

MINUTES OF SETTLEMENT

B E T W E E N:

ALDERGREEN ESTATES INC.

(“Aldergreen”)

– and –

ZINC DEVELOPMENTS INC.

(“Zinc”)

– and –

CITY OF TORONTO

(the “City”)

– and –

ABC RESIDENTS ASSOCIATION

(“ABC”)

– and –

DANIEL LUBLIN

(“Lublin”)

WHEREAS Aldergreen is the owner of lands municipally known as 121 Avenue Road, in the City of Toronto (the **“Site”**) and located at the southeast corner of Avenue Road and Webster Avenue. The Site is rectangular in shape, and has a frontage of 30.38 metres along Avenue Road and an area of approximately 538 square metres;

AND WHEREAS the Site is designated as *Mixed Use Areas* in the City of Toronto Official Plan on Land Use Map 18;

AND WHEREAS the Site is located in the former municipality of Toronto and is subject to Zoning By-law No. 438-86, as amended and By-law 1279-2007 (OMB) and zoned CR T2.0 C2.0 R2.0;

AND WHEREAS Aldergreen authorized Zinc to act as its agent to make application to the City of Toronto Committee of Adjustments;

AND WHEREAS on April 30, 2018 Zinc made application to the City of Toronto Committee of Adjustment to obtain variances to the City of Toronto Zoning By-laws to permit an 8-storey mid-rise mixed use building consisting of 224 square metres of retail space on the ground floor and residential uses on the 2nd through to the 8th floor (the “**Zinc April 2018 Proposal**”);

AND WHEREAS a total of 5 variances to the City of Toronto Zoning By-laws was required to permit the Zinc April 2018 Proposal;

AND WHEREAS in response to comments received from Planning and Urban Design staff of the City, Zinc revised its proposal in September of 2018 to allow for an 8-storey mid-rise building that provided a transition to the residential dwellings immediately to the east, resulting in a reduction of the residential gross floor area from 2,917 square metres to 2,508 square metres;

AND WHEREAS a hearing before the City of Toronto Committee of Adjustment was held on October 3, 2018 for the revised proposal;

AND WHEREAS the City of Toronto Committee of Adjustment refused the variances sought to permit the revised proposal;

AND WHEREAS on October 23, 2018 Zinc, through its solicitors Stikeman Elliott, filed a Notice of Appeal with the Secretary Treasurer of the Committee of Adjustment pursuant to section 45(12) of the *Planning Act*, R.S.O.1990, c. P 13, as amended;

AND WHEREAS the Toronto Local Appeal Body (“**TLAB**”) scheduled a hearing to commence on March 20, 2019 to hear the appeal;

AND WHEREAS the March 20th, 2019 TLAB hearing was converted to a mediation before the Chair of the TLAB, Ian Lord. The parties to the mediation were Aldergreen and Zinc represented by Mary Flynn-Guglietti, the City represented by Nathan Muscat and Marc Hardiejowski and ABC and Lublin (hereinafter ABC and Lublin will be collectively referred to as the “**ABC**”) represented by Andrew Biggart;

AND WHEREAS no settlement was reached between Aldergreen, Zinc, the City and the ABC at the March 20, 2019 mediation;

AND WHEREAS the TLAB rescheduled the hearing to commence on October 29, 2019;

AND WHEREAS Aldergreen, Zinc, the ABC and representatives of the City have held subsequent, without prejudice settlement discussions, and have now agreed upon an acceptable development proposal;

NOW THEREFORE, these Minutes of Settlement witnesseth that in consideration of the mutual agreements contained in these Minutes of Settlement and the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration now paid by each of the parties to the other, the receipt and sufficiency of which is hereby acknowledged, Aldergreen, Zinc, the ABC and the City hereby acknowledge, covenant and agree with each other as follows:

1. Aldergreen and Zinc agree to construct a development proposal (the “**Project**”) in compliance with the plans attached as **Schedule “A”** to these Minutes of Settlement unless otherwise agreed by ABC, acting reasonably.

2. In respect of the Project, Aldergreen and Zinc acknowledge and agree as follows:
 - a. The glass railing on the roof of the building to be constructed shall be made of glass or another similarly transparent material;
 - b. No balconies on the Site shall extend beyond the boundaries shown in the plans attached as Schedule "A" to these Minutes of Settlement; and
 - c. All terraces and balconies on the Site that face east shall have an opaque privacy screen at least 1.8 metres in height.
3. Prior to the commencement of any construction work on the Site, the foundations of the townhouses numbered 23, 25, 27, 29, 31, 33 and 35 which are located on Webster Street immediately to the east of the Site shall, if the owner of such units permit, have their foundations examined by a third party engineer at the cost of Aldergreen and Zinc. Such third party engineer shall issue a report summarizing its findings to Aldergreen, Zinc and the owner of the applicable townhouse. Aldergreen and Zinc shall, in accordance with industry standards and until the substantial completion of the ground floor and all below-grade work at the Site, monitor vibrations caused by construction work at the Site that may impact such townhouse foundations. After substantial completion of the below-grade and ground floor work at the Site, the third party engineer shall reexamine the subject townhouse foundations and issue a report summarizing its findings to Aldergreen, Zinc and the owner of the applicable townhouse. Should any deterioration or damage be found by the third party engineer to have been caused by the construction activity at the Site to any of the subject townhouses' foundations, Aldergreen and Zinc shall, subject to the approval of the applicable townhouse owner's consent, have such deterioration or damage repaired, at Aldergreen and Zinc's sole expense, to the condition existing prior to the commencement of construction work at the Site, as identified in the initial report from the third party engineer.
4. Aldergreen and Zinc will request permission from the City of Toronto during the site plan approval process to permit a bench and potted trees to be placed upon the Avenue Road side of the Site.
5. Aldergreen and Zinc will provide for the following in its construction management plan:
 - a. Manual cleaning of Webster Street and Avenue Road each day during construction;
 - b. Mechanical cleaning of Webster Street and Avenue Road at least once a week during construction;
 - c. Manual cleaning, once every two months from the start of construction until construction of the exterior of the building on the Site is substantially completed, of all exterior windows of the townhouses numbered 23, 25, 27, 29, 31, 33 and 35 which are located on Webster Street.
 - d. Webster Street shall not be used for staging of equipment or vehicles unless required by the City;

- e. There shall be no construction gate located on Webster Street unless required by the City;
 - f. A flagman will be provided on the Site at Webster Street when required for safety purposes from the start of demolition until substantial completion of construction;
 - g. Trucks will access the Site from Avenue Road unless otherwise required by the City;
 - h. Trucks will not be permitted to use Hazelton Avenue unless otherwise required by the City;
 - i. No construction work shall be performed Mondays through Fridays except between the hours of 7:00 am and 7:00 pm;
 - j. No excavation or heavy construction is allowed on Sundays;
 - k. No construction work shall be performed on Saturdays except between the hours of 9am and 2pm; and
 - l. Any tie back or crane swing agreements regarding live loads will be negotiated directly with the affected property owners.
6. Representatives of the City of Toronto and the ABC will attend at the TLAB on October 30, 2019 in support of the Minutes of Settlement in its entirety.

[Signature page follows]

IN WITNESS WHEREOF the parties hereto have duly executed these Minutes of Settlement by the hands of their authorized solicitors.

EXECUTED at Toronto, this _____ day of _____, 2019.

ZINC DEVELOPMENTS INC.

Per: _____
By its solicitors

ALDERGREEN ESTATES INC.

Per: _____
By its solicitors

CITY OF TORONTO

Per: _____
By its solicitors

ABC RESIDENTS ASSOCIATION

By its solicitors

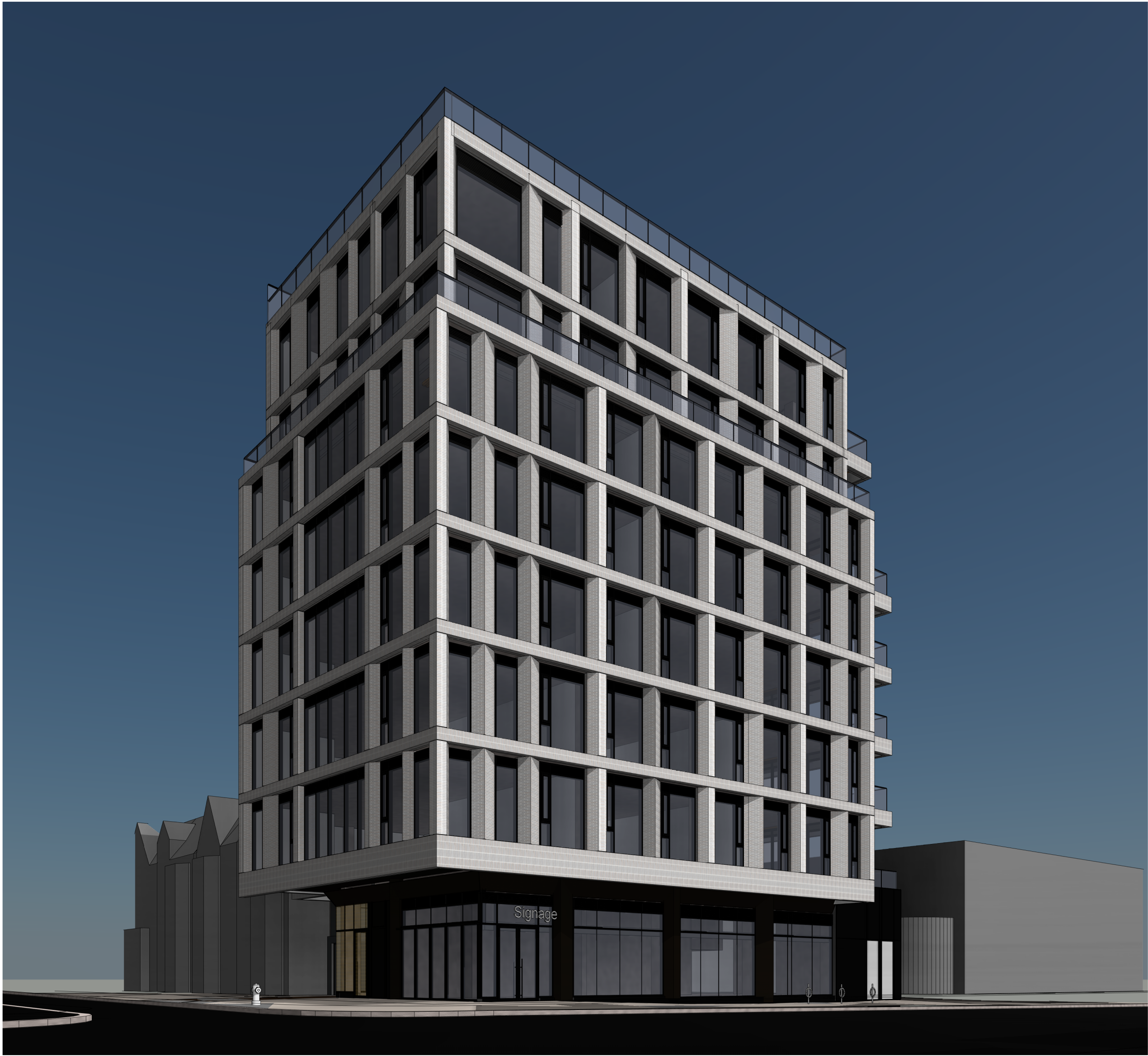
DANIEL LUBLIN

By his solicitors
Title:

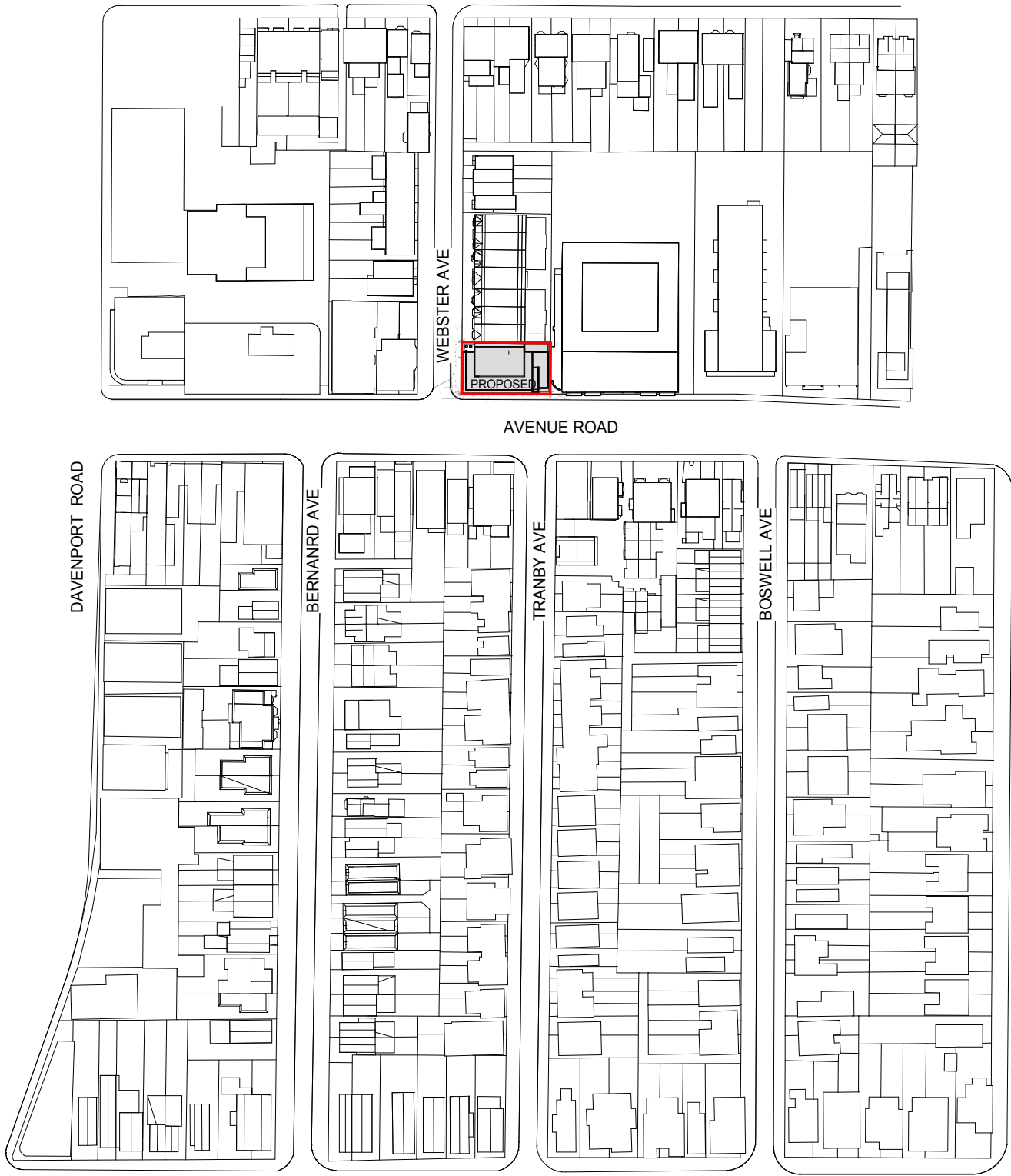
SCHEDULE A

“Revised Architectural Plans”

See Attached




ARCHITECTURAL DRAWING LIST	
A000	121 AVENUE ROAD
A002	Development Statistics
A010	Site Plan
A100	Floor Plan - Level B2
A101	Floor Plan - Level B1
A102	Floor Plan - Ground
A103	Floor Plan - Level 2
A104	Floor Plan - Level 3
A105	Floor Plan - Level 4-6
A108	Floor Plan - Level 7
A109	Floor Plan - Level 8
A110	Floor Plan - Main Roof
A111	Floor Plan - Upper Roof



CONTEXT PLAN

121 AVENUE ROAD


CUMULUS ARCHITECTS INC.

Suite 300 - 160 Pears Ave
Toronto, ON M5R 3P8
416-539-0763
www.cumulusarch.com


ZINC DEVELOPMENTS
- EST 1989 -

Suite 1010 - 920 Yonge St
Toronto ON M4W 3C7
416-539-0763
www.zincdevelopments.com

SITE STATISTICS

Lot Area	538 sq.m.		
Area Summary	Total Floor Area	3293 sq.m.	
	Retail (7.9%)	259 sq.m.	
	Residential (92.1%)	3034 sq.m.	
Density	6.12		
Building Height (height above average grade)	29.00 m (top of main roof)		
	33.00 m (top of mech. encl.)		
Parking	Per ZBL Requirements:		
	Retail (1 per 100 sq.m.)	3	
	Residential (16 units)		
	Residents' Parking:	13	
	0.80 parking space for each two-bedroom dwelling unit		
	Visitors' Parking:		
	0.1 parking space for every dwelling unit contained therein;	2	
	TOTAL REQUIRED	18	
	TOTAL PROPOSED	35	
Loading	Per ZBL Requirements:		
	Use: RETAIL		
	N/A		
	Use: RESIDENTIAL		
	N/A		
Bike Parking	Per ZBL Requirements:		
	Retail (less than 2000 m²)	N/A	
	Residential		
	(Long-Term Parking 0.1/dwelling unit)	10	
	(Short-Term Parking 0.1/dwelling unit)	1	
	TOTAL PROPOSED		
	Long-Term Parking	16 spaces	
	Short Term Parking	3 spaces	



City Planning Division

Toronto Green Standard Version 2.0 Statistics Template

For Mid to High-Rise Residential and All Non-Residential Development

The Toronto Green Standard StatisticsTemplate is submitted with Site Plan Control Applications and stand alone Zoning Bylaw Amendment applications. Complete the table and copy it directly onto the Site Plan submitted as part of the application. Refer to the full Toronto Green Standard for Mid to High-Rise Residential and All Non-Residential Development (Version 2.0) for the complete set of standards and detailed specifications: www.toronto.ca/greendevlopment
For Zoning Bylaw Amendment applications: complete General Project Description and Section 1.
For Site Plan Control applications: complete General Project Description, Section 1 and Section 2.

Toronto Green Standard Statistics

General Project Description	Proposed
Total Gross Floor Area	3293 m²
Breakdown of project components (m²):	
Residential	3034 m²
Retail	259 m²
Commercial	
Industrial	
Institutional/other	
Total number residential units (residential only)	16

Section 1: For Stand Alone Zoning Bylaw Amendment Applications and Site Plan Control Applications

Automobile Infrastructure	Required	Proposed	Proposed (%)
Number of parking spaces	18	35	
Number of parking spaces with physical provision for future EV charging (residential)	0	24	
Number of parking spaces dedicated for priority parking: LEV, car pooling, car sharing (institutional/commercial)	N/A	N/A	
Cycling Infrastructure	Required	Proposed	Proposed (%)
Number of long-term bicycle parking spaces (residential)	8	16	
Number of long-term bicycle parking spaces (all other uses)	0	0	
Number of long-term bicycle parking (residential and all other uses) located on:			
a) first storey of building		0	
b) second storey of building		0	
c) first level below-ground (also indicate % of net area of level occupied by bicycle parking)		0	
d) second level below-ground (also indicate % of net area of level occupied by bicycle parking)		16	4.8%
e) other levels below-ground (also indicate % of net area of level occupied by bicycle parking)			
Number of short-term bicycle parking spaces (residential only)	1	3	
Number of short-term bicycle parking spaces (all other uses)	0	0	
Number of male shower and change facilities (non-residential only)	0	0	
Number of female shower and change facilities (non-residential only)	0	0	
Storage and Collection of Recycling and Organic Waste	Required	Proposed	Proposed (%)
Waste storage room area (residential only) (m²)	25 m²	44.6 m²	

Section 2: For Site Plan Control Applications

Cycling Infrastructure	Required	Proposed	Proposed (%)
Number of short-term bicycle parking spaces (residential and all other uses) at-grade or on first level below grade	1	3	
Urban Heat Island Reduction: At Grade	Required	Proposed	Proposed (%)
Total non-roof hardscape area (m²)		135 m²	
Total non-roof hardscape area treated for Urban Heat Island (minimum 50%) (m² and %)	100 %	135 m²	100 %
Area of non-roof hardscape treated with: (indicate m² and %)			
a) high-albedo surface material		135 m²	100 %
b) open-grid pavement		N/A	N/A
c) shade from tree canopy		N/A	N/A
d) shade from structures covered by solar panels		N/A	N/A
Percentage of required car parking spaces under cover (minimum 50%)(non-residential only)			
Urban Heat Island Reduction: Roof	Required	Proposed	Proposed (%)
Available Roof Space (m²)		234 m²	
Available Roof Space provided as Green Roof (m² and %)	20 %	54.5 m²	23 %
Available Roof Space provided as Cool Roof (m² and %)	N/A	N/A	N/A
Water Efficiency	Required	Proposed	Proposed (%)
Total landscaped site area (m²)		54.5 m²	
Landscaped site area planted with drought-tolerant plants (minimum 50%) (m² and %)	50 %	33.5 m²	61 %
Urban Forest : Increase Tree Canopy	Required	Proposed	Proposed (%)
Total site area (m²)		538 m²	
Total number of trees planted (site area x 40% + 66)	3.2 Trees	0* Note Below	
Number of surface parking spaces (if applicable)		0	
Number of shade trees located in surface parking area interior (minimum 1 tree for 5 parking spaces)			
Natural Heritage: Site	Required	Proposed	Proposed (%)
Total number of species planted		3	
Total number of native species planted and % of total species planted (minimum 50%)	50	2	66%
Bird Friendly Glazing	Required	Proposed	Proposed (%)
Total area of glazing of all elevations within 12m above grade (including glass balcony railings)		217 m²	
Total area of treated glazing (minimum 85% of total area of glazing within 12m above grade) (m² and %)	85 %	217 m²	100 %
Percentage of glazing within 12m above grade treated with:			
a) Low reflectance opaque materials			
b) Visual markers			100 %
c) Shading			
Storage and Collection of Recycling and Organic Waste	Required	Proposed	Proposed (%)
Waste storage area for bulky items and other (minimum 10m²) (residential only)	N/A	N/A	

Gross Constructed Area

Suite Type	Area (m²)	Area (ft²)
Level B2		
Building Common Area (Residential)	18	194
Parking	326	3510
Service Room	72	776
Vertical Circulation	46	493
Level B1		
Building Common Area (Residential)	20	217
Parking	235	2533
Residential Amenity	107	1155
Service Room	29	312
Vertical Circulation	70	755
Ground		
Building Common Area (Commercial)	36	392
Building Common Area (Residential)	69	739
Mech Shaft	3	32
Parking	24	259
Retail	223	2403
Vertical Circulation	46	498
Level 2		
Building Common Area (Residential)	26	281
Mech Shaft	3	36
Residential	324	3486
Vertical Circulation	43	458
Level 3		
Building Common Area (Residential)	26	281
Mech Shaft	3	36
Residential	324	3485
Vertical Circulation	43	458
Level 4		
Building Common Area (Residential)	26	281
Mech Shaft	3	36
Residential	324	3486
Vertical Circulation	43	458
Level 5		
Building Common Area (Residential)	26	281
Mech Shaft	3	36
Residential	324	3486
Vertical Circulation	43	458
Level 6		
Building Common Area (Residential)	26	281
Mech Shaft	3	36
Residential	324	3486
Vertical Circulation	43	458
Level 7		
Building Common Area (Residential)	26	282
Mech Shaft	3	36
Residential	277	2980
Vertical Circulation	43	458
Main Roof		
Residential	96	1035
Service Room	67	722
Vertical Circulation	15	160
Total Building GCA	4181	45000

Gross Constructed Area by Category

Suite Type	Area (m²)	Area (ft²)
Building Common Area (Commercial)	36	392
Building Common Area (Residential)	290	3121
Mech Shaft	26	284
Parking	585	6302
Residential	2269	24423
Residential Amenity	107	1155
Retail	223	2403
Service Room	168	1810
Vertical Circulation	475	5112
Total Building GCA	4181	45000

Gross Floor Area

Suite Type	Area (m²)	Area (ft²)
Level B2		
Building Common Area (Residential)	18	194
Vertical Circulation	46	493
Level B1		
Building Common Area (Residential)	20	217
Vertical Circulation	70	755
Ground		
Building Common Area (Commercial)	36	392
Building Common Area (Residential)	69	739
Retail	223	2403
Vertical Circulation	46	498
Level 2		
Building Common Area (Residential)	26	281
Residential	324	3486
Vertical Circulation	43	458
Level 3		
Building Common Area (Residential)	26	281
Residential	324	3486
Vertical Circulation	43	458
Level 4		
Building Common Area (Residential)	26	281
Residential	324	3486
Vertical Circulation	43	458
Level 5		
Building Common Area (Residential)	26	281
Residential	324	3486
Vertical Circulation	43	458
Level 6		
Building Common Area (Residential)	26	281
Residential	324	3486
Vertical Circulation	43	458
Level 7		
Building Common Area (Residential)	26	282
Residential	277	2980
Vertical Circulation	43	458
Level 8		
Building Common Area (Residential)	26	282
Residential	277	2980
Vertical Circulation	43	458
Main Roof		
Residential	96	1035
Vertical Circulation	15	160
Total Building GFA	3293	35450

Gross Floor Area by Category

Suite Type	Area (m²)	Area (ft²)
Building Common Area (Commercial)	36	392
Building Common Area (Residential)	290	3121
Residential	2269	24423
Retail	223	2403
Vertical Circulation	475	5112
Total Building GFA	3293	35450

Outdoor Area

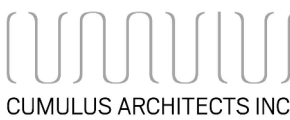
Suite Type	Area (m²)	Area (ft²)
Level 2		
Outdoor Space	63	681
Level 3		
Outdoor Space	17	187
Level 4		
Outdoor Space	17	187
Level 5		
Outdoor Space	17	187
Level 6		
Outdoor Space	17	187
Level 7		
Outdoor Space	67	719
Level 8		
Outdoor Space	16	169
Total	215	2317

CLIENT:



Suite 1010 - 920 Yonge St
Toronto ON M4W 3C7
416-539-0763
www.zincdevelopments.com

ARCHITECT:



Suite 300 - 160 Pears Ave
Toronto, ON M5R 3P8
416-539-0763
www.cumulusarch.com

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3	Issued for Settlement Hearing	2019/10/29
2	Issued for Committee of Adjustments	2018/09/05
1	Issued for Site Plan Application	2018/04/26
Issue No.	Description	Date

PROJECT:

8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:

Development Statistics

PROJECT NO:
18001

CHECKED:
Checker

DRAWING NO:

A002

SEAL:

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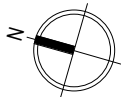
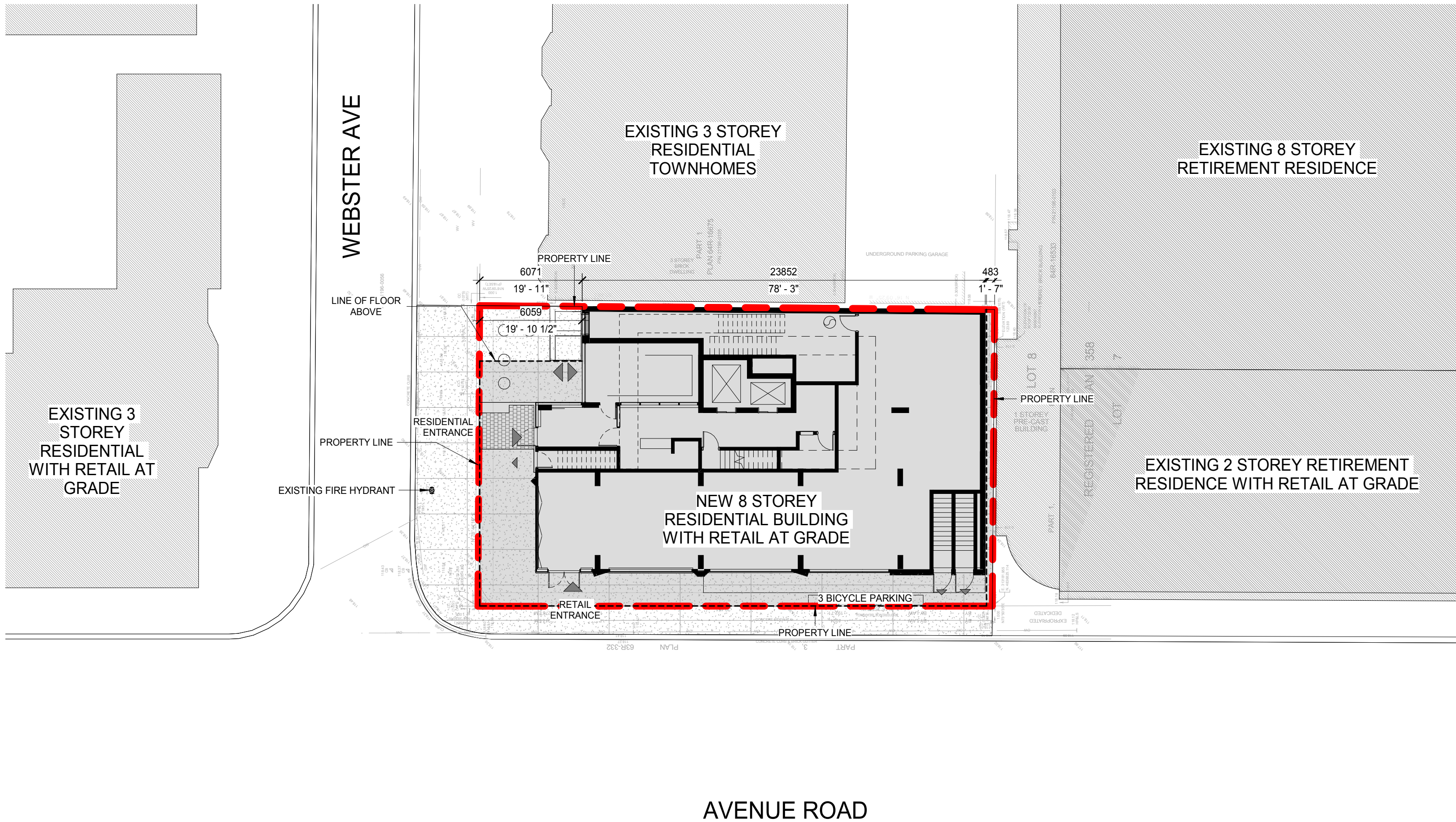
PROJECT:

8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:

Site Plan

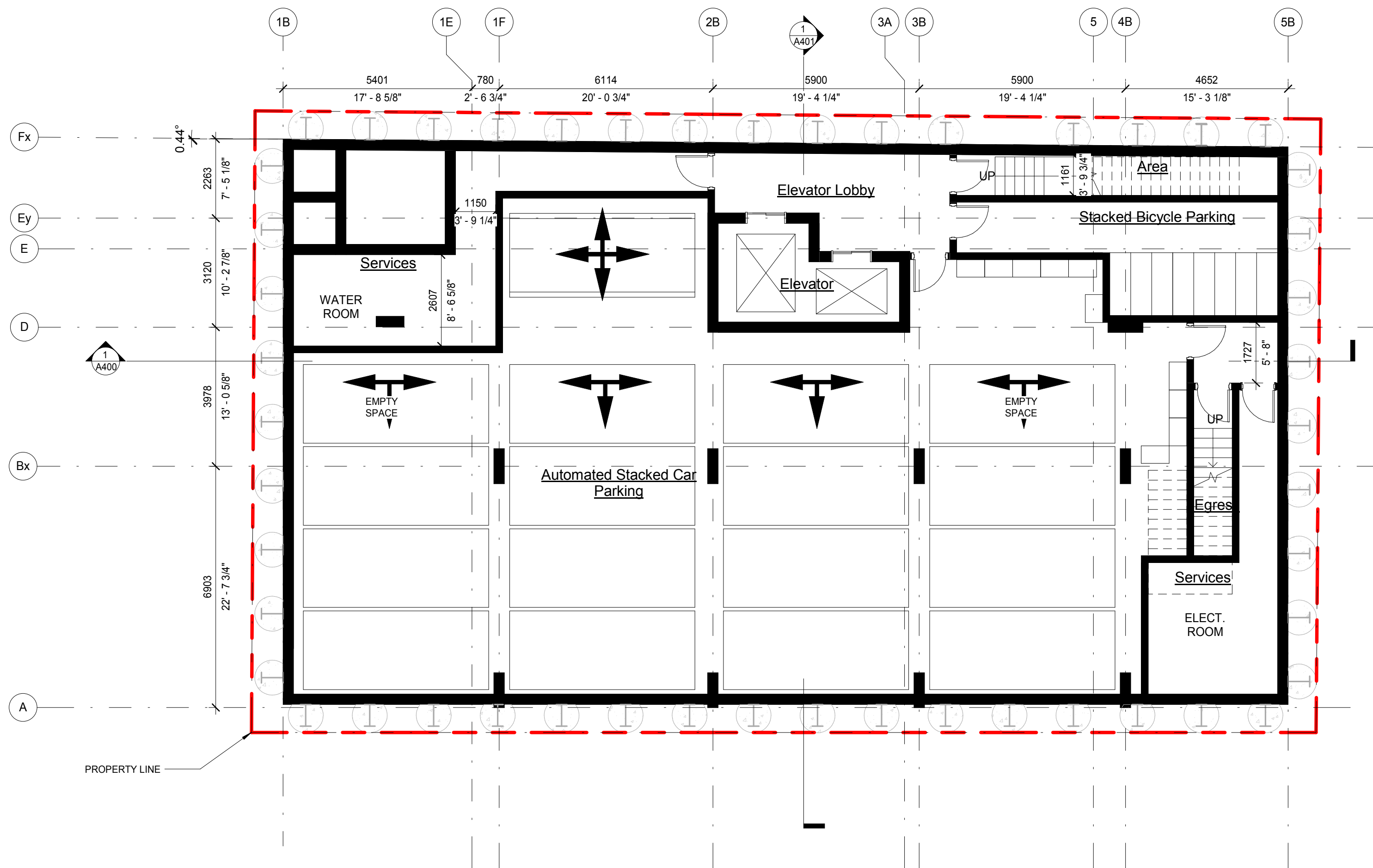
PROJECT NO: 18001	DRAWING NO: A010
CHECKED: TT	



1

Level B2 Floor Plan

1 : 100



CLIENT:



ZINC DEVELOPMENTS
- EST. 1989 -

Suite 1010 - 920 Yonge St
Toronto ON M4W 3C7
416-539-0763
www.zincdevelopments.com

ARCHITECT:



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Issue No.	Description	Date

PROJECT:

8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:

Floor Plan - Level B2

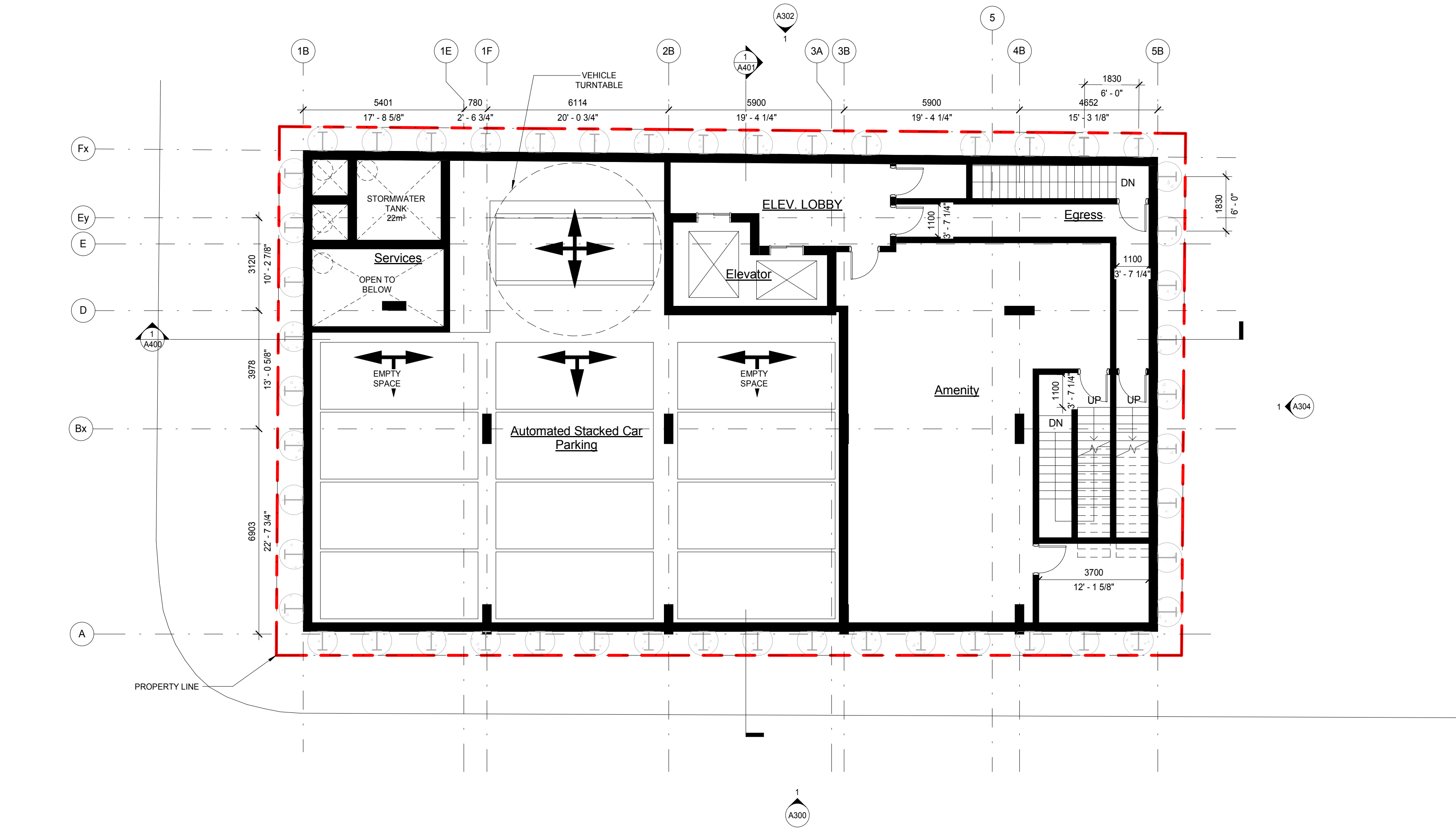
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CHECKED: AG	A100

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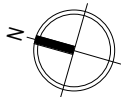
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Issue No.	Description	Date

PROJECT:
8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

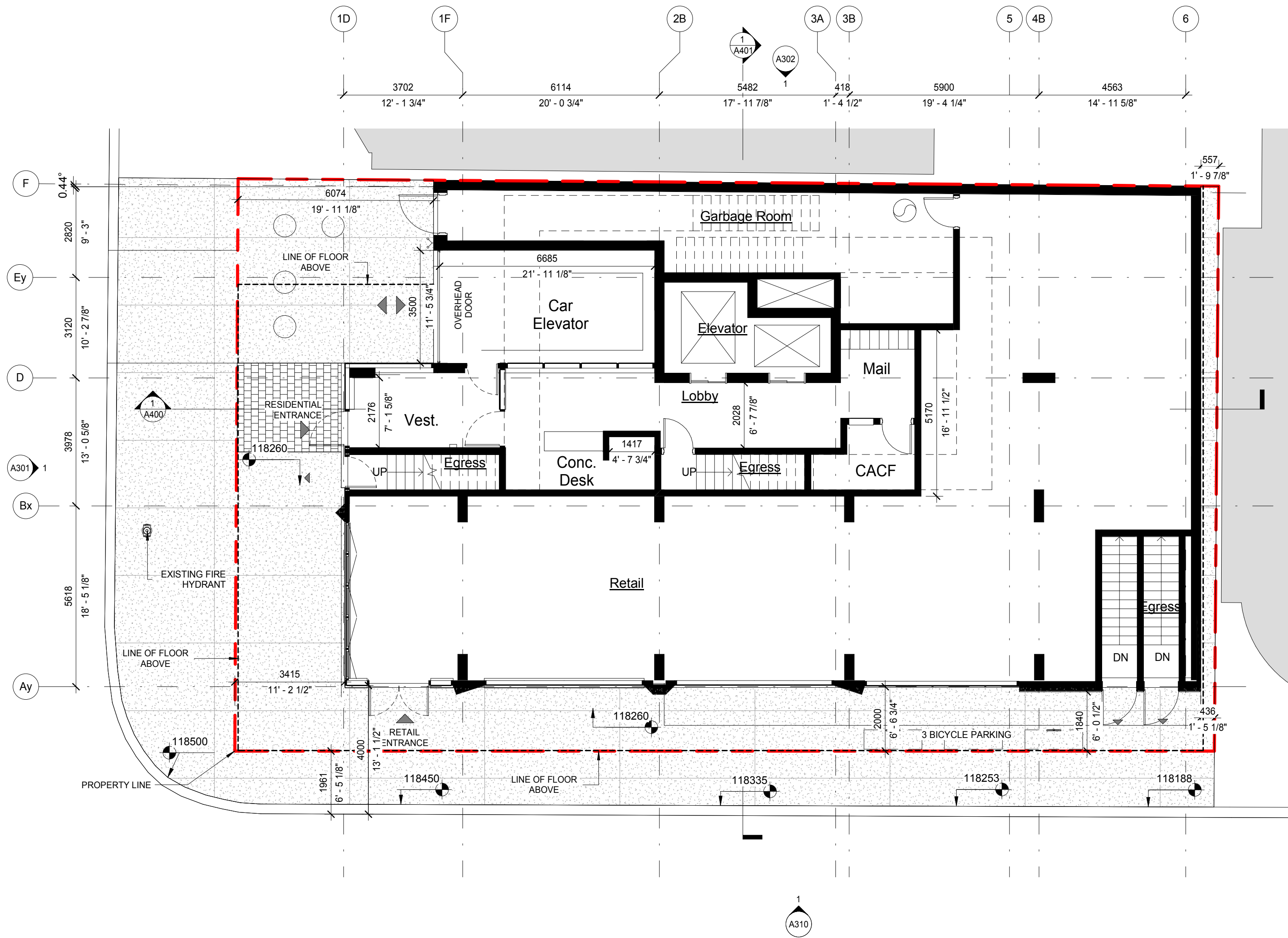
TITLE:
Floor Plan - Level B1



1 Level B1 Floor Plan
1 : 100



1 Ground Floor Plan
1 : 100



CLIENT:

ZINC DEVELOPMENTS
EST 1989
Suite 1010 - 920 Yonge St
Toronto ON M4W 3C7
416-539-0763
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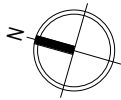
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1	Issued for Site Plan Application	2018/04/26
Issue No.	Description	Date

PROJECT:
8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:
Floor Plan - Ground

PROJECT NO:
18001
CHECKED:
AG
DRAWING NO:
A102



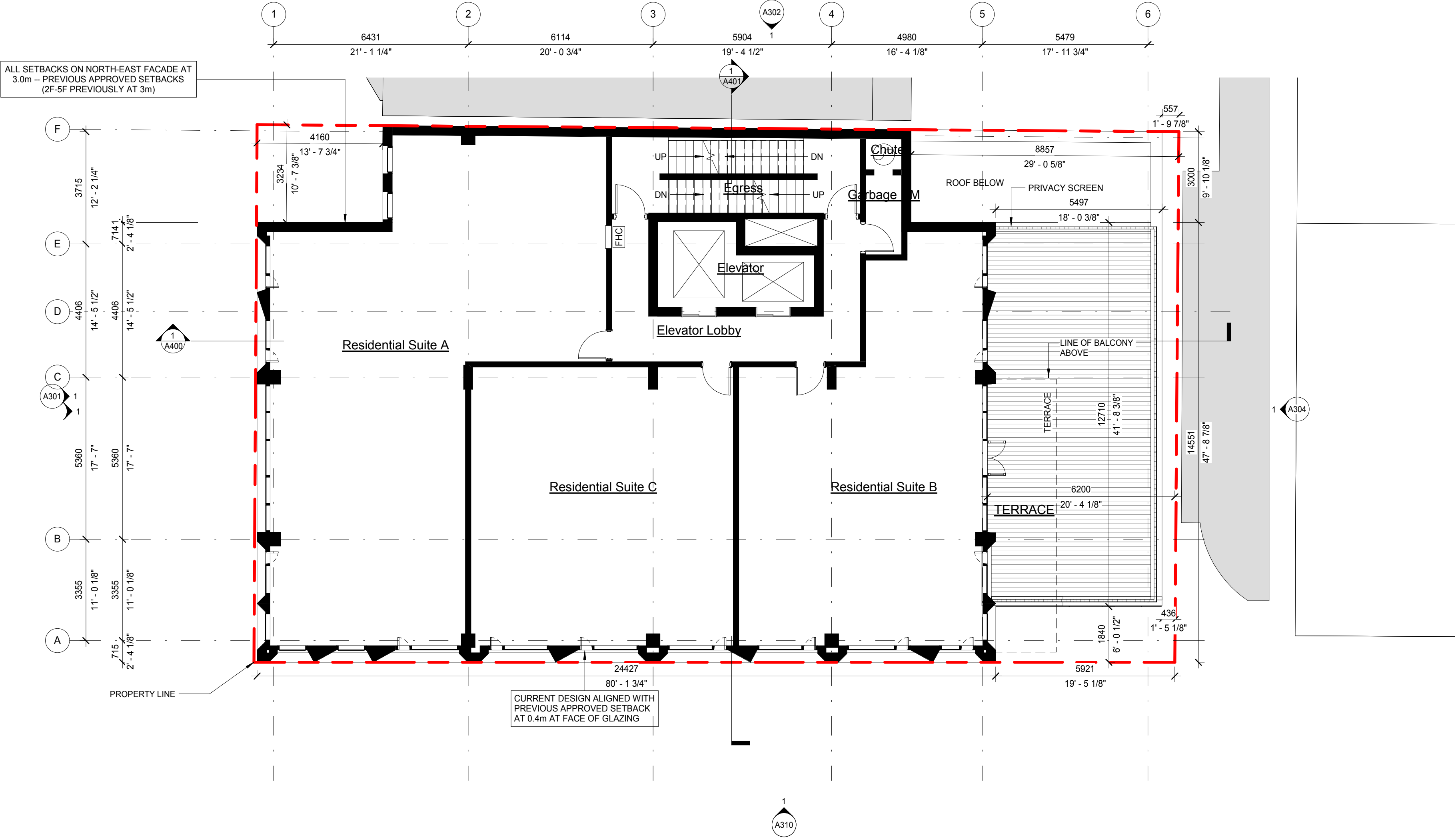
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2	Issued for Committee of Adjustments	2018/09/05
1	Issued for Site Plan Application	2018/04/26
Issue No.	Description	Date

PROJECT:

8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:

Floor Plan - Level 2



1

Level 2 Floor Plan

1 : 100

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Issue No.	Description	Date

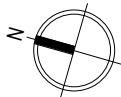
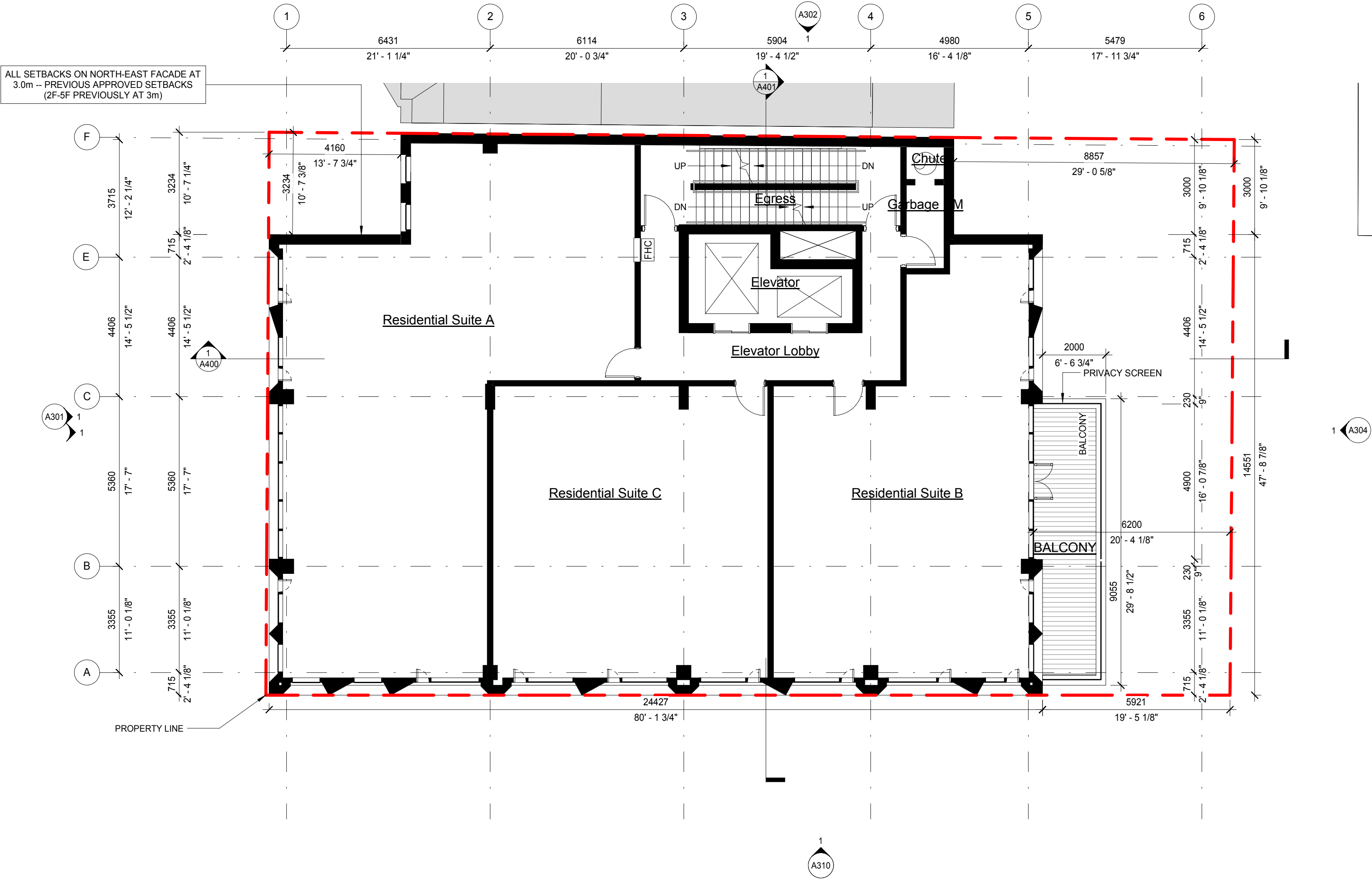
PROJECT:

8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

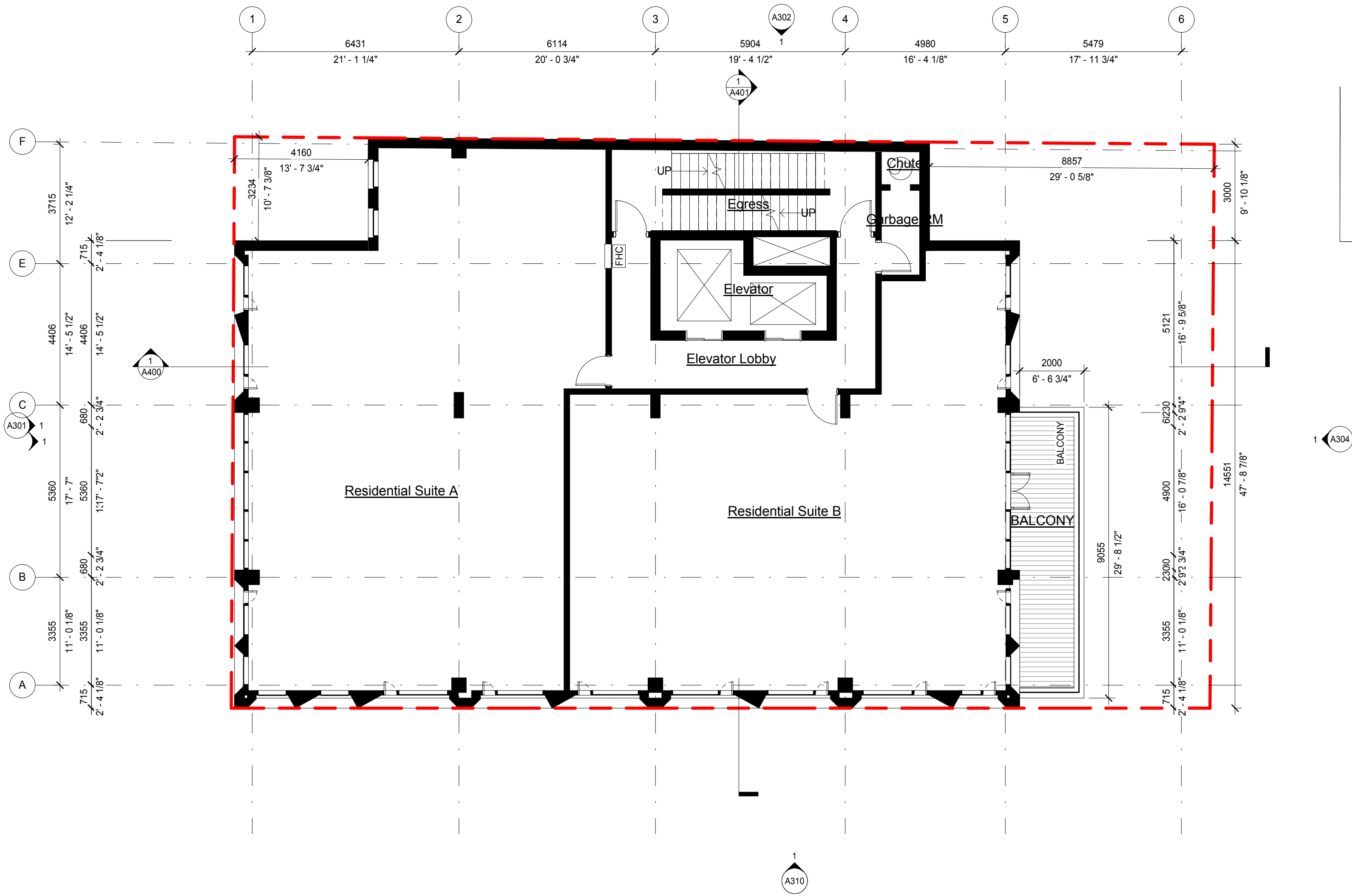
TITLE:

Floor Plan - Level 3

ALL SETBACKS ON NORTH-EAST FACADE AT 3.0m -- PREVIOUS APPROVED SETBACKS (2F-5F PREVIOUSLY AT 3m)



1 Level 4-6 Floor Plan
1 : 100



CLIENT:



ZINC DEVELOPMENTS
- EST. 1989 -

Suite 1010 - 920 Yonge St
Toronto ON M4W 3C7
416-539-0763
www.zincdevelopments.com

ARCHITECT:



CUMULUS ARCHITECTS INC.

Suite 300 - 160 Pears Ave
Toronto, ON M5R 3P8
416-539-0763
www.cumulusarch.com

SEAL:

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3	Issued for Settlement Hearing	2019/10/29
1	Issued for Site Plan Application	2018/04/26
Issue No.	Description	Date

PROJECT:

8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:

Floor Plan - Level 4-6

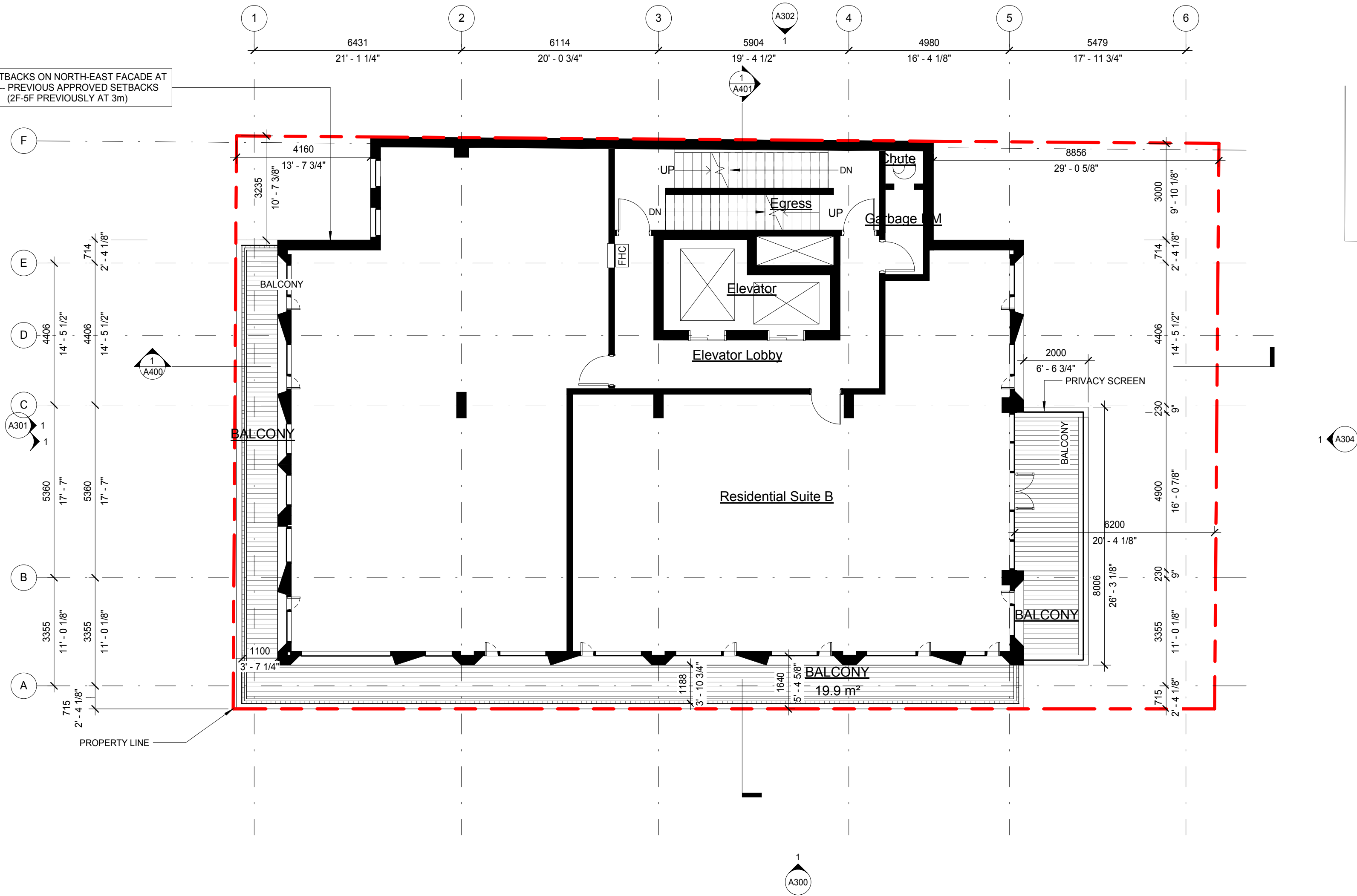
PROJECT NO:
18001

CHECKED:
AG

DRAWING NO:

A105

ALL SETBACKS ON NORTH-EAST FACADE AT 3.0m -- PREVIOUS APPROVED SETBACKS (2F-5F PREVIOUSLY AT 3m)



1

Level 7 Floor Plan

1 : 100

CLIENT:



ZINC DEVELOPMENTS
- EST 1989 -

Suite 1010 - 920 Yonge St
Toronto ON M4W 3C7
416-539-0763
www.zincdevelopments.com

ARCHITECT:



CUMULUS ARCHITECTS INC.

Suite 300 - 160 Pears Ave
Toronto, ON M5R 3P8
416-539-0763
www.cumulusarch.com

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3	Issued for Settlement Hearing	2019/10/29
2	Issued for Committee of Adjustments	2018/09/05
1	Issued for Site Plan Application	2018/04/26
Issue No.	Description	Date

PROJECT:

8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:

Floor Plan - Level 7

PROJECT NO:

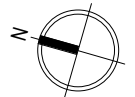
18001

CHECKED:

AG

DRAWING NO:

A108





Suite 1010 - 920 Yonge St
Toronto ON M4W 3C7
416-539-0763
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	Issued for Settlement Hearing	2019/10/29
	Issued for Committee of Adjustments	2018/09/05
	Issued for Site Plan Application	2018/04/26
Issue No.	Description	Date

PROJECT:
8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:

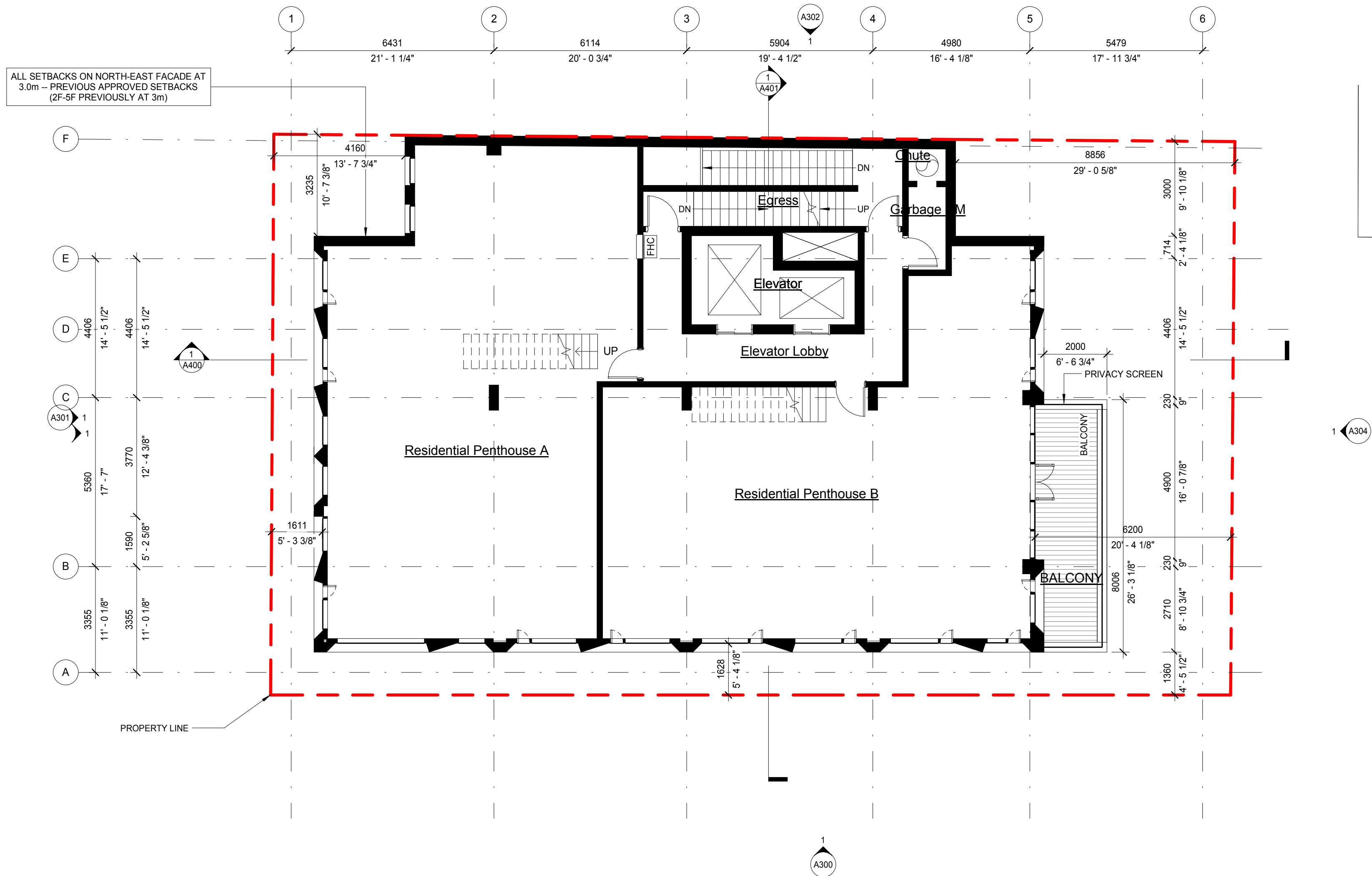
Floor Plan - Level 8

PROJECT NO:
18001

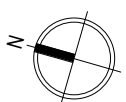
CHECKED:
AG

DRAWING NO:

A109



1 Level 8 Floor Plan
1 : 100



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3	Issued for Settlement Hearing	2019/10/29
2	Issued for Committee of Adjustments	2018/09/05
1	Issued for Site Plan Application	2018/04/26
Issue No.	Description	Date

PROJECT:

8-Storey Residential-Commercial Building
121 Avenue Rd Toronto, ON M5R 2H4

TITLE:

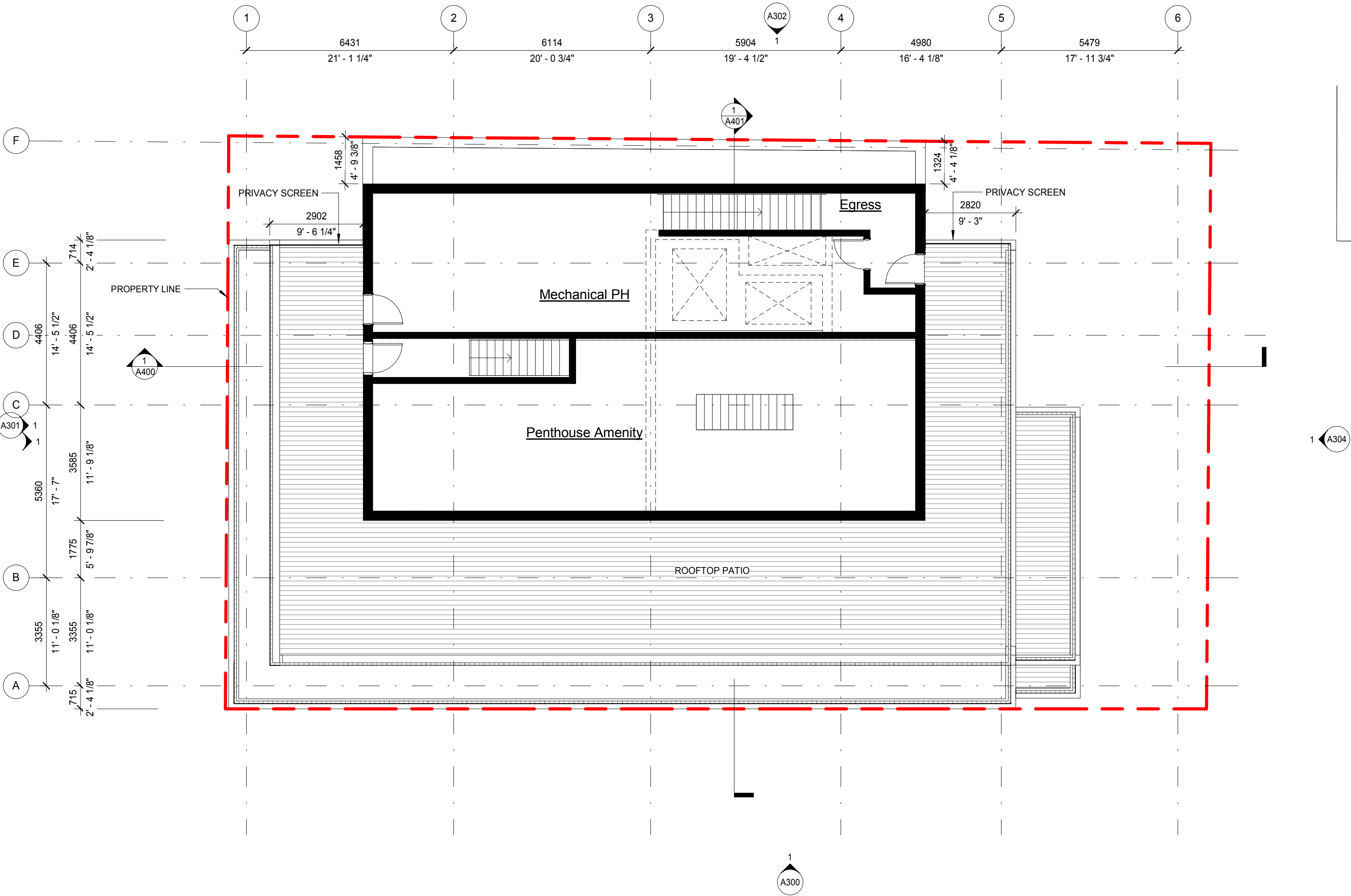
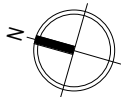
Floor Plan - Main Roof

PROJECT NO:
18001

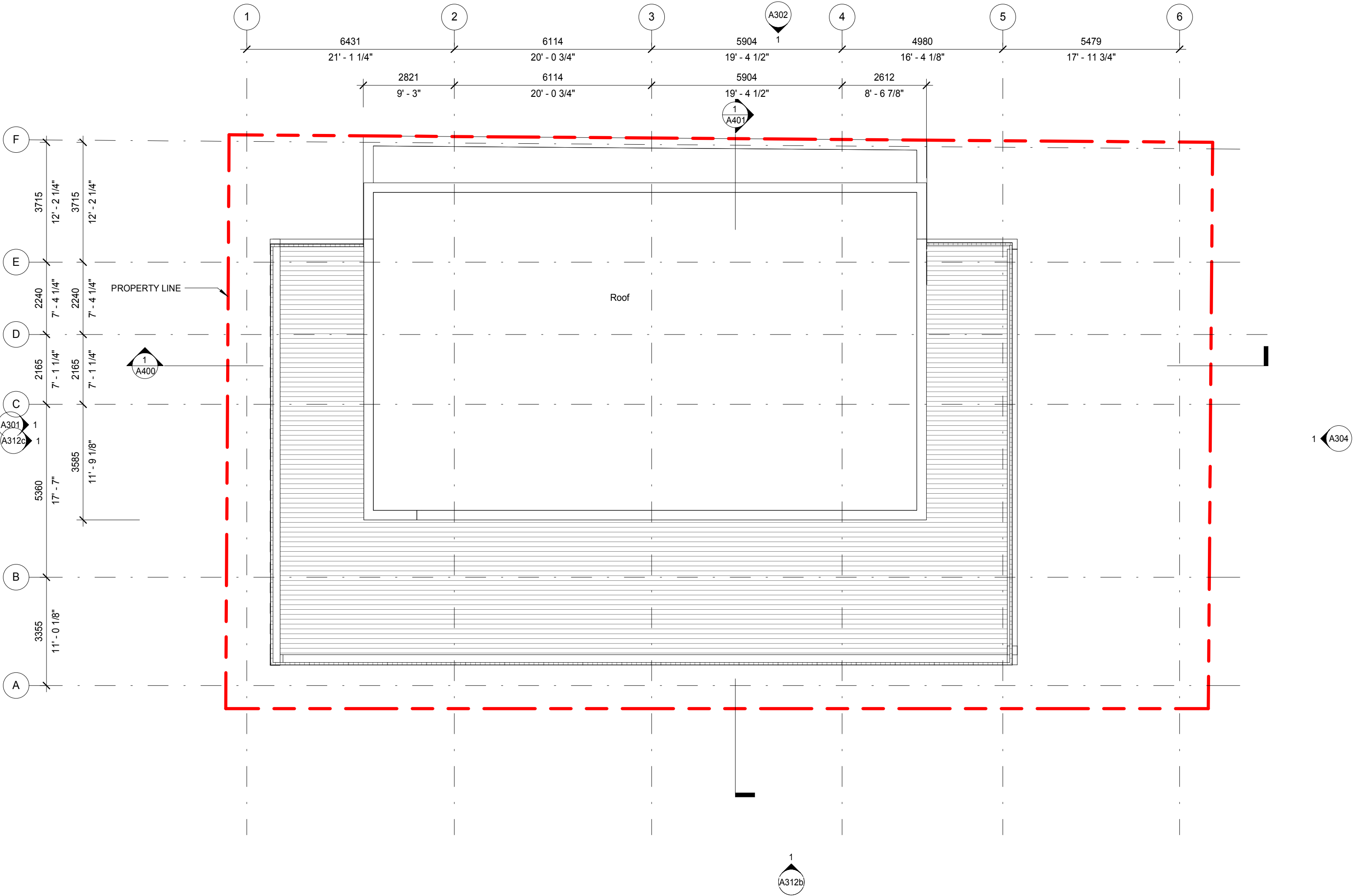
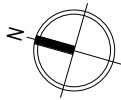
CHECKED:
AG

DRAWING NO:

A110



1 Main Roof Floor Plan
1 : 100



1

Upper Roof Floor Plan

1 : 100