOWNSHIP OF MARKHAM, COUNTY OF YORK) CITY OF MARKHAM REGIONAL MUNICIPALITY OF YORK SCALE 1:1000



**NOTES**

□	DENOTES	IRON BAR PLANTED
■	SSIB	SHORT STANDARD IRON BAR PLANTED
■	SIB	FOUND MONUMENT
■	SIB	STANDARD IRON BAR
■	SSIB	SHORT STANDARD IRON BAR
■	IB	IRON BAR
■	CP	CONCRETE PIN
■	P	PLAN 65R-36081
■	P	PLAN 65R-14483
■	922	SCHAEFFER DZALDOV BENNETT LTD.
■	1370	V. KRUMAR, O.L.S.
■	NCP	NORTH PICKERING COMMUNITY DEVELOPMENT PROJECT
■	EXP.	EXPROPRIATION

ALL FOUND MONUMENTS ARE SSIB'S NUMBERED 922 UNLESS NOTED OTHERWISE. 0.30 RESERVES ARE EXAGGERATED FOR CLARITY.

TOTAL AREA OF SUBDIVISION = 5.9499 ha.

UTM GRID BEARINGS CAN BE DERIVED FROM SPECIFIED CONTROL POINTS 092103051 AND 092063080, UTM ZONE 17, NAD83 (ORIGINAL) BY APPLYING A COUNTER-CLOCKWISE ROTATION OF 1°02'28" TO THE BEARINGS SHOWN ON THIS PLAN.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999820.

POINT ID.	NORTHING	EASTING
SCP 092103051	4860985.552	643057.792
SCP 092063080	4860630.054	643356.354

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

### OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:  
1. BLOCKS 1, 2, 3 AND 4 THE STREET, CORNELL ROUGE BOULEVARD AND 0.30 RESERVES, BLOCKS 5 AND 6, HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.  
2. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF MARKHAM AS A PUBLIC HIGHWAY.

DATED THE 3rd DAY OF JUNE 2016.

CORNELL ROUGE DEVELOPMENT CORP.

*BZ* BARRY ZAGDANSKI - A.S.O.  
*MS* MIGUEL SINGER - A.S.O.  
'WE HAVE THE AUTHORITY TO BIND THE CORPORATION'

### SURVEYOR'S CERTIFICATE

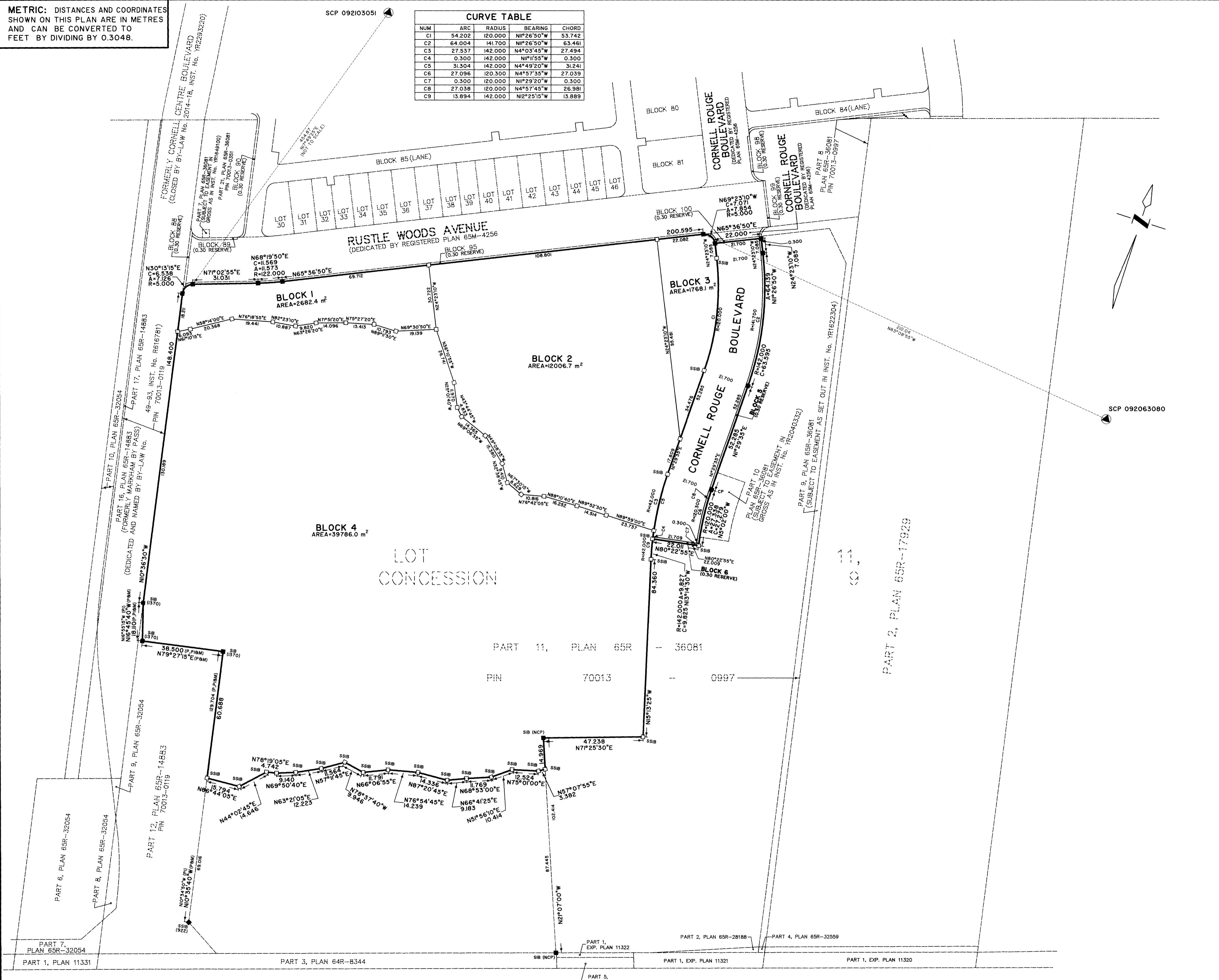
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 20th DAY OF MAY, 2016.

DATE: JUNE 2, 2016.

*D Dan Dzaldov*  
DAN DZALDOV  
ONTARIO LAND SURVEYOR

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990 THIS 28th DAY OF September, 2016.

**SCHAEFFER DZALDOV BENNETT LTD.**  
ONTARIO LAND SURVEYORS  
64 JARDIN DRIVE CONCORD, ONTARIO L4K 3P3 TEL.(416)987-0101  
CALC. SL DRAWN ACAD/LW CHECKED WMF SCALE H1000 JOB NO. 02-606-008  
PHASE 4C - JUNE 3, 2016



THE KING'S HIGHWAY No. 7  
ROAD ALLOWANCE BETWEEN LOTS 10 AND 11, CONCESSION 9  
PLAN 5054