

190-200 Soudan Avenue and 18 Brownlow Avenue – Zoning Amendment and Rental Housing Demolition Applications – Preliminary Report

Date: March 30, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 12 - Toronto-St. Paul's

Planning Application Number: 20 230438 STE 12 OZ

Related Applications: 20 230473 STE 12 RH

Current Uses on Site: The site is currently occupied by 6 semi-detached houses at 190-200 Brownlow Avenue and a 19-storey rental apartment building at 18 Brownlow Avenue containing 185 residential rental units.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application for a new 21-storey apartment building with 167 new rental units at 190-200 Soudan Avenue and 18 Brownlow Avenue. The existing 19-storey rental apartment building at 18 Brownlow Avenue would be retained and the existing semi-detached houses at 190-200 Soudan Avenue would be demolished. A Rental Housing Demolition application has been submitted to permit the demolition of the one existing residential rental unit located at 192 Soudan Avenue.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 190-200 Soudan Avenue and 18 Brownlow Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and

owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On November 4, 2015, a Zoning By-law Amendment Application was submitted for 18 Brownlow Avenue, 71-73 Redpath Avenue and 174-200 Soudan Avenue to permit two residential towers of 25 and 20 storeys. The application proposed to retain the existing 19-storey tower at 18 Brownlow Avenue and demolish the detached and semi-detached houses along Redpath Avenue and Soudan Avenue, including 190-200 Soudan Avenue.

On March 10, 2016, City Council required an on-site parkland dedication pursuant to Section 42 of the *Planning Act* be conveyed to the City for this site in the event of any approval. The report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE14.31>

On June 20, 2016, the applicant appealed the Zoning By-law Amendment Application to the Ontario Municipal Board for Council's lack of decision.

On October 5, 2016, City Council adopted a Request for Directions Report directing the City Solicitor, together with appropriate staff, to attend the Ontario Municipal Board hearing to oppose the applicant's appeal with respect to the 2-tower proposal. The report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.9>

On September 13, 2017, a revised application was submitted to the City reducing the site size by removing the properties at 18 Brownlow Avenue and 190-200 Soudan Avenue from the application. The number of residential towers was reduced from the original two to one 24-storey residential tower at 174-188 Soudan Avenue and 71-73 Redpath Avenue.

On April 24, 2018, City Council adopted a Request for Directions Report recommending City Council accept a settlement offer for the site at 74-188 Soudan Avenue and 71-73 Redpath Avenue to permit a 21-storey residential rental building and a 225 square metre on-site parkland dedication at the northeast corner of Soudan Avenue and Redpath Avenue. The report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM39.33>

On June 18, 2019, the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) issued a Decision approving the City Council accepted Zoning By-law Amendment Application for the 21-storey residential rental building described above.

THE APPLICATION

Complete Application Submission Date: December 18, 2020

Application Description

This application proposes a 21-storey (70.5 metres to the top of the mechanical penthouse) residential rental building with a 4-storey base building. A total of 167 dwelling units are proposed, with 97 residential and 5 visitor vehicular parking spaces located in a 3-level underground parking garage. The new garage would connect to the approved building at 174-188 Soudan Avenue and 71-73 Redpath Avenue. The proposal includes 337 square metres of indoor amenity space and 387 square metres of outdoor amenity space. The proposed density is 4.5 times the area of the entire site.

The site is generally rectangular in shape and has an approximate area of 5,831 square metres, with frontages of 45 metres along Soudan Avenue and 103 metres along Brownlow Avenue. The site currently includes the entire property at 18 Brownlow Avenue. The applicant intends to sever the new development site from the 18 Brownlow Avenue site. Plans submitted with the application show a future severance line along the south face of the existing 19-storey residential tower and under the balconies that project beyond the south face of the building. The applicant has confirmed they do not intend to make alterations to the existing south facing balconies at 18 Brownlow Avenue and that the location of the severance line would be adjusted on the plans so that the balconies would not project across it.

The proposed vehicular access to the underground parking garage would be located off-site through the 71 Redpath Avenue development currently under construction. Vehicular access to the proposed parking garage would be secured by an easement through the 71 Redpath Avenue property. No vehicular access is proposed between the new development and the existing underground garage at 18 Brownlow Avenue.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-informationcentre/>

See Attachments 1, 3 and 7 of this report, for a three dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

Reason for the Application

The Zoning By-law Amendment Application is requirement to amend Zoning By-laws 438-86 and 569-2013 performance standards including: building height; building setbacks; floor space index; and parking space requirements. Additional amendments to the Zoning By-law may be identified as part of the application review.

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) as amended contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. . This site is within 200 metres of the under construction Eglinton Cross Town Line and the Eglinton Subway Station. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities.

Toronto Official Plan Policies and Planning Studies

The Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act. The PPS recognizes the Official Plan as the most important document for its implementation.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship.

The Official Plan also provides for the use of Section 37 of the Planning Act to pass bylaws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities and local improvements.

The site is located on lands designated *Apartment Neighbourhoods* on Map 17 of the Official Plan.

See Attachment 4 of this report for the Official Plan Land Use Map.

Official Plan Amendment 479 and 480 – Public Realm and Built Form Official Plan Policies

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies

for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan. The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Yonge-Eglinton Secondary Plan (OPA 405)

The application is also located within the Yonge-Eglinton Secondary Plan area. On July 23, 2018, City Council adopted Official Plan Amendment ("OPA 405") to replace in its entirety the former Yonge-Eglinton Secondary Plan. The Minister of Municipal Affairs and Housing modified and approved OPA 405 on June 5, 2019.

The Secondary Plan designates the site as *Apartment Neighbourhoods* and is located within the Soudan Apartment Neighbourhoods Character Area and Secondary Zones of the Transit Node associated with the Eglinton Subway Station and the Mount Pleasant LRT Station.

The Soudan Apartment Neighbourhood is characterized by apartment buildings of a consistent height located within an open space setting. New development will be compatible with this character, coupled with new mid-rise buildings and appropriate spacing between tall buildings. A series of parks along Soudan Avenue will provide sunny community spaces in the centre of Midtown.

Base buildings of tall buildings will generally not exceed a maximum height of four storeys in the Apartment Neighbourhood Character Areas. The anticipated height range for buildings in the Soudan Apartment Neighbourhoods is 20 to 35 storeys, with heights generally decreasing from north to south and from west to east.

The site is within the Greenways Public Realm Move as identified in the Yonge-Eglinton Secondary Plan. A reasonable setback at grade and above established grade will be provided on all Greenway street frontages in *Mixed Use Areas* and *Apartment Neighbourhoods*. The landscaped setbacks along Brownlow Avenue and Soudan Avenue will provide a range of publicly-accessible spaces such as entry forecourts, gardens, and other forms of landscaped space. The landscaped setbacks will be planted with high-branching deciduous trees and understory plantings. The location and design of underground facilities, such as parking, on properties abutting the Midtown Greenways will provide sufficient space and soil depth to maintain a permanent, high branching tree canopy.

The Yonge-Eglinton Secondary Plan (OPA 405) can be found here:

https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

Zoning By-laws

The site is zoned R(d0.6) (x914), under Zoning By-law 569-2013 and R2 Z0.6 under Zoning By-law 438-86; both of which permit a variety of residential uses including apartment buildings and have a maximum density of 0.6 times the area of the

lot. The maximum building heights are 14.0 metres on the Soudan Avenue properties and 38 metres on the 18 Brownlow Avenue site. The existing 19-storey apartment building is permitted under site specific Zoning By-law 1280-2007.

The City's Zoning By-law 569-2013 can be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

See Attachment 6 of this report for the existing Zoning By-law Map.

Midtown Zoning Review

As part of the approval of The Yonge-Eglinton Secondary Plan (OPA 405), City Planning staff was directed by Council to initiate a zoning review for the 22 defined Character Areas to implement the directions of the Secondary Plan. The intent of the zoning review is to establish specific heights in the Zoning By-law as set out in Policy 5.4.3 of the Secondary Plan. It will also provide clarity on the location, scale and form of appropriate development within each Character Area and implement other policy directions within the approved Secondary Plan.

Such a review, as provided for in Policy 2.3.1.4 of the Official Plan, will be used to create an area specific zoning by-law. Further study will determine whether specific built form standards will apply to the Character Area in which this site is located.

Urban Forestry

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). City staff will work with the applicant to preserve as many trees as possible and find opportunities to increase the tree canopy on this site.

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Tall Building Design Guidelines
- Growing Up Guidelines Planning for Children in New Vertical Communities
- Pet Friendly Design Guidelines; and
- Bird Friendly Guidelines

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard ("TGS"). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and

demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018.

The TGS can be found here:

<https://www.toronto.ca/city-government/planningdevelopment/official-plan-guidelines/toronto-green-standard/tier-1-planning-applicationrequirements/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted to date.

Rental Housing Demolition and Conversion By-law

The applicant submitted an application on December 12, 2020 for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing unit, as the lands subject to the application contain six or more residential units, of which at least one is rental. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

COMMENTS

ISSUES TO BE RESOLVED

City Planning staff have identified a number of preliminary issues with the proposed development and will work with the applicant to address these concerns and achieve a proposal which is more compatible with its surrounding context.

Consistency/Conformity with Provincial Policies and Plans

Revisions may be required to ensure that the proposed development conforms with the Official Plan, conforms with the Growth Plan, and is consistent with the PPS.

Rental Housing

The application for Rental Housing Demolition and Conversion will be assessed under the requirements of the Planning Act, the City of Toronto Act, Official Plan policies relating to rental housing, and Chapter 667 of the Toronto Municipal Code. Staff's initial review of the documentation provided by the applicant indicates that there are seven residential dwelling units proposed to be demolished on the subject site, one of which is

rental. The one rental unit is identified as a basement unit of an unknown bedroom-type at 192 Soudan Avenue. It is classified as having affordable rent at the time of the application.

As there are less than six rental units proposed to be demolished, replacement of the existing rental unit is not required according to Official Plan Policy 3.2.1.6.a. Official Plan Policy 3.2.1.12 requires that new development resulting in the loss of one or more rental units or dwelling rooms will secure an acceptable tenant relocation and assistance plan to lessen hardship for existing tenants. City Council adopted Policy 3.2.1.12 at its meeting on June 18 and 19, 2019. The policy is not yet in force and effect. The report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH6.1>

The applicant has submitted a Housing Issues Report which is under review by City staff. The report confirms that the cost of improvements to the existing rental buildings will not be passed down to existing tenants in the form of rent increases. A site visit will be conducted to understand the existing conditions and proposed improvements. A tenant meeting will be organized and a tenant survey undertaken to obtain input on proposed and potential improvements to the existing rental buildings. Needed improvements and renovations to extend the life of the building at 18 Brownlow Avenue will be identified through consultation with tenants and secured through a legal agreement between the owner and the City.

The Housing Issues Report indicates that the intended tenure of the proposed new residential units will be rental. Constructing the proposed residential units as purpose-built rental housing is viewed favourably from a housing policy perspective and is encouraged. The rental tenure of the proposed 167 dwelling units at 190-200 Soudan Avenue and 18 Brownlow Avenue as well as the existing 185 dwelling units at 18 Brownlow Avenue will need to be secured through a legal agreement between the owner and the City.

A construction mitigation plan and tenant communications strategy will be developed to limit the negative impact on the existing tenants at 18 Brownlow Avenue from construction on the subject site.

Built Form, Planned and Built Context

Staff will assess the suitability and appropriateness of the proposed height, massing, transition, and other built form issues based on Section 2 (d), (p), (q) and (r) of the *Planning Act*; the PPS; the Growth Plan; the City's Official Plan policies; and the City's Design Guidelines.

The following preliminary issues have been identified:

- appropriateness of a tall building on the site;
- proposed tower separation of 6.9 metres from the existing 19-storey residential building at 18 Brownlow Avenue;
- built form, height and massing of the proposed building;

- base building setback of 2.5 metres from the property line on Brownlow Avenue, which is identified as Midtown Greenway in the Yonge-Eglinton Secondary Plan;
- the provision, location and configuration open space and landscaping;
- the transition in scale to the low-rise *Neighbourhoods* to the south;
- pedestrian level wind conditions along adjacent street frontages and properties. A Pedestrian Level Wind Assessment was submitted and is currently under review by City staff.

Shadow

Shadow studies were prepared in support of the proposal which show the extent of the shadow from the proposed building on March 21 and September 21. Staff will continue to evaluate the potential shadow impacts of the proposed building on adjacent streets and properties.

Toronto Green Standard

City Planning staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. In recognition of City Councils' declaration of a climate emergency in 2019, staff will encourage the applicant to pursue Tier 2 or higher.

Affordable Housing

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. Section 3.2.1 of the Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) also contains policies 2.2.1.4, 2.2.4.9 and 2.2.6.4 to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

Further staff review is required to identify opportunities for the provision of affordable rent or mid-range purpose-built rental units within the proposed development to support the City's and Growth Plan's housing policy objectives to provide for a full range of housing and affordability within the new development. City staff will continue to evaluate the need to provide larger residential dwelling units suitable for a broad range of households, including families with children.

Additional Issues

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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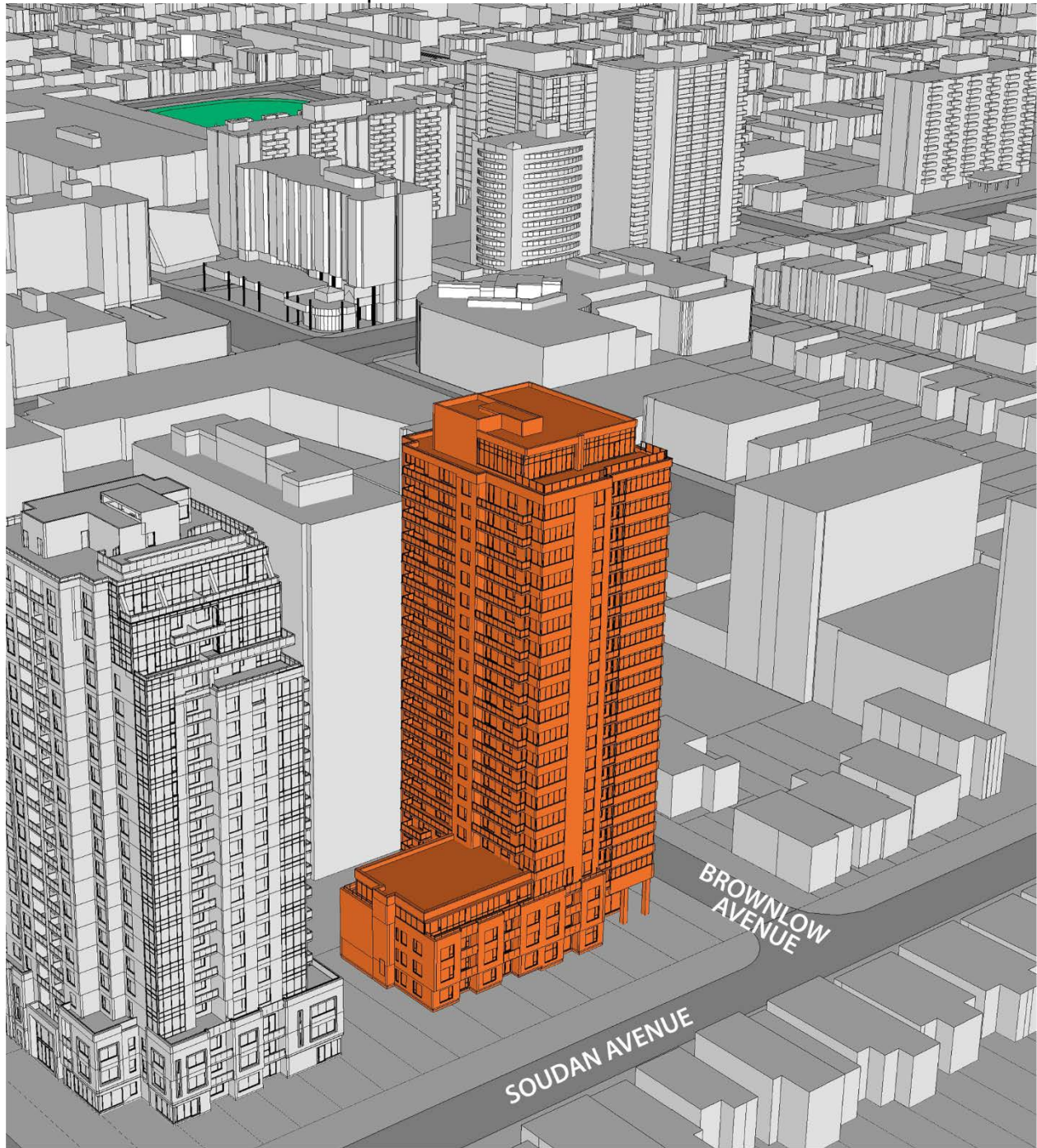
SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: 3D Models of Proposal in Context
Attachment 2: Location Map
Attachment 3: Site Plan
Attachment 4: Official Plan Map
Attachment 5: Yonge-Eglinton Secondary Plan Map 21-2
Attachment 6: Zoning By-law Map
Attachment 7: Application Data Sheet

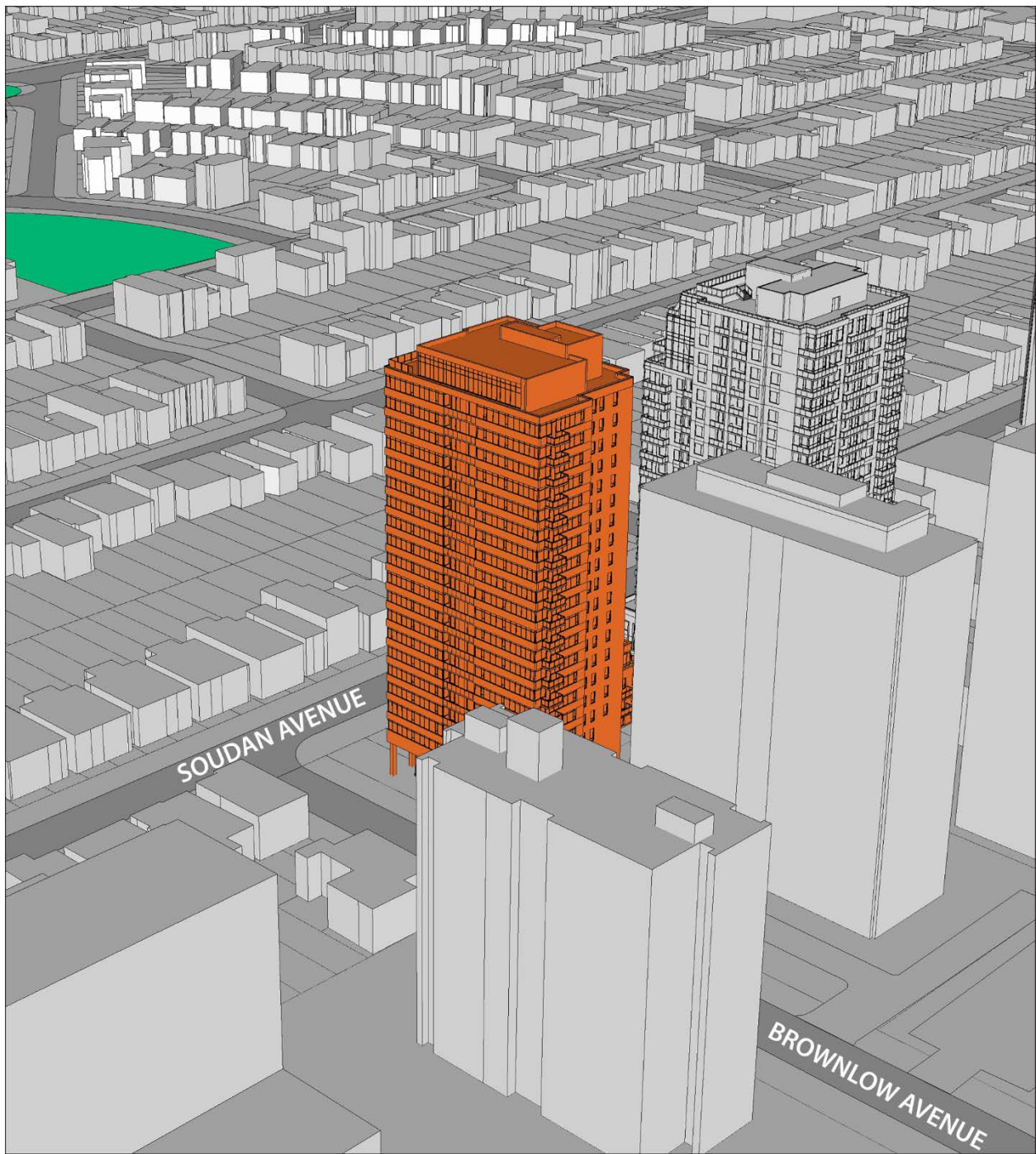
Attachment 1: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northeast



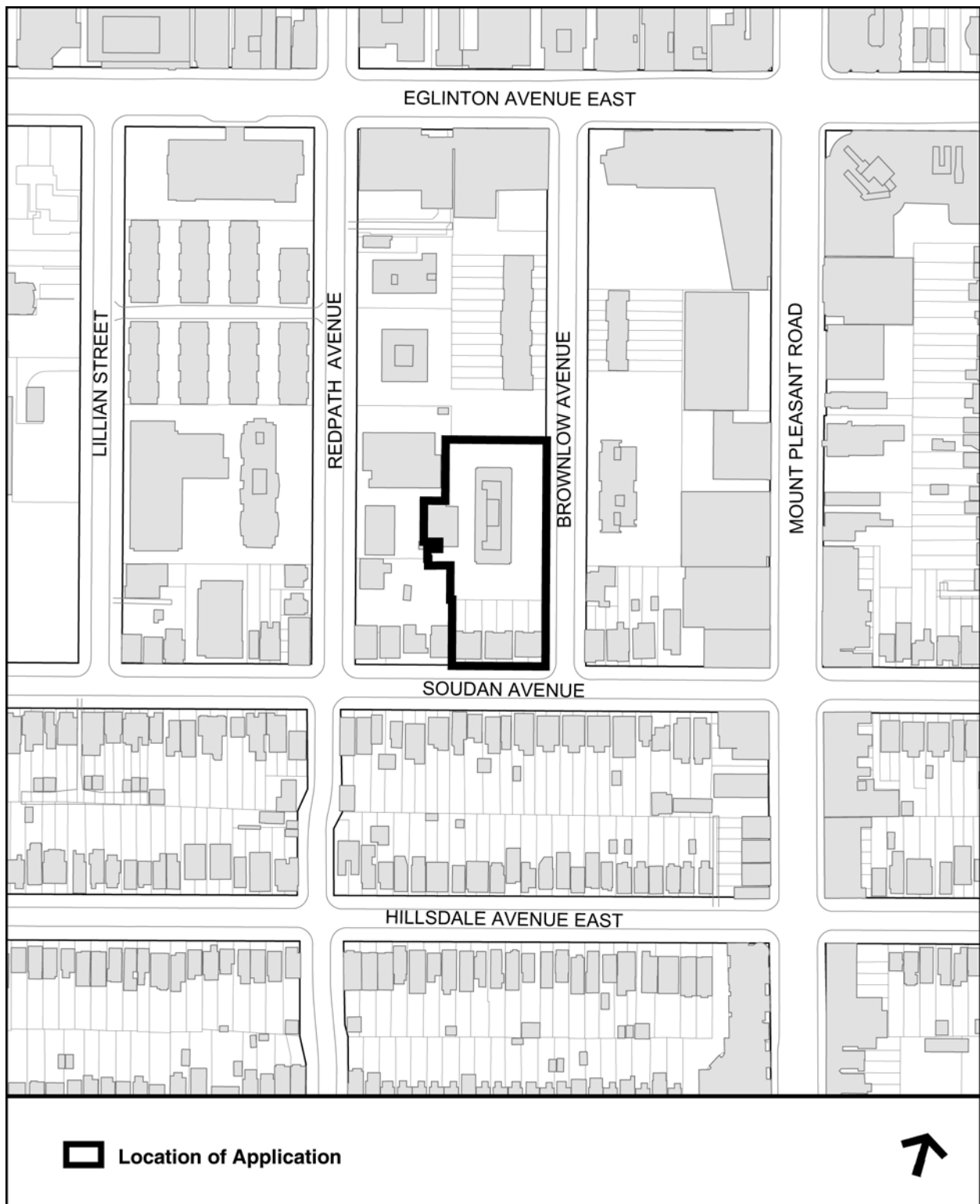
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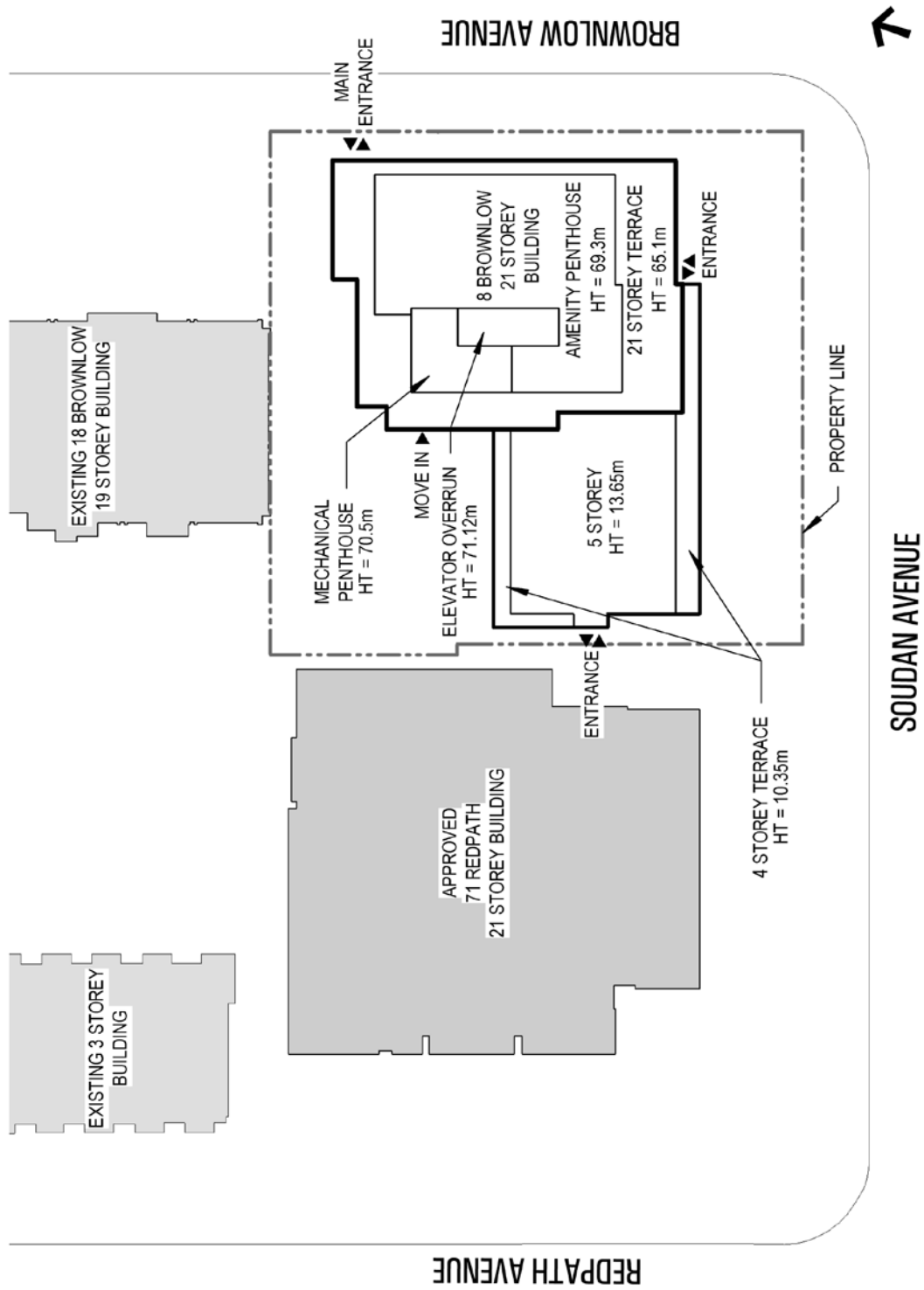
View of Applicant's Proposal Looking Southwest


MO/DA/2019

Attachment 2: Location Map



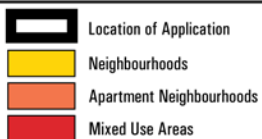
Attachment 3: Site Plan



Attachment 4: Official Plan Map

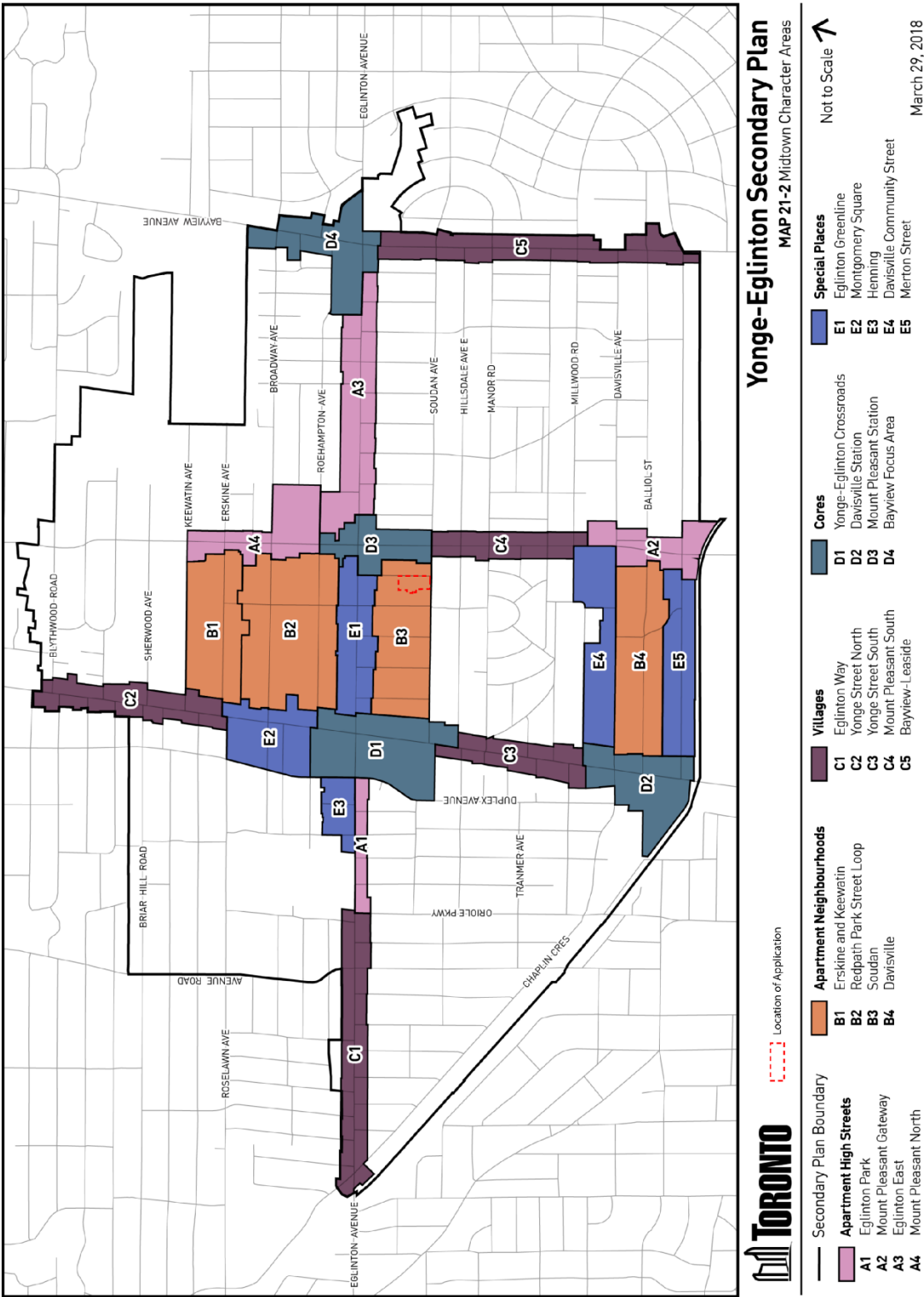


190-200 Soudan Avenue And 18 Brownlow Avenue
 Official Plan Land Use Map #17
 File # 20 230438 STE 12 02

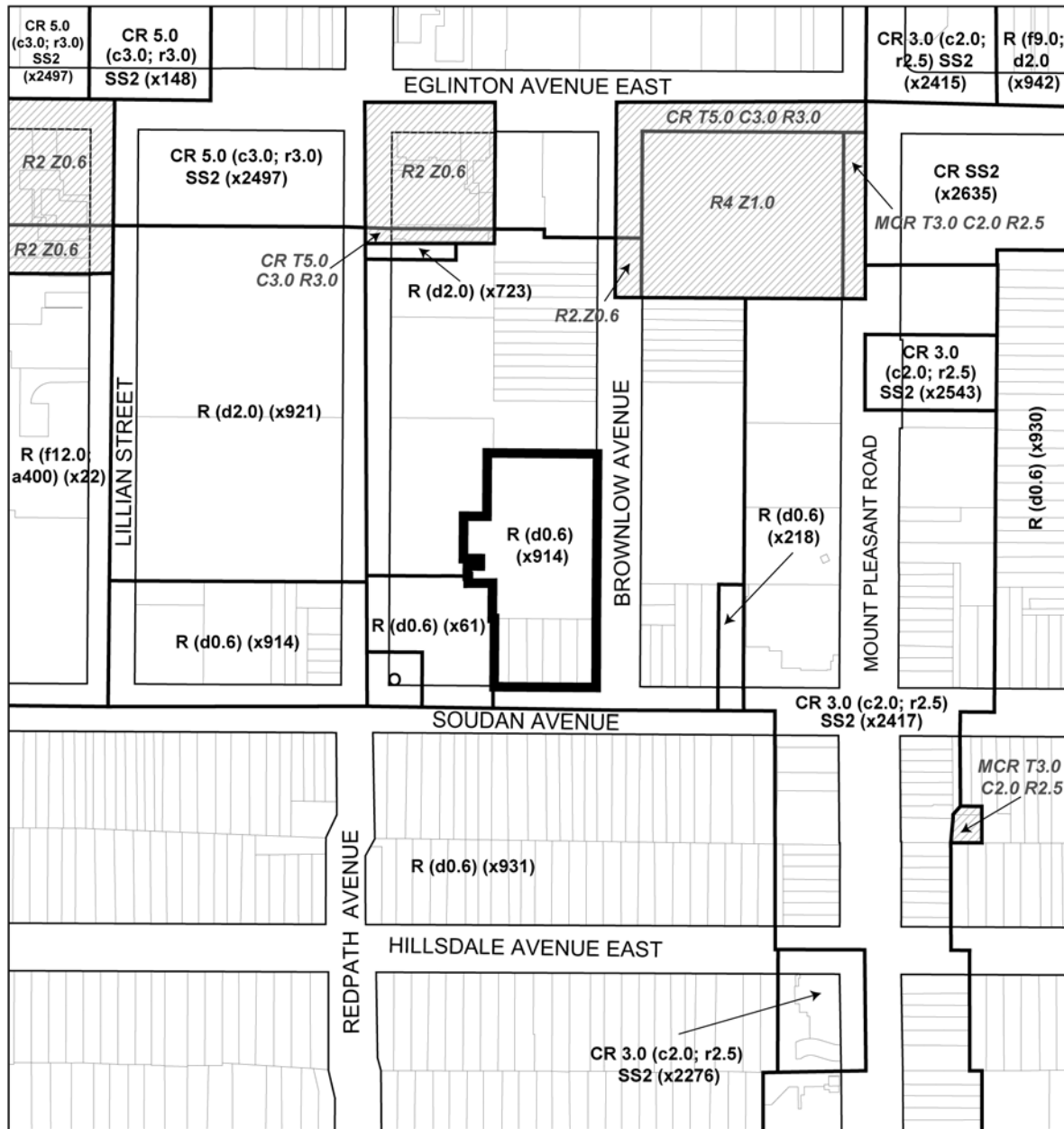


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Attachment 5: Yonge-Eglinton Secondary Plan Map 21-2



Attachment 6: Zoning By-law Map




Zoning By-law 569-2013

190-200 Soudan Avenue And 18 Brownlow Avenue

File # 20 230438 STE 12 02

 Location of Application
 R Residential
 CR Commercial Residential
 O Open Space

 See Former City of Toronto By-law No. 438-86
 R2 Residential District
 R4 Residential District
 CR Mixed-Use District
 MCR Mixed-Use District


 Not to Scale
 Extracted: 03/09/2021

Attachment 7: Application Data Sheet

Municipal Address: 190-200 Soudan Ave and 18 Brownlow Ave Date Received: December 18, 2020
 Application Number: 20 230438 STE 12 OZ
 Application Type: Rezoning
 Project Description: A 21-storey apartment building with 167 new rental units. The existing 19-storey rental apartment building located on the northerly portion of the subject site, known as 18 Brownlow Avenue, would be retained. The existing semi-detached houses at 190-200 Soudan Avenue would be demolished.

Applicant	Agent	Architect	Owner
Malen Capital Corp	Malen Capital Corp	NEUF Architect(e)s	18 Brownlow Holding Limited

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	R(d0.6) (x914)	Heritage Designation:	N
Height Limit (m):	14, 38	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 5,831 Frontage (m): 45 Depth (m): 103

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	NA	All	847	847
Residential GFA (sq m):	13,057	13,057	13,163	26,220
Non-Residential GFA (sq m):	0	0	0	0
Total GFA (sq m):	13,057	13,057	13,163	26,220
Height - Storeys:	19	19	21	21
Height - Metres:			69.3	69.3

Lot Coverage Ratio (%)	14.52	Floor Space Index:	4.5
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
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Residential GFA: 26,218
 Retail GFA:
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	185	185	167	352
Freehold:				
Condominium:				
Other:				
Total Units:	185	185	167	352

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		57	92	36	
Proposed:		17	81	49	20
Total Units:		74	173	85	20

Parking and Loading

Parking Spaces: 234 Bicycle Parking Spaces: 176 Loading Docks: 1

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