DA TORONTO

STAFF REPORT ACTION REQUIRED

3035 Weston Road - Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Applications -Request for Directions Report

Date:	December 18, 2007				
То:	Etobicoke York Community Council				
From:	Director, Community Planning, Etobicoke York District				
Wards:	Ward 7 – York West				
Reference Numbers:	File Nos: 05 211708 WET 07 OZ, 06 143750 WET 07 OZ, and 06 143743 WET 07 SB				

SUMMARY

These applications were made prior to January 1, 2007 and are not subject to the new provisions of the Planning Act and the City of Toronto Act, 2006. These applications were filed in late December 2005 and June 12, 2006, after March 1, 2005 and are subject to the provisions of the 2005 Provincial Policy Statement, but are not subject Growth Plan for the Greater Golden Horseshoe that

came into effect on June 16, 2006.

These applications propose to permit a residential subdivision containing 166 units at 3035 Weston Road.

The purpose of this report is to provide directions for the upcoming Ontario Municipal Board Hearing. It is recommended that City Council oppose the applications in their current form and request staff to continue discussions with the applicant with the view to arriving at an appropriate development proposal.



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. City Council authorize the City Solicitor, City staff and any other necessary consultants to attend the Ontario Municipal Board hearing to oppose the Rezoning Application 06 143750 WET 07 OZ and Draft Plan of Subdivision Application 06 143743 WET 07 SB in their current form.
- 2. City Council requests the City Solicitor and City staff to continue discussions with the applicant with the view to arriving at an appropriate development proposal.
- 3. City Council requests the applicant to submit revised applications with supporting information and studies in a manner that addresses the issues identified in this report.
- 4. City Council requests the applicant to submit the following studies specific to the proposal under consideration to assist staff's review of the applications: environmental assessment reports; archaeological assessment; survey; a phasing plan (if development is to be phased); arborist report/tree preservation plan; a preliminary design of the railway safety barrier and a noise and vibration study.
- 5. City Council direct the Director of Community Planning Etobicoke York District to report back to Community Council on any revisions to the applications, including any further recommendation on the direction to be taken by the City at the Ontario Municipal Board, if substantive changes are made to the proposal or if substantive new information is received.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

City Council on June 14, 2006 passed By-law No. 481-2006 to adopt Official Plan Amendment No. 573 to the former City of North York Official Plan and authorized the City Solicitor to request the Ontario Municipal Board to modify the Official Plan for the City of Toronto to permit low density residential uses for for the area between Sheppard Avenue West, the CPR rail line, Starview Lane and the rear lot lines of the residential properties fronting onto Weston, which includes the former King Koil lands, municipally known as 3035 Weston Road. This Official Plan Amendment No. 573 was appealed to the Ontario Municipal Board by the adjacent land owners at 2233 Sheppard Avenue. The first Pre-hearing for the appeal was held on November 30, 2007. A second pre-hearing has been scheduled for March 4, 2008. The applicant has appealed their official plan amendment, zoning by-law amendment and draft plan of subdivision applications that are the subject of this report to the Ontario Municipal Board, on the basis that the City had not made a decision within the statutory period. The City Clerk received the notice of appeal dated November 8, 2007. The appeals on these applications were also subject to the pre-hearing held on November 30, 2007 for the appeals on Official Plan Amendment No. 573 (for the area) and for the development application at 2277 Sheppard Avenue West. The second pre-hearing scheduled for March 4, 2008 will also deal with the applications at 3035 Weston Road.

ISSUE BACKGROUND

Proposal

The applicant submitted an Official Plan Amendment on December 22, 2005. The application only included a minimal amount of information related to the proposal and did not include the associated rezoning or subdivision applications. The Official Plan Amendment application filed proposes to redesignate the lands from Industrial (IND) to Residential (RD-2). This residential designation is proposed to permit a range of housing types including detached, semi-detached, townhouses and stacked townhouses.

The applicant submitted the associated rezoning and subdivision applications on June 12, 2006. The proposal is for 166 residential units consisting of 14 single detached houses, 130 semi-detached units and 22 townhouse units each on their own lot. The area adjacent to the existing detached houses that front on Weston Road, is proposed to contain detached houses. The area adjacent to the rail line would contain townhouse units. Parking for the townhouse units would be in detached garages in the rear of the property with access from a public lane. The remainder of the site would contain semi-detached units. The details of the requested amendments to the zoning by-law were only recently submitted to the City (included as part of the November 8, 2007 appeal package).

The proposed public road network consists of an internal grid pattern with access to Weston Road, two future accesses to the proposed development site to the north and one future access to the property to the south.

Site Description

The subject site is 5.15 hectares in size and is located south of Sheppard Avenue West, east of Weston Road, north of Starview Lane and west of the CPR tracks. Access to the site is currently only from Weston Road via a private driveway between the adjacent houses at 3031 and 3039 Weston Road. The site is currently vacant and was used until 2005 for manufacturing purposes (King Koil mattress factory).

Uses surrounding the subject site are as follows:

North: to the immediate north is 2277-2295 Sheppard Avenue West, a former industrial site for which redevelopment applications for residential and commercial uses, were approved by City Council at its Special Meeting of June 14, 2006. On the

north side of Sheppard Avenue West are residential uses, between Weston Road and Samba Drive. The Rivalda Road industrial area is also located on the north side of Sheppard Avenue West, east of Samba Drive, and supports a mix of industrial, commercial and institutional uses.

- West: Single detached dwellings which front onto Weston Road, beyond Weston Road is the Humber River ravine system. Two residential apartment buildings, each 18 storeys in height, are located at the southeast corner of Weston Road and Sheppard Avenue West.
- East: The CPR tracks form the eastern boundary of the site, beyond which are industrial lands supporting warehouse uses and Highway No. 400.
- South: St. Basil The Great College Secondary School, which is the subject of a severance application for the western portion of the site that is surplus to the Toronto Catholic District School Board needs and a development application for residential uses on the surplus lands.

Other Development Applications in the Area

2277-2295 Sheppard Avenue West

An Official Plan Amendment and Rezoning Application, No. TB CMB 2001 0017 and Subdivision Application 03 198782 NNY 07 SB were filed for 2277-2295 Sheppard Avenue West (November 27, 2001). The proposal is for a total 546 residential units consisting of 32 single detached homes, 176 semi-detached homes, 188 townhouse units and 150 apartment units in a mixed use building along Sheppard Avenue West. Commercial uses with an area totalling approximately 7 305 square metres are proposed in these mixed use buildings and on a commercial block located in the northeast corner of the site. A 0.8 hectare park and 0.45 hectare stormwater management pond are proposed. All roads and lanes within the subdivision are to be publicly owned. These applications were approved by City Council at its Special Meeting of June 14, 2006 and the matter is at the OMB under appeal by a nearby land owner.

2973 Weston Road

The site is currently owned by the Toronto Catholic District School Board (TCDSB) and forms part of the St. Basil The Great College Secondary School.

In December of 2004, an application was submitted to the Committee of Adjustment to permit the severance of the school property into two lots. The retained lot was proposed to continue as St. Basil The Great Secondary School and the severed lot was proposed for eventual development. The application was deferred Sine Die.

An Official Plan Amendment and Rezoning Application No. 05 101166 WET 07 OZ and Subdivision Application No. 05 101179 WET 07 SB were filed January 10, 2005 for 2973 Weston Road by Weston Consultant Group Inc on behalf of Southcott Estates Inc. These applications are for permission to develop the western portion of the TCDSB property for 48, three-storey detached houses. The proposed dwellings would front onto a new public street which will extend north off Starview Lane. These applications have been put on hold pending resolutions of issues that subsequently arose between the TCDSB and Southcott Estates Inc.

Provincial Policy Statement

These applications were filed after March 1, 2005 and are subject to the provisions of the 2005 Provincial Policy Statement. The 2005 Provincial Policy Statement sets out policies to promote the efficient land use and development patterns to support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth over the long term. The policy states that conversion of lands within employment areas to non employment uses may be undertaken through a comprehensive review only where it has been demonstrated that the land is not required for employment over the long term and that there is a need for conversion.

Official Plan Amendment 573

As part of the review and consideration of the development applications for 2277-2295 Sheppard and 100 Mainshep Road, an application originally filed in 1999, staff also undertook a Council requested review of the land uses for the area between Sheppard Avenue West, the CPR rail line, Starview Lane and the rear lot lines of the residential properties fronting onto Weston Road. The focus of the local area review was to provide a broader examination of the land use condition and impact of the potential redesignation of the area to permit non employment land uses.

As a result of the review, it was proposed that, as part of the consideration for 2277-2295 Sheppard and 100 Mainshep Road, the subject development applications on the lands to the south, known as 2973 and 3035 Weston Road, also be included in the proposed Official Plan Amendment. At the same time City Council also approved the recommendation to modify the Toronto Official Plan to redesignate the land use designation from 'Employment Area' to 'Neighbourhoods' and also delete this area from Map 2 –Urban Structure as 'Employment Districts'.

City of Toronto Official Plan

On September 21, 2007, the Ontario Municipal Board issued Order No. 2565 approving the August 2007 consolidation of the Official Plan. This consolidation incorporated all of the OMB's approvals to the new Official Plan since July 6, 2006 when the majority of the Plan was brought into effect. This property is identified on Attachment 6 of the July 6, 2007 OMB order, which identifies properties that were subject to a development application prior to approval of the Plan and are still subject to the former Official Plans. As such the former City of North York Official Plan and the Metropolitan Toronto Official Plan Metro Plan policies still apply to these lands.

The Official Plan as adopted by City Council at its meeting of November 26, 2002, would have designated these lands as 'Employment Area' and as an 'Employment District' on Map 2 – Urban Structure. As part of the consideration for the development to the north, City Council authorized a modification to the Toronto Official Plan that designates these lands as 'Neighbourhood' and removes these lands from the Employment District as shown on Map 2 – Urban Structure.

Former Municipality of Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan designates the lands Metropolitan Industrial/ Employment Areas. The objective of this designation is to maintain a sufficient supply of industrial lands and a diversity of employment necessary to enhance Metropolitan Toronto's economic competitiveness.

The Plan establishes that redesignation will only be supported when certain criteria are met. These criteria address matters related to the suitability of lands for residential uses, land use compatibility, continued viability of existing employment uses, and the supply of employment lands.

Former City of North York Official Plan

The subject lands are designated Industrial, which permits a range of industrial uses and compatible and complementary uses. The intent of this designation is to identify those areas generally to be preserved for employment purposes and to reflect the identification of lands for this purpose in the Metropolitan Toronto Official Plan.

The Industrial policies of the Official Plan also provide that, in limited circumstances and subject to the policies of the Plan, Council may consider applications that propose to redesignate industrial land for other purposes including residential, institutional, recreational and commercial, subject to compliance with criteria. These criteria include the impact on remaining industrial lands, the potential precedent for further redesignation, and the ability to integrate the proposal into the surrounding community.

Zoning

The majority of the site is zoned M1. This zone permits a range of industrial and commercial uses.

A small portion of the site along the western property line and at the rear of those properties fronting onto Weston Road, is zoned R4. This zone permits residential uses.

Site Plan Control

The portion of the proposed development which contains townhouses will be subject to Site Plan Control. As the proposed development applications proceed and the form of housing is further defined, an application for Site Plan Approval will be required.

Draft Plan of Subdivision

A draft plan of subdivision has been filed (File Number 06 143743 WET 07 SB). A subdivision application will secure matters such as public parks, road and infrastructure required for the proposed development.

Tree Preservation

This application is subject to the provisions of By-law No. 780-2004, regarding tree protection. The applicant is required to submit an arborist report/tree preservation plan.

Reasons for the Application

Amendments to the Metropolitan Toronto Official Plan and the North York Official Plan, as well as a modification to the Toronto Official Plan and zoning by-law amendments are required to permit the development of the lands for the proposed residential uses. A rezoning application is required to permit the proposed residential uses.

Community Consultation

A Community Consultation Meeting was held February 21, 2007. Approximately 15 people attended the meeting. Issues raised were the number of units proposed, the proposed density of the development, the size of proposed lots, the type of dwellings proposed adjacent to the detached bungalows fronting on Weston Road, the traffic on Weston Road, loss of trees, location of stormwater management pond, the amount of park land to be provided, community benefits, the impact of the development on schools and community services, noise and the development's impact on the adjacent employment uses.

COMMENTS

Land Use

This application is being considered in the context of the land use pattern established by a modification to the Toronto Official Plan and OPA No. 573 adopted by City Council. This pattern consolidates the residential neighbourhoods along Weston Road and the west side of the CPR railway line.

Transportation

At its meeting of June 22, 2005, City Council adopted a motion that instructed staff, to review any application on 2277-2295 Sheppard Avenue West, 3035 Weston Road and 2973 Weston Road in a comprehensive manner and that staff consider in their review of any application the need for public roads and connections between properties. The proposed draft plan of subdivision achieves Council's goals by providing for public road connections to the properties to the north and south.

The applicant has been requested to revise the draft plan of subdivision to increase the right-of-way of Street B from 16.5 metres to 18.5 meters. All other proposed streets are acceptable, subject to detailed functional designs.

Rail Safety

The applicant is required to demonstrate how the requirements of CP Rail will be met. The standard requirements are warning clauses and a 30-metre setback from the right of way with a berm and an acoustic fence combination to mitigate the impact of the railway operation. The applicant is proposing a 20 metre setback from the right-of way. The applicant has yet to submit any information regarding the alternative safety barrier that would be required in order to achieve a reduced set back of 20 metres acceptable to CP Rail.

Noise and Vibration

The proposed residential development is located adjacent to employment uses and adjacent to the CP rail corridor. The applicant is required to demonstrate that future residential uses can be developed on the site in terms of Ministry of the Environment guidelines for acceptable levels of noise and vibration. The owners of 2233 Sheppard Avenue West have expressed concerns regarding the proposed residential development adjacent to their employment uses on their property and have appealed OPA No. 573 which redesignated the lands west of the rail corridor for residential uses. The applicant has yet to submit any noise or vibration studies for the City's review.

Parks

The applications do not include a park as part of the proposed development. The parkland dedication requirements for this proposal would require the provision of a parcel of land for parkland with an area of approximately 2 575 square metres (0.6 acres). Further discussions are required with the applicant and staff of Parks, Forestry and Recreation and in consultation with the local Councillor, regarding requirements for the provision and/or development of public park land any cash-in-lieu of parkland dedication or any combination thereof.

Storm Water Management Pond

Staff have requested that the subdivision plan be revised to include a storm water management pond and that the Stormwater Management Report be revised. The applicant has indicated that they are in discussions with the owner of the proposed development of 2277 Sheppard Avenue West regarding to the possibility of coordinating the stormwater management for the two sites. At present, the development to the north proposes a stormwater management pond to address the stormwater management for that site. The applicant is proposing to also use the stormwater management pond on 2277 Sheppard Avenue West. A coordinated approach to the stormwater management for the two sites is

encouraged by staff, however the applicant has not provided staff with the required information to determine if a joint facility is feasible and meets all the City requirements.

If the applicant is going to pursue a joint stormwater management facility, they should submit a revised stormwater management report for the review and approval of staff. The applicant will be required to submit confirmation to the satisfaction of the City that the adjacent owner is willing to providing a joint storm water management pond. If a joint stormwater management pond is not provided the applicant should revise the current draft plan of subdivision and Stormwater Management Report to show a stormwater management pond.

Grading

The applicant has been requested to provide additional information for the perimeter of the site. Any change in grading of the existing site must take into consideration the grades of the adjacent properties and should minimize the need for retaining walls. The applicant has yet to submit the required information on grading for the City's review.

Environmental issues

The site has been previously used for industrial uses. Phase I and II Environmental Site Assessments and a Peer Review process for conveyance of lands for public purposes, will be required prior to the registration of the subdivision agreement to the satisfaction of Technical Services. The applicant will also be required to resolve any environmental concerns if the residential proposal is approved and prior to building permits being issued for residential uses on the site.

Phasing of the Development

If the proposed development is to be phased, a detailed phasing plan will be required.

Housing

The housing policies in the Toronto Official Plan were approved by the OMB on April 3, 2007. For large sites such as this, the Toronto Official Plan has policies related to the provision of affordable housing and a mix of housing types. Although the new housing policies only came into effect in April of 2007, the requirement for large sites to provide affordable housing as well as a mix of housing types has been in the Official Plan since Council's adoption of the document in November of 2002. The Toronto Official Plan represents Council's current policies on the provision of affordable housing and mix of housing types.

Section 2.4.1 of the former North York Official Plan and Policy 3.2.1.9 a) of the Toronto Official Plan encourage a range of housing types. The Official Plan which represents Council's current policies requires a minimum of 30 percent of all new housing will be in forms other than single-detached and semi-detached houses. The current proposal is a

total of 166 units, consisting of 22 townhouse units (13%), 130 semi-detached house (78%) and 14 single detached houses (8%). The applicant has indicated a willingness to revise their current proposal to address the mix of housing forms. The applicant should submit revised plans that provide for a great number of townhouse units or multi-unit residential unit buildings within the development.

A number of Official Plan policies encourage the provision of affordable housing in development applications. The Metropolitan Toronto Official Plan, Policy 129, requires a minimum of 25 percent of new units in all developments that contain 8 or more units to be affordable housing. Policies set out in Part C.4 of the former City of North York Official Plan encourage at least 25 percent of new dwelling units in all multiple unit dwelling buildings containing 20 or more units to be affordable housing and policy 3.2.1 (9) of the new Official Plan requires that on larger residential developments, generally greater than 5 hectares in size, that a minimum of 20 percent of the new housing units must be affordable. In addition, given the size of the site, consideration should also be given to accommodating a variety of built form and/or building types. Staff will continue discussions with the applicant with the goal of achieving affordable housing units within the development.

Community Improvements/ Section 37

The Official Plan contains provisions pertaining to the exchange of public benefits for increased height and density for new development pursuant to Section 37 of the Planning Act. At its meeting of November 26, 2007 the Executive Committee requested Parks, Forestry and Recreation staff to meet with the local Councillor to discuss the Section 37 money received from the developers of the King Koil site to discuss the potential ice rink at Strathburn Park and the replacement of two playgrounds at the Strathburn Park and the other at Louise Russo Park. City staff will continue discussions with the applicant and local Councillor in order to achieve these community benefits.

Heritage

Heritage Preservation Services have requested that the applicant submit a Stage 1 & 2 Archaeological Assessment for the property prior to any site work being undertaken. The applicant has yet to submit the required information.

Tree Preservation

At the community meeting the adjacent residents expressed a concern about the loss of the trees along the western property line. This application is subject to the provisions of By-law No. 780-2004, regarding tree protection. Staff have requested the applicant to file an arborist report/tree preservation plan. The applicant has yet to submit the required information. Further discussions are required with the applicant to determine their plans for the existing trees on site.

Zoning By-law Standards

The applicant has recently submitted a draft zoning by-law (November 8, 2007) which identifies the zoning standards being requested for this development. Generally the requested zoning standards are consistent with those recently approved by City Council for the development to the north (By-law No. 481-2006). However there are zoning provisions which differ from the general standards contained in the North York Zoning By-law and the site specific standards for the development to the north. The applicant is requesting to provide a reduced rear yard setback, where the acceptable standard is 7.5 metres. The applicant has also requested to delete the Overview provision (Section 14B (10) which limits the size of balconies on the second and third storeys. Staff will continue to discuss the draft by-law with the applicant. The applicant should revise the proposed by-law to address the standards noted in this report and any additional comments identified by staff in a fuller review of the by-law by staff.

Green Development Standard

Staff will be encouraging the applicant to review sustainable development opportunities by utilizing the City's Green Development Standard (GDS) adopted by Council in July 2006.

Summary of Additional Information and Studies

Additional information, not submitted to date, is required from the applicant in order to complete the application and enable a thorough evaluation of the proposal. The applicant has been requested to submit the following studies to assist staff's review of the application: a revised stormwater management report; grading plan; archaeological assessment; survey; a phasing plan (if development is to be phased); arborist report/tree preservation plan; a preliminary design of the alternative railway safety barrier; and a noise and vibration study. Additional issues may arise out of the review of these studies.

Next Steps

City Council's authorization is required for the City Solicitor and City Staff to attend at a future Ontario Municipal Board hearing to oppose the applications in their current form. Following from discussions with staff, the applicant is requested to submit a revised application and proposal together with supporting information and studies in a manner that addresses the issues identified in this report. Staff will continue to meet with the applicant to review required revisions to the proposed development and supporting information. Staff will report back to Community Council on the status of the City's review of the application, including any further recommendation on the direction to be taken by the City at the Ontario Municipal Board, if changes are made to the application and proposal or if substantive new information is received.

Conclusions

The proposal has been reviewed having regard to the policies contained in the former City of North York Official Plan, the new Official Plan for the City of Toronto and the Metropolitan Toronto Official Plan. The development proposal in its current form is unacceptable and requires revisions in order to appropriately address the City's policies and objectives for good community planning.

In view of the applicant's appeal of the applications to the Ontario Municipal Board, authorization is required for City Staff to attend at the Ontario Municipal Board to oppose the application as represented by the current proposal. In the interim, staff will continue discussions with the applicant with the view to arriving at an appropriate development proposal. Prior to the March 4, 2008 Ontario Municipal Board Pre-Hearing, a further Status and Directions Report on the applications may be provided if substantial revisions are made to the proposal or new information is received. It is recommended that the applicant submit the required studies and plans to support the proposal as soon as possible to facilitate resolution of the issues identified in this report.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP Director, Community Planning Etobicoke York District

List of Attachments:

Attachment 1: Site Plan/Subdivision Plan Attachment 2: Elevations Attachment 3: Former City of North York Official Plan Attachment 4: Toronto Official Plan Attachment 5: Zoning Attachment 6: Application Data Sheet



Attachment 1: Site Plan/Subdivision Plan



Attachment 2b: Elevation 2









Attachment 4: Toronto Official Plan

Attachment 5: Zoning



Former North York Zoning

- R2 One-Family Detached Dwelling Second Density Zone
- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- G Greenbelt Zone

- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- M1 Industrial Zone One
 - M2 Industrial Zone Two



Not to Scale Zoning By-law 7625 as amended Extracted 06/21/06 - MH

Attachment 6: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment	Application Number:	05 211708 WET 07 OZ				
Details	OPA, Standard	Application Date:	December 22, 2005				
Municipal Address:	3035 WESTON RD, TORONTO ON						
Location Description:	CON 5 WY PT LOT 14 RP 64R6844 PART 1 TO 5 **GRID W0707						
Project Description:	Application for an Official Plan Amendment to designate lands currently Industrial (IND) to Residential (RD-2). The site, 5.15 ha in size, currently contains a single storey matress factory.						

PLANNING CONTROLS

Official Plan Des Zoning: Height Limit (m)			Site Specific Provision: M1 Historical Status: Site Plan Control Area:						
PROJECT INF	ORMATION								
Site Area (sq. m)	:	51500	0	Height:	Storeys:	0			
Frontage (m):		20.28			Metres:	0			
Depth (m):		408.6	53						
Total Ground Floor Area (sq. m):		0					Tota	al	
Total Residential GFA (sq. m):			4.16		Parking	Spaces:	166		
Total Non-Residential GFA (sq. m):		0	Loadin		Loading	Docks	0		
Total GFA (sq. m):		30694	30694.16						
Lot Coverage Ratio (%):		0	0						
Floor Space Index:		0							
DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)									
Tenure Type:	Freehol	d				Above G	ade	Below Grade	
Rooms:	0		Residential G	FA (sq. m):		30694.16	5	0	
Bachelor:	0		Retail GFA (s	q. m):		0		0	
1 Bedroom:	0		Office GFA (s	sq. m):		0		0	
2 Bedroom:	0		Industrial GFA	A (sq. m):		0		0	
3 + Bedroom:	0		Institutional/C	ther GFA ((sq. m):	0		0	
Total Units:	166								
CONTACT: PLANNER NAME: TELEPHONE:		Gregory Byrn (416) 394-8238		lanner					