

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** July 26, 2022

**CASE NO(S).:** OLT-22-002262  
(Formerly PL171438)

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant: 2472498 Ontario Inc.  
Subject: Request to amend the Official Plan – Failure to  
adopt the requested amendment  
Description: To permit the development of 48 stacked  
townhomes  
Reference Number: OP-2016-05  
Property Address: 12765, 12781, and 12789 Keele Street  
Municipality/UT: King/York  
OLT Case No: OLT-22-002262  
Legacy Case No: PL171438  
OLT Lead Case No: OLT-22-002262  
Legacy Lead Case No: PL171438  
OLT Case Name: 2472498 Ontario Inc. v. York (Region)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Subject: Application to amend the Zoning By-law – Refusal  
or neglect to make a decision  
Description: To permit the development of 48 stacked  
townhomes  
Reference Number: Z-2016-18  
Property Address: 12765, 12781, and 12789 Keele Street  
Municipality/UT: King/York  
OLT Case No: OLT-22-003780  
Legacy Case No: PL171439  
OLT Lead Case No: OLT-22-002262  
Legacy Lead Case No: PL171438

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Subject:	Site Plan
Description:	To permit the development of 48 stacked townhomes
Reference Number:	SPD-16-87
Property Address:	12765, 12781, and 12789 Keele Street
Municipality/UT:	King/York
OLT Case No:	OLT-22-003779
Legacy Case No:	PL171318
OLT Lead Case No:	OLT-22-002262
Legacy Lead Case No:	PL171438

## **APPEARANCES:**

### **Parties**

2472498 Ontario Limited

Township of King

Regional Municipality of York

### **Counsel**

Isaac Tang and Katie Butler

Tom Halinski and Jasmine Fraser

Mercedes Mueller

## **DECISION DELIVERED BY SHARYN VINCENT AND ORDER OF THE TRIBUNAL**

### **INTRODUCTION**

[1] 2472498 Ontario Limited (“247”) appealed against the failure of Council to make decisions with respect to applications to amend the Official Plan and Zoning By-law for the Township of King, together with an application to grant site plan approval in order to permit the redevelopment of lands known municipally as 12765, 12781, and 12789 Keele Street and 17 Elizabeth Grove for 48 stacked townhouses on the Keele Street parcels (“subject lands”).

[2] Through an iterative, consultative process, and in response to comments arising through the circulation and consultation with the public, the proposal was revised a total of 6 times, ultimately incorporating 17 Elizabeth Grove to accommodate a 5 storey, 129 unit condominium apartment building with its vehicular access restricted to the easterly façade and accessed via either Elizabeth Grove on the north, or Clearview Crescent on the south.

[3] Prior to the commencement of the hearing, the Tribunal was advised that the municipality and 247 had reached settlement on the proposal, which would be presented on consent for the consideration of the Tribunal. The Parties have entered into Minutes of Settlement and have provided the Tribunal with a draft Zoning By-law Amendment in support of the proposal. Given the recent approvals of the Transit Area Designation on the GoTransit site located approximately 200 metres to the south of the subject lands, it was determined that an amendment to the Official Plan to permit the density, was no longer required.

[4] The Tribunal heard from one witness, Murray Evans, who was qualified to give opinion evidence in matters of land use planning.

[5] To establish the context and evolving neighbourhood character, Mr. Evans provided the following overview of the surrounding area:

Within the immediate area of the subject land surrounding land uses include predominantly single family residences to the east and a pedestrian access to the King City Memorial Park, located 125 meters from the subject land. The park, which is approximately 6.2 hectares in size, contains an arena and community centre, a splash pad, tennis courts, ball diamonds, soccer pitch, play areas, and a skate park. Immediately to the north of the site is a York Region paramedic station and beside that is the King City United Church. A mixture of uses exist on the east side of Keel St., including low density residential homes, converted businesses and the All Saints Anglican church. On the West side of Keel St. is a similar mixture of uses, including several vacant and underutilized industrial buildings located toward the GO station lands to the south. Some of those properties have been the subject of redevelopment applications.

Properties located opposite to the subject land at 12796 and 12800, Keele St received zoning approval to permit 60 stacked townhouses in 2018. Subsequent to this approval. It appears that the developer acquired additional lands to the south, and now the properties located at 12,764, 12,7, 12,007, nine six and 12,800 Keele St are the subject of applications to amend the townships official planning, zoning bylaw to facilitate the redevelopment of these lands with a 6 Storey residential building containing proximately 247 units. The lands, located at 12700 Keele St, were the subject of a statutory pre-submission meeting in order to consider its redevelopment with a 6 storey mixed use building containing 48 apartment units. Single family residential uses are the primary use of the lands to the south of the subject lands.

The King City GO station is located approximately 200 meters southwest of the subject land. The station is a stop on the Barrie Line, which offers hourly service from Barrie to downtown Toronto. The facility presently

has a capacity of 555 parking spaces. There are plans for the expansion of the GO station, including more parking spaces, a second track and platform, pedestrian bridge, and a new passenger pick up and drop off area and improved bicycle facilities. Metrolinx has plans to provide electrification of the Barrie GO expansion line to allow for faster trains to offer all day two-way trips with an aim of providing 15 minute service at peak hours. GO transit bus service operates on Keel St., offering service to downtown Toronto on Route 65 and York Region Transit also provides service on Keele St from Newmarket to Pioneer Village subway line route 96.

[6] Evaluated against the evolving context and the revised planned function of the area in proximity to the site, it was the unchallenged opinion of Mr. Evans that the proposal aligned with provincial policy and is specifically consistent with the Provincial Policy Statement ("PPS"), conforms to the Growth Plan strategies, and the Official Plan policies which have as required, been brought into force and effect to implement the provincial initiatives to optimize infrastructure particularly on underutilized parcels of land within walking distance of higher order transit.

[7] The massing has been driven to both create a well articulated visual entrance to the village core while respecting a 45 degree angular plane taken from the easterly property line in order to provide an appropriate transition to the abutting, generally large lot detached dwellings in the established neighbourhood to the east.

[8] The proposed parking complement exceeds the number required and the proposed form and tenure of the development furthers the range and mix of housing options in the community.

[9] It was the uncontroverted evidence of the witness that the development proffered on settlement, represents good planning and is in the public interest. The overall optimization of the site is in accord with provincial policy at this location which is well situated to support additional housing in a form and of a type to complement the options available in the community while promoting active transportation.

[10] The Tribunal accepts the evidence and will grant the appeal of the Zoning By-law Amendment, in part.



[11] The draft Zoning By-law Amendment implements the Official Plan vision for the mixed use zone and incorporates setbacks, buffers and building stepbacks which specifically address the relationship the development enjoys with the two adjacent residences in particular and which will be secured through site plan approval, and the draft conditions of approval being Exhibit 6. The Tribunal accepts the evidence of Mr. Evans that the Site Plan appeal may be granted in principle based on the Architectural Drawings attached hereto and forming part of this decision (**Attachment 2**). Final approval however will require approximately 6 months from the time of this decision as the settlement plans will be subject of recirculation with the related revisiting of the draft conditions of approval, as necessary.

[12] The parties have agreed to work towards resolving these details. The Tribunal will however remain seized of the appeal until advised that all has been satisfactorily concluded.

[13] The zoning permissions are subject to two Holding provisions which require the prior satisfaction of conditions concerning servicing allocation and the completion of a Record of Site Condition to ensure the site has been appropriately remediated. The Tribunal was in receipt of the final form of instrument at the hearing, and will therefore grant the zoning appeal in part, and through the order forming part of this decision, direct the Clerk of the Township of King to assign the appropriate number to the amending By-law appended hereto as **Attachment 1**

## **ORDER**

[14] **THE TRIBUNAL ORDERS** that the appeal to amend Zoning By-law No. 2017-66, as amended, is granted, in part, and the By-law is further amended in accordance with **Attachment 1** hereto, forming part of this Order;

[15] **AND FURTHER, THE TRIBUNAL ORDERS** that site plan approval is granted in principle, generally in accordance with the plans constituting **Attachment 2** to this Order. The Tribunal shall withhold the final Order with respect to the site plan approval

until in receipt of the final conditions of approval, or in the alternative, until such time as advised that the requisite agreement has been executed. Should neither have transpired by years end, the Parties will appear back before the Tribunal to advise as to why.

[16] The Tribunal may be spoken to should either Party require assistance in the execution of this Order.

*“Sharyn Vincent”*

SHARYN VINCENT  
VICE-CHAIR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## ATTACHMENT “1” Zoning By-Law Amendment

By-law No. 2022-037



THE CORPORATION OF THE TOWNSHIP OF KING

**BY-LAW NUMBER – 2022-037**

### **BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 2017-66, AS AMENDED**

**WHEREAS** Zoning By-law Number 2017-66, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the Township of King, was passed on the 26<sup>th</sup> day of June, 2017;

**AND WHEREAS** it is deemed necessary to further amend By-law Number 2017-66, as amended, to implement the Official Plan for the Township of King for the lands municipally known as 12765, 12781 and 12789 Keele Street and 17 Elizabeth Grove;

**AND WHEREAS** authority is granted pursuant to Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, Chapter P. 13, to the Council of the Corporation of the Township of King to exercise such powers, and on appeal to the Ontario Land Tribunal, authority is granted to the Tribunal;

**AND WHEREAS** the Ontario Land Tribunal, by its Decision issued on \_\_\_\_\_ and Order issued on \_\_\_\_\_, in Tribunal Case No. PL171438 and approved amendments to Zoning By-law Number 2017-66, as amended;

**NOW THEREFORE** pursuant to the Order of the Ontario Land Tribunal, Zoning By-law Number 2017-66, be amended as follows:

1. The lands subject to this By-law consist of Lots 1, 2, 3 and 4, Registered Plan 459 and Part of Lot 46, Registered Plan 532, Township of King, and more particularly shown on Schedule ‘1’ and Schedule ‘2’ attached hereto.
2. Schedules ‘1’ and ‘2’ form part of this By-law.
3. For the subject lands shown on Schedules ‘1’ and ‘2’ attached hereto, Zoning By-law 2017-66 be amended as follows:
  - i) Schedule “A6” of By-law Number 2017-66, as amended, is hereby further amended by changing the zone symbol for those lands shown in hatching on Schedules ‘1’ and ‘2’ attached hereto from “Core Area – King City (CAK)” and “Commercial – General (C1)” to “Core Area – King City – Exception Section 7.5.2.15 Holding ((CAK-15(H)) Zone”. Notwithstanding the provisions of Part 7, Section 7.2 and Table 7.2 of this By-law, as amended, the lands delineated as “Core Area – King City - Exception Section 7.5.2.15 – Holding (CAK-15(H)) on Schedules “1” and “2” of this By-law may be used in accordance with the following:

By-law No. 2022-037

- a) One or more of the following *uses* shall be permitted:

*Apartment dwelling units;*  
*Art Gallery;*  
*Mixed-use building;*  
*Office;*  
*Custom Workshop;*  
*Day Spa;*  
*Convenience Retail Store;*  
*Restaurant;*  
*Retail Store;*  
*Personal Service Shop;*  
*Pet Grooming Establishment;*  
*Studio;*  
*Child Care Centre;*  
*Clinic;*  
*Commercial School;*  
*Dry Cleaning Establishment;*  
*Financial Establishment;*  
*Fitness Centre;*  
*Take-out Restaurant;*

- ii) Notwithstanding the provisions of Section 2.2.10, Section 2.2.202, Section 3.3(c), Section 3.34(a)(v); Table 3.42.a)i) and iii), Table 7.3a, the lands delineated as "Core Area – King City – Exception Section 7.5.2.15 - Holding (CAK-15(H)) Zone" on Schedules "1" and "2" of this By-law may be *used* in accordance with the following provisions:

- a. The *front lot line* shall be the property line abutting Keele Street.
- b. The minimum *Sight Triangle* shall be 10.0 m x 10.0 m;
- c. Private or shared *amenity areas* consisting of open space, *patios*, *balconies* and *terraces* may be permitted to be located in the *front yard* and/or *exterior side yard*.
- d. A *structure* on the roof for the purposes of providing access to a roof top *terrace* shall not constitute as a *Storey* under the by-law.
- e. Any portion of a *Storey* exceeding 4.5 m in height shall be deemed an additional *Storey* for each 4.5 m or fraction thereof in excess.

By-law No. 2022-037

- f. The minimum open space area abutting the *Front Yard* and the *Exterior Side Yard* (Clearview Crescent) shall be a contiguous area measuring 240 square metres at *grade*, used for no other purpose than *landscaping*, a commercial *patio* including *patio structure*, hard surfacing and fencing. The Open Space area may be traversed by a walkway but shall exclude the area of a transformer and pad.
- g. The minimum *Floor Area* devoted to *Commercial Uses* shall be 480 square metres to be located on the *First Storey* and the maximum *Floor Area* devoted to *Commercial Uses* shall be 625 square metres to be located on the *First Storey*.
- h. Notwithstanding any other provisions of this By-law, a Holding Symbol denoted as an "H" to the zone symbol for the Core Area - King City – Holding (CAK-15(H)) – Exception Section 7.5.2.15 zone, shall require that no *person* use any land, *erect*, *alter* or use any *building* or *structures* for any other purpose until such time as the Holding Symbol (H) is removed by an amendment to this By-law passed pursuant to Section 36 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.
- i. Notwithstanding the Holding Symbol, the owner shall be permitted to obtain all necessary permits and approvals to undertake the demolition of the site, excavation and remediation works and construction below grade.
- j. Council for the Municipality may amend this By-law to remove the (H) Holding symbol from all or parts of the lands to which are zoned with a (H) Holding symbol, to permit the development of the lands in accordance with the provisions of this By-law, at such time that the following provisions, as applicable to the relevant lands/uses, have been fulfilled:
  - i. That the Council of the Municipality has assigned water and sanitary servicing allocation to those *uses* that require allocation;
  - ii. The Municipality has obtained confirmation from the Ministry of Environment, Conservation and Parks (MOECP) of the filing of a Record of Site Condition (RSC) for the entire site area.
- k. The following Table shall apply regarding Permitted *Yard* and *Setback* encroachments:

By-law No. 2022-037

Structure	Yard	No part of any <i>building</i> or <i>structure</i> shall project into the specified <i>yard</i> more than:
Architectural elements, including sills, belt, courses, cornices, gutters, chimneys, pilasters, canopies or fireplaces	Any <i>yard</i>	0.6 m
Above <i>grade Balconies</i>	Any <i>yard</i>	1.8 m
At <i>grade Balconies</i>	Any <i>yard</i>	2.0 m

I. The following Table shall apply for site and building standards:

Requirement	CAK -15(H) (King City)
Minimum <i>Lot Area</i>	4850 m <sup>2</sup>
Minimum <i>Lot Frontage</i>	100.0 m
Minimum <i>Front Yard</i> (Keele Street)	2.0 m
Minimum <i>Exterior Side Yard</i> (Elizabeth Grove)	3.5 m
Minimum <i>Exterior Side Yard</i> (Clearview Crescent)	8.5 m
Minimum <i>Exterior Side Yard</i> (Clearview Heights)	9.0 m
Minimum <i>Setback to Sight Triangle</i>	0.0 m
Minimum <i>Rear Yard</i>	9.0m

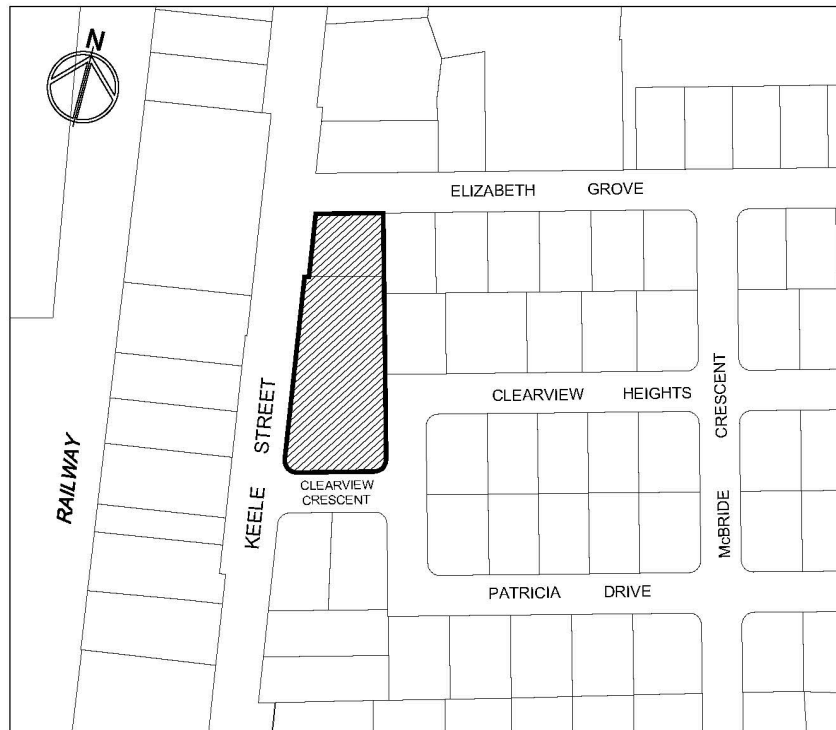
By-law No. 2022-037

Maximum <i>Lot Coverage</i>	50%
Minimum required <i>step back</i> for all <i>Storeys</i> above the second <i>Storey</i>	n/a
Maximum <i>Height</i>	19.6 m 5 <i>Storeys</i>
Maximum <i>Floor Space Index</i>	2.57 FSI
Maximum <i>Units Per Hectare</i>	265 UPH

BY-LAW No. 2022-XX

## BY-LAW No. 2022-037

PLAN SHOWING  
 LOTS 1, 2, 3 AND 4  
 REGISTERED PLAN 459  
 AND  
 PART OF LOT 46  
 REGISTERED PLAN 532  
 TOWNSHIP OF KING  
 REGIONAL MUNICIPALITY OF YORK



'CORE AREA - KING CITY - Exception Section  
 7.5.2.15 - Holding (CAK-15(H))'

THIS IS SCHEDULE '1' TO BY-LAW No. 2022-037  
 PASSED ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2022

\_\_\_\_\_  
 STEVE PELLEGRINI, MAYOR

\_\_\_\_\_  
 KATHRYN MOYLE, CLERK



BY-LAW No. 2022-037

## BY-LAW No. 2022-037

PLAN SHOWING  
LOTS 1, 2, 3 AND 4  
REGISTERED PLAN 459  
AND  
PART OF LOT 46  
REGISTERED PLAN 532  
TOWNSHIP OF KING  
REGIONAL MUNICIPALITY OF YORK

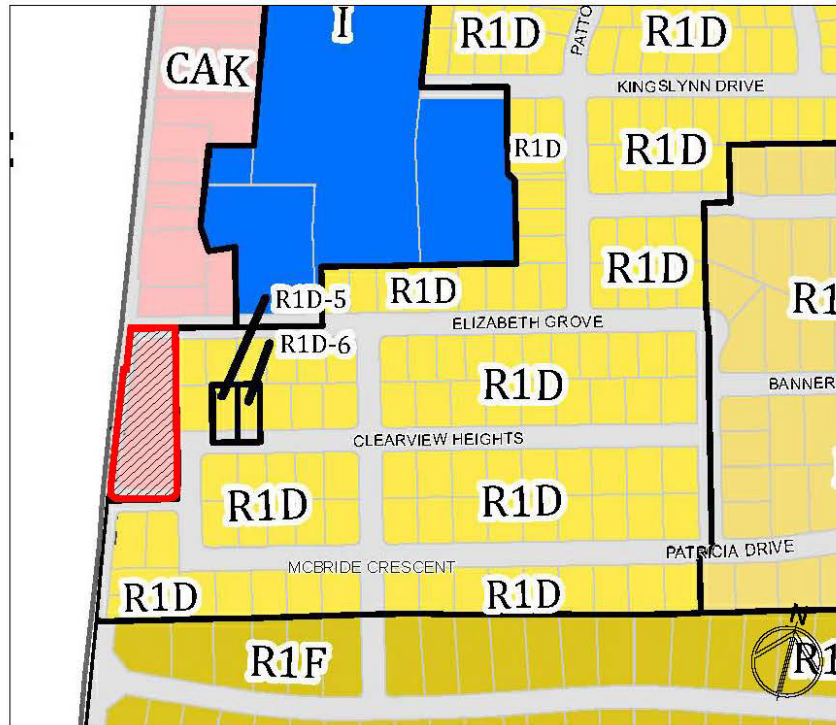
## ZONE CATEGORIES

CAK - Core Area - King City

C1 - Commercial General

R1 - Residential Single Detached

I - Institutional



'CORE AREA - KING CITY - Exception Section  
7.5.2.15 - Holding (CAK-15(H))'

THIS IS SCHEDULE '2' TO BY-LAW No. 2022-037  
PASSED ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2022

STEVE PELLEGRINI, MAYOR

KATHRYN MOYLE, CLERK

## ATTACHMENT “2” Architectural Drawings



### **KING HEIGHTS CONDOMINIUM**

12765, 12781, 12789 Keele Street & 17 Elizabeth Grove  
King City, ON

MID-RISE RESIDENTIAL DEVELOPMENT

#### **CONSULTANT TEAM**

21060 King Heights

**CLIENT:**  
NAME: ROBERT STENKOTA  
ADDRESS: 8880 DUFFERIN ST. VAUGHAN, ON L6A 4M4

**PLANNER:**  
NAME: EVANS PLANNING INC.  
ADDRESS: 8411 KEELE STREET, UNIT 12, VAUGHAN, ON L4R 1Y7

**CIVIL:**  
NAME: FISHER ENGINEERING LTD.  
ADDRESS: 4815 BAY PARK DRIVE, UNIT 15, MARKHAM, ON L3R 9W2

**LANDSCAPE:**  
NAME: MARK BETHOR ASSOCIATES  
ADDRESS: 210 LAKE DRIVE EAST RICHMOND, ON L4B 3J9

**TRAFFIC:**  
NAME: TRANSPLAN  
ADDRESS: 788 DUNDAS STREET WEST, TORONTO, ON M6J 1Y2



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VAUGHAN, ON L4R 1Y7  
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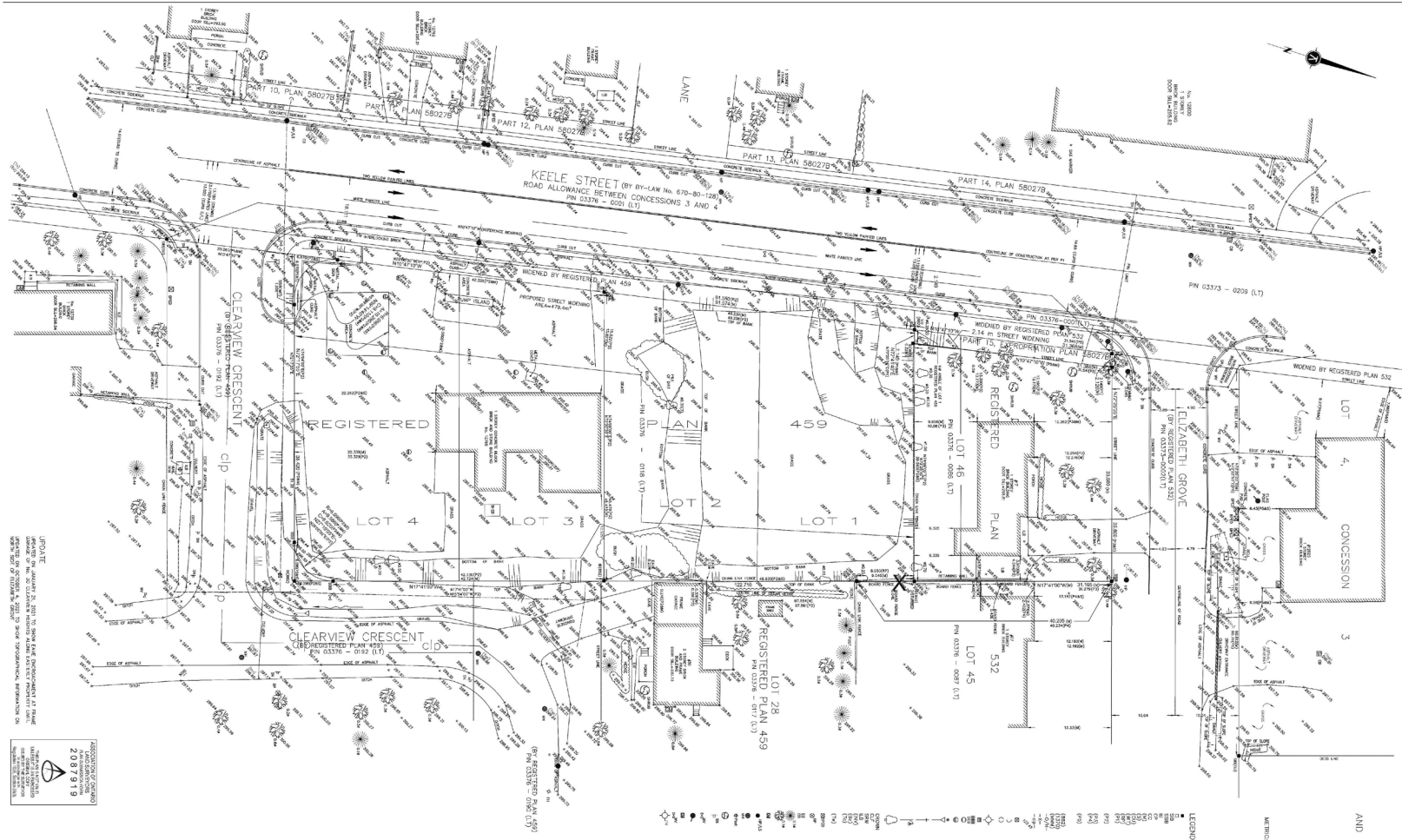
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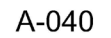
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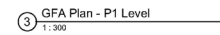
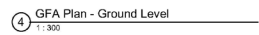
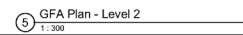
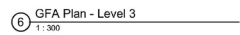
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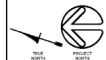








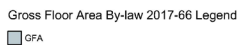
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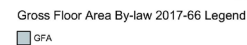
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4 GFA Plan - MPH Level  
1 : 300



2 GFA Plan - Level 5  
1 : 300



1 GFA Plan - Level 4  
1 : 300

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21	ISSUED	DATE OF ISSUE
22	ISSUED	DATE OF ISSUE

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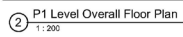
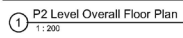
**CLIENT**  
Chateau Elegance c/o 247245  
Ontario Inc. 2330 King Vaughn  
Road, Maple ON  
**ADDRESS**  
King Heights  
12785, 12781, 12789 Keele Str  
& 17 Elizabeth Grove  
King City, ON

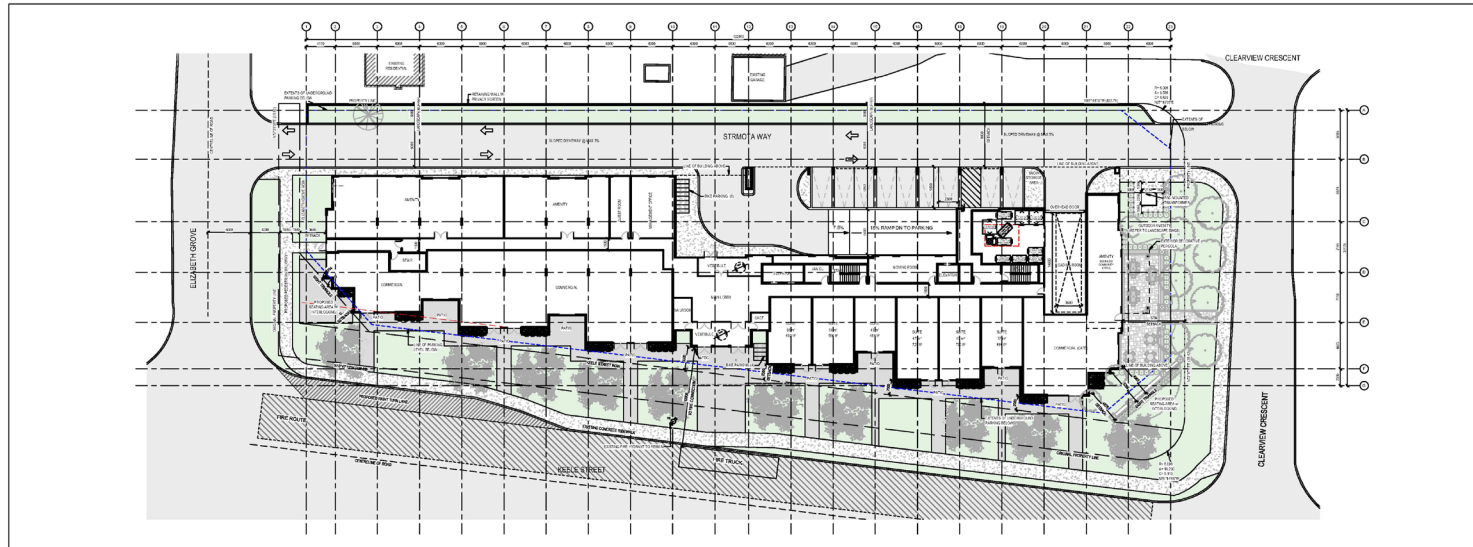
Ground Floor Area Plans as Per  
By-Law 2017-06

PROJECT NUMBER	DATE
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SCALE	PLOTTED DATE
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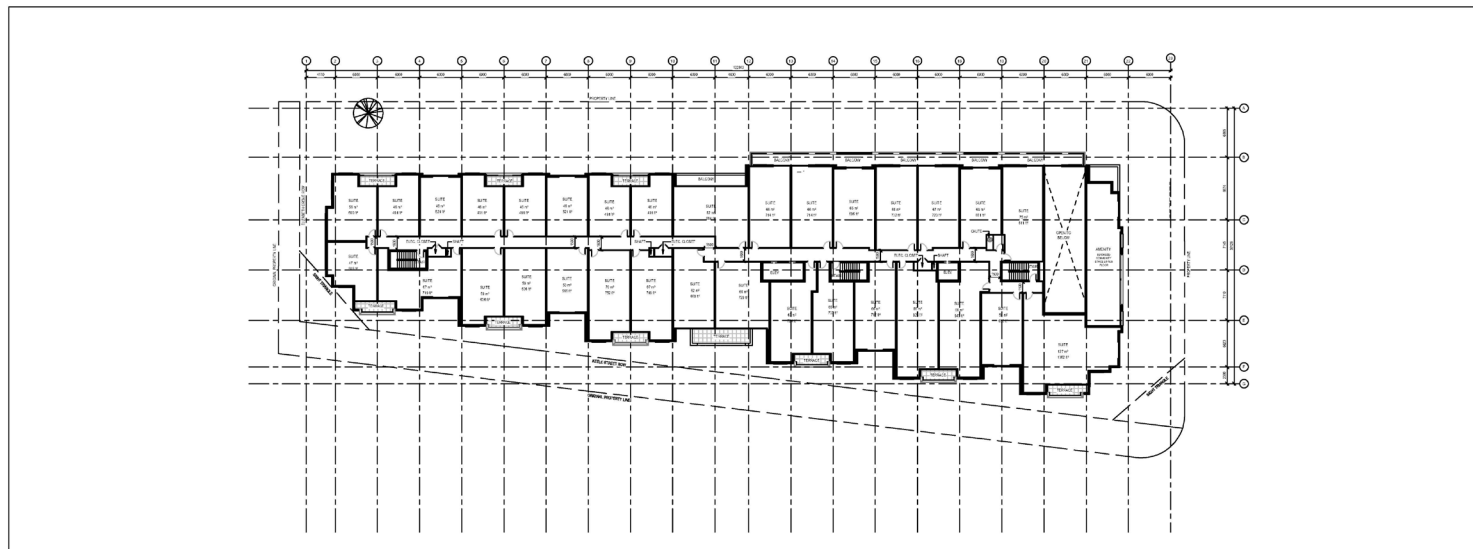
A-052







① Ground Level Overall Floor Plan  
1:200



② Level 2 Overall Floor Plan  
1:200



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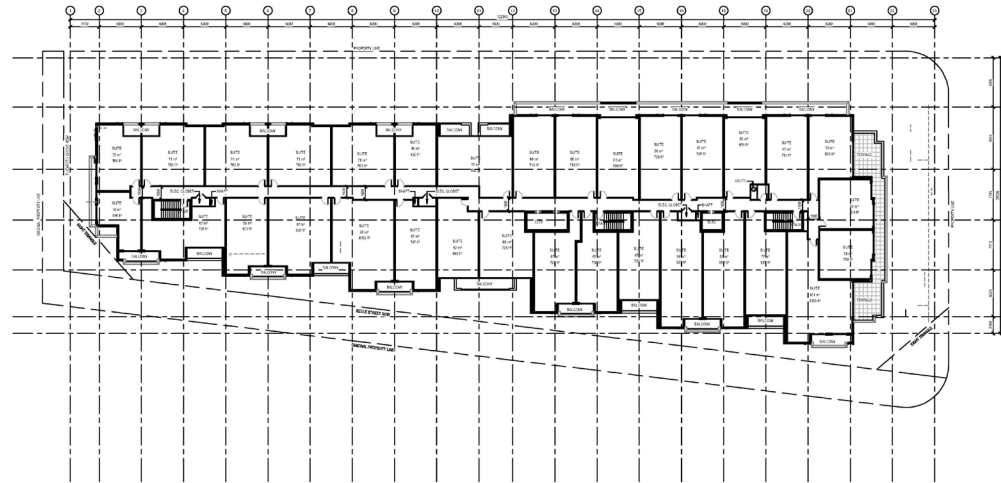
Revised  
No. DATE ISSUED

Client  
Chelonia Enterprises Inc. 2472458  
Chelonia Inc. 2502 King Vaughan  
Road, Markham, ON  
L3R 9V1  
King Heights  
12786, 12787, 12788 Keweenaw Street  
& 12789 Keweenaw Street  
King City, OH  
45434

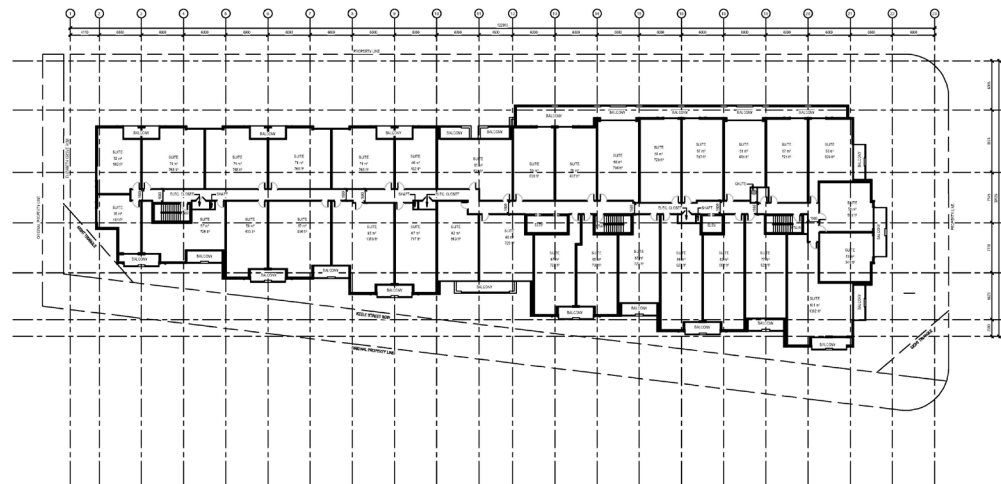
Ground and Level 2 Floor Plans

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22002262-0000

A-101



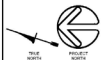
① Level 3 Overall Floor Plan  
1:200



② Level 4 Overall Floor Plan  
1:200



onespace unlimited inc.  
architectural & interior design  
2500 King Village Drive  
King City, OH 45426  
Tel: 419.395.1234  
Fax: 419.395.1235  
www.onespaceunlimited.com



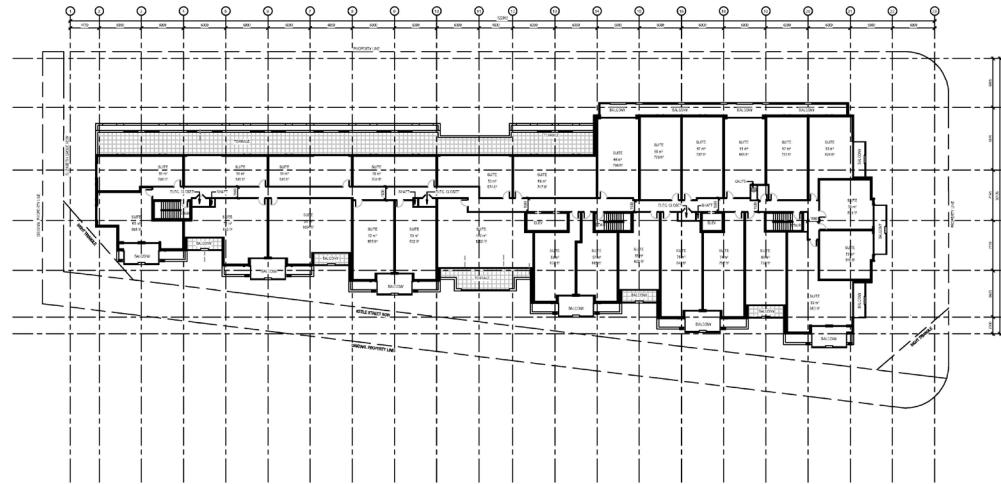
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Chateau Inc. 2500 King Village  
Road, North City  
King City, OH  
45426  
12786, 12787, 12788 Kwikie Street  
6-11 11th Street Drive  
King City, OH  
45426

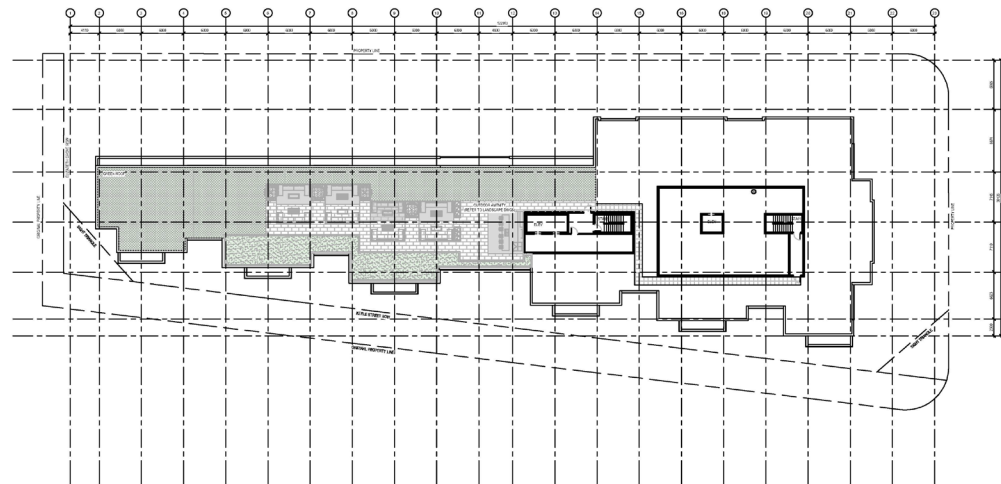
Level 3 & 4 Overall Floor Plans

210000000000	2100
210000000000	2100
210000000000	2100

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① Level 5 Overall Floor Plan  
1:200



② MPH Level Overall Plan  
1:200



onespace unlimited inc.  
architectural & interior design  
2500 King Vengeance Road, Suite 200  
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Chateau Elegance on 2472458  
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Road, Suite 200  
King, Ohio 44131  
King, Ohio 44131  
12786, 12787, 12788 Keweenaw Street  
& 12789 Keweenaw Street  
King, Ohio 44131  
07/2022

Level 5 & MPH Overall Floor  
Plans

21001/21002	07/21
21003	08/01/2022
21004	08/01/2022
21005	08/01/2022

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