

NOTICE OF PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.: SC/A-20:267

APPLICANTS: Agent: IBI Group c/o Jared Marcus
Owner: DeSantis Rose Joint Venture

SUBJECT PROPERTY: Municipal address **600 North Service Rd., Stoney Creek**

ZONING BY-LAW: Zoning By-law Hamilton 05-200 Zoning By-Law, as Amended by By-law 17-240

ZONING: "C5 and 682"district (Mixed Use Medium Density)

PROPOSAL: To permit the construction of a six (6) storey, 140-unit multiple dwelling notwithstanding that;

1. No planting strip shall be provided on the westerly and southerly lot lines abutting the Residential "RM3-64" Zone; whereas the By-Law states that where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5-metre-wide planting strip shall be provided and maintained; and
2. No visual barrier shall be provided on the westerly and southerly lot lines abutting the Residential "RM3-64" Zone; whereas the By-Law states that a visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.

Notes:

These variances have been written as requested by the applicant.

This application will be heard by the Committee as shown below:

DATE: Thursday, January 21st, 2021

TIME: 2:20 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

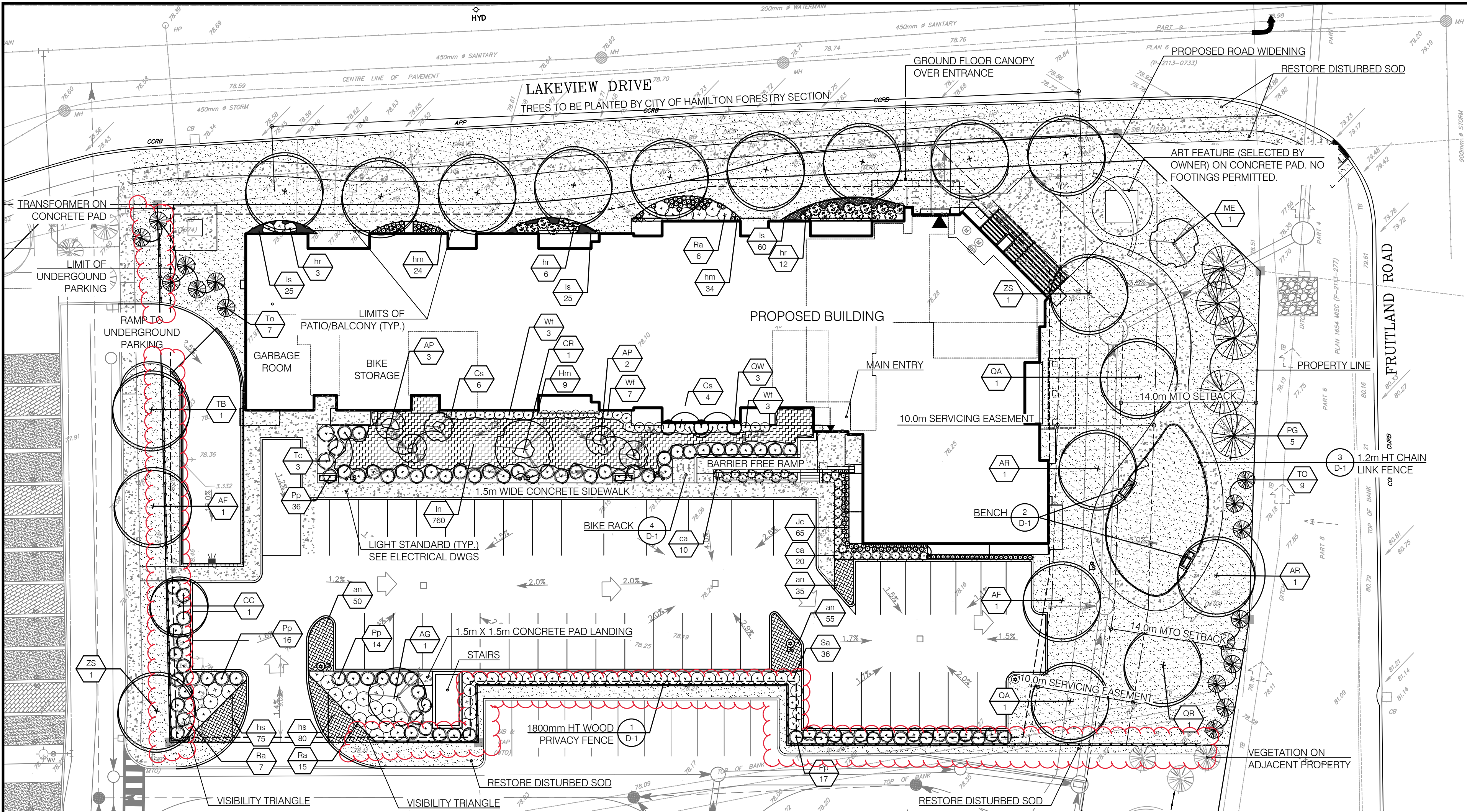
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: January 5th, 2021.

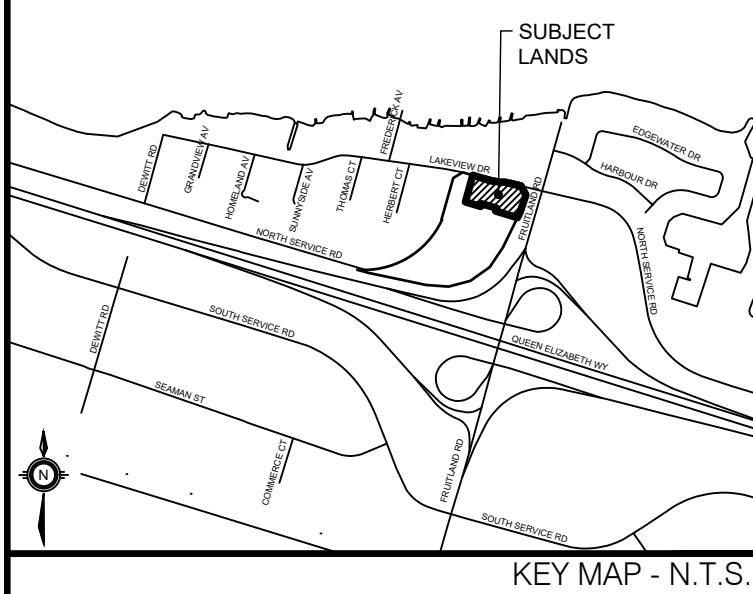
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



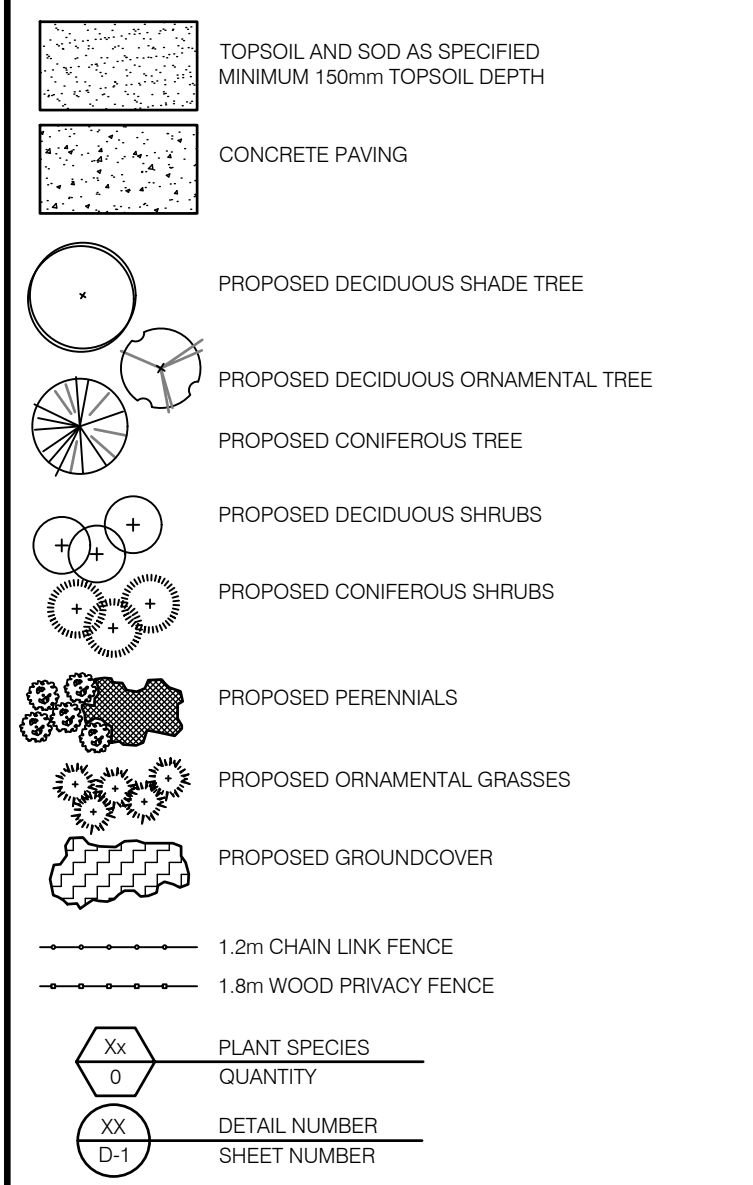
PROPOSED PLANTING SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	CAL.	COND	MATURE HEIGHT (m)	MATURE SPREAD (m)	O.C. SPACING (m)	QNTY.	%
DECIDUOUS TREES									
AF	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	50mm	W.B.	15.0	12.0	10.0	2	18
AR	Acer rubrum	Red Maple	50mm	W.B.	16.0	15.0	10.0	2	18
CC	Carpinus caroliniana	Blue Beech	50mm	W.B.	8.0	6.0	6.0	1	10
QA	Quercus alba	White Oak	50mm	W.B.	22.0	22.0	10.0	2	18
TB	Quercus rubra	Red Oak	50mm	W.B.	16.0	15.0	10.0	1	10
QR	Tilia americana 'Boulevard'	Boulevard Linden	50mm	W.B.	15.0	8.0	6.0	1	10
ZS	Zelkova serrata 'Green Vase'	Japanese Zelkova	50mm	W.B.	25.0	15.0	10.0	2	18
TOTAL									11
ORNAMENTAL DECIDUOUS TREES									
AG	Amelanchier x grandiflora 'Autumn Brilliance'	Autumn Brilliance Serviceberry (clump)	150cm	W.B.	5.0	6.0	6.0	1	
AP	Amelanchier x grandiflora 'Princess Diana'	Princess Diana Serviceberry (clump)	150cm	W.B.	5.0	3.0	3.0	5	
CR	Cercis canadensis	Eastern Redbud	150cm	W.B.	8.0	7.0	5.0	1	
ME	Magnolia x Elizabeth'	Elizabeth Magnolia	150cm	B.B.C.	7.0	6.0	6.0	1	
QW	Quercus x warei 'Nadler'	Kindred Spirit Oak	200cm	B.B.C.	8.0	1.5	3.0	3	
TOTAL									11
CONIFEROUS TREES									
PG	Picea glauca	White Spruce	175cm	W.B.	25.0	10.0	3.0	5	
TOTAL									5
SHRUBS									
Cs	Cornus sericea 'Farrow'	Arctic Fire Dogwood	40cm	#3cont	1.0	1.0	1.0	10	
Hm	Hydrangea macrophylla 'Hokomarew'	Everlasting Revolution Hydrangea	40cm	#3cont	0.8	0.8	0.8	9	
Jc	Juniperus communis 'Gold Cone'	Gold Cone Juniper	50cm	#3cont	1.3	0.5	0.5	66	
Pp	Picea pungens 'Glaucia Globosa'	Globe Blue Spruce	40cm	#3cont	1.3	1.5	1.5	83	
Ra	Rhus aromatica 'Gro-Lu'	Fragrant Sumac	40cm	#3cont	0.8	1.8	1.5	28	
Sa	Spiraea alba	Meadowsweet	40cm	#3cont	1.3	1.3	1.3	36	
Tc	Taxus cuspidata 'Capitata'	Clipped Pyramidal Japanese Yew	150cm	B.B.C.	2.5	1.8	1.8	3	
To	Thuja occidentalis 'Fastigiata'	Pyramid Cedar	150cm	B.B.C.	8.0	2.0	3.0	16	
Wl	Weigela florida 'Alexandra'	Wine and Roses Weigela	40cm	#3cont	1.3	1.3	1.3	13	
TOTAL									263
GRASSES, PERENNIALS & VINES									
an	Aster novae-angliae 'Purple Dome'	New England Aster		#1cont	0.4	0.5	0.5	140	
ca	Calamagrostis x acutiflora Karl Foerster	Feather Reed Grass		#1cont	1.0	1.0	1.0	30	
hm	Hakonechloa macro 'Bent-kaze'	Red Wind Forest Grass		#1cont	0.4	0.5	0.5	58	
hr	Hosta Royal Standard'	Plantain Lily		#1cont	0.6	1.3	1.0	21	
hs	Hemerocallis 'Pandora's Box'	Daylily		#1cont	0.5	0.6	0.5	155	
In	Lysimachia nummularia	Creeping Jenny		pot	0.0	0.6	0.5	760	
Is	Leucanthemum x superbum 'Snowcap'	Shasta Daisy		#1cont	0.3	0.3	0.3	110	
TOTAL									1274



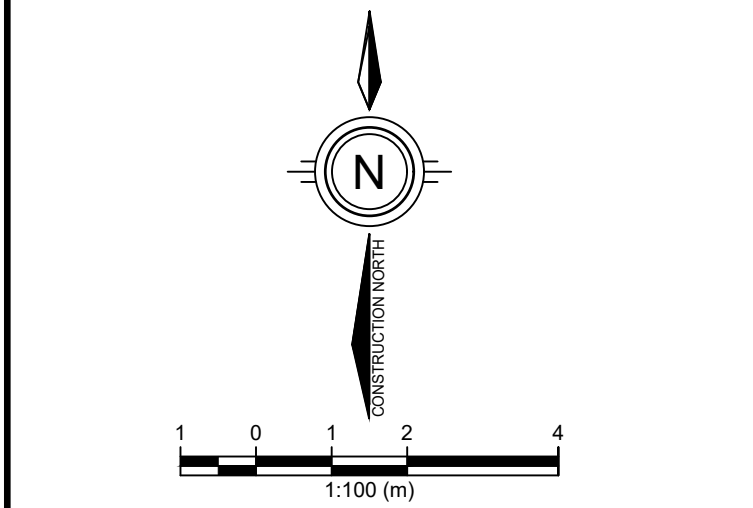
KEY MAP - N.T.S.

LEGEND



NOT FOR CONSTRUCTION

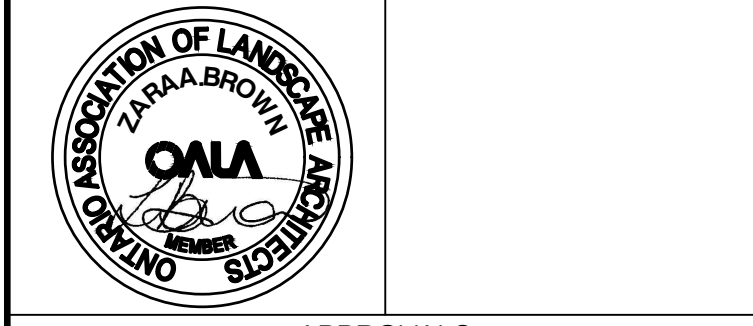
SCALE/NORTH ARROW



DESIGNED BY: Z.B. CHECKED BY: Z.B.
DRAWN BY: Z.B. DATE: 02/2018

4	2020-07-03	ZB	ISSUED FOR TENDER
3	2019-12-05	ZB	RE-SUBMITTED FOR SITE PLAN APPLICATION
2	2019-09-04	ZB	SUBMITTED FOR SITE PLAN APPLICATION
1	2019-02-20	ZB	SUBMITTED FOR CLIENT REVIEW
#	DATE	BY	DESCRIPTION

REVISIONS



APPROVALS

IBI GROUP
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Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

DA19-053

CITY OF HAMILTON
ONTARIO, CANADA

COMO RESIDENTIAL DEVELOPMENT
600 NORTH SERVICE ROAD
HAMILTON, ONTARIO

LANDSCAPE PLAN

FILE NUMBER: 119292L SHEET NUMBER: L-1

NOTES:

- OBTAIN WRITTEN CONFIRMATION OF UTILITY LOCATES PRIOR TO COMMENCEMENT OF DIGGING.
- DIG ALL HOLES BY HAND WHEN CLOSER THAN 1.0M TO UNDERGROUND POWER, TELEPHONE AND GAS ALIGNMENTS
- USE ROOT DEFLECTOR ON THE UTILITY SIDE OF REQUIRED
- ENSURE BASE OF TREE PIT IS STABLE IN ORDER TO MAINTAIN THE DESIRED TREE LEVEL AND GRADE
- TREES TO BE SPRAYED WITH APPROVED ANTI-DESSICANT PRIOR TO TRANSPLANTING UNLESS PLANTED WITHIN 48 HOURS OF DIGGING (IF PLANTED IN FULL LEAF)
- SET TREE 50mm HIGHER THAN SURROUNDING GRADE TO ALLOW FOR SETTLEMENT
- SCARIFY COMPACTED SUBGRADE TO 500mm DEEP IN AREA 5 X ROOTBALL DIAMETER
- DIG PIT 300mm WIDER THAN ROOTBALL PERIMETER
- MULCH WITH SHREDDED BARK OR COMPOSTED HARDWOOD CHIPS
- TRUNK PROTECTION
- MECHANICAL INJURY - USE PLASTIC TREE COLLAR
- ANIMAL INJURY - USE SPIRAL TREE GUARDS OR SCREEN COLLARS
- SUNSCALD INJURY - PAINT TRUNK WITH WHITE LATEX OR WHITE WASH OR WRAP WITH BURLAP, "KRAFT WRAP" INSTALLED FROM THE GROUND UP TO ABOVE LOWEST BRANCHES
- LAWN MOWER INJURY - USE SPLIT CORRUGATED BRAIN COLLARS
- REMOVE TREE STAKES AND TREE WRAP AFTER ONE SEASON

- PRUNE BRANCHES AND RETAIN NATURAL FORM OF TREE AS DIRECTED BY LANDSCAPE ARCHITECT. DO NOT PRUNE LEADER BRANCH
- FLAT WOVEN POLYPROPYLENE MATERIAL 3/4" WIDE, 900lb BREAK STRENGTH, FASTEN IN FIGURE 8 CONFIGURATION
- SET HEARTWOOD STAKE SET APPROX. 1.2m ABOVE FINISHED GRADE, AND POSITION STAKES AND TIES TO PREVENT TREE DAMAGE
- PVC TREE WRAP
- 100mm COMPACTED MULCH ABOVE FINISHED GRADE
- MULCH 150mm AWAY FROM TRUNK
- 100mm HIGH RAISED SAUCER
- FINISHED GRADE
- EXISTING TOP SOIL
- CUT AND REMOVE ALL WIRE, BURLAP, ROPE AND TWINE FROM TOP 1/3 OF ROOT BALL
- PLANTING SOIL MIXTURE AS SPECIFIED, BACKFILL IN 150mm LIFT AND MIXTURE IN LAYERS TO PREVENT AIR POCKETS
- UNDISTURBED SUBSOIL
- SCARIFY 150mm TAMPED SETTING BED AT BOTTOM OF TREE PIT

- NOTES:
- SOIL MIXTURE: FOUR (4) PARTS NATIVE SOIL, ONE (1) PART WELL ROTTED COMPOST.
 - SAUCER SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
 - ALL DIMENSIONS ARE IN mm.
 - STAKING SCHEDULE:
 - < 2500mm HT. - ONE STAKE
 - > 2500mm HT. - TWO STAKES
 - SPACED TREES - THREE STAKES OR GUY WIRES
 - ALL SUPPORT SYSTEMS MUST BE REMOVED ONCE TREE IS ESTABLISHED.
 - ALL TREES TO BE STRAIGHT AND PLANTED VERTICALLY REGARDLESS OF SLOPE.
 - TOP OF ROOT FLARE SHALL BE POSITIONED 50mm ABOVE GRADE.

DO NOT CUT OR DAMAGE LEADER PRUNE ONLY INJURED, INFECTED OR DEAD BRANCHES REMOVE ALL NURSERY TAGS, PLASTIC OR METAL

CONTRACTOR SHALL PROVIDE BURLAP WRAP FOR WINTER PROTECTION FOR DURATION OF MAINTENANCE AND WARRANTY PERIOD.

FLAT WOVEN POLYPROPYLENE MATERIAL 3/4" WIDE, 900lb BREAK STRENGTH, FASTEN IN FIGURE 8 CONFIGURATION.

STEEL T-BAR OR 50X50mm STAKE (SEE NOTES FOR STAKING REQUIREMENTS), STAKE TO EXTEND MIN. 300mm INTO UNDISTURBED SOIL

REMOVE TREE WRAP AT END OF WARRANTY PERIOD OR AS DIRECTED BY CONSULTING LANDSCAPE ARCHITECT

IF REQUIRED, PLASTIC TREE GUARD TO BE PLACED FROM LOWEST BRANCH TO SOIL SURFACE.

100mm HIGH SAUCER

100mm DEPTH SHREDDED CEDAR BARK MULCH BY GRO-BARK LTD. ALL TREAT FARMS OR APPROVED EQUIVALENT

PROVIDE CLEAN AND CONTINUOUS SPADE CUT ALONG ALL BED EDGES

REMOVE WIRE BASKET, BURLAP, AND ROPE FROM TOP 1/3 OF ROOT BALL

EXCAVATE TO 1.5X ROOT BALL DEPTH AND BACK-FILL PREPARED SOIL MIX (SEE NOTE) COMPACT TOPSOIL TO ELIMINATE AIR POCKETS AND SETTLEMENT

SCARIFY PIT BOTTOM TO 150mm DEPTH

UNDISTURBED SOIL

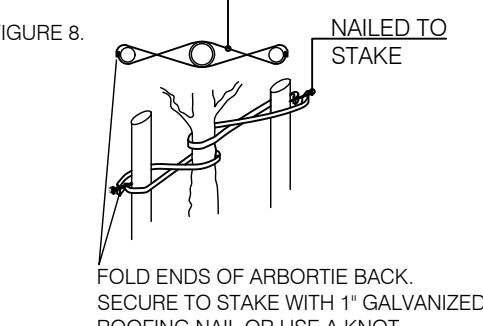


FIGURE 8. ARBOR TIE

FOLD ENDS OF ARBOR TIE BACK, SECURE TO STAKE WITH 1" GALVANIZED ROOFING NAIL OR USE A KNOT.

NOTES:

- ARBOR TIES AND NOTES ARE AS DESCRIBED FOR TYPICAL TREE DETAILS (DETAIL 1/L-1)

PRUNE BRANCHES AND RETAIN NATURAL FORM OF TREE AS DIRECTED BY LANDSCAPE ARCHITECT. DO NOT PRUNE LEADER BRANCH

FLAT WOVEN POLYPROPYLENE MATERIAL 3/4" WIDE, 900lb BREAK STRENGTH, FASTEN IN FIGURE 8 CONFIGURATION

SET HEARTWOOD STAKE SET APPROX. 1.2m ABOVE FINISHED GRADE, AND POSITION STAKES OUTSIDE MOUND, SECURE TIES TO PREVENT TREE DAMAGE

PVC TREE WRAP

100mm COMPACTED MULCH ABOVE FINISHED GRADE

MULCH 150mm AWAY FROM TRUNK

100mm HIGH RAISED SAUCER

FINISHED GRADE

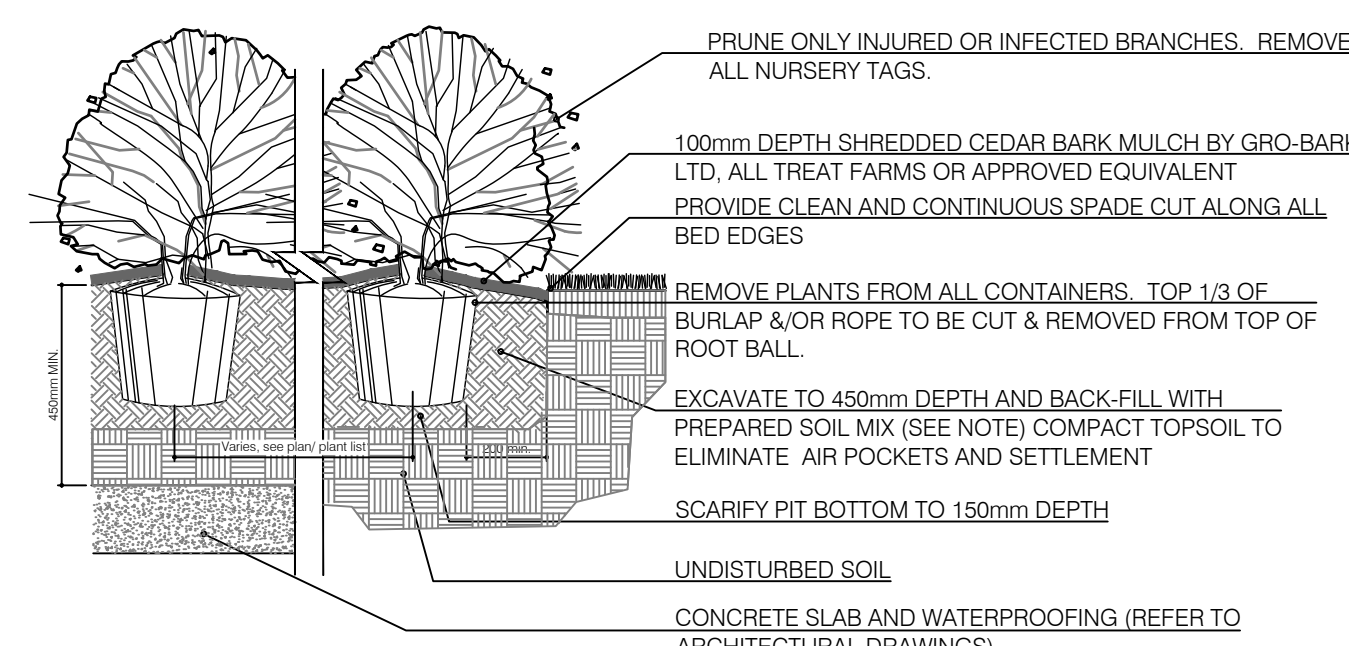
CUT AND REMOVE ALL WIRE, BURLAP, ROPE AND TWINE FROM TOP 1/3 OF ROOT BALL

PLANTING SOIL MIXTURE AS SPECIFIED, BACKFILL IN 150mm LIFT AND MIXTURE IN LAYERS TO PREVENT AIR POCKETS

PARENT SOIL, AMENDED AS NECESSARY OR IMPORTED TOPSOIL

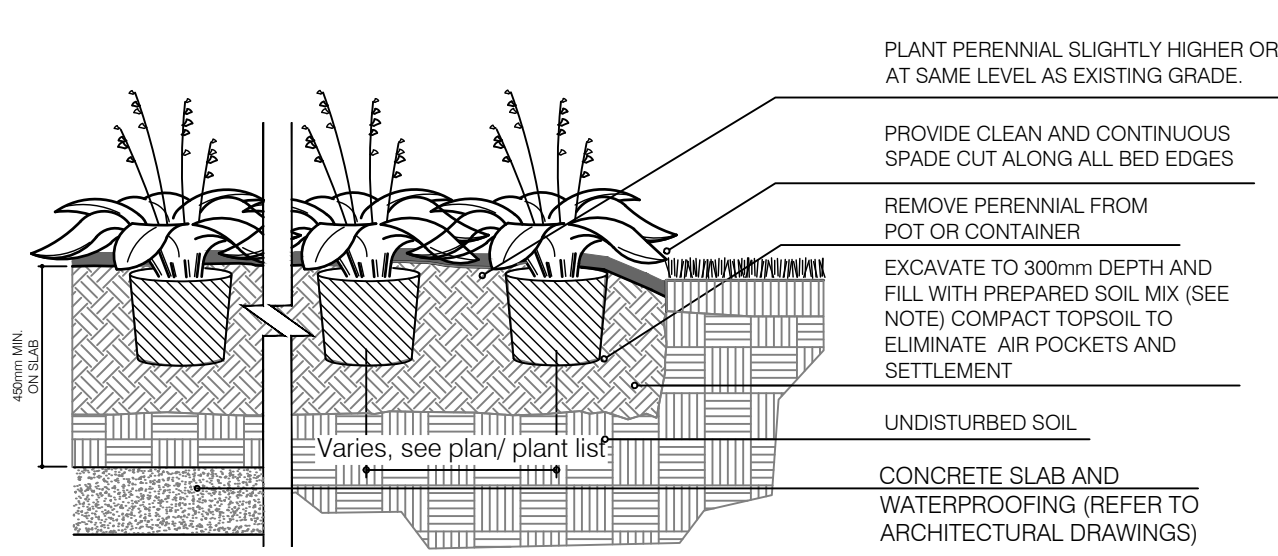
ROOT BARRIER OVER CONCRETE SLAB AND WATERPROOFING (CONCRETE SLAB AND WATERPROOFING (REFER TO ARCHITECTURAL DRAWINGS))

3 BALLED & BURLAPPED/WIRE BASKET DECIDUOUS TREE ON CONCRETE SLAB N.T.S.



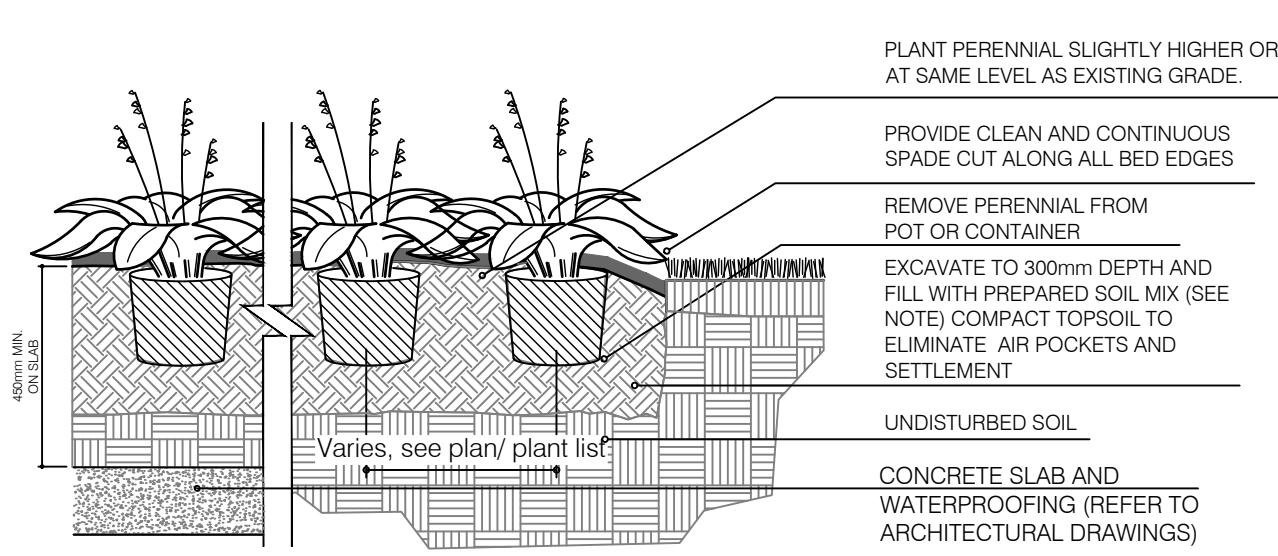
- NOTES:
- SOIL MIXTURE: FOUR (4) PARTS NATIVE SOIL, ONE (1) PART WELL ROTTED COMPOST.
 - SAUCER SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
 - ALL DIMENSIONS ARE IN mm.
 - CUT AND REMOVE CONTAINER SCARIFY ROOTBALL SIDES.
 - ALL PLANTS TO BE STRAIGHT AND PLANTED VERTICALLY REGARDLESS OF SLOPE.
 - PLANTING SOIL TO BE A MINIMUM OF 450mm ON SLAB

4 BALLED AND BURLAPPED/POTTED SHRUB N.T.S.



- NOTES:
- SOIL MIXTURE: FOUR (4) PARTS NATIVE SOIL, ONE (1) PART WELL ROTTED COMPOST.
 - SAUCER SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
 - ALL DIMENSIONS ARE IN mm.
 - CUT AND REMOVE CONTAINER SCARIFY ROOTBALL SIDES.
 - ALL PLANTS TO BE STRAIGHT AND PLANTED VERTICALLY REGARDLESS OF SLOPE.
 - PLANTING SOIL TO BE A MINIMUM OF 450mm ON SLAB

5 CONTAINER GROWN PERENNIAL/GRASS N.T.S.



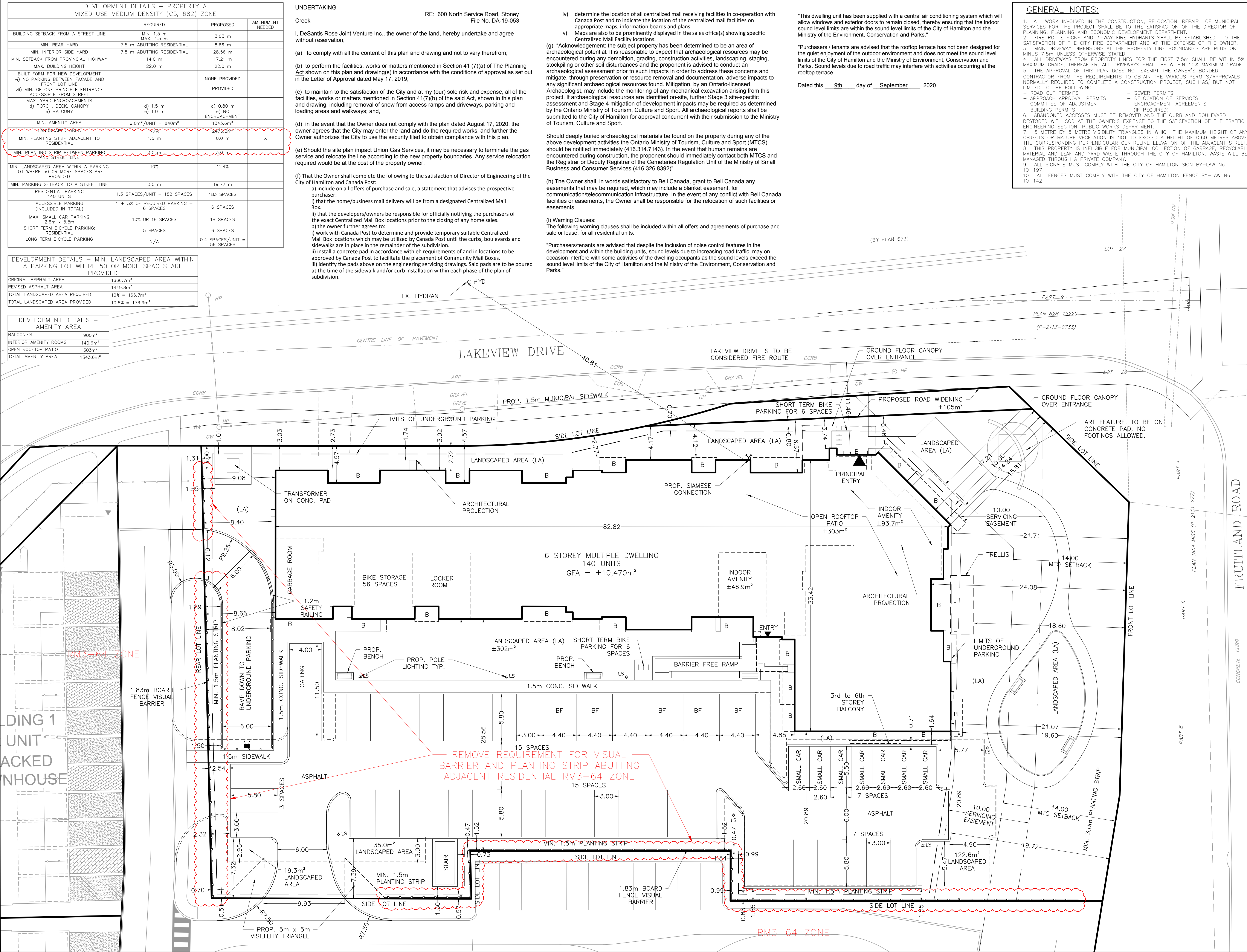
- NOTES:
- SOIL MIXTURE: FOUR (4) PARTS NATIVE SOIL, ONE (1) PART WELL ROTTED COMPOST.
 - SAUCER SHALL BE SOAKED WITH WATER AND MULCHED IMMEDIATELY FOLLOWING PLANTING.
 - ALL DIMENSIONS ARE IN mm.
 - CUT AND REMOVE CONTAINER SCARIFY ROOTBALL SIDES.
 - ALL PLANTS TO BE STRAIGHT AND PLANTED VERTICALLY REGARDLESS OF SLOPE.
 - PLANTING SOIL TO BE A MINIMUM OF 450mm ON SLAB

CONTRACTOR SHALL PROVIDE 75mm MULCH FOR ALL PERENNIALS EXCEPT GROUNDCOVERS UNLESS SPECIFIED OTHERWISE.

DEVELOPMENT DETAILS – PROPERTY A MIXED USE MEDIUM DENSITY (C5, 682) ZONE			
	REQUIRED	PROPOSED	AMENDMENT NEEDED
BUILDING SETBACK FROM A STREET LINE	MIN. 1.5 m MAX. 4.5 m	3.03 m	
MIN. REAR YARD	7.5 m ABUTTING RESIDENTIAL	8.66 m	
MIN. INTERIOR SIDE YARD	7.5 m ABUTTING RESIDENTIAL	28.56 m	
MIN. SETBACK FROM PROVINCIAL HIGHWAY	14.0 m	17.21 m	
MAX. BUILDING HEIGHT	22.0 m	22.0 m	
BUILT FORM FOR NEW DEVELOPMENT v) NO PARKING BETWEEN FACADE AND FRONT LOT LINE		NONE PROVIDED	
vi) MIN. OF ONE PRINCIPLE ENTRANCE ACCESSIBLE FROM STREET		PROVIDED	
MAX. YARD ENCROACHMENTS d) PORCH, DECK, CANOPY e) BALCONY	d) 1.5 m e) 1.0 m	d) 0.80 m e) NO ENCROACHMENT	
MIN. AMENITY AREA	6.0m ² /UNIT = 840m ²	1343.6m ²	
LANDSCAPED AREA	17.7%	2478.5m ²	
MIN. PLANTING STRIP ADJACENT TO RESIDENTIAL	1.5 m	0.0 m	X
MIN. PLANTING STRIP BETWEEN PARKING AND STREET LINE	3.0 m	3.0 m	
MIN. LANDSCAPED AREA WITHIN A PARKING LOT WHERE 50 OR MORE SPACES ARE PROVIDED	10%	11.4%	
MIN. PARKING SETBACK TO A STREET LINE	3.0 m	19.77 m	
RESIDENTIAL PARKING 140 UNITS	1.3 SPACES/UNIT = 182 SPACES	183 SPACES	
ACCESSIBLE PARKING (INCLUDED IN TOTAL)	1 + 3% OF REQUIRED PARKING = 6 SPACES	6 SPACES	
MAX. SMALL CAR PARKING 2.6m x 5.5m	10% OR 18 SPACES	18 SPACES	
SHORT TERM BICYCLE PARKING: RESIDENTIAL	5 SPACES	6 SPACES	
LONG TERM BICYCLE PARKING	N/A	0.4 SPACES/UNIT = 56 SPACES	

DEVELOPMENT DETAILS – MIN. LANDSCAPED AREA WITHIN A PARKING LOT WHERE 50 OR MORE SPACES ARE PROVIDED	
ORIGINAL ASPHALT AREA	1666.7m ²
REVISED ASPHALT AREA	1449.8m ²
TOTAL LANDSCAPED AREA REQUIRED	10% = 166.7m ²
TOTAL LANDSCAPED AREA PROVIDED	10.6% = 176.9m ²

DEVELOPMENT DETAILS – AMENITY AREA	
BALCONIES	900m ²
INTERIOR AMENITY ROOMS	140.6m ²
OPEN ROOFTOP PATIO	30.3m ²
TOTAL AMENITY AREA	1343.6m ²



UNDERTAKING

Creek RE: 600 North Service Road, Stoney File No. DA-19-053

I, DeSantis Rose Joint Venture Inc., the owner of the land, hereby undertake and agree without reservation,

(a) to comply with all the content of this plan and drawing and not to vary therefrom;

(b) to perform the facilities, works or matters mentioned in Section 41 (7)(a) of The Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated May 17, 2019;

(c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,

(d) in the event that the Owner does not comply with the plan dated August 17, 2020, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) Should the site plan impact Union Gas Services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any service relocation required would be at the cost of the property owner.

(f) That the Owner shall complete the following to the satisfaction of Director of Engineering of the City of Hamilton and Canada Post:

a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:

i) that the home/business mail delivery will be from a designated Centralized Mail Box.

ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

b) the owner further agrees to:

i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

ii) install a concrete pad in accordance with eh requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.

v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

(g) "Acknowledgement: the subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed Archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 site-specific assessment and Stage 4 mitigation of development impacts may be required as determined by the Ontario Ministry of Tourism, Culture and Sport. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)"

(h) The Owner shall, in words satisfactory to Bell Canada, grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

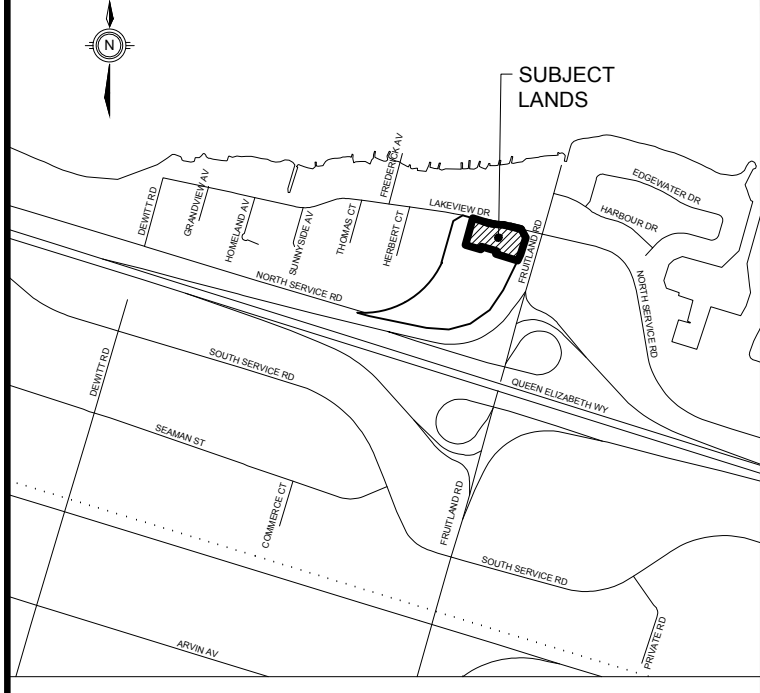
(i) Warning Clauses:

The following warning clauses shall be included within all offers and agreements of purchase and sale or lease, for all residential units:

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic, may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton and the Ministry of the Environment, Conservation and Parks."

GENERAL NOTES:

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
3. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
 - BUILDING PERMITS
 - SEWER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
6. ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
7. 5 METRE BY 5 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
8. THIS PROPERTY IS INELIGIBLE FOR MUNICIPAL COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE THROUGH THE CITY OF HAMILTON. WASTE WILL BE MANAGED THROUGH A PRIVATE COMPANY.
9. ALL SIGNAGE MUST COMPLY WITH THE CITY OF HAMILTON SIGN BY-LAW No. 10-197.
10. ALL FENCES MUST COMPLY WITH THE CITY OF HAMILTON FENCE BY-LAW No. 10-142.



LEGEND

B - GROUND FLOOR PATIO/2nd TO 6th FLOOR BALCONY

LIGHTING NOTE

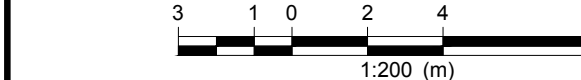
LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE "HOUSE SHIELDS" WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES.

NOT FOR CONSTRUCTION

SOURCE: TOPOGRAPHIC SURVEY INFORMATION OBTAINED FROM A.T. McLAREN LIMITED, DWG. No. 35075, DATED AUGUST 30, 2016.

BENCHMARK MONUMENT 0772020036 LOCATED IN STONEY CREEK, 10m SOUTH OF CENTRELINE OF BARTON STREET, 9m EAST OF CENTRELINE OF CHELSEA CRESCENT, 4m NORTH OF CENTRELINE AND 11m NORTHEAST OF NORTHEAST CORNER OF HYDRO VAULT. ELEVATION: 86.853m CGVD 28

SCALE



DESIGN BY: J.MARCUS CHECKED BY: J.ARIENS

DRAWN BY: J.MARCUS DATE: 2019-02-22

1	2020-11-24	JM	MINOR VARIANCE SUBMISSION - FENCE
2	2020-09-09	JM	REVISED PER BP COMMENTS - HYDRANT
3	2020-07-23	JM	REVISED PER BP COMMENTS - FIRE ROUTE
4	2020-05-21	JM	REVISED UNDERTAKING - FINAL APPROVAL
5	2020-04-24	JM	FINAL SITE PLAN APPROVAL SUBMISSION
6	2020-01-27	JM	FOURTH SITE PLAN CLEARANCE SUBMISSION
7	2019-12-10	JM	THIRD SITE PLAN CLEARANCE SUBMISSION
8	2019-11-25	JM	SECOND SITE PLAN CLEARANCE SUBMISSION
9	2019-09-03	JM	FIRST SITE PLAN CLEARANCE SUBMISSION
10	2019-02-22	JM	FIRST SITE PLAN SUBMISSION

DRAWING ISSUE RECORD

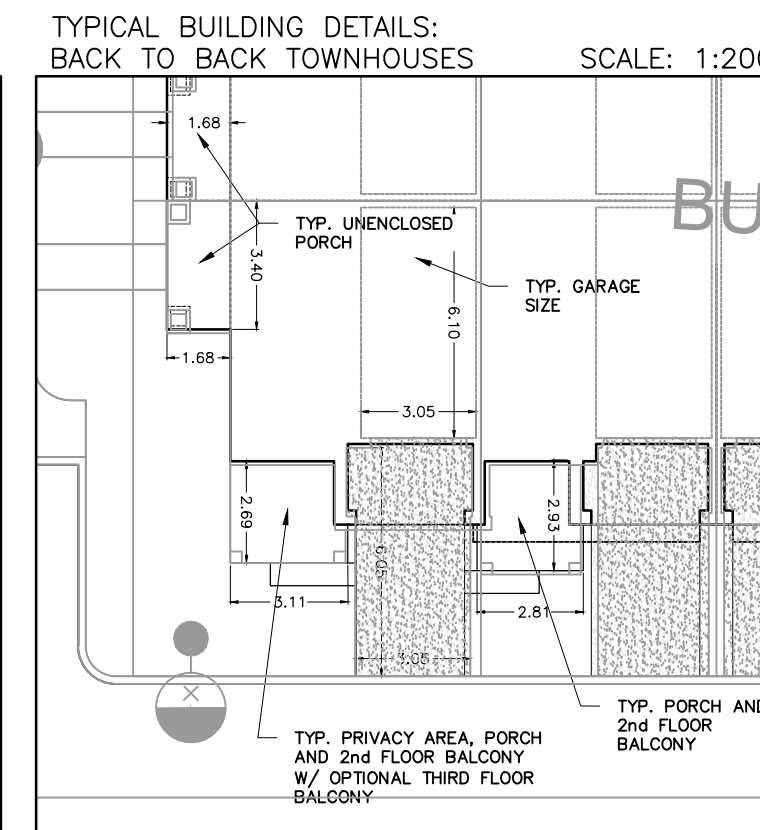
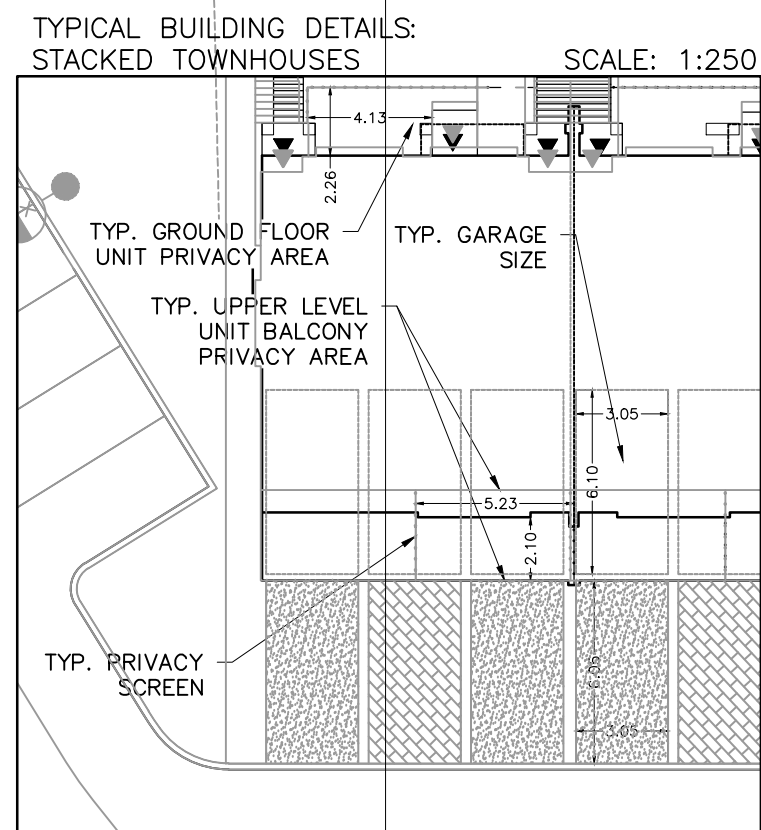
#	DATE	BY	DESCRIPTION
1			
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10			

APPROVALS	

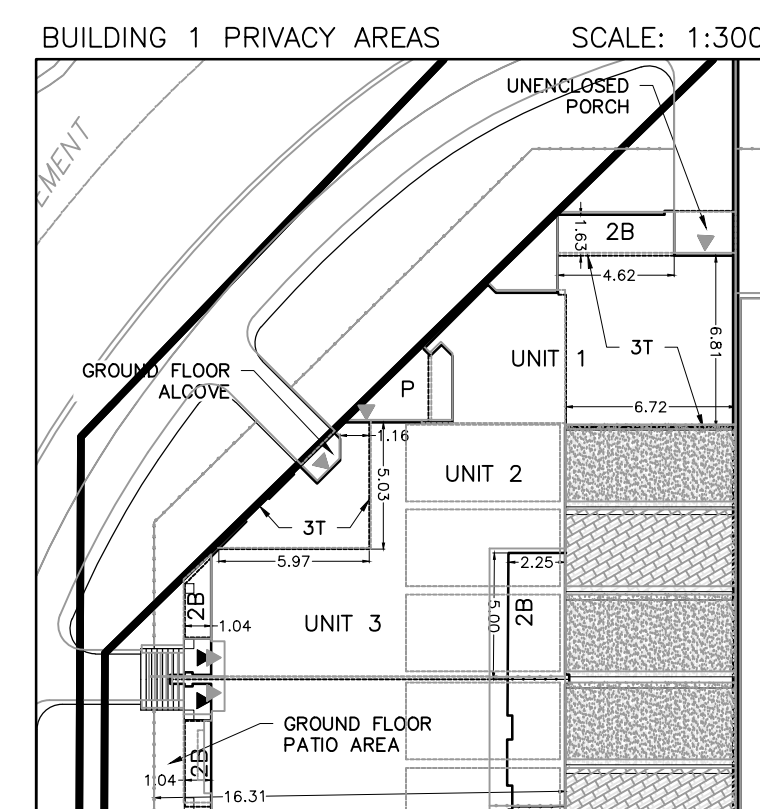
CITY OF HAMILTON 600 NORTH SERVICE ROAD	
DeSANTIS ROSE JOINT VENTURE INC.	
COMO	
SITE PLAN DA-19-053	
FILE NUMBER: 119292	SHEET NUMBER: SP1

GENERAL NOTES:

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
2. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
3. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
4. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN .5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
5. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - SEWER PERMITS
 - APPROACH APPROVAL PERMITS
 - RELOCATION OF SERVICES
 - COMMITTEE OF ADJUSTMENT
 - ENCROACHMENT AGREEMENTS
 - BUILDING PERMITS
 - (IF REQUIRED)
6. ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOIL AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
7. 3 METRE BY 3 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.60 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
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(c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space



NOT FOR CONSTRUCTION

FILE NUMBER:	102428	SHEET NUMBER:	SP1
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Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner DeSantis Rose Joint Venture Inc. Telephone No. _____

FAX NO. _____ E-mail address. _____

2. Address _____

Postal Code _____

3. Name of Agent IBI Group c/o Jared Marcus Telephone No. _____

FAX NO. _____ E-mail address. _____

4. Address _____

Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

_____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:

10.5.3i) To remove the requirement for a Planting Strip to be provided abutting a Residential zone.

10.5.3j) To remove the requirement for a Visual Barrier to be provided abutting a Residential zone.

7. Why it is not possible to comply with the provisions of the By-law?

The requirement for privacy fencing and planting strip envisions a scenario where a CMU zone is adjacent to a residential Zone that is not part of a master-planned development and there is a need to buffer separate uses. In this case the development was planned to function together so there is no need for the separation of uses.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Part of Lots 19, 20 & 21, Registered Plan 673, and Parts of Lots 23-26, 28-30 Registered
Plan 723, Parts 1,3 & 4, Plan 62R-21422
600 North Service Road, Stoney Creek

9. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐

Agricultural _____ Vacant X

Other	
-------	--

- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes X No Unknown

- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No X Unknown _____

- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No X Unknown _____

- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No X Unknown _____

- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes _____ No X Unknown _____

- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No X Unknown _____

- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ☐ No ☒ Unknown ☐

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No X Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No X Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Subject lands were part of previous Site Plan, Zoning Amendment, and Official Plan
Amendment applications and environmental concerns were addressed then.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No X

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

2020-10-26

Date

Signature Property Owner

GABRIEL DESANTIS
Print Name of Owner

10. Dimensions of lands affected:

Frontage +/-102.6m

Depth +/-55.7m

Area +/-6283sq.m

Width of street varies

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: none

Proposed: 6 storeys, +/-10,470sq.m GFA, 82.8m width, 33.4m length

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing: none

- Proposed: FY: 3.03m; RY: 8.66m; SY: 28.56m;
13. Date of acquisition of subject lands:
2016
14. Date of construction of all buildings and structures on subject lands:
2020
15. Existing uses of the subject property: Vacant - Approved for Multiple Dwelling
16. Existing uses of abutting properties: North: Residential; West: Fruitland Road;
South: Residential; East: Park
17. Length of time the existing uses of the subject property have continued:
+/-2 years
18. Municipal services available: (check the appropriate space or spaces)
 Water X Connected X
 Sanitary Sewer X Connected X
 Storm Sewers X
19. Present Official Plan/Secondary Plan provisions applying to the land:
UHOP - Mixed Use-Medium Density
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Mixed Use-Medium Density (C5, 682)
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No X
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No X
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

November 24, 2020

Ms. Jamila Sheffield, ACST
Secretary Treasurer-Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**600 NORTH SERVICE ROAD, STONEY CREEK - COMO - DA-19-053
MINOR VARIANCE APPLICATION**

On behalf of our client, DeSantis Rose Joint Venture Inc., we are pleased to submit a Minor Variance application for the above noted development. The application seeks to remove the requirement for a Planting Strip and a Visual Barrier to be located along a lot line abutting an adjacent Residential zone.

While the Myst and COMO developments will exist as separate condominium corporations, the developments were designed to function as one and therefore the need to provide a visual barrier between the two uses was not anticipated. However, during the Site Plan review for the subject lands it was identified that the C5 zone required a Planting Strip and a Visual Barrier between the two projects. The two properties are zoned within separate parent By-laws and the anticipated function of the CMU zone does not envision a scenario where the adjacent uses are zoned differently but designed comprehensively and cohesively planned. The request to remove the Planting Strip and a Visual Barrier requirement will not cause any adverse impact on the adjacent lands.

In support of the application please find enclosed the following information:

- One (1) copy of the Minor Variance application form;
- One (1) copy of the Site Plan and Landscape Plan drawings;
- One (1) cheque in the amount of \$3,302.00; and,
- One (1) copy of the Articles of Incorporation for DeSantis Rose Joint Venture Inc.

Should you require any additional information please do not hesitate to contact the undersigned.

Thanks,

Jared Marcus, CPT

Associate, Manager – Planning

Encl.

Cc: Fernando Puga, Homes By DeSantis

Request ID: 019281784
Demande n°:
Transaction ID: 061954407
Transaction n°:
Category ID: CT
Catégorie:

Province of Ontario
Province de l'Ontario
Ministry of Government Services
Ministère des Services gouvernementaux

Date Report Produced: 2016/08/17
Document produit le:
Time Report Produced: 09:20:06
Imprimé à:

Certificate of Incorporation Certificat de constitution

This is to certify that

Ceci certifie que

DESANTIS ROSE JOINT VENTURE INC.

Ontario Corporation No.

Numéro matricule de la personne morale en
Ontario

002532462

is a corporation incorporated,
under the laws of the Province of Ontario.

est une société constituée aux termes
des lois de la province de l'Ontario.

These articles of incorporation
are effective on

Les présents statuts constitutifs
entrent en vigueur le

AUGUST 17 AOÛT, 2016



Director/Directeur
Business Corporations Act/Loi sur les sociétés par actions

Request ID / Demande n°
19281784

Ontario Corporation Number
Numéro de la compagnie en Ontario
2532462

FORM 1

FORMULE NUMÉRO 1

BUSINESS CORPORATIONS ACT

/

LOI SUR LES SOCIÉTÉS PAR ACTIONS

ARTICLES OF INCORPORATION
STATUTS CONSTITUTIFS

1. The name of the corporation is: *Dénomination sociale de la compagnie:*
DESANTIS ROSE JOINT VENTURE INC.

2. The address of the registered office is: *Adresse du siège social:*

 461 GREEN ROAD
 SUITE 10
 (Street & Number, or R.R. Number & if Multi-Office Building give Room No.)
 (Rue et numéro, ou numéro de la R.R. et, s'il s'agit édifice à bureau, numéro du bureau)
 STONEY CREEK ONTARIO
 CANADA L8E 5B4
 (Name of Municipality or Post Office) (Postal Code/Code postal)
 (Nom de la municipalité ou du bureau de poste)

3. Number (or minimum and maximum number) of directors is: *Nombre (ou nombres minimal et maximal) d'administrateurs:*
 Minimum 1 Maximum 10

4. The first director(s) is/are: *Premier(s) administrateur(s):*

First name, initials and surname <i>Prénom, initiales et nom de famille</i>	Resident Canadian State Yes or No <i>Résident Canadien Oui/Non</i>
Address for service, giving Street & No. or R.R. No., Municipality and Postal Code	<i>Domicile élu, y compris la rue et le numéro, le numéro de la R.R., ou le nom de la municipalité et le code postal</i>

- * GABRIEL YES
 DESANTIS
 461 GREEN ROAD
 SUITE 10
 STONEY CREEK ONTARIO
 CANADA L8E 5B4

Request ID / Demande n°
19281784

Ontario Corporation Number
Numéro de la compagnie en Ontario
2532462

4. The first director(s) is/are:

Premier(s) administrateur(s):

First name, initials and surname
Prénom, initiales et nom de famille

Resident Canadian State Yes or No
Résident Canadien Oui/Non

Address for service, giving Street & No.
or R.R. No., Municipality and Postal Code

*Domicile élu, y compris la rue et le
numéro, le numéro de la R.R., ou le nom
de la municipalité et le code postal*

* SILVIO
 GUGLIETTI
 145 REYNOLDS STREET
 SUITE 500
 OAKVILLE ONTARIO
 CANADA L6T 0A7

YES

Request ID / Demande n°
19281784

Ontario Corporation Number
Numéro de la compagnie en Ontario
2532462

5. Restrictions, if any, on business the corporation may carry on or on powers the corporation may exercise.
Limites, s'il y a lieu, imposées aux activités commerciales ou aux pouvoirs de la compagnie.

None.

6. The classes and any maximum number of shares that the corporation is authorized to issue:
Catégories et nombre maximal, s'il y a lieu, d'actions que la compagnie est autorisée à émettre:

An unlimited number of Common Shares.

Request ID / Demande n°
19281784

Ontario Corporation Number
Numéro de la compagnie en Ontario
2532462

7. Rights, privileges, restrictions and conditions (if any) attaching to each class of shares and directors authority with respect to any class of shares which may be issued in series: *Droits, privilèges, restrictions et conditions, s'il y a lieu, rattachés à chaque catégorie d'actions et pouvoirs des administrateurs relatifs à chaque catégorie d'actions que peut être émise en série:*

COMMON SHARES

(a) Payment of Dividends: The holders of the common shares shall be entitled to receive dividends if, as and when declared by the board of directors of the corporation out of the assets of the corporation properly applicable to the payment of dividends in such amounts and payable in such manner as the board of directors may from time to time determine. Subject to the rights of the holders of any other class of shares of the corporation entitled to receive dividends in priority to or rateably with the common shares, the board of directors may in their sole discretion declare dividends on the common shares to the exclusion of any other class of shares of the corporation;

(b) Participation upon Liquidation, Dissolution or Winding-Up: In the event of the liquidation, dissolution or winding-up of the corporation, whether voluntary or involuntary, or other distribution of assets of the corporation among its shareholders for the purpose of winding-up its affairs, the holders of the common shares shall, subject to the rights of the holders of any other class of shares of the corporation entitled to receive the assets of the corporation upon such a distribution in priority to or rateably with the common shares, be entitled to participate rateably in any distribution of the assets of the corporation; and

(c) Voting Rights: The holders of the common shares shall be entitled to receive notice of and to attend all meetings of the shareholders of the corporation and each such share shall confer the right to one (1) vote in person or by proxy at all meetings of the shareholders of the corporation except meetings at which only holders of a specified class of shares are entitled to vote.

Request ID / Demande n°
19281784

Ontario Corporation Number
Numéro de la compagnie en Ontario
2532462

8. The issue, transfer or ownership of shares is/is not restricted and the restrictions (if any) are as follows:

L'émission, le transfert ou la propriété d'actions est/n'est pas restreinte. Les restrictions, s'il y a lieu, sont les suivantes:

The transfer of shares of the Corporation shall be restricted in that no shareholder shall be entitled to transfer any share or shares without either:

(a) The approval of the directors of the Corporation expressed by a resolution passed at a meeting of the board of directors or by an instrument or instruments in writing signed by a majority of the directors;
or

(b) The approval of the holders of at least a majority of the shares of the Corporation entitling the holders thereof to vote in all circumstances (other than a separate class vote of the holders of another class of shares of the Corporation) for the time being outstanding expressed by a resolution passed at a meeting of the holders of such shares or by an instrument or instruments in writing signed by the holders of a majority of such share.

Request ID / Demande n°
19281784

Ontario Corporation Number
Numéro de la compagnie en Ontario
2532462

9. Other provisions, (if any, are):
Autres dispositions, s'il y a lieu:
None.

Request ID / Demande n°
19281784

Ontario Corporation Number
Numéro de la compagnie en Ontario
2532462

10. The names and addresses of the incorporators are
Nom et adresse des fondateurs

First name, initials and last name
or corporate name

*Prénom, initiale et nom de
famille ou dénomination sociale*

Full address for service or address of registered office or of principal place of business
giving street & No. or R.R. No., municipality and postal code

*Domicile élu, adresse du siège social au adresse de l'établissement principal, y compris
la rue et le numéro, le numéro de la R.R., le nom de la municipalité et le code postal*

* GABRIEL DESANTIS
461 GREEN ROAD
SUITE 10
STONE CREEK ONTARIO
CANADA L8E 5B4