

Myers, Jeanie

From: Suman Behera
Sent: 2023/05/25 4:24 PM
To: Myers, Jeanie
Subject: [EXTERNAL]Application No. B-2022-0025 A 2022372/373 9893 Torbram Road, Brampton

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To
Jeanie Myers
Secretary-Treasurer, Committee of Adjustment, City of Brampton,
2 Wellington Street West Brampton, Ontario L6Y 4R2

Dear Ms. Myers,
Re: Planning Application No. B-2022-0025 A 2022372/373 9893 Torbram Road,
Brampton

I am a Nephrologist of Brampton Civic Hospital (William Osler Health System), Brampton and a devotee of Shree Jagannath Temple Canada (“SJTC”), 9893 Torbram Road, Brampton (the “Property”). In connection with the property situated at 9893 Torbram Road, Brampton, it has recently come to our attention that there is a committee of adjustment hearing scheduled on May 30, '23. I would like to bring to your attention that the ownership and title of the Property are currently in dispute between SJTC and the current registered title holder, Mr. Sradhananda Mishra.

The property is meant for religious purpose only and cannot be severed to be used as non-religious purpose as proposed.

On December 13, 2021, SJTC commenced a lawsuit in the Superior Court of Justice against Mr. Mishra and an affiliated organization, Jagannath Temple Toronto (the “Mishra Defendants”), bearing court file number CV-21-00673659-0000 (the “Ownership Action”). In the Ownership Action, SJTC has claimed that it is the beneficial owner of the Property and is seeking a court order vesting ownership of the Property in SJTC. The Mishra Defendants have defended the lawsuit and deny that there is a legitimate dispute as to ownership of the Property. You will find enclosed the statement of claim, statement of defence and counterclaim, and reply and defence to counterclaim for the Ownership Action. The lawsuit is ongoing and the parties have not yet presented evidence in court. SJTC intends to seek an order allowing the registration of a Certificate of Pending Litigation on the Property. Given that there is an ongoing legal proceeding to determine who is the owner of the Property, SJTC’s position is that Mr. Mishra’s application must be denied. The powers of the committee arise from s. 45 of the Planning Act. The committee’s jurisdiction is engaged upon the “application of an owner”. According to paragraph 16 of the Schedule to O. Reg. 200/96 (Minor Variance Applications), the applicant must disclose in its application “The date the subject land was acquired by the current owner.” In consequence of these statutory provisions, SJTC submits that the committee cannot exercise its authority in a circumstance, where the ownership of the Property, and therefore the identity of the owner, is in dispute.

This issue is currently before the Superior Court of Justice in the Ownership Action. SJTC’s position is that, considering the ownership of the subject lands being a live issue in the Ownership Action, which is currently before the Superior Court of Justice, the committee is without jurisdiction to act, and cannot consider the application at this time.

Yours truly,

Dr. Suman Behera,

A devotee of "Shree Jagannath Temple Canada ("SJTC"), 9893 Torbram Road, Brampton, ON

Suman Behera, MD FRCPC

Division of Nephrology, William Osler Health System, Teaching hospital, Michael G. DeGroot School of
Medicine, McMaster University

International Society of Nephrology (ISN) North American Regional Board Member

ISN Education Social media team

ISN i3c Named fellow

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