



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**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.:** FL/A-21:321

**APPLICANTS:** Owner Zenia Homes c/o Kamal Alayche  
Agent A.J. Clarke & Associates c/o S. Fraser

**SUBJECT PROPERTY:** Municipal address **47 Tews Ln., Flamborough**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended

**ZONING:** S1 district (Settlement Residential)

**PROPOSAL:** To permit the construction of two (2) accessory buildings (cabana and detached garage) which are commonly incidental, subordinate and exclusively devoted to the existing single detached dwelling, notwithstanding,

1. The proposed cabana shall be permitted to contain habitable space whereas the Zoning By-law does not permit accessory buildings to be used for human habitation; and,
2. A maximum building height of 5.25 metres shall be permitted for the proposed cabana instead of the maximum permitted height of 4.5 metres for an accessory building,
3. A maximum lot coverage of 141.5 square metres shall be permitted for the proposed accessory buildings instead of the maximum permitted lot coverage of 45 square metres for all accessory buildings.

**NOTE:**

1. The floor plan drawing of the proposed cabana demonstrates the structure is intended to be utilized as living area; as such, variance 1 has been included.
2. Any portion of building which requires support on the ground is included in the lot coverage calculation; as such, the “covered area” of the proposed cabana has been included in the lot coverage calculation.
3. The height of the proposed detached garage has not been provided. A further variance will be required should the height of the proposed detached garage exceed 4.5 metres when provided in accordance with the definition of “Building Height” and “Grade” as defined within the Zoning By-law.

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

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**DATE:** Thursday, September 23<sup>rd</sup>, 2021  
**TIME:** 2:05 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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## **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](http://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](mailto:cofa@hamilton.ca)

DATED: September 7<sup>th</sup>, 2021.

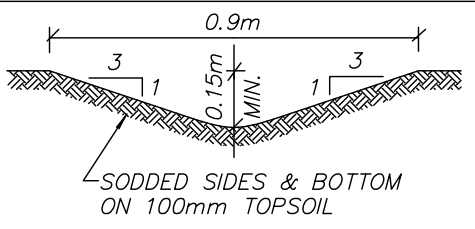
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

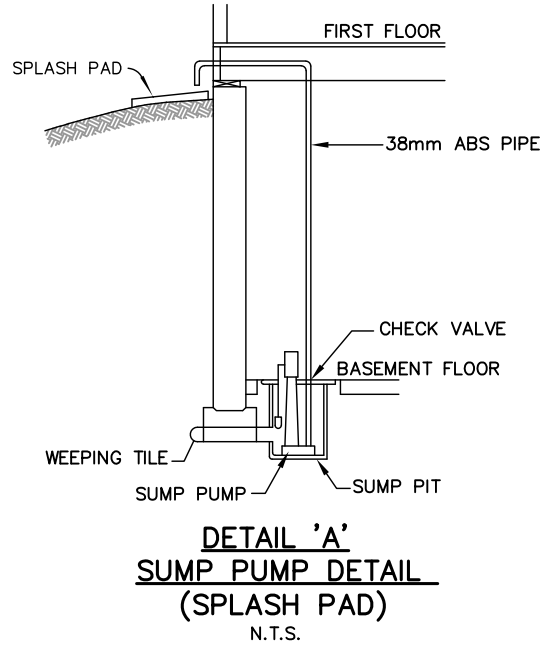
**Caution:**  
 This is not a plan of survey and shall not be used except for the purpose indicated in the title block.

**TYPICAL SWALE CROSS-SECTION**



**SUMP PUMP**  
 Parcel to have building foundation weepers drain to a sump and be pumped to the ground surface via a sump pump with check valve. The outlet pipe shall discharge onto a splash pad and then to grassed or landscaped areas a minimum of 0.6m from the building face. (See Detail 'A')

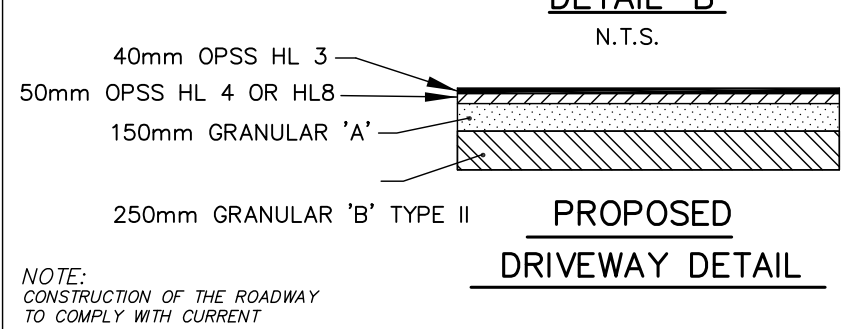
**ROOFWATER LEADERS:**  
 Roofwater leaders shall be connected to the infiltration gallery.



**"S(1)" ZONE**  
 AREA OF PARCEL = 7470 m<sup>2</sup>  
 LOT COVERAGE (10%) = 747 m<sup>2</sup>  
 HOUSE AREA = 527.92 m<sup>2</sup>  
 DETACHED GARAGE AREA = 27.52 m<sup>2</sup>  
 CABANA AREA = 82.01 m<sup>2</sup>  
 TOTAL BUILDING AREA = 637.45 m<sup>2</sup> (8.53%)

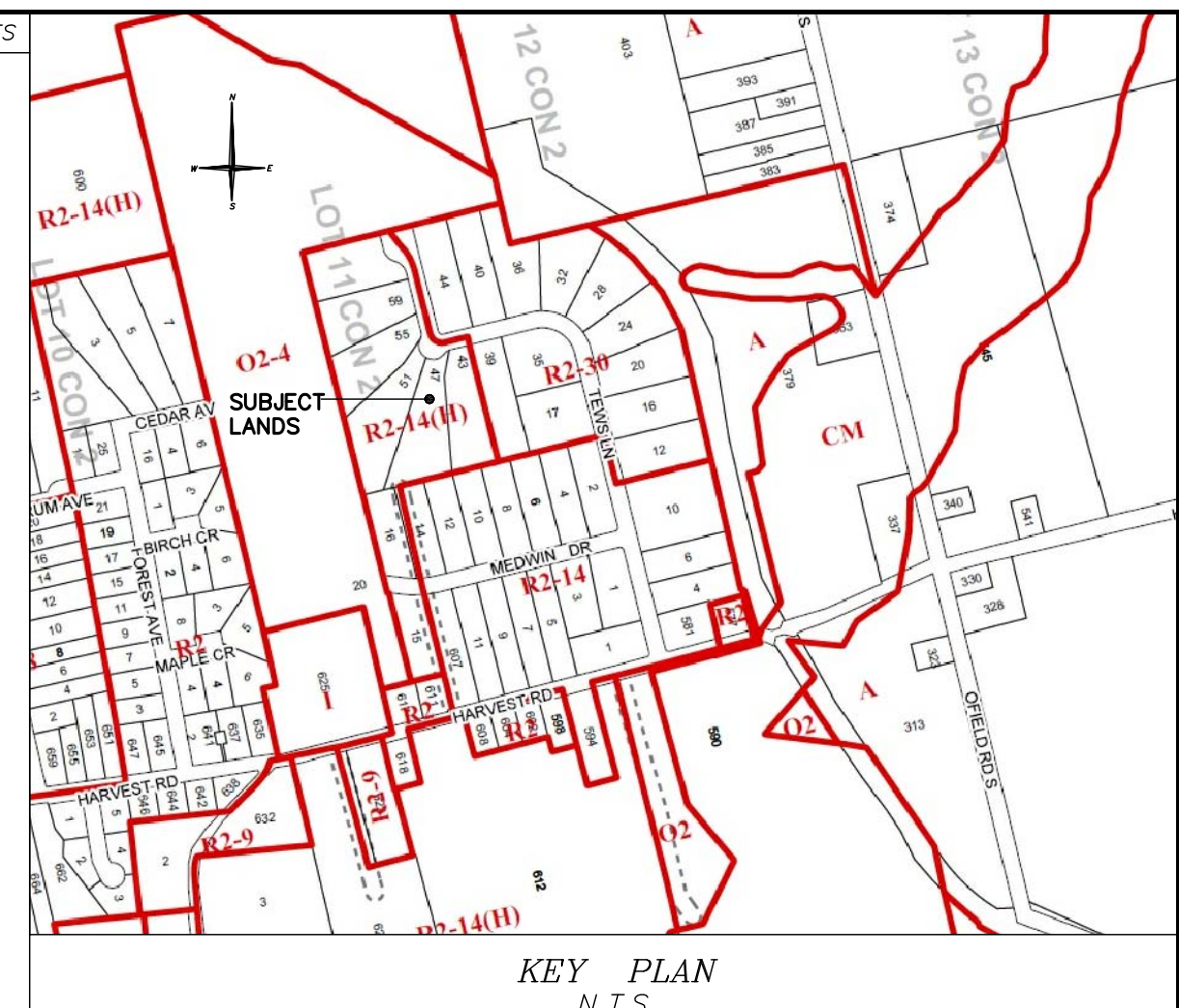
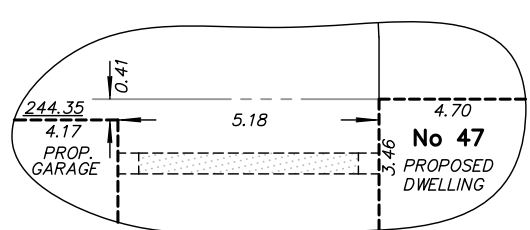
**LEGEND:**  
 (000.00) PROPOSED FINISHED GROUND ELEVATION  
 (000.02) PROPOSED FINISHED GROUND ELEVATION AT DWELLING  
 [Symbol] DENOTES ENTRANCE DOOR LOCATION  
 [Symbol] DENOTES GARAGE DOOR LOCATION  
 [Symbol] DENOTES SHEET FLOW DIRECTION

**DETAIL 'B'**  
 N.T.S.



Woven geotextile such as Terrafix 200W or equivalent is required to provide both reinforcement and separation between the Granular 'B' and the native soil. This is due to the native soil being comprised of clay and silt materials. The subgrade should be graded smooth and be free of depressions and have a minimum grade of 3%. The granular base and subbase materials must be compacted to 100% SPMD. Asphaltic concrete should be supplied, placed and compacted to a minimum 92.0% Marshall maximum relative density, in accordance with OPSS 1150 and OPSS 310.

**DETAIL 'C'**  
 N.T.S.



**TEWS LANE**

**NOTE:**  
 Keep footings minimum 1.22 Metres below finished grade at all times.

**NOTE:**  
 THE SEPTIC SYSTEM IS TO BE DESIGNED BY OTHERS AND IS SUBJECT TO THE REQUIREMENTS AND APPROVAL BY THE CITY OF HAMILTON BUILDING DEPARTMENT.

**PART 3**  
**PLAN 62R - 18667**

**PART 2**  
**PLAN 62R - 18667**

**PART 1**  
**PLAN 62R - 18667**

**GEOGRAPHIC**

**LOT 11 CONCESSION 2**

**TOWNSHIP OF WEST FLAMBOROUGH**

**FLAMBOROUGH**

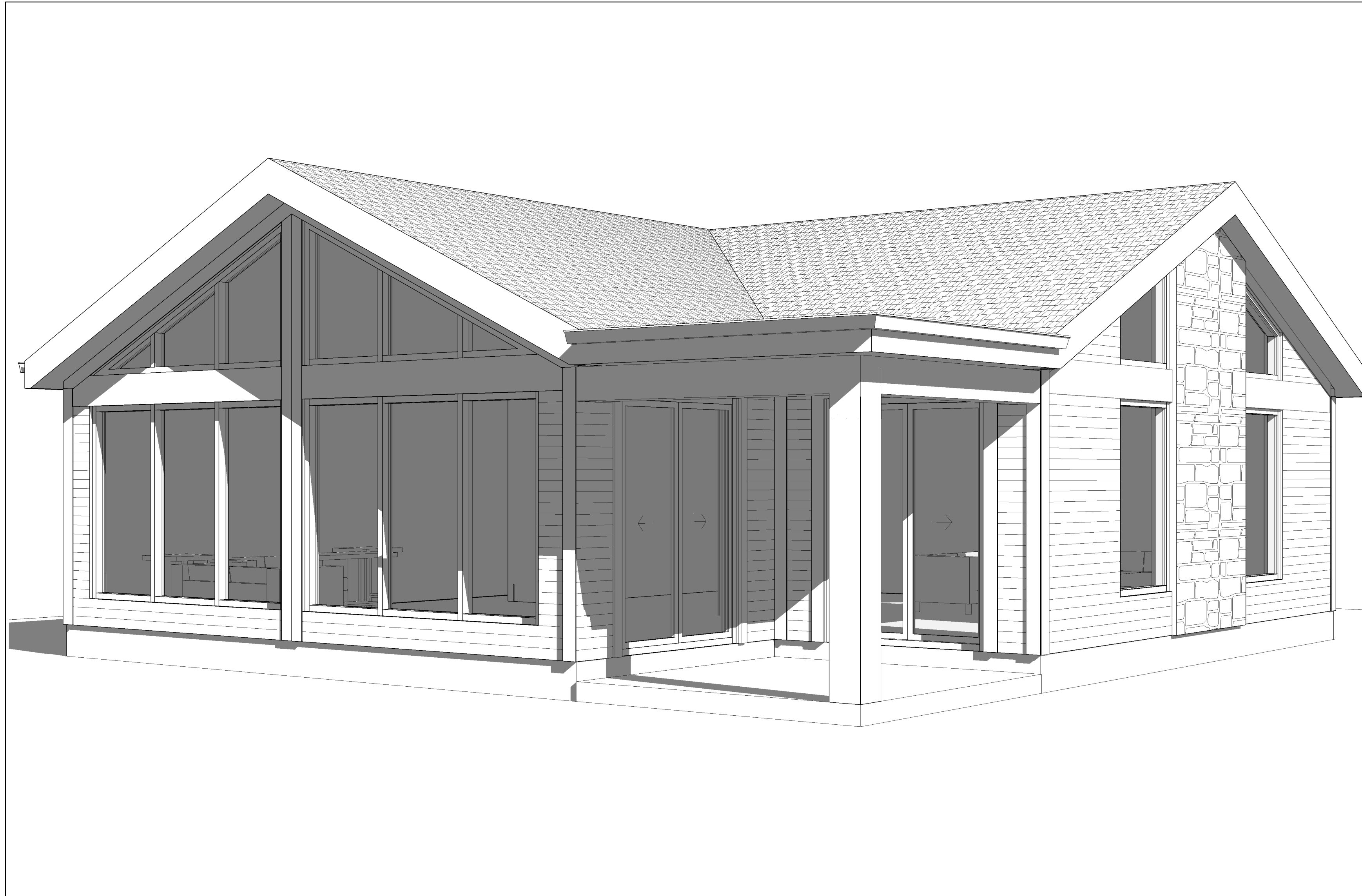
**PART 1**  
**PLAN 62R - 15050**

**PART 2**  
**PLAN 62R - 15050**

**PART 1**  
**PLAN 62R - 14571**

**PART 2**  
**PLAN 62R - 14571**

JULY 23, 2021  
 DATE



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CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE CONSULTANTS AND SHALL NOT BE USED OR REPRODUCED WITHOUT AUTHORIZATION. DOCUMENTS ARE TO BE RETURNED UPON COMPLETION OF THE PROJECT.

REVISIONS		
006	2021 06 02	REVISED FOR BUILDING PERMIT
005	2021 05 17	REVISED FOR BUILDING PERMIT
004	2021 05 04	REVISED FOR BUILDING PERMIT
003	2021 03 16	REVISED FOR BUILDING PERMIT
002	2021 01 27	REVISED FOR BUILDING PERMIT
001	2020 12 07	ISSUED FOR BUILDING PERMIT

ARCHITECT



#59 5100 South Service Rd, Burlington  
 www.limaarchitectinc.com  
 E: info@limaarchitectinc.com  
 T: 289-337-8887

SEALS



PROJECT TITLE  
**NEW CABANA**

47 Tews Lane Dundas ON

DRAWING TITLE  
 COVERSHEET

DRAWN BY  
 RM

SCALE

DATE  
 JUNE 2021

CHECKED BY  
 FL

PROJECT NUMBER  
 20-443

DRAWING NUMBER  
**A0.01**

# NEW CABANA

47 Tews Lane Dundas ON

PROJECT NO. 20-443



**TYPICAL NOTES/SCHEDULES**

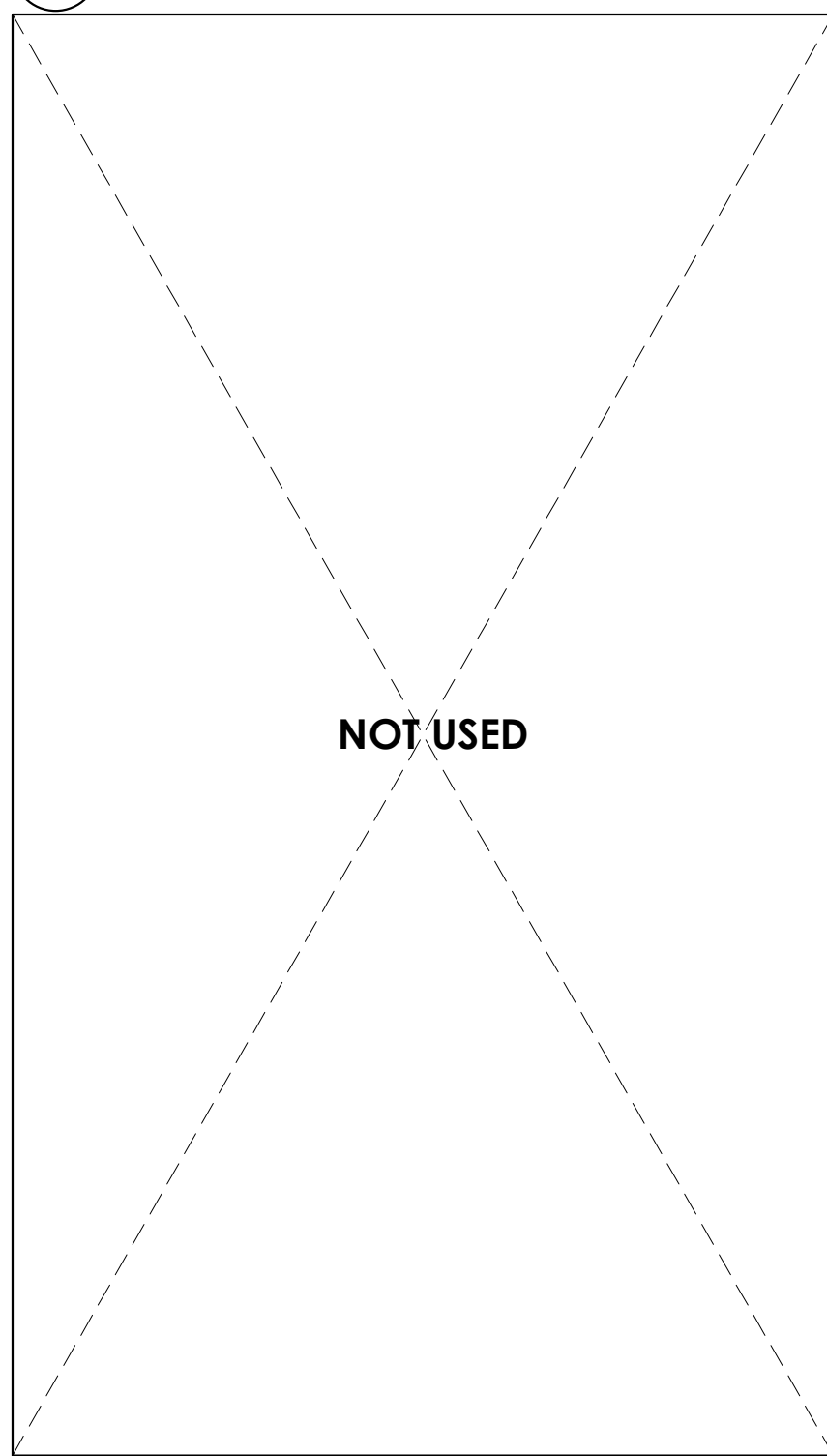
- 1 **TYP. FLAT ROOF CONSTRUCTION:**
  - INTERIOR WOOD PANELING
  - WOOD JOISTS (SEE STRUCTURE)
  - 2PLY ROOF SYSTEM
- 2 **TYP. SIDING WALL:**
  - INTERIOR WOOD PANELS
  - 2"x6" WOOD STUDS @ 16" O.C.
  - AIR BARRIER
  - WOOD STRAPPING
  - WOOD SIDING
- 3 **TYP. INTERIOR PARTITIONS:**
  - WOOD PANELS
  - 2"x4" WOOD STUDS @ 16" O.C.
  - WOOD PANELS
- 4 **TYP. FIREPLACE CHIMNEYS -OBC, 9.21-**

TOP OF FIREPLACE CHIMNEY SHALL BE 915mm (3'-0") ABOVE THE HIGHEST POINT AT WHICH IT COMES IN CONTACT WITH THE ROOF AND 610mm (2'-0") ABOVE THE ROOF SURFACE WITHIN A HORIZ. DISTANCE OF 3050mm (10'-0") FROM THE CHIMNEY.
- 5 DIRECT VENT GAS FIREPLACE. VENT TO BE A MINIMUM 300mm (12") FROM ANY OPENING AND ABOVE FIN. GRADE. REFER TO GAS UTILIZATION CODE.
- 6 STONE WALL

ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE

1 CONSTRUCTION NOTES

A1.02 N/A



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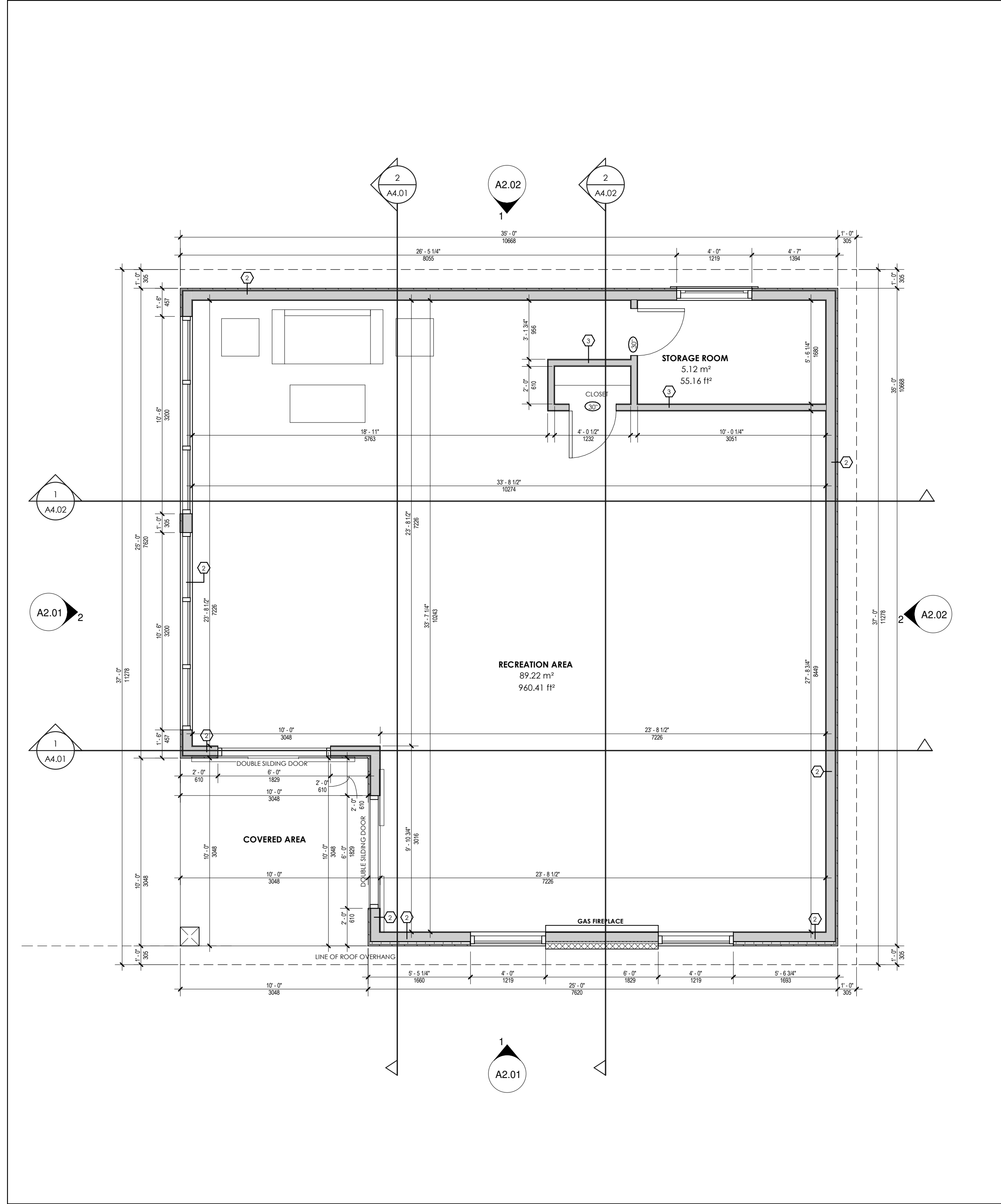
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SEALS

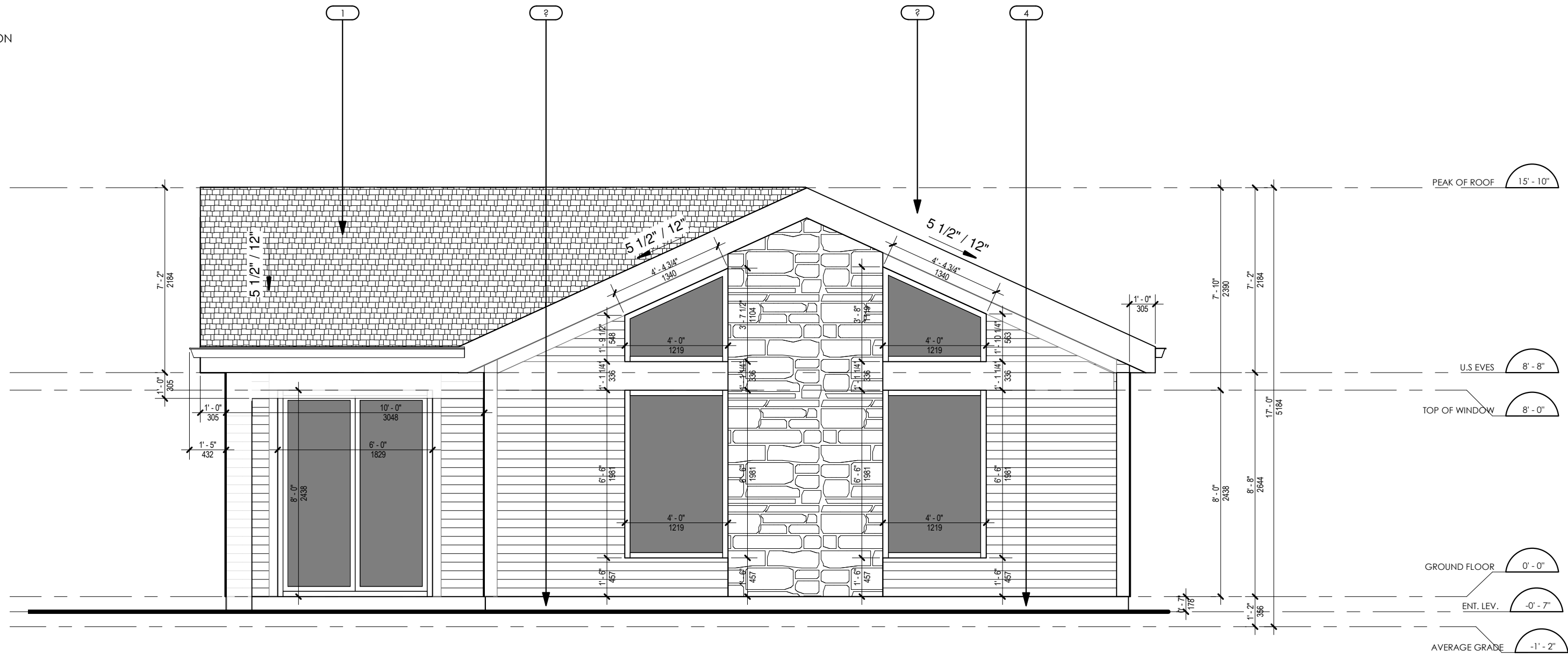
PROJECT TITLE	NEW CABANA
	47 Tews Lane Dundas ON
DRAWING TITLE	CABANA FLOOR PLAN
DRAWN BY	RM
SCALE	As indicated
DATE	JUNE 2021
CHECKED BY	FL
PROJECT NUMBER	20-443
DRAWING NUMBER	

**A1.02**

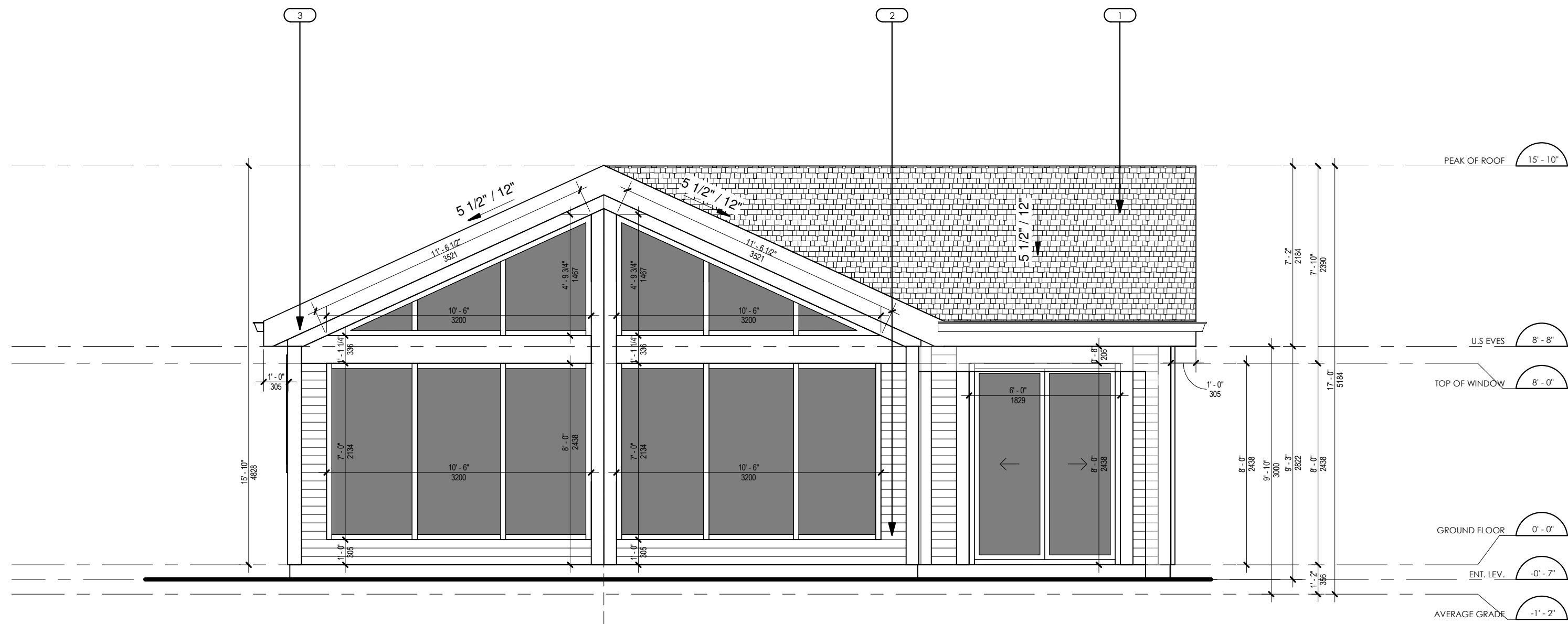


1 GROUND FLOOR  
 A1.02 1/4" = 1'-0"

- MATERIAL LEGEND:**
- 1 - ASPHALT SHINGLES
  - 2 - WOOD SIDING
  - 3 - CREZONE PLYWOOD
  - 4 - CONCRETE FOUNDATION
  - 5 - STONE WALL



**1** NORTH ELEVATION  
A2.01 1/4" = 1'-0"



**2** EAST ELEVATION  
A2.01 1/4" = 1'-0"

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PROJECT TITLE  
NEW CABANA

47 Tews Lane Dundas ON

DRAWING TITLE  
NORTH & EAST ELEVATION

DRAWN BY  
RM

SCALE  
1/4" = 1'-0"

DATE  
JUNE 2021

CHECKED BY  
FL

PROJECT NUMBER  
20-443

DRAWING NUMBER

**A2.01**



**TYPICAL NOTES/SCHEDULES**

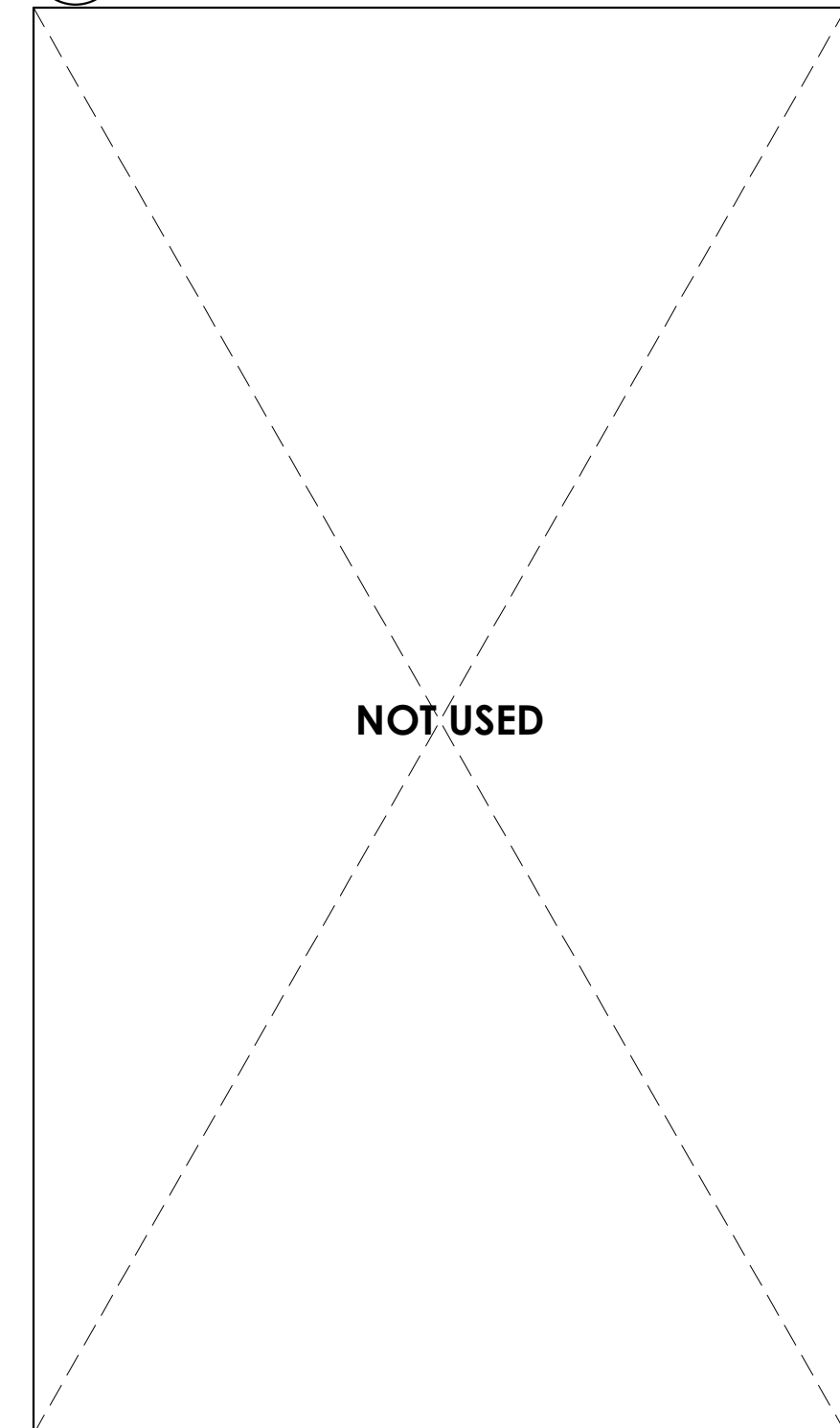
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- ⑤ DIRECT VENT GAS FIREPLACE. VENT TO BE A MINIMUM 300mm (12") FROM ANY OPENING AND ABOVE FIN. GRADE. REFER TO GAS UTILIZATION CODE.
- ⑥ STONE WALL

ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE

**1 CONSTRUCTION NOTES**

A1.01 N/A



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SEALS



PROJECT TITLE

NEW CABANA

47 Tews Lane Dundas ON

DRAWING TITLE

FOUNDATION PLAN

DRAWN BY

RM

SCALE

As indicated

DATE

JUNE 2021

CHECKED BY

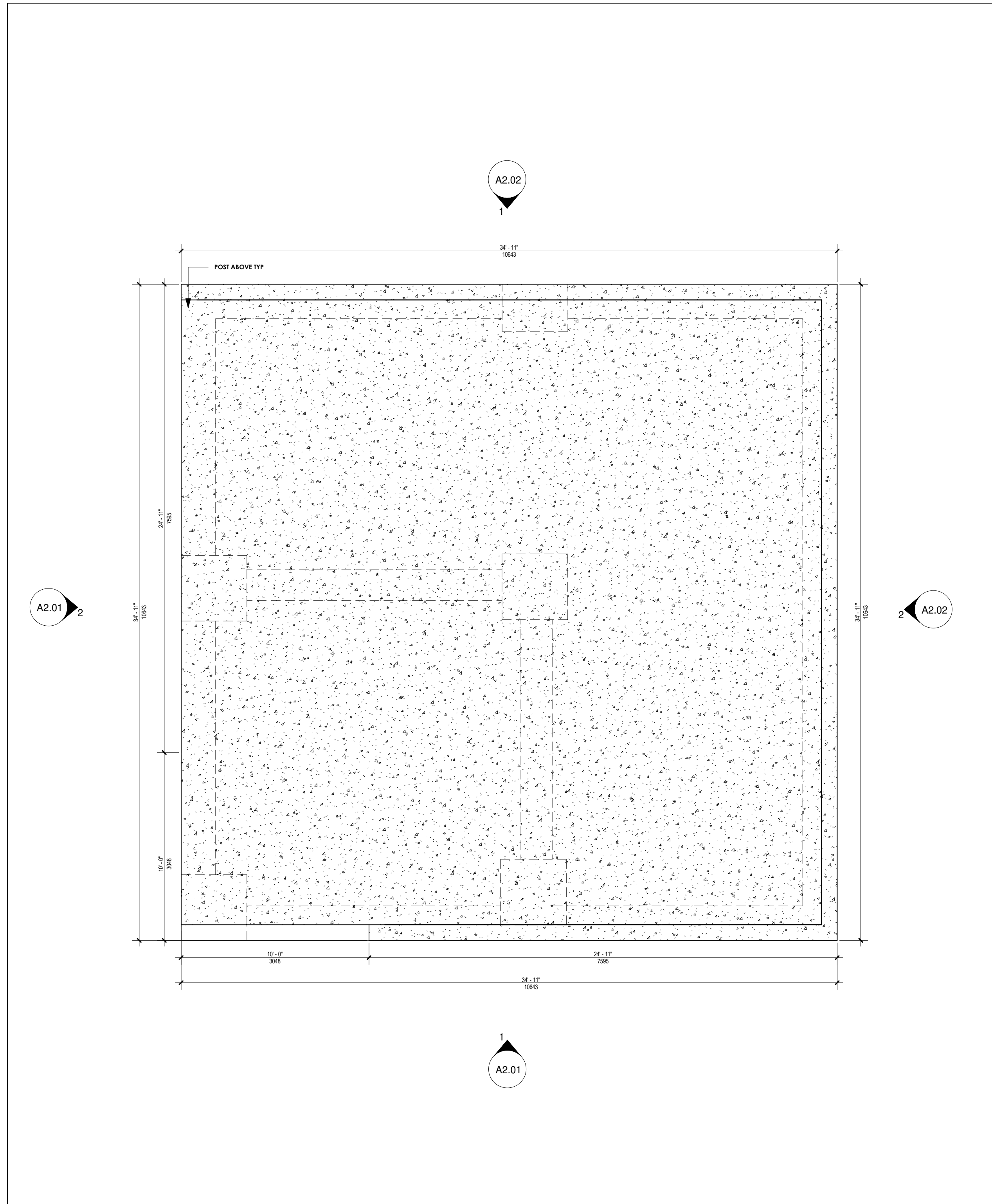
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PROJECT NUMBER

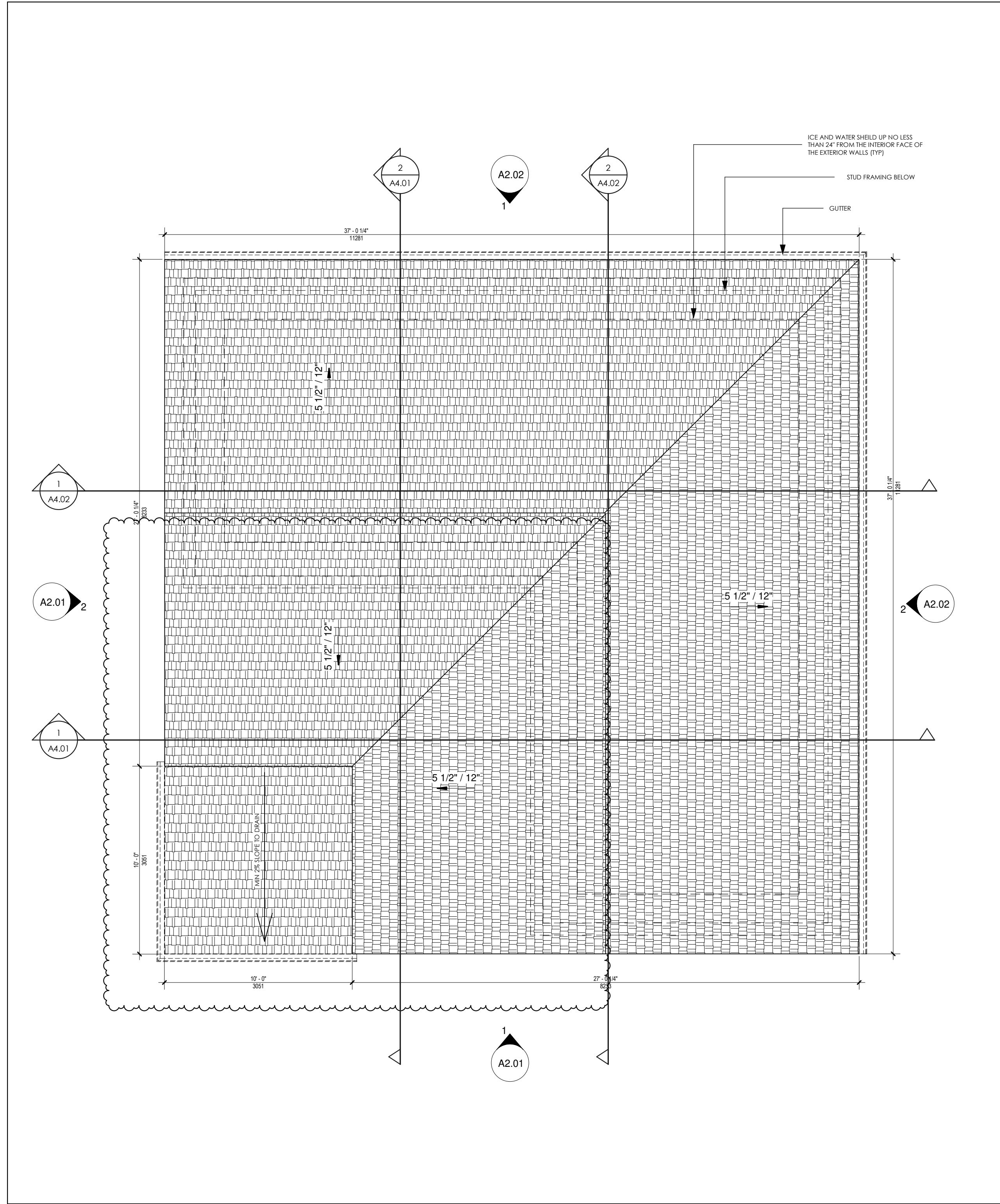
20-443

DRAWING NUMBER

**A1.01**



**1** FOUNDATION PLAN  
A1.01 1/4" = 1'-0"



**TYPICAL NOTES/SCHEDULES**

- 1 **TYP. FLAT ROOF CONSTRUCTION:**
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  - 2PLY ROOF SYSTEM
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  - AIR BARRIER
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- 5 DIRECT VENT GAS FIREPLACE. VENT TO BE A MINIMUM 330mm (12") FROM ANY OPENING AND ABOVE FIN. GRADE. REFER TO GAS UTILIZATION CODE.
- 6 STONE WALL

ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE

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SEALS



PROJECT TITLE

NEW CABANA

47 Tews Lane Dundas ON

DRAWING TITLE

ROOF PLAN

DRAWN BY

RM

SCALE

As indicated

DATE

JUNE 2021

CHECKED BY

FL

PROJECT NUMBER

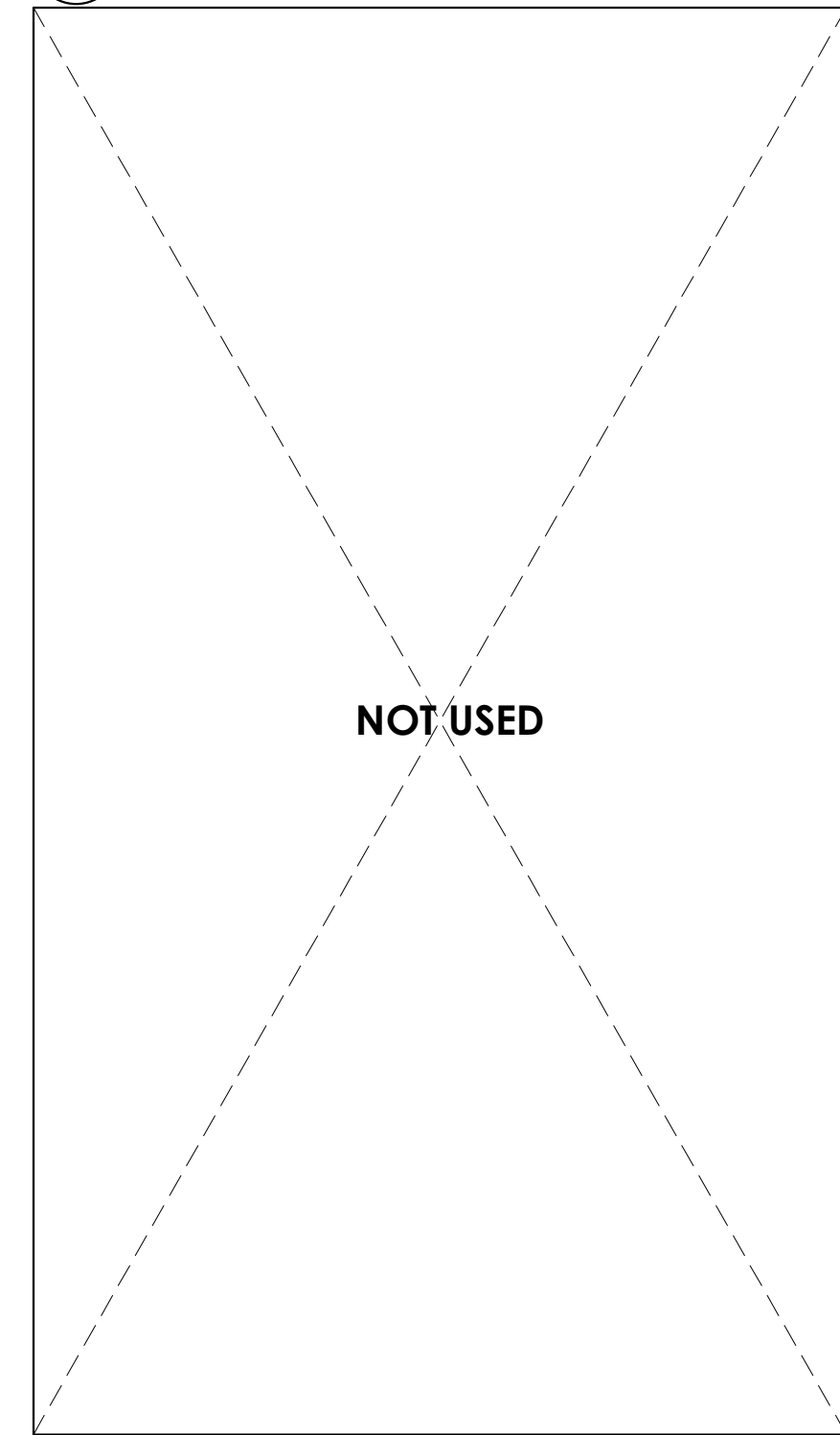
20-443

DRAWING NUMBER

**A1.04**

1 CONSTRUCTION NOTES

A1.04 N/A

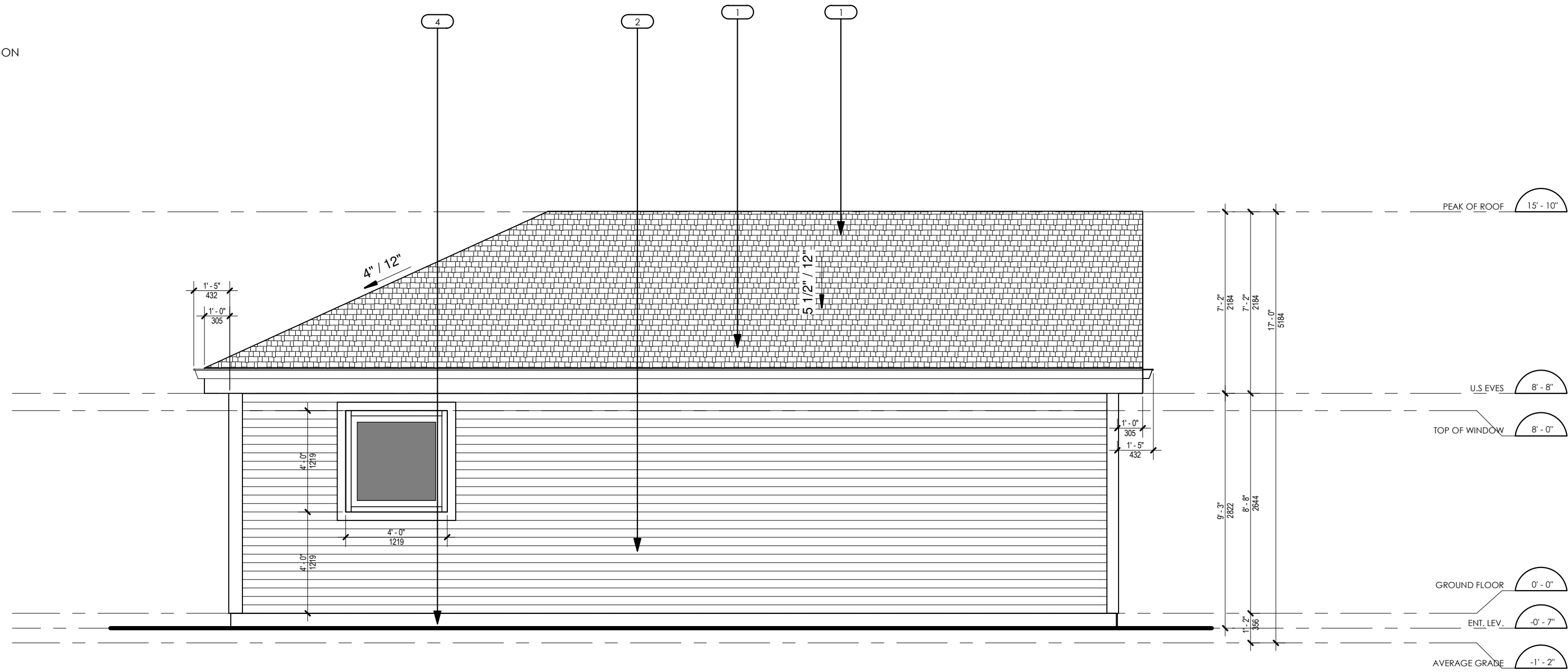


1 ROOF PLAN  
 A1.04 1/4" = 1'-0"

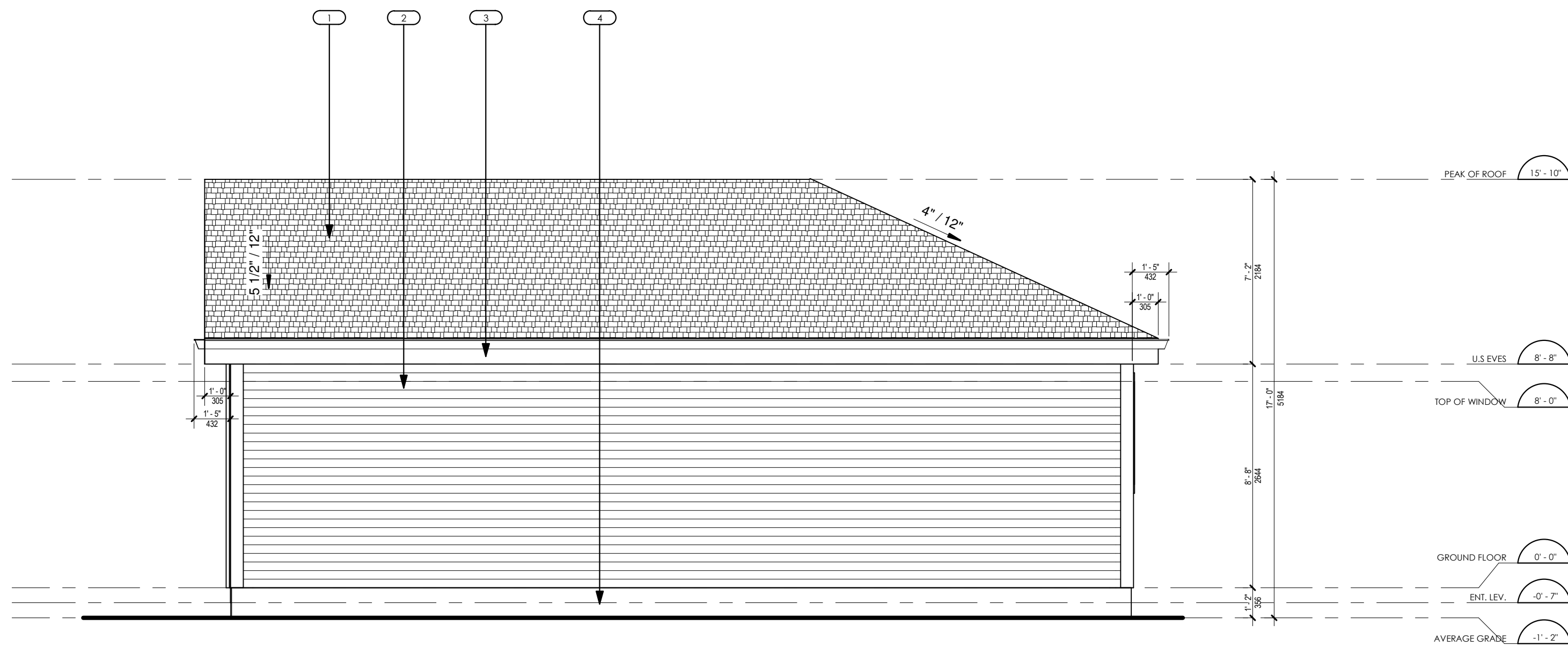


**MATERIAL LEGEND:**

- 1 - ASPHALT SHINGLES
- 2 - WOOD SIDING
- 3 - CREZONE PLYWOOD
- 4 - CONCRETE FOUNDATION
- 5 - STONE WALL



**1** SOUTH ELEVATION  
A2.02 1/4" = 1'-0"



**2** WEST ELEVATION  
A2.02 1/4" = 1'-0"

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SEALS



PROJECT TITLE

NEW CABANA

47 Tews Lane Dundas ON

DRAWING TITLE

SOUTH & WEST ELEVATION

DRAWN BY

RM

SCALE

1/4" = 1'-0"

DATE

JUNE 2021

CHECKED BY

FL

PROJECT NUMBER

20-443

DRAWING NUMBER

**A2.02**



**APPLICATION FOR A MINOR VARIANCE**

<b>FOR OFFICE USE ONLY.</b>	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**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, 2	NAME	ADDRESS
<b>Registered Owners(s)</b>	Zeina Homes c/o Kamal Alayche	
<b>Applicant(s)*</b>	(same as owner)	
<b>Agent or Solicitor</b>	A.J. Clarke and Associates Ltd.	

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

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

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

4. Nature and extent of relief applied for:

To permit an increased maximum permitted gross floor area requirement of 82 square metres, as 45 square metres is the current permitted maximum GFA for an accessory structure. To permit an increased maximum height from 4.5 metres to 5.25 metres.

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

The proposed cabana will have a gross floor area of approximately 82 square metres. The current zoning by-law 05-200 permits a maximum permitted gross floor area for accessory structures under Policy 4.8.1.1(a) of 45 square metres. The proposed cabana will have a maximum height of 5.25 metres, where as Policy 4.8 g) states that the maximum permitted height is 4.5 metres.

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

47 Tews Lane, Dundas (Flamborough).  
Part Lot 11, Concession 2

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use N/A

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

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

Yes  No  Unknown

8.6 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  Unknown

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

Yes  No  Unknown

8.8 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

8.9 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  Unknown

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

Yes  No  Unknown

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

Site Survey, previous approvals and property owner's knowledge.

8.12 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

**9. 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.

July/22/2021  
Date

  
Signature Property Owner

Kamal Alayche  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 26.75 m  
Depth 166.78 m  
Area 7,470 sq m  
Width of street \_\_\_\_\_

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: one single detached dwelling (located middle front of site).

Proposed

Cabana.

See attached Site & Grading Plan for further details.

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

Existing: one single detached dwelling (located middle front of site).

Proposed:

Cabana.

See attached Site & Grading Plan for further details.

13. Date of acquisition of subject lands:  
Unknown.
- 
14. Date of construction of all buildings and structures on subject lands:  
Unknown for dwelling, but recent. Cabana to be constructed.
- 
15. Existing uses of the subject property:  
The site is currently occupied by one residential dwelling.
16. Existing uses of abutting properties:  
Residential.
17. Length of time the existing uses of the subject property have continued:  
Unknown.
18. Municipal services available: (check the appropriate space or spaces)  
Water \_\_\_\_\_ Connected \_\_\_\_\_  
Sanitary Sewer \_\_\_\_\_ Connected \_\_\_\_\_  
Storm Sewers \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Rural Settlement Area (Greensville)  
Settlement Residential (Greensville Secondary Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
S1 - Settlement Residential
21. Has the owner previously applied for relief in respect of the subject property?  
 Yes  No  
If the answer is yes, describe briefly.  
  
C of A: FL/A-09:171
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
 Yes  No
23. Additional Information  
See attached Site & Grading Plan for further information.
24. 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.



August 23, 2021

The City of Hamilton  
Committee of Adjustment  
Planning and Economic Development Department  
71 Main Street West, 5th Floor  
Hamilton, Ontario  
L8P 4Y5

***Delivered via email***

Attn: Jamila Sheffield  
Secretary-Treasurer

**Re: Minor Variance Application  
47 Tews Lane, City of Hamilton**

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Dear Ms. Sheffield,

On behalf of our client, Zeina Homes c/o Kamal Alayche, we are pleased to provide you with the enclosed submission in support of an application for a minor variance on the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$600 made payable to the City of Hamilton, in payment of the requisite minor variance application fee;
2. Electronic copy of the completed minor variance application form;
3. Electronic copy of the Survey;
4. Electronic copy of the Architectural Plans.

The subject lands are designated "Rural Settlement Area" in the Greensville Official Plan, "Settlement Residential" in the Greensville Secondary Plan, and are zoned "S1 – Settlement Residential" in the City of Hamilton Zoning By-law 05-200. The subject lands are currently occupied by a single detached dwelling, with an associated paved driveway.

The proposed development will feature the construction of an accessory cabana, near the southwestern property line, in the rear of the property. The proposed development shall require a minor variance to increase the maximum permitted gross floor area requirement, and to increase the maximum height requirement.

The variance required for the increased maximum gross floor area requirement is minor in nature, as the current requirement is 45 square metres, whereas the proposed development requires 82.01 square metres. This would result in a total increase of 37.01 square metres. Given that the overall area of the subject site is 7,470 square metres, the proposed cabana represents roughly  $\pm 1\%$  of the total lot area. As a small portion of the rear yard will be occupied by the cabana, the proposed development will be desirable and appropriate. The proposed increased gross floor area requirement is keeping within the



intent of the Official Plan as no adverse impacts on adjacent lands or the functionality of the subject lands are expected following construction. It should be noted that the proposed development is keeping within the intent of the Zoning By-law, as all minimum required yard setbacks are being maintained. Given the large size of the lot relative to the proposed accessory structure, an increase to the maximum GFA will not adversely impact neighbouring lands beyond what is reasonable in the context of the area.

The variance required for the increase maximum height requirement is minor in nature, as the current requirement is 4.5 metres, whereas the proposed development requires 5.25 metres. This would result in a total increase of 0.75 metres. The proposed height shall not result in any adverse shadow or privacy impacts to the neighbouring sites, as such, the proposed variance is desirable and appropriate. The proposed development increased height requirement is keeping within the intent of the Official Plan as no adverse effects are expected following construction. Lastly, the proposed development is keeping within the intent of the Zoning By-law, despite the increased height requirement, as no disturbances or effects are expected following construction. As per the concurrently submitted Architectural Set, the increase of 0.75 metres in height is due to the peaked roof of the accessory cabana. Additionally, there are no windows proposed above the permitted 4.5 metre height, and therefore no impacts are to be expected in terms of privacy or overlook and will not adversely impact the neighbouring properties. As such, the required variances are minor in nature, are appropriate, and should be supported.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available Development Review Team date. If you have any questions or require additional information, please do not hesitate to contact this office.

Yours very truly,

A handwritten signature in blue ink, appearing to be 'S. Fraser'.

Stephen Fraser, MCIP, RPP  
**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Zeina Homes c/o Kamal Alayche