

**Filing Date:** May 3, 2023  
**Hearing Date:** May 30, 2023

**File:** B-2023-0016

**Owner/  
Applicant:** HEART LAKE HOLDINGS INC.; FIERA REAL ESTATE CORE FUND GP INC.;  
FIERA REAL ESTATE CORE FUND LP

**Address:** 15 Newkirk Court

**Ward:** WARD 2

**Contact:** Simran Sandhu, Planner I

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### **Proposal:**

The purpose of the application is to request consent of the Committee of Adjustment for a lease in excess of 21 years. The land to be leased has a frontage of approximately 177 metres (580.71 ft), a depth of approximately 145 metres (475.72 ft) and an area of approximately 2.32 hectares (573 acres), occupied by an industrial building. The effect of the application is to facilitate a long-term lease (in excess of 21 years) between the Owner of the lands, Heart Lake Holdings Inc.; Fiera Real Estate Core Fund GP Inc.; Fiera Real Estate Core Fund LP and Handi Foods Ltd.

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### **Recommendations:**

That application B-2023-0016 is supportable, subject to the following conditions being imposed:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and,
  2. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.
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### **Background:**

- **Official Plan:** The subject property is designated 'Industrial' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Prestige Industrial' in the Countryside Villages Secondary Plan (Area 48a); and

- **Zoning By-law:** The subject property is zoned 'Industrial One (M1 - 2535)' according to By-Law 270-2004, as amended.

**Current Situation:**

The Ontario Planning Act establishes regulations and procedures for the subdivision of land in the province. Under the Act, long term leases of 21 years or greater for a part of a property are considered to be a form of subdivision. A consent application and approval of the Committee of Adjustment are required for a property owner to enter into such a lease.

The intent of this application is to seek Planning Act Consent to facilitate a long-term lease between the Owner of the lands (Heart Lake Holdings Inc.; Fiera Real Estate Core Fund GP Inc.; Fiera Real Estate Core Fund LP) and the tenant (Handi Foods Ltd.).

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,



Simran Sandhu, Assistant Development Planner

**SCHEDULE "A"**
**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE  
PLANNING ACT**

<b>CRITERIA TO BE CONSIDERED</b>	<b>ANALYSIS</b>
a) <i>The effect of development of the proposed subdivision on matters of provincial interest:</i>	The proposed lease has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed long-term lease is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed lease does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed lease is suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed proposed long-term lease does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	No new lots are proposed. The shape and dimension of the proposed lease area is appropriate for the intended use.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed access and sanitary easements present no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.

j) <i>The adequacy of school sites;</i>	The proposed access and sanitary easements present no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed access and sanitary easements have no impact on matters of energy conservation.
m) <i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.