



## MEMORANDUM

**TO:** Heritage Markham Committee

**FROM:** Evan Manning, Heritage Planner

**DATE:** August 10, 2022

**SUBJECT:** Committee of Adjustment Variance Application  
22 Byer Drive, Markham Village  
A/041/21

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**Property/Building Description:** Two-storey detached dwelling constructed in 1983 as per MPAC records.

**Use:** Residential

**Heritage Status:** The subject property is not municipally-recognized as a heritage resource, although it is considered *adjacent*, as defined in the City of Markham Official Plan (2014), to the Markham Village Heritage Conservation District.

### **Application/Proposal**

- The City has received a Committee of Adjustment application seeking variances to facilitate modifications and expansion of the existing non-heritage dwelling at 22 Byer Drive (the “subject property” or the “property”) totalling 64.66m<sup>2</sup> (696.02 ft<sup>2</sup>).

### **Requested Variances to the Zoning By-law**

- **By-law 153-80, Section 7.2 (b):** a 1.20 metre side yard setback, whereas the By-law requires a minimum side yard setback of 1.80 metres;
- **b) By-law 153-80, Section 7.2 (b):** a rear yard setback of 7.08 metres, whereas the By-law requires a minimum rear yard setback of 7.50 metres;
- **c) By-law 153-80, Section 7.2 (c):** a maximum lot coverage of 43.63 percent, whereas the By-law permits a maximum lot coverage of 33.3 percent.

### **Background**

- The subject property is located on the west side of Byer Drive to the north of Snider Drive, and is visually buffered from the Markham Village Heritage Conservation District (the “MVHCD” or the “District”) by residential properties on the east side of Byer Drive.

- Surrounding built-form dates to the early 1980s as per MPAC records. Note that none of the abutting residential properties are municipally-recognized as heritage resources.

### **Heritage Policy**

- The subject property is located *adjacent* (within 60m of a *cultural heritage resource*), as defined within the 2014 Official Plan (OP), to the MVHCD. At its closest point, the subject property is approximately 57m from western boundary of the MVHCD at 8 Peter Street;
- While the MVHCD Plan does not contain policies or guidelines concerning new construction adjacent to the District, Section 4.5.1.1 of the 2014 Official Plan directs Staff to review any application for development approval on lands *adjacent to cultural heritage resources* to maintain the integrity of those resources. This review includes minor variance applications;
- Section 4.5.3.3 of the OP notes it is the policy of Council “to ensure that development that directly affects a *cultural heritage resource* itself and *adjacent lands*, is designed, sited or regulated so as to protect and mitigate any negative visual or physical impact on the heritage attributes of the resource, including considerations such as scale, massing, height, building orientation and location relative to the resource”.
- Section 4.5.3.11 of the OP indicates that the municipality will review applications for *development approval* and *site alteration* on *adjacent lands* to an individually designated property or a heritage conservation district to require mitigative measures and/or alternative development approaches in order to conserve the *heritage attributes* affected. This review may include measures to ensure compatibility with the characteristics, context and appearance of the *heritage attributes* affected”.

### **Staff Comment**

- The subject property, although considered *adjacent* to the MVHCD as defined in the 2014 OP, fronts a different street from the nearest adjacent Part V-designated properties on Peter Street, and is not visible from the District;
- Heritage Section staff, therefore, do not believe that this minor variance application has a negative visual or physical impact on the heritage attributes of the MVHCD, and recommend that Heritage Markham provide no comment from a heritage perspective on the application. This Staff position is also supported by the absence of policies and guidelines within the MVHCD Plan concerning new construction on lands considered *adjacent* to the District.

## **Suggested Recommendation for Heritage Markham**

THAT Heritage Markham has no comment from a heritage perspective on the variance application (A/041/22) for 22 Byer Drive.

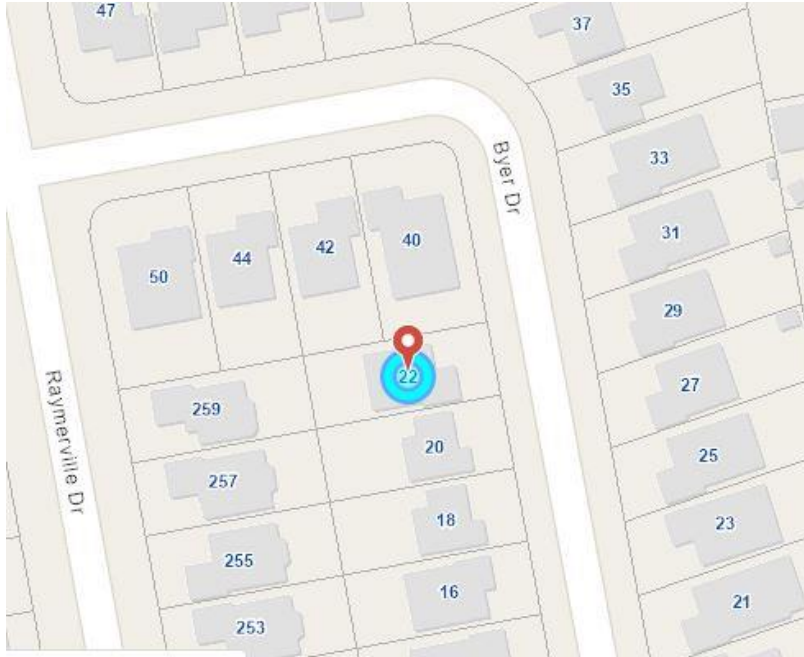
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### **ATTACHMENTS:**

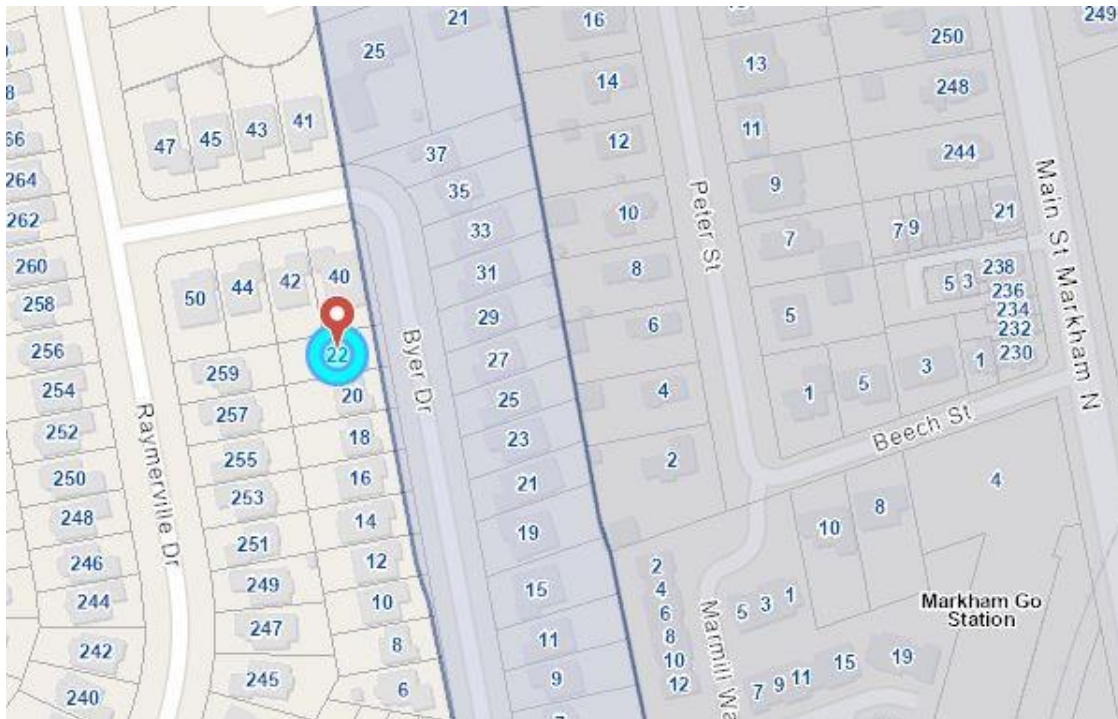
Appendix 'A'	Location Maps
Appendix 'B'	Photographs of Subject Property
Appendix 'C'	Site Plan
Appendix 'D'	Drawings

## Appendix ‘A’

### *Location Maps*



*The subject property circled in blue (Source: City of Markham)*

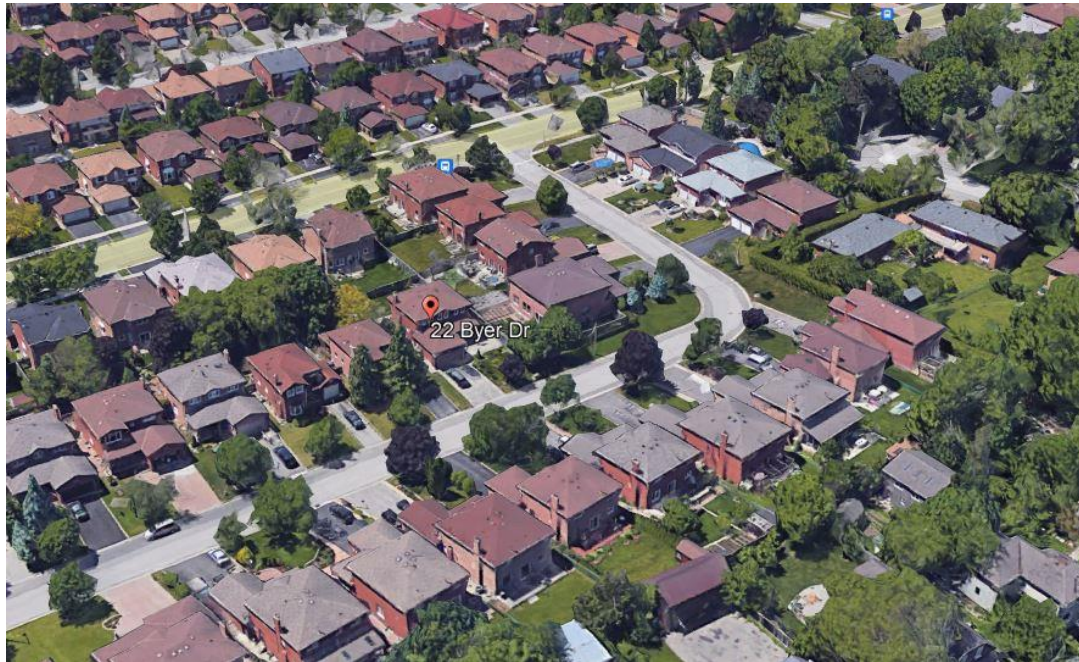


*The relationship of the subject property, circled in blue, to the MVHCD, and the 60m buffer from the western boundary of the District [contained within the purple lines] (Source: City of Markham)*



## Appendix 'B'

### *Photographs of the Subject Property*



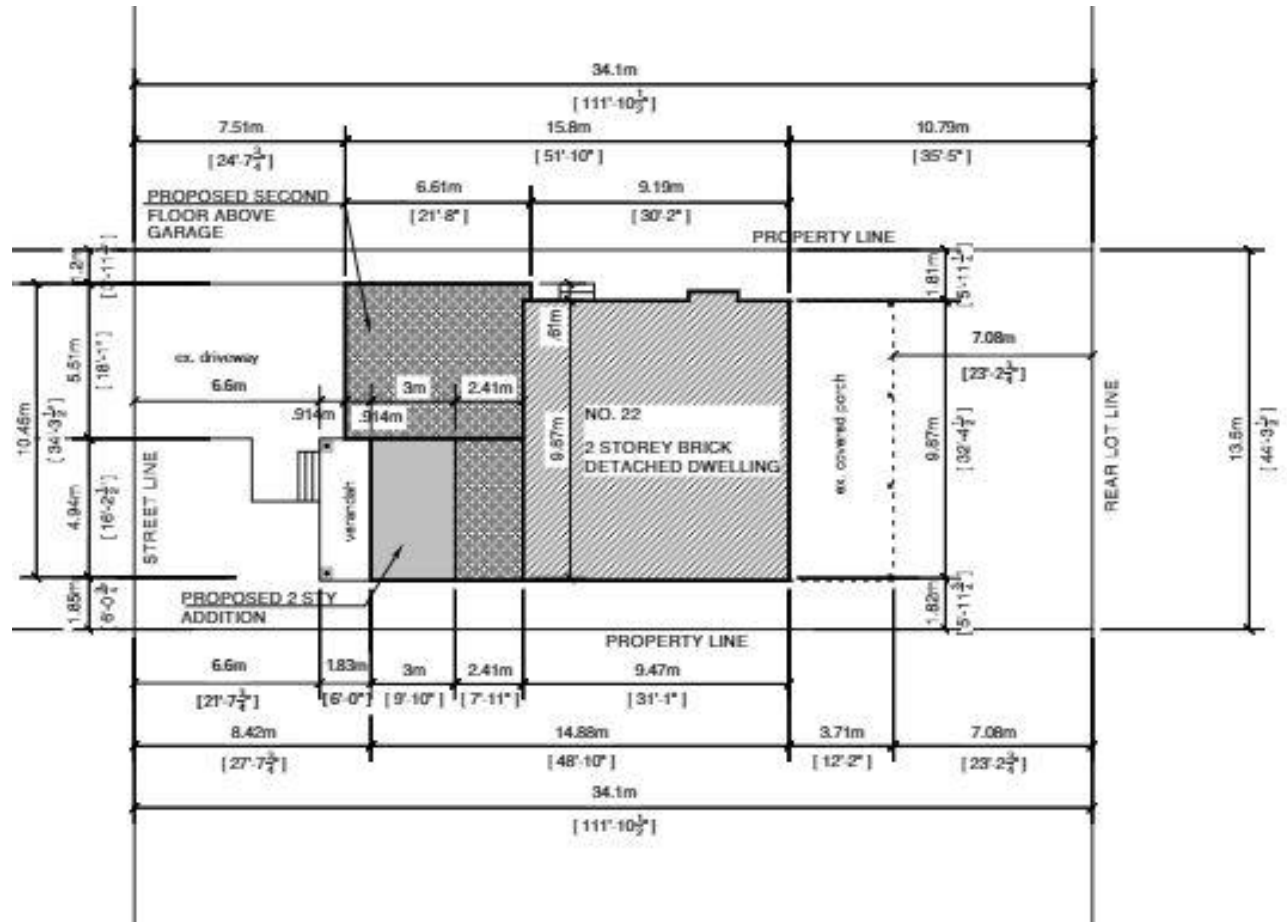
*Aerial image of the subject property (Source: Google)*



*Primary (east) elevating of the existing dwelling on the subject property (Source: Google)*

## Appendix 'C'

### Proposed Site Plan



ZONING	LOT FRONTAGE 13.50 m	LOT DEPTH 34.10 m	LOT AREA 460.35 m <sup>2</sup>
LOT AREA	460.35 m <sup>2</sup> [4955.33 sq ft]		
	EXISTING	ADDITION	TOTAL FLOOR AREA
BASEMENT	NONE	14.82 m <sup>2</sup> [159.53 sq ft]	14.82 m <sup>2</sup> [159.53 sq ft]
FIRST FLOOR	105.38 m <sup>2</sup> [1134.28 sq ft]	14.82 m <sup>2</sup> [159.53 sq ft]	120.20 m <sup>2</sup> [1293.86 sq ft]
SECOND FLOOR	93.47 m <sup>2</sup> [1006.14 sq ft]	49.84 m <sup>2</sup> [536.49 sq ft]	143.31 m <sup>2</sup> [154.63 sq ft]
TOTAL FLOOR AREA	196.85 m <sup>2</sup> [2118.95 sq ft]	64.66 m <sup>2</sup> [696.02 sq ft]	261.51 m <sup>2</sup> [2814.96 sq ft]

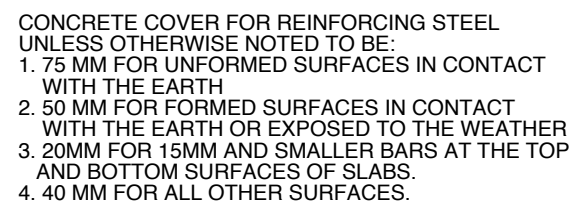
(Source: Applicant)

## **Appendix ‘D’**

### *Drawings*



MIN. 20MM MINERAL FIBRE INSULATION  
WITH MIN.DENSITY OF 3.6 LB/FTMIN.  
100 MM OF FREE DRAINAGE GRANULAR  
MATERIAL,AN APPROVED SYSTEM WHICH  
PROVIDES EQUIVALENT PERFORMANCE



1 **BASEMENT PLAN**  
A3 SCALE: 3/16" = 1'-0"

CONCRETE BLOCK WALL ATTACHMENT  
TIE NEW CONC. FOOTING TO EXISTING WITH 2- 10M DIAMETER  
RODS X 200 LONG, 100 INTO EXISTING FOOTING  
TIE NEW CONC. BLOCK WALL TO EXISTING WITH 2-10M DIAMETER  
RODS X 200 LONG ( 2 PER COURSE ) AND 100 INTO EXISTING WALL

FOR STRUCTURAL ONLY



**PowerCADD**  
ENGINEERED  
SOFTWARE  
2016

REGISTRATION INFORMATION	
Required unless design is exempt under 2.17.4.1 of the building code	
NY VALENTIN DESIGN	28858
Firm Name	BCIN

DRAWING TITLE:  
**BASEMENT PLAN**

3	02 2022	issued for C of A	AD
2	07 2021	issued for permit	AD
1	07 2021	issued for client review	AD
<b>NO.</b>	<b>DATE</b>	<b>REVISION</b>	<b>BY</b>

**DRAWN BY: AD**

**DESIGNED BY:**

**DATE: JULY 2021**

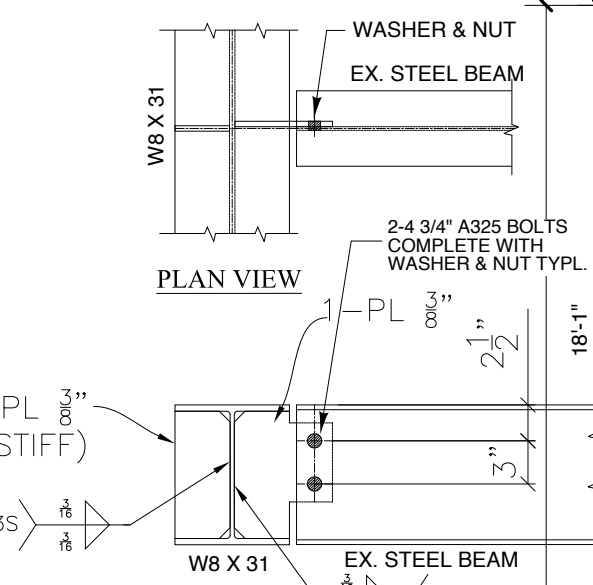
**SCALE : AS SHOWN**

2 OF SHEETS



FACTORY-BUILT ZERO CLEARANCE FIREPLACE AND VENT TO OUTSIDE:  
ZERO CLEARANCE FIREPLACE SHALL BE LABORATORY LISTED AND  
INSTALLED WITH COMPATIBLE LABELLED CHIMNEYS AND IN  
ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.

A CARBON MONOXIDE DETECTOR:  
TO BE PROVIDED IN EACH ROOM THAT CONTAINS A SOLID FUEL-  
BURNING APPLIANCE ON OR NEAR THE CEILING EQUIPPED WITH  
AN ALARM AUDIBLE THROUGHOUT THE DWELLING UNIT OR  
INTERCONNECTED WITH SMOKE ALARM SO THAT WHEN THE  
CARBON MONOXIDE DETECTOR IS ACTIVATED, IT WILL ACTIVATE  
THE SMOKE ALARM AS PER OBC. 9.23.3.8.



SECTION "A"  
STEEL BEAM  
CONNECTION

COLUMN SCHEDULE

COLUMN # 1  
4" X 4" X .188 HSS STEEL COLUMN WITH  
8" X 6" X 5/8" TOP PLATE + 2-5/8"  
BOLTS AND 10" X 10" X 3/4" BASE PLATE  
WITH 4-5/8" X 10" + 2" HOOK ANCHOR  
RODS ON 3'-4" X 3'-4" X 16"  
CONCRETE FOOTING REINFORCED WITH  
5-15M BOTHWAYS PROVIDE 1 1/2" MIN.  
CONCRETE COVER

COLUMN # 2  
4" X 4" X .188 HSS STEEL COLUMN WITH  
8" X 6" X 5/8" TOP PLATE + 2-5/8"  
BOLTS AND 10" X 6" X 5/8" BASE PLATE  
WITH 2-5/8" X 8" + 2" J-HOOK ANCHOR  
RODS OVER EXISTING  
FOUNDATION WALL

1  
A4

FIRST FLOOR PLAN

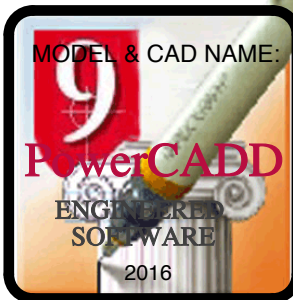
SCALE: 3/16" = 1'-0"  
RENOVATION AREA = 448.50 SF  
ADDITION = 162.98 SF

9.20.11.3. Wood Frame Walls Intersecting Masonry Walls  
(1) Wood frame walls shall be tied to intersecting masonry walls  
with not less than 4.76 mm diam corrosion- resistant steel rods  
spaced not more than 900 mm o.c. vertically.  
(2) Ties required in Sentence (1) shall be anchored to the wood  
framing at one end and shaped to provide a mechanical key  
at the other end to develop the strength of the tie

ENTRANCE DOORS, WITHOUT GLAZING,  
SHALL BE PROVIDED WITH A DOOR  
VIEWER  
WINDOWS WITHIN 2 M (6'-7") OF GROUND  
LEVEL MUST CONFORM TO THE  
REQUIREMENTS FOR RESISTANCE TO  
FORCED ENTRY AS PER 9.7.5.3. O.B.C.



FOR STRUCTURAL ONLY



The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	
QUALIFICATION INFORMATION	
Required unless design is exempt under 2.17.5.1 of the building code	
TONY VALENTIN	20917
Name	BCIN
Signature	26 09 21
Date	
REGISTRATION INFORMATION	
Required unless design is exempt under 2.17.4.1 of the building code	
TONY VALENTIN DESIGN	28858
Firm Name	BCIN

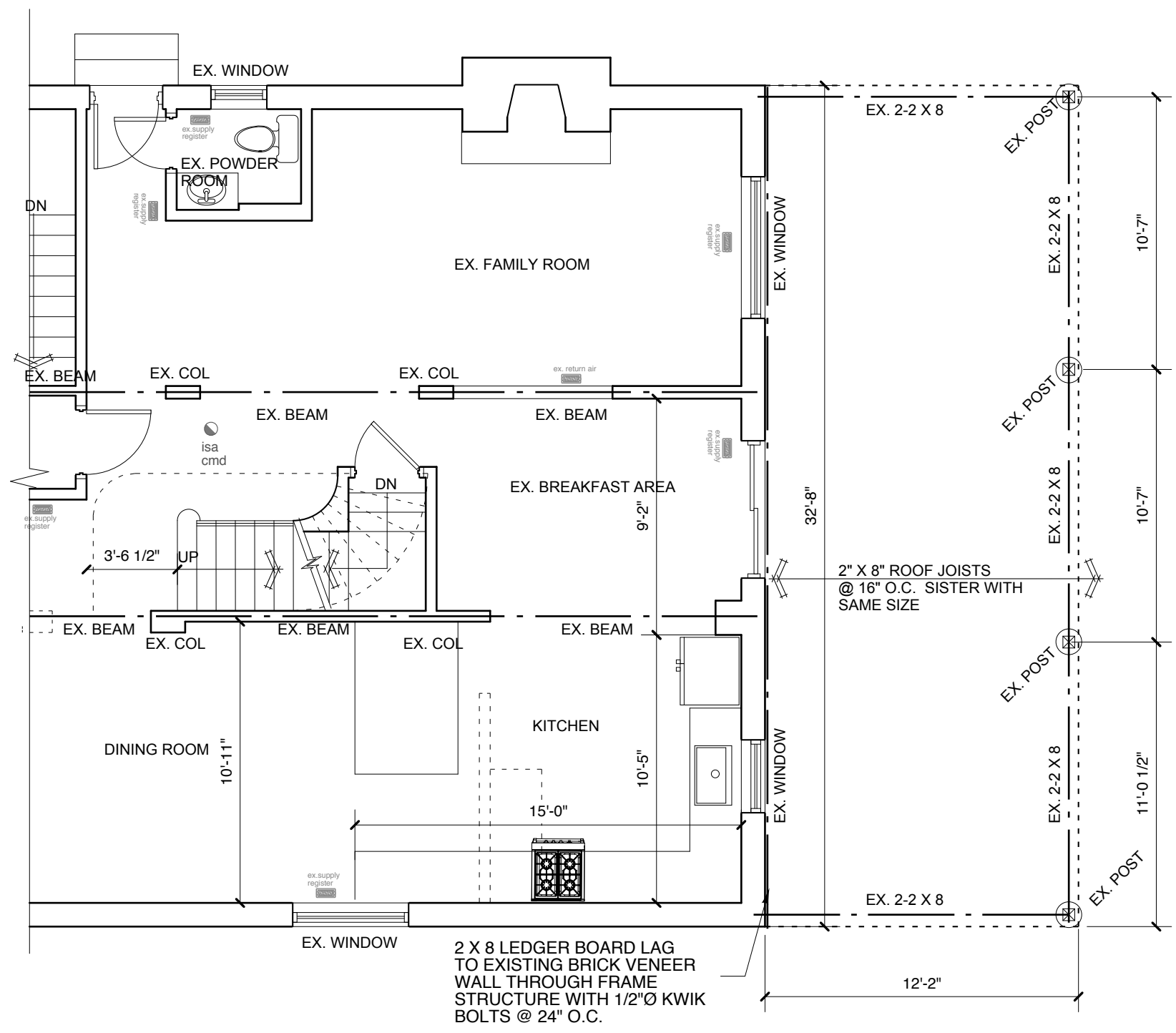
PROJECT TITLE:  
**PROPOSED ADDITIONS AND  
ALTERATIONS TO EX. DWELLING**  
DRAWING TITLE:  
**FIRST FLOOR PLAN**

ADDRESS:  
**PRADUYT CHAKRABORTY  
RESIDENCE  
22 BYER DRIVE LT. 43 RP. M-1976  
CITY OF MARKHAM**

NO.	DATE	REVISION	BY
3	02 2022	issued for C of A	AD
2	07 2021	issued for permit	AD
1	07 2021	issued for client review	AD

DRAWN BY: AD  
DESIGNED BY:  
DATE: JULY 2021  
SCALE : AS SHOWN

SHEET NO.  
**A-3**  
3 OF SHEETS



COLUMN SCHEDULE

COLUMN # 1

4" X 4" X .188 HSS STEEL COLUMN WITH 8" X 6" X 5/8" TOP PLATE + 2-5/8" BOLTS AND 10" X 10" X 3/4" BASE PLATE WITH 4-5/8" X 10" + 2" HOOK ANCHOR RODS ON 3'-4" X 3'-4" X 16" CONCRETE FOOTING REINFORCED WITH 5-15M BOTHWAYS PROVIDE 1 1/2" MIN. CONCRETE COVER

COLUMN # 2

4" X 4" X .188 HSS STEEL COLUMN WITH 8" X 6" X 5/8" TOP PLATE + 2-5/8" BOLTS AND 10" X 6" X 5/8" BASE PLATE WITH 2-5/8" X 8" + 2" J-HOOK ANCHOR RODS OVER EXISTING FOUNDATION WALL

1

A4

**FIRST FLOOR PLAN**

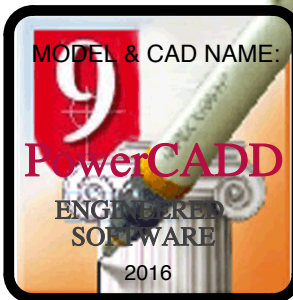
SCALE: 3/16" = 1'-0"

RENOVATION AREA = 448.50 SF

ADDITION = 162.98 SF

ENTRANCE DOORS, WITHOUT GLAZING, SHALL BE PROVIDED WITH A DOOR VIEWER

WINDOWS WITHIN 2 M (6'-7") OF GROUND LEVEL MUST CONFORM TO THE REQUIREMENTS FOR RESISTANCE TO FORCED ENTRY AS PER 9.7.5.3. O.B.C.



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QUALIFICATION INFORMATION	
Required unless design is exempt under 2.17.5.1 of the building code	
TONY VALENTIN	20917
Name	BCIN
Signature	26 09 21
	Date
REGISTRATION INFORMATION	
Required unless design is exempt under 2.17.4.1 of the building code	
TONY VALENTIN DESIGN	28858
Firm Name	BCIN

PROJECT TITLE:

**PROPOSED ADDITIONS AND ALTERATIONS TO EX. DWELLING**

DRAWING TITLE:

**PARTIAL FIRST FLOOR PLAN**

ADDRESS:

**PRADUYT CHAKRABORTY RESIDENCE**

**22 BYER DRIVE LT. 43 RP. M-1976**

**CITY OF MARKHAM**

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2	07 2021	issued for permit	AD
1	07 2021	issued for client review	AD

DRAWN BY: AD

DESIGNED BY:

DATE: JULY 2021

SCALE : AS SHOWN

SHEET NO.

**A-3a**

3 OF SHEETS

PLUMBING FIXTURES NOTES

EACH PLUMBING FIXTURE SHALL BE LOW WATER CONSUMPTION IN ACCORDANCE TO ONTARIO BUILDING CODE. PROVIDE ALL REQUIRED FITTINGS, TRAPS, VALVES, FAUCETS AND ESCUTCHEONS TO COMPLETE EACH FIXTURE INSTALLATION. SUBMIT SHOP DRAWINGS FOR REVIEW AND APPROVAL BEFORE ORDERING ANY FIXTURE.

BATHROOM TO BE PROVIDED WITH BLOCKING FOR FUTURE GRAB BAR REINFORCEMENT

9.10.19.3. location of smoke alarms

- within dwelling units, sufficient smoke alarms shall be installed so that,
  - there is at least one smoke alarm installed on each storey, including basements, and
  - on any storey of a dwelling unit containing sleeping rooms, a smoke alarm is installed,
    - in each sleeping room, and
    - in a location between the sleeping rooms and the remainder of the storey and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
- a smoke alarm required in sentence (1) shall be installed in conformance with can/ulc-s553, "installation of smoke alarms".
- smoke alarms required in article 9.10.19.1. and sentence(1) shall be installed on or near the ceiling.

9.10.19.5. interconnection of smoke alarms

- where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be wired so that the activation of one alarm will cause all alarms within the dwelling unit to sound.

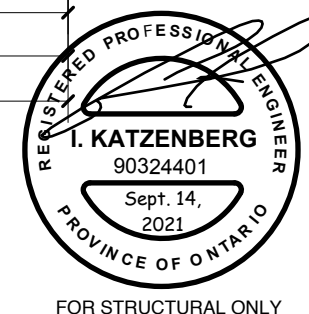
TYVEC AIR BARRIER (OBC 9.25)

TYVEC BARRIER, LAPPED AND CAULKED, IMPERMEABLE TO AIR FLOW AND CONTINUOUS OVER ENTIRE BUILDING ENVELOPE. CONTRACTOR TO ENSURE TYVEC IS CONTINUOUS AT CORNERS, PARTITION WALLS, FLOORS AND CEILING JUNCTIONS

1  
A5  
**SECOND FLOOR PLAN**  
SCALE: 3/16" = 1'-0"  
ADDITION = 538.15 SF

9.20.11.3. Wood Frame Walls Intersecting Masonry Walls

- Wood frame walls shall be tied to intersecting masonry walls with not less than 4.76 mm diam corrosion- resistant steel rods spaced not more than 900 mm o.c. vertically.
- Ties required in Sentence (1) shall be anchored to the wood framing at one end and shaped to provide a mechanical key at the other end to develop the strength of the tie



ALL STAIRS/EXTERIOR STAIRS

MAX RISE = 200 (7 7/8")  
MIN. RUN = 230 (9" )  
MIN. TREAD = 250 ( 9 7/8" )  
MIN. NOSING = 25 (1")  
MIN. HEADROOM = 1950 (6'-5")  
MIN. WIDTH = 860 (2'10")  
FOR CURVED STAIRS  
MIN. RUN = 150 (5 7/8")  
MIN. AVERAGE RUN = 200 (7 7/8").

FLOOR FRAMING (OBC 9.20.11.1 & 9.23.9.8)

TRIPLE FLOOR JOISTS UNDER ALL STAIR OPENINGS. DOUBLE FLOOR JOISTS UNDER ALL PARALLEL NON-LOAD BEARING WALLS. PROVIDE BLOCKING. WHEN FLOOR FRAMING IS GREATER THAN 3' - 4" ABOVE GRADE AND RUNS PARALLEL TO FOUNDATION WALL, PROVIDE 1 1/2" X 3/16" STEEL STRAP ANCHORS AT 6' - 7" O.C. TYING ACROSS THREE JOISTS TO SILL PLATE.

HOLES DRILLED IN FRAMING MEMBERS:  
TO BE MAX. 1/4" THE DEPTH OF THE MEMBER SIZE & NOT LESS THAN 2" FROM THE EDGES.  
ALLOWABLE REDUCTION OF WOOD MEMBERS NET DIMENSION BY NOTCHING OR DRILLING TO BE:  
LOAD BEARING WALL TO 1/3 DEPTH OF STUD ,  
NON-LOAD BEARING WALL MIN 1 1/2" OF STUD TO REMAIN, UNLESS PROPERLY REINFORCED. TOP PLATE MIN. 1 1/2" TO REMAIN. REUSED MEMBERS NOT ALLOWED , UNLESS PART OF TRUSS DESIGN.

CERAMIC/GRANITE/MARBLE/SLATE FINISHED FLOOR (OBC 9.30.1.1) PROVIDE GRANITE/ MARBLE/ CREAMIC/SLATE TILE ON 2" GROUT SETTING BED AND CONCRETE TOPPING WITH WIRE MESH REINFORCING MID DEPTH IN LIEU OF FINISHED FLOOR. STYLE AND COLOUR AS SELECTED BY OWNER

MODEL & CAD NAME:



The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION  
Required unless design is exempt under 2.17.5.1 of the building code  
TONY VALENTIN 20917

Name BCIN  
Signature 26 09 21  
Date

REGISTRATION INFORMATION  
Required unless design is exempt under 2.17.4.1 of the building code  
TONY VALENTIN DESIGN 28858  
Firm Name BCIN

PROJECT TITLE:

**PROPOSED ADDITIONS AND  
ALTERATIONS TO EX. DWELLING**

DRAWING TITLE:

**SECOND FLOOR PLAN**

ADDRESS:

**PRADUYT CHAKRABORTY  
RESIDENCE**

**22 BYER DRIVE LT. 43 RP. M-1976**

**CITY OF MARKHAM**

NO.	DATE	REVISION	BY
3	02 2022	issued for C of A	AD
2	07 2021	issued for permit	AD
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DRAWN BY: AD

DESIGNED BY:

DATE: JULY 2021

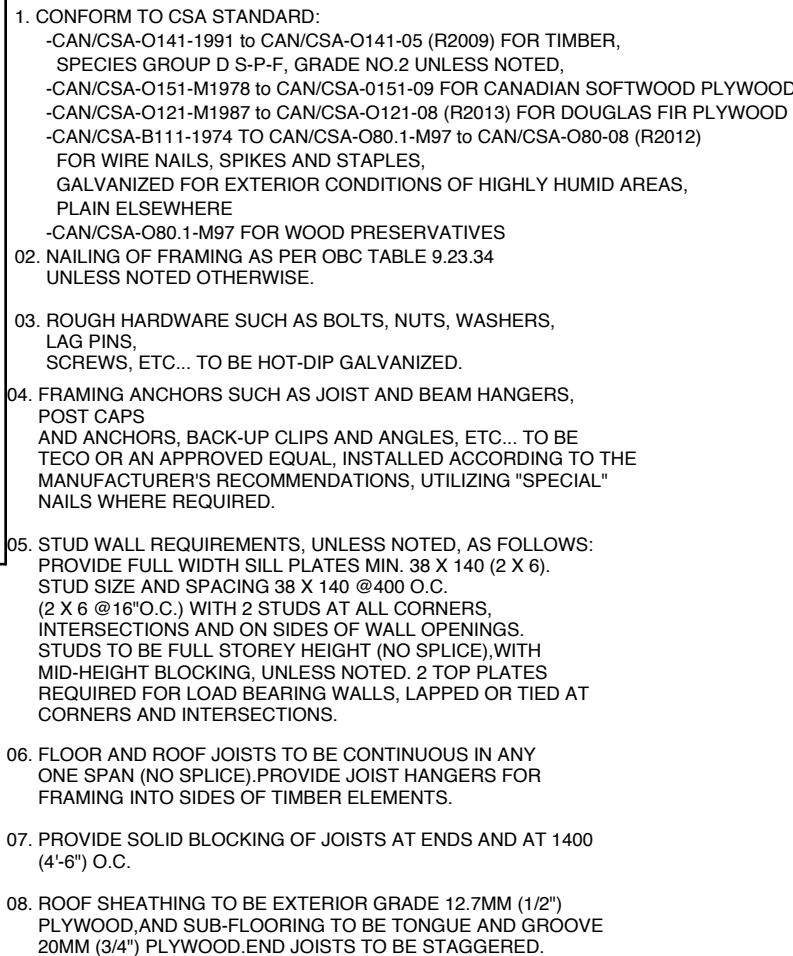
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SHEET NO.

**A-5**

5 OF SHEETS

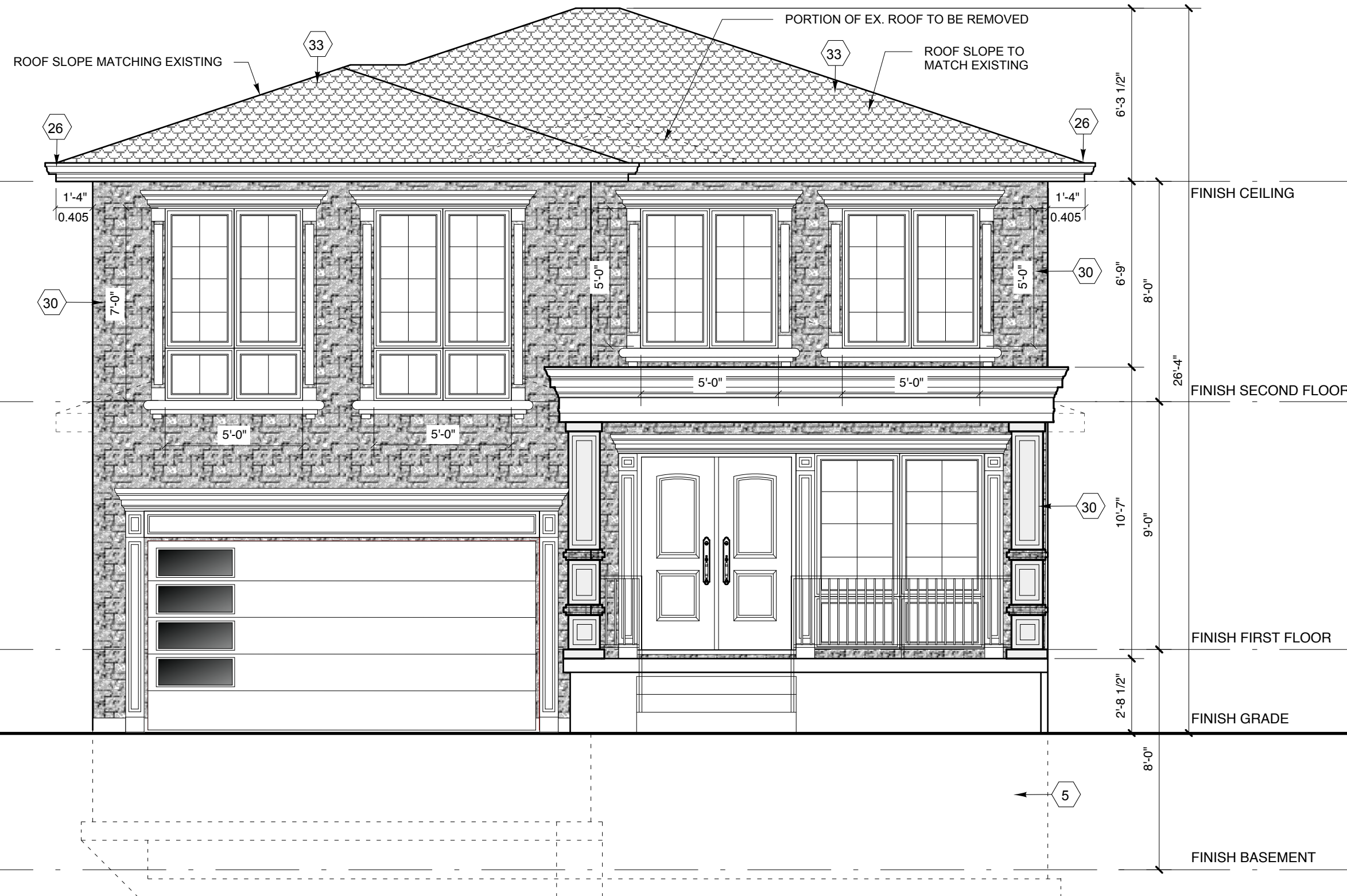




SCALE: 3/16" = 1'-0"







1  
A8 **FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



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TONY VALENTIN DESIGN	28858
Firm Name	BCIN

PROJECT TITLE:
<b>PROPOSED ADDITIONS AND ALTERATIONS TO EX. DWELLING</b>
DRAWING TITLE:
<b>FRONT ELEVATION</b>

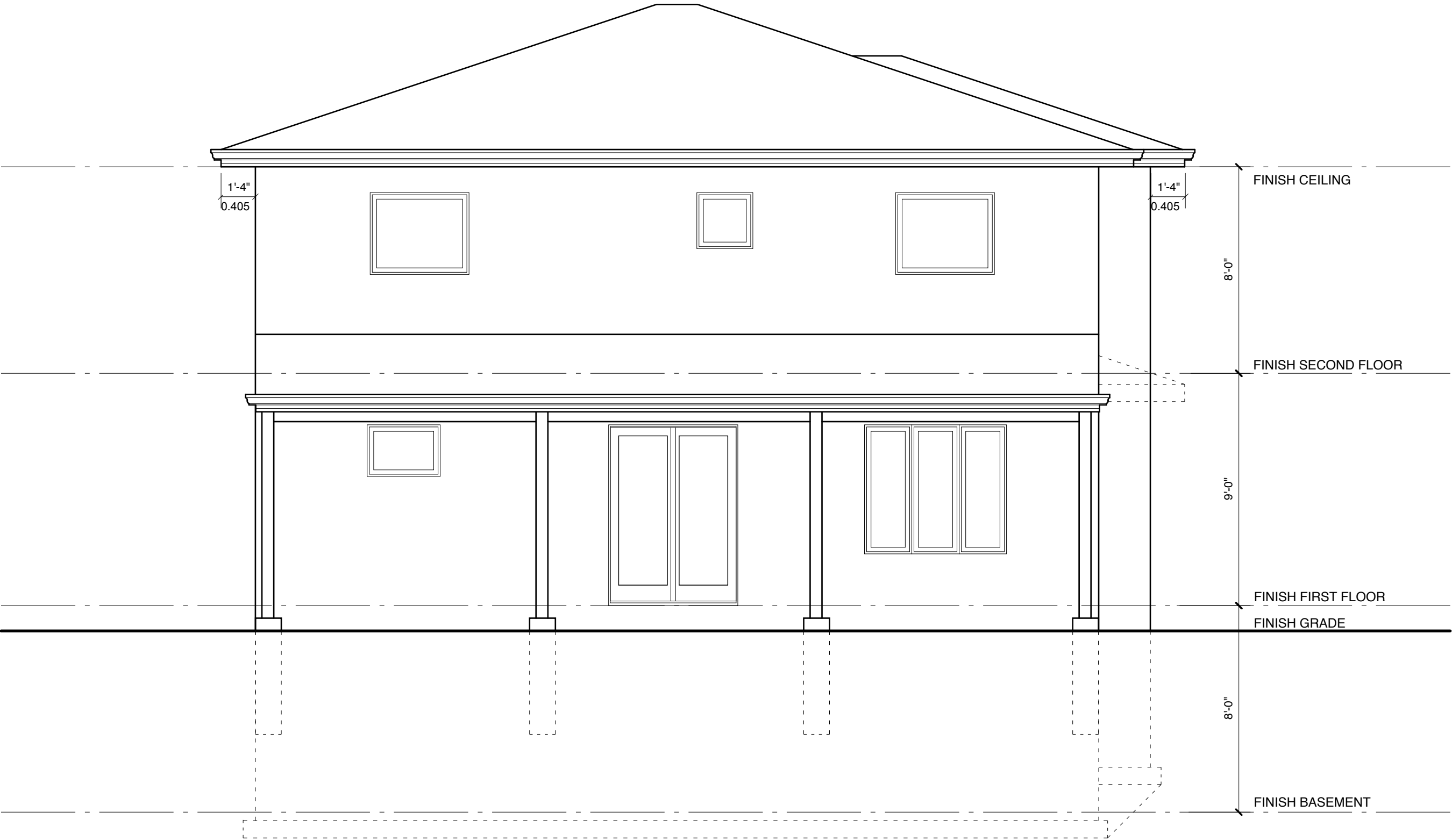
ADDRESS:
<b>PRADUYT CHAKRABORTY RESIDENCE</b>
<b>22 BYER DRIVE LT. 43 RP. M-1976</b>
<b>CITY OF MARKHAM</b>

NO.	DATE	REVISION	BY
3	02 2022	issued for C of A	AD
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DRAWN BY: AD
DESIGNED BY:
DATE: JULY 2021
SCALE : AS SHOWN

SHEET NO.
<b>A-7</b>
7 OF SHEETS

FOR REFERENCE ONLY



1  
A6 **EX. REAR ELEVATION**  
SCALE: 1/4" = 1'-0"



FOR STRUCTURAL ONLY

MODEL & CAD NAME:



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TONY VALENTIN 20917

Name BCIN  
Signature Date  
26 09 21

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TONY VALENTIN DESIGN 28858  
Firm Name BCIN

PROJECT TITLE:

**PROPOSED ADDITIONS AND  
ALTERATIONS TO EX. DWELLING**

DRAWING TITLE:

**EX. REAR ELEVATION**

ADDRESS:

**PRADUYT CHAKRABORTY  
RESIDENCE**

**22 BYER DRIVE LT. 43 RP. M-1976  
CITY OF MARKHAM**

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NO.	DATE	REVISION	BY

DRAWN BY: AD

DESIGNED BY:

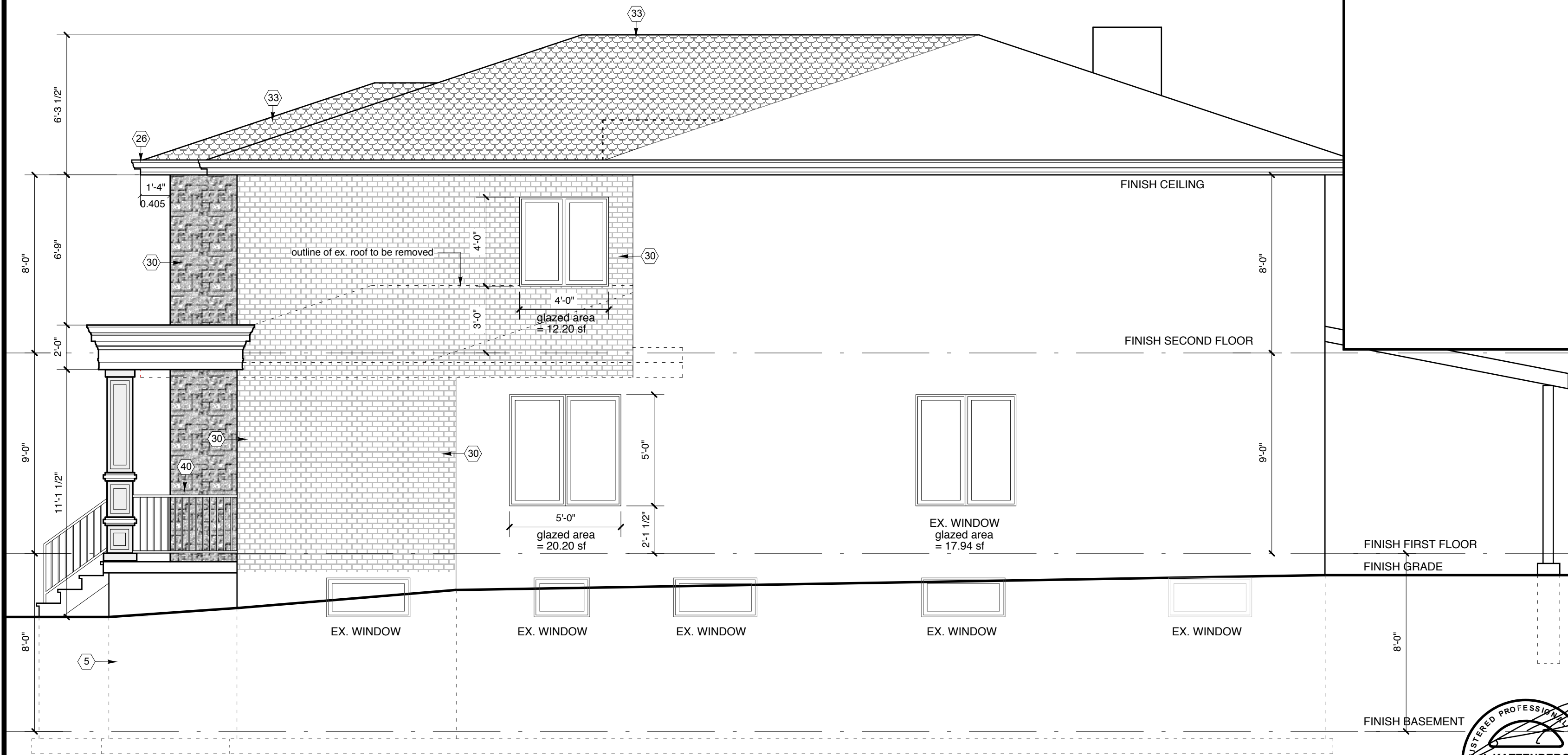
DATE: JULY 2021

SCALE : AS SHOWN

SHEET NO.

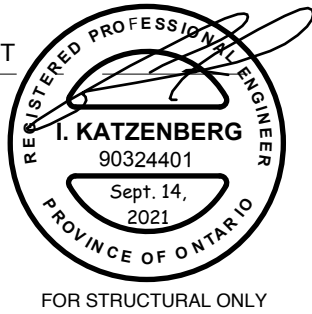
**A-8**

8 OF SHEETS



1  
A11 **RIGHT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"

calculation of maximum percentage of glazed openings  
limiting distance = 1820 MM [6.00]  
area of exposing building face = 86.58 M2 [932 SF] x 8% = 6.93 M2  
proposed glazed area = 4.68 M2 [50.34 SF]



The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.	
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TONY VALENTIN	20917
Name	BCIN
Signature	26 09 21
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Firm Name	BCIN

PROJECT TITLE:  
**PROPOSED ADDITIONS AND ALTERATIONS TO EX. DWELLING**

DRAWING TITLE:  
**RIGHT SIDE ELEVATION**

ADDRESS:  
**PRADUYT CHAKRABORTY RESIDENCE**  
**22 BYER DRIVE LT. 43 RP. M-1976**  
**CITY OF MARKHAM**

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DESIGNED BY:

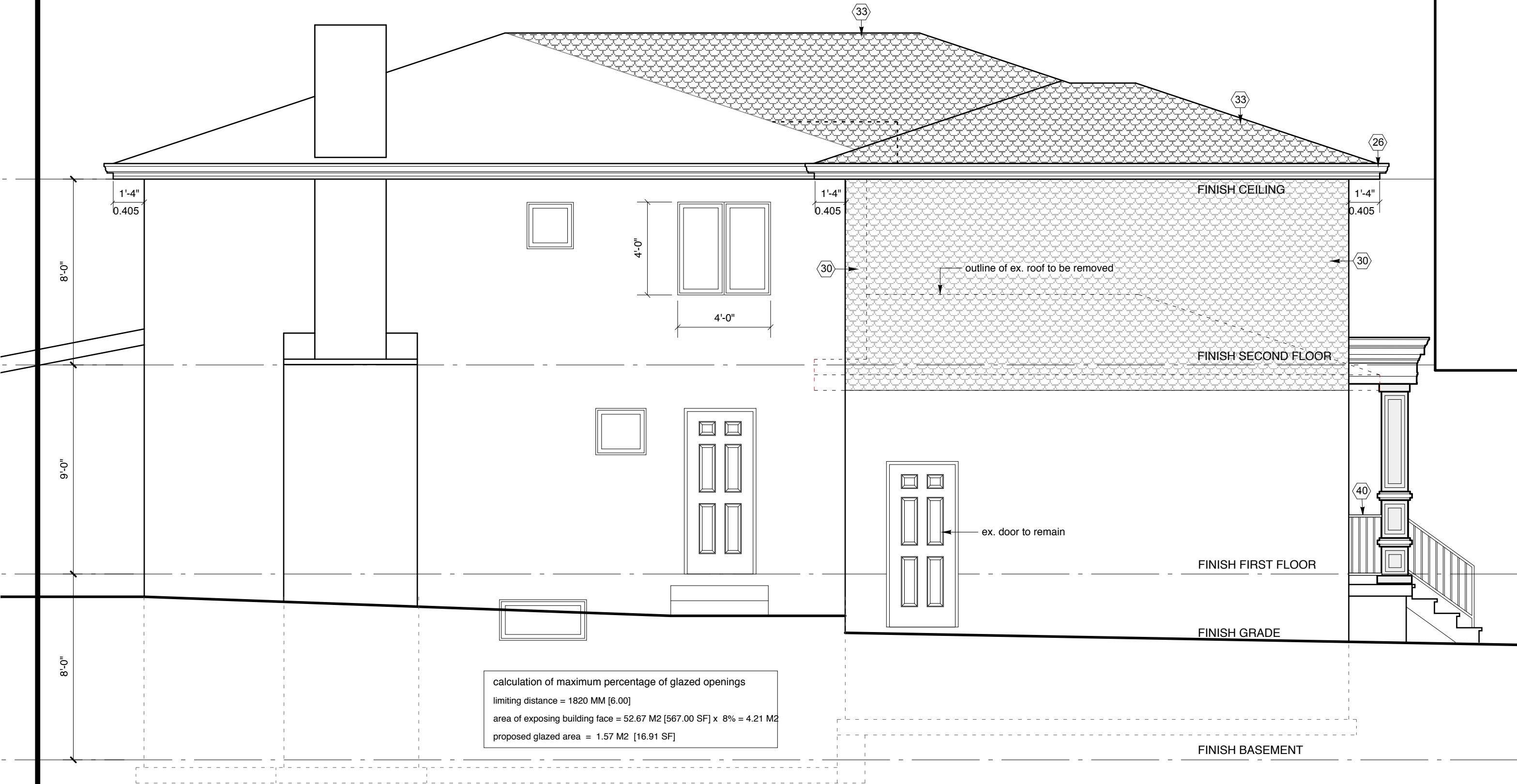
DATE: JULY 2021

SCALE : AS SHOWN

SHEET NO.

**A-9**

9 OF SHEETS



calculation of maximum percentage of glazed openings  
limiting distance = 1820 MM [6.00]  
area of exposing building face = 52.67 M2 [567.00 SF] x 8% = 4.21 M2  
proposed glazed area = 1.57 M2 [16.91 SF]

1  
A10 **LEFT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



FOR STRUCTURAL ONLY

MODEL & CAD NAME:  
**PowerCADD**  
ENGINEER  
SOFTWARE  
2016

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TONY VALENTIN 20917  
Name BCIN  
Signature Date  
26 09 21

REGISTRATION INFORMATION  
Required unless design is exempt under 2.17.4.1 of the building code  
TONY VALENTIN DESIGN 28858  
Firm Name BCIN

PROJECT TITLE:  
**PROPOSED ADDITIONS AND  
ALTERATIONS TO EX. DWELLING**

DRAWING TITLE:  
**LEFT SIDE ELEVATION**

ADDRESS:  
**PRADUYT CHAKRABORTY  
RESIDENCE  
22 BYER DRIVE LT. 43 RP. M-1976  
CITY OF MARKHAM**

NO.	DATE	REVISION	BY
3	02 2022	issued for C of A	AD
2	07 2021	issued for permit	AD
1	07 2021	issued for client review	AD

DRAWN BY: AD  
DESIGNED BY:  
DATE: JULY 2021  
SCALE : AS SHOWN

SHEET NO.  
**A-10**  
10 OF SHEETS