

December 8, 2023

CFN 68434.20, X-Ref CFN 61966, CFN 63457, CFN 62550.05

**By Email: [coa@brampton.ca](mailto:coa@brampton.ca); [clara.vani@brampton.ca](mailto:clara.vani@brampton.ca)**

Clara Vani  
Legislative Coordinator & Secretary-Treasurer Committee of Adjustment  
Committee of Adjustment  
2 Wellington Street West  
Brampton, ON L6Y 4R2

Dear Clara Vani,

**Re: Minor Variance Application - A-2023-0364  
Northeast Corner of The Gore Road & Queen Street East (Block 140)  
City of Brampton, Region of Peel  
Owner: TACC Holborn (Block 140) Inc. c/o Nick Sestito ([nsestito@hbng.ca](mailto:nsestito@hbng.ca))**

This letter provides comments on the above noted Minor Variance Application received by Toronto and Region Conservation Authority (TRCA) on November 17, 2023. A list of materials reviewed by TRCA is included in Appendix 'A'.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the Conservation Authorities Act (CA Act), which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The mandatory programs and services are prescribed in Ontario Regulation 686/21 (Mandatory Programs and Services). Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the Planning Act, ensure that decisions under the Planning Act are consistent with the natural hazard policies of the Provincial Policy Statement (PPS, 2020) and conform to any natural hazard policies in a provincial plan.

Updates to the CA Act and Ontario Regulation 596/22 (Prescribed Acts – Subsection 21.1.1 (1.1) and 21.1.2 (1.1) of the Act), which came into effect on January 1, 2023, prevent TRCA from providing non-mandatory municipal programs and services related to reviewing and commenting on a proposal under the Planning Act, such as review and commenting on natural heritage conformity.

We have also reviewed the application in accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). TRCA must ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section 8 of TRCA's The Living City Policies) for implementation of the regulation, which are utilized by TRCA staff to evaluate a proposal's ability to meet the tests of this regulation.

### **Purpose of the Application**

TRCA staff understand the purpose of Minor Variance Application is to:

- permit a temporary sales office in a commercial zone whereas the by-law does not permit the use;
- permit a sales office having a gross floor area of 253.9 sq.m. whereas the by-law permits a minimum GFA of 23,000 sq.m. for a commercial use; and,
- permit a sales office having a building height of 1-storey whereas the bylaw permits a minimum building height of 3 storeys.

It is our understanding that the requested variances are required to facilitate the development of a single-storey sales office structure with corresponding parking areas, road access and on-site stormwater management with an outlet to the adjacent Clarkway tributary. TRCA staff understand the existing property is vacant.

### **Background**

On April 24, 2020, the Minister of Ministry of Affairs and Housing (MMAH) issued a Minister's Zoning Order (MZO) for the subject lands as Ontario Regulation 171/20 to permit the development of single detached homes, townhouse blocks, a high density mixed-use residential/commercial block, an employment/office block, and preserves open space and natural heritage system areas.

The subject lands were also previously reviewed as part of a Draft Plan of Subdivision (City File #21T-13004B), Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) (City File #C10E04.005) to permit single detached dwellings, townhouse blocks, a high-density mixed-use block, and an employment block. TRCA Permits (#C-180809, #C-200049, and #C-200686) were issued in support of the subdivision development including grading and servicing elements.

### **Ontario Regulation 166/06**

The subject lands are traversed by Clarkway Tributary, a tributary of the Humber River Watershed. The subject lands also contain several natural heritage features including a valley corridor. A significant portion of the property is also located within the Regulatory Floodplain. As such, a significant portion of the subject lands are located within TRCA's Regulated Area and are subject to Ontario Regulation 166/06 and TRCA's LCP.

Based on our review of the plans submitted in support of this application, the proposed development is located within TRCA's Regulated Area. The proposed works involve site alteration, grading, and servicing for a proposed temporary sales office. As such, a TRCA permit will be required from TRCA prior to any works commencing within the regulated portion of the site.

The applicant has not submitted a TRCA Permit Application in support of the proposed development. However, TRCA staff will discuss permit fees and permitting requirements with the applicant.

Section 28.0.1 of the amended Conservation Authorities Act (CA Act) applies to a development project that has been authorized by a MZO under the Planning Act, within an area regulated under Section 28(1) of the CA Act, outside of the Greenbelt Area. The provisions of this new section of the Act are summarized as follows:

- CAs shall issue a permit.

- CAs may impose conditions to the permit, including conditions to mitigate:
  - Any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
  - Any conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health and safety of persons or result in the damage or destruction of property; or,
  - Any other matters that may be prescribed by regulation.
- All MZO-related CA permits must have an agreement with the permittee.
- The agreement shall set out actions that the holder of the permission must complete or satisfy to protect and/or compensate for ecological impacts (where applicable), and any other impacts that may result from the development project.
- The agreement must be executed before works commence on the site.

In summary, TRCA must issue a permit for development projects on lands subject to an MZO, outside of the Greenbelt Area, and can make that permission subject to conditions to mitigate impacts and must enter into an agreement with the landowner/applicant. Consistent with current practice, TRCA Board approval is required.

#### **Application-Specific Comments**

Based on our review of the plans submitted, it appears that the temporary sales centre, gravel driveway(s) and parking are located outside of all natural heritage features, hazards, and associated buffers. However, a Stormwater Management Report and erosion and sediment control plans are required in support of the proposed development.

#### **Recommendation**

Given that a TRCA Permit is required in support of the proposed development, it is TRCA's staff's opinion that a future permitting mechanism exists to adequately address TRCA's remaining concerns (i.e., stormwater management and erosion and sediment controls) associated with the proposed development associated with this application. On this basis, TRCA has **no objection** to the above noted Minor Variance Application on the basis that TRCA's outstanding comments will be addressed through TRCA's permitting and regulatory process.

We thank you for the opportunity to review the Minor Variance Application and provide our comments. Should you have any additional questions or comments, please contact the undersigned.

Sincerely,

Marina Janakovic  
 Planner I  
 Development Planning and Permits | Development and Engineering Services  
 Toronto and Region Conservation Authority  
 Telephone: (437) 880-2368  
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## **Appendix A: Circulated Materials**

### **Received on November 17, 2023**

- Minor Variance Application (including Appointment and Authorization of Agent and Permission to Enter);
- Zoning Non-compliance Checklist;
- Solicitors Letter regarding TACC Holborn (Block 140) Inc. Queen/Gore Sales Office Site Plan Application (the “Site Plan Application”), dated November 9, 2023, prepared by BRATTYS LLP;
- Drawing No. SPA100, SPA Overall Site Plan, dated November 3, 2023, prepared by HBNG Holborn Group;
- Drawing No. SPA101, SPA Site Plan, dated November 3, 2023, prepared by HBNG Holborn Group;
- Drawing No. SPA200, SPA Site Details B, dated November 3, 2023, prepared by HBNG Holborn Group;
- Drawing No. SPA201, OBC Matrix, Exiting Plan and Roof Plan, dated November 3, 2023, prepared by HBNG Holborn Group; and,
- Drawing No. SPA301, SPA Exterior Elevations, dated November 3, 2023, prepared by HBNG Holborn Group.

### **Received on November 30, 2023**

- Drawing No. SPA100, SPA Overall Site Plan, revision no. 5 dated November 21, 2023, prepared by HBNG Holborn Group.

### **Received December 5, 2023**

- Drawing No. SG-1, Preliminary Site Grading Plan, dated October 2023, prepared by Schaeffers Consulting Engineers.