

**Filing Date:** October 27, 2020  
**Hearing Date:** December 1, 2020

**File:** A-2020-0119

**Owner/  
Applicant:** CHRISTINE MERRIFIELD

**Address:** 13 Scott Street

**Ward:** 1

**Contact:** Shelby Swinfield, Planner I, Development

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**Recommendations:**

That application A-2020-0119 is supportable, subject to the following conditions being imposed:

1. The owner shall arrange for a fire safety inspection to be completed by Brampton Fire and Emergency Services within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official and obtain any required permits, to the satisfaction of the Chief Building Official.

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**Background:****Requested Permission(s):**

The applicant is requesting the following:

To permit the expansion of an existing legal non-conforming use (duplex) by adding one (1) additional unit in the basement of the existing dwelling resulting in a total of three (3) dwelling units whereas the by-law does not permit the proposed additional unit.

**Current Situation:****Official Plan**

The property is designated 'Residential' on Schedule "A" in the Official Plan and 'Medium/High Density Residential' in the Downtown Secondary Plan (Area 7).

Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)' on Schedule A of Zoning By-law 270-2004, as amended. This zone permits a single detached dwelling, a group home type 1, an auxiliary group home, a place of worship and purposes accessory to the other permitted purposes.

Legal Non-Conforming Duplex

A determination has been made that a duplex is a Legal Non-Conforming use on the property.

**Discussion and Evaluation:**

Request to Permit a Similar Use

The Committee of Adjustment's authority in making a determination on a similar use is set out in the Other Powers or Special Permission section for the Committee of Adjustment in the *Planning Act* (Section 45 (2)(a)(ii)). When a use of land is determined to be legal non-conforming (in this case, the duplex), the Committee has the authority to permit an expansion of that use.

Within the City's Official Plan, the goal of Section 5.18 provides policies under which an expansion to a legal non-conforming use must be evaluated.

Section 5.18.2 provides that applications for the extension or enlargement of a non-conforming use in specific situations to avoid undue hardship will be considered by the Committee of Adjustment and Section 5.18.4 provides criteria to be considered for an expansion of a legal non-conforming use, outlined in the table in Schedule A.

**Conclusion**

Staff have reviewed the proposal in accordance with the criteria set out in Section 5.18.4 of the Official Plan and determine to be appropriate from a land use perspective,

Respectfully Submitted,

*Shelby Swinfield*

Shelby Swinfield, Planner I, Development

**SCHEDULE "A"**

**CRITERIA TO BE CONSIDERED UNDER SECTION 5.18.4 of the Official Plan**

| <b>CRITERIA TO BE CONSIDERED</b>  | <b>ANALYSIS</b>   |
|---|---|
| a) The proposed extension or enlargement will not unduly aggravate the situation created by the existence of the use;   | The proposed expansion to a triplex from a duplex will not unduly aggravate the existing situation.                   |
| b) The proposed extension or enlargement represents a reasonable increase in the size of the non-conforming use;  | The proposed expansion of the use will not require any physical enlargement to the structure.                         |
| c) The characteristics of the existing non-conforming use and the proposed extension or enlargement will be examined with regard to impacts from noise, vibration, fumes, smoke, dust, odour, lighting, and traffic generation;                 | The characteristics of the proposed triplex present no concerns.  |
| d) The host neighbourhood and adjacent uses will be afforded reasonable protection by the provision of landscaping, buffering or screening; appropriate setbacks for buildings and structures; and devices and measures for reducing nuisances; | The proposed triplex use is not anticipated to have any increased impacts on adjacent uses or the host neighbourhood. |
| e) Adequate provisions will be made for off-street parking and loading facilities;  | Sufficient area is provided for parking at the rear of the property.  |
| f) All municipal services such as water, sewage and roads are and will continue to be adequate, and,  | Sufficient services continue to be provided for the proposed use and no changes are required.                         |
| g) The application is referred to municipal departments and other appropriate agencies which may be concerned or affected for information reports on relevant considerations before making a decision.  | The application has been reviewed by all relevant departments and agencies through the course of this review.         |