

PAUL AND KANELLOS

Barretters & Solicitors

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30 HATDEN STREET
TORONTO, CANADA
M4T 1P2

REFER TO FILE NO. 13684

December 22nd, 1987

DELIVERED BY COURIER:

Mr. J.A. Brown
Chief Zoning and Planning Examiner
Permit Application Review Branch
City of Scarborough
150 Borough Drive
SCARBOROUGH, Ontario
M1P 4N7

Dear Mr. Brown:

RE: MASOURAS and MICHALOPOULOS
3537 St. Clair Avenue East

Further to the above, we enclose to you herewith copy of the Declaration signed by Isobel Joyce Wilcox, a previous owner of the above property, the contents of which are self-explanatory.

It is our understanding that the present by-law was passed by Scarborough on January 11, 1960 and finally approved on September 29th, 1968 by the Ontario Municipal Board.

The original Site Plan Agreement with the Township of Scarborough for this property is dated December 21st, 1959 and registered on title on December 22nd, 1959 as Instrument No. 255383.

If you peruse your Department's files, you will probably ascertain that the builder and then owner of the development built twelve (12) stores and an area for parking. Eleven (11) of these block stores were erected as a strip plaza and the twelfth (12th) store was the above property which, as you can ascertain from the original building plans and as you can today see, was built in such a fashion that the upper portion of the building faces Kennedy Road and the other stores and parking area to complement the plaza development and the lower portion of the building, although certainly connected to the upper part and

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used together by our clients' predecessors, is level with Hubert Avenue and the lower portion faces Hubert Avenue as a separate and distinct portion.

Our clients own the above property and also enjoy a right-of-way to the parking area and common areas together with the other owners of the eleven (11) block stores in the strip plaza. The said other owners, however do not have any right-of-way over our clients' property which has an exclusive parking area at the rear of the south-east corner of Hubert Avenue and St. Clair Avenue East and of course this exclusive parking area for the most part, and logically, is for the benefit and use of the lower portion of the building.

It is our belief that our clients' uses of the property being commercial and office uses, have been continual to date, since December 21st, 1959 and have been within the initial uses contemplated by Double Mark Investments Limited and the Corporation of the Township of Scarborough at that time.

If you have questions or require any further information herein, or if you would like to meet with the writer and our clients to discuss this matter, please do not hesitate to contact our office.

Yours very truly,

PAUL AND KANELLOS

Per: _____
SPEROS KANELLOS

SK/vvw

cc: Messrs. Ilias Mascouras
and Tom Michalopoulos

PAGE 2 OF RIGHT OF WAY AGREEMENT



● **John Zinati** <john@zinatikay.com>
To: Kar Hir



Tue, Nov 29 at 3:10 p.m. ☆

Please see attached.

Best Regards,

John Zinati, B.A., L.L.B.

ZINATI KAY

Barristers & Solicitors

100 Cowdray Court, Suite 320,

Toronto, Ontario, Canada M1S 5C8

Tel: 416 321 8766 Fax: 416 321 8267

Conveniently at Kennedy Road & the 401

& @ Cityplace near Skydome

www.zinatikay.com

Additional Property Identifier(s) and/or Other Information

ALL AND SINGULAR THAT certain parcel or tract of land and premises situate lying and being in the City of Scarborough in the Municipality of Metropolitan Toronto, and being composed of part of Lot 29, Concession B, in the Said City, the boundaries of which may be more particularly described as follows:

COMMENCING at a point in the easterly limit of Hubert Avenue as shown on registered Plan 2050 distant 10 feet 0 inches measured southerly therealong from the original northerly limit of the said Lot 29;

THENCE EASTERLY and parallel to the original northerly limit of Lot 29, being the southerly limit of St. Clair Avenue 60 feet 0 inches;

THENCE SOUTHERLY and parallel to the easterly limit of Hubert Avenue 100 feet 0 inches;

THENCE WESTERLY and parallel to the northerly limit of Lot 29, 60 feet 0 inches to the easterly limit of Hubert Avenue;

THENCE NORTHERLY along the easterly limit of Hubert Avenue 100 feet 0 inches to the point of commencement.

TOGETHER WITH a right of way over, along and upon a parcel of land the boundaries of which may be more particularly described as follows:

COMMENCING at a point in easterly limit of Lot 29 distant 10 feet 0 inches measured southerly from the original north east angle of the Lot;

THENCE WESTERLY and parallel to the northerly limit of the Said Lot, 182 feet 8 inches more or less to a point distant 60 feet measured easterly along the parallel line from the easterly limit of Hubert Avenue as shown on registered Plan 2050;

THENCE SOUTHERLY and parallel to the easterly limit of Hubert Avenue 100 feet;

THENCE WESTERLY and parallel to the northerly limit of the said Lot 60 feet to the easterly limit of Hubert Avenue;

THENCE SOUTHERLY along the easterly limit of Hubert Avenue 92 feet 2 1/2 inches the north west angle of Lot 297 as shown on registered Plan 2050;

THENCE EASTERLY along the northerly limit of said Lot 297, 145 feet 10 1/4 inches more or less to the north east angle of said Lot 297;

THENCE EASTERLY in a straight line 97 feet 9 inches more or less to a point in the easterly limit of said Lot distant 199 feet measured southerly therealong from the original north east angle of Lot 29;

THENCE NORTHERLY along the easterly limit of Lot, 189 feet, to the point of commencement.

SAVE AND EXCEPT the lands occupied by store premises known as municipal numbers 3539, 3541, 3543, 3545, 3547, 3549, 3551, 3553, 3555, 3557, and 3559 St. Clair Avenue East.

AS IN Instrument No. 509966 SCARBOROUGH

AS IN PLAN BA-1391 under The Boundaries Act.

ST. CLAIR AVENUE EAST

(Road Allowance between Concessions B and C)

PIN 06439-0002

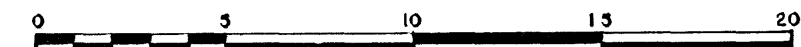
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SURVEYOR'S REAL PROPERTY REPORT
- PLAN OF SURVEY OF

PART OF LOT 29
CONCESSION B
CITY OF TORONTO
(FORMERLY CITY OF SCARBOROUGH)

SCALE: 1:200



METRIC - DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF ST. CLAIR AVENUE EAST, HAVING A BEARING OF N72°20'30"E AS SHOWN ON PLAN BA-1391.

LEGEND

- DENOTES MONUMENT FOUND
- — MONUMENT PLANTED
- WIT — WITNESS
- MEAS. — MEASURES
- D — INSTRUMENT N° CA535947
- FS — F. SCHAEFFER, O.L.S.
- BA — B-A-PLAN BA-1391
- CC — CUT CROSS
- IB — IRON BAR
- SIB — STANDARD IRON BAR
- 1537 — T. CZERWINSKI, O.L.S.
- PIN. — PROPERTY IDENTIFIER
- AR — A.E. REUBEN, O.L.S.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 7th DAY OF APRIL, 1992.

REVISION NOTE

THIS PLAN WAS UPDATED BASED ON FIELDWORK COMPLETED FEBRUARY 6TH, 2001 BY RABIDEAU & CZERWINSKI, ONTARIO LAND SURVEYORS.

14 FEB 2001
DATE TOM CZERWINSKI
Ontario Land Surveyor
PLAN N° RC4798

tom ozerwinski
surveying ltd.
832 THE QUEENSWAY, ETOBICOKE
ONTARIO M9Z 1N5 252-8246

PROJECT 92-4991

DRAWN BY: M.J. WHITEMAN

RC4798

