



NOTICE OF AN APPLICATION FOR CONSENT

An application for consent has been made by **FIRST GULF BUSINESS PARK INC.**

Purpose and Effect

The purpose of the application is to request the consent of the Committee for a lease in excess of 21 years of a portion of a parcel of land currently having a total area of approximately 41121.38 square metres (10.16 acres). The land to be leased has an area of approximately 537.38 square metres (0.13 acres) occupied by a commercial building (Wendy's and Tim Hortons Restaurant). The effect of the application is to facilitate a long term lease between the owner of the lands, First Gulf Business Park Inc. and the TDL Group Corp.

Location of Land:

Municipal Address: 70 Biscayne Crescent

Former Township: Town of Mississauga

Legal Description: Part of Block 2, Plan 43M-947

Meeting

The Committee of Adjustment has appointed **TUESDAY, December 1, 2020 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for considering the application.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property, or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** You may attend the meeting in person to express your views about this application or you may be represented by an agent or counsel for that purpose. If you do not attend the meeting, a signed written submission shall be accepted by the Secretary-Treasurer prior to or during the meeting and such submission shall be available for inspection at the meeting by any interested person. If you do not attend the meeting, the Committee may proceed and make a decision with respect to this application in your absence. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment Decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

PLEASE SEE ATTACHED PARTICIPTION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

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LAST DAY FOR RECEIVING COMMENTS: NOVEMBER 26, 2020

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NOTE: IT IS LIKELY THAT COMMITTEE MEMBER(S) WILL CONDUCT A SITE INSPECTION RELATED TO THE APPLICATION PRIOR TO THE MEETING.

Other Planning Act Applications

The land which is the subject of the application is the subject of an application under the *Planning Act* for:

Official Plan Amendment:	NO	File Number:
Zoning By-law Amendment:	NO	File Number:
Minor Variance:	NO	File Number:

Decision and Appeal

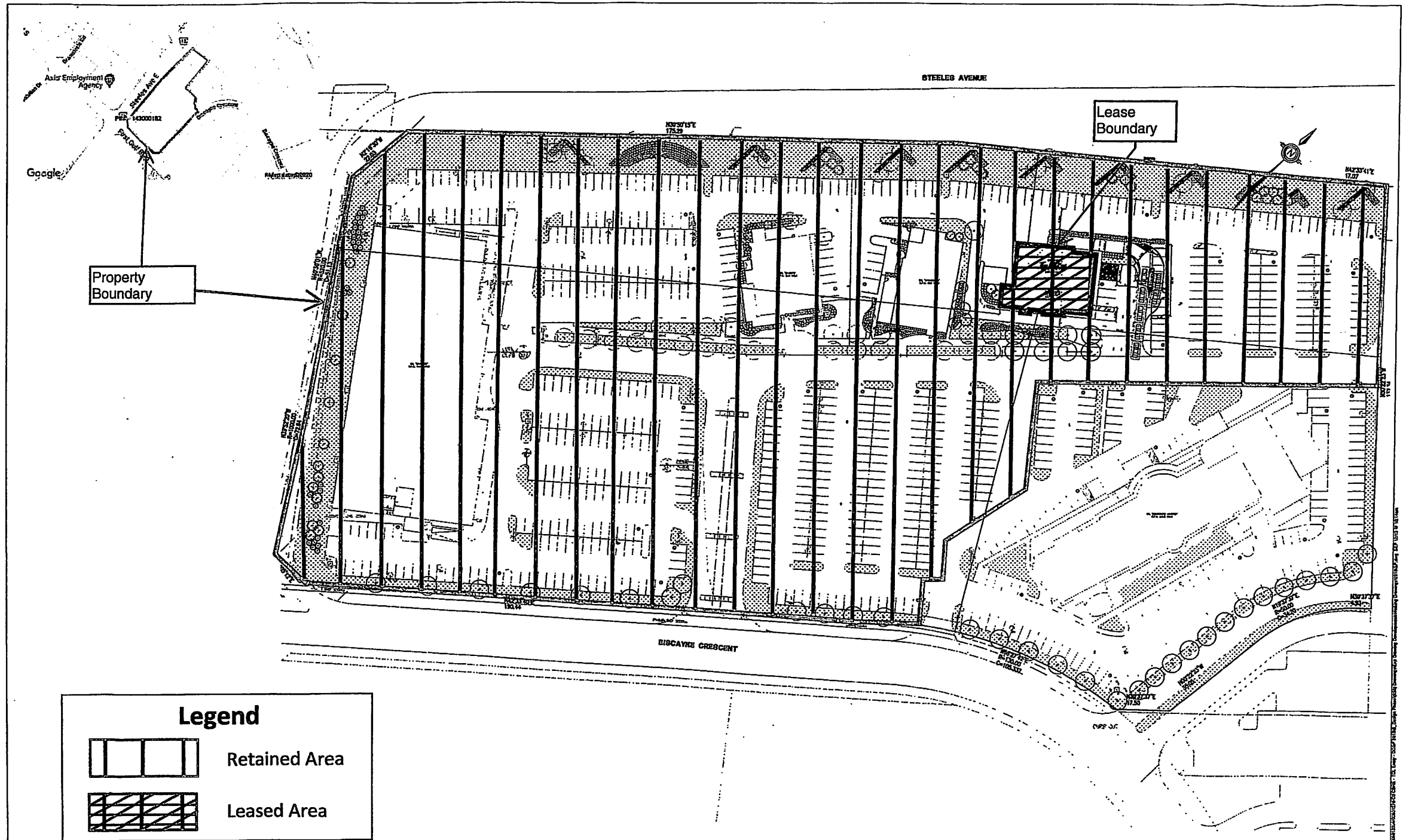
Any person or public body may, not later than **20 days after the giving of the notice of decision**, appeal the decision or any condition imposed by the Committee of Adjustment or appeal both the decision and any condition to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal, accompanied by the fee prescribed under the *Local Planning Appeal Tribunal Act*. The appeal form is available from the Environment and Land Tribunals Ontario website at www.elto.gov.on.ca

If a person or public body, that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent, does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, then the Local Planning Appeal Tribunal may dismiss the appeal.

DATED AT THE CITY OF BRAMPTON THIS 12th Day of November, 2020

Comments may be sent to and information may be obtained between 8:30 a.m. to 4:30 p.m. Monday to Friday from:

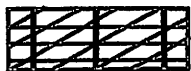
Jeanie Myers, Secretary-Treasurer
City of Brampton Committee of Adjustment
City Clerk's Office, Brampton City Hall
2 Wellington Street West
Brampton, Ontario L6Y 4R2
Phone: (905)874-2117 Fax: (905)874-2119
Jeanie.myers@brampton.ca



Legend



Retained Area



Leased Area



THE TDL GROUP CORPORATION

HEAD OFFICE
500 DUNDAS STREET WEST
TORONTO, ONT. M5G 1C5
TEL: (416) 593-8811
FAX: (416) 593-8811

QUEBEC OFFICE
1000 COTE DE LA PRAIRIE
LACOMBE, QC J4B 1A4
TEL: (514) 333-2223
FAX: (514) 333-2223

ATLANTA OFFICE
1000 BUCKLE ROAD
DUBLIN, GA 30128
TEL: (404) 251-1111
FAX: (404) 251-1111

US OFFICE
1000 BUCKLE ROAD
DUBLIN, GA 30128
TEL: (404) 251-1111
FAX: (404) 251-1111

NOT FOR CONSTRUCTION. NO SITE WORKS PROPOSED.
FOR ILLUSTRATION PURPOSES ONLY REGARDING AN
APPLICATION FOR CONSENT

NO.	DESCRIPTION	DATE	BY
1	DEVELOPMENT BOARD	JULY 2013	8
2	REVISED AS PER TOLLY COMMENTS	JULY 2013	8
3	PARKING STATISTICS REVISED	SEP 13/13	10
4			
5			
6			

PROJECT
BRAMPTON, ON
70 BISCAYNE CRESCENT

DRAWING TITLE
SITE PLAN
DRAWN BY: G.D.
SCALE: 1:500

DRAWING NO.
SP-1A

Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency

Electronic Hearing Procedures
How to get involved in the Virtual Hearing

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committee are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

How to Participate in the Hearing:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, November 26, 2020**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm, Friday, November 27, 2020**.
 - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **4:30 pm, Friday, November 27, 2020**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

NOTE Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.

B - 2020-0023

October 21, 2020

Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

Attention: Jeanie Myers, Secretary-Treasurer to the Committee of Adjustment

Re: *Application for Consent for a Lease Greater than 21 Years*

TIMWEN Store # 6657/102016 - 70 Biscayne Crescent, Brampton, ON

Dillon Consulting Limited (Dillon) is pleased to provide the enclosed submission for the Application for the noted Consent for a long term lease application. Dillon has been retained by First Gulf Business Park Inc. (the Landlord) to facilitate the Consent process under the *Planning Act* to permit the lease agreement registered on title between the Landlord and TIMWEN Partnerships (the Tenant) to be extended for a period of 21 years or greater at 70 Biscayne Crescent, Brampton, Ontario (subject lands).

As required by the *Planning Act*, any conveyance of land or the creation of any interest or entitlement in land if it exceeds a period of 21 years or more pursuant to s. 50(3) unless relief is granted under the specific exception of s. 50(3)(f):

A consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of land or with the land

We understand the intent of this application is to seek relief from the *Planning Act* in order for the TIMWEN Partnerships to remain in their current location for a period greater than 21 years, thus allowing the existing lease agreement to be extended. The purpose of giving Consent therefore is largely an administrative exercise. We confirm there are no other approvals under the *Planning Act* required or being applied for to create this interest in the property at this time.

Alignment with Provincial Policy

Under subsection 3(5) of the *Planning Act*, all decisions rendered by the Committee of Adjustment must be consistent with the *Provincial Policy Statement, 2020* and must conform with all provincial plans that may apply to the subject lands.

Conformity with Provincial Plans

At the time of this application, neither the dominant nor servient parcels fall within the regulated area of any provincial plan currently in effect.

...cont'd



235 Yorkland Blvd.
Suite 800
Toronto, Ontario
Canada
M2J 4Y8
Telephone
416.229.4646
Fax
416.229.4692

Dillon Consulting
Limited

October 21, 2020

Application for Consent

This letter and associated submission materials constitute an application for Consent in support of the existing Tenant to continue operations. We request that this application be heard by the next available Committee of Adjustment hearing.

Required Material	Copies	Dated
Application Form	1	October 13, 2020
Site Plan	1	September 12, 2013 (Marked Up October 10, 2020)

Enclosed with this application is a cheque in the amount of \$3,883.00 for the consent application fee for the Consent Application for TIMWEN Store# 6657/102016 - 70 Biscayne Crescent, Brampton, ON.

Closing

On behalf of the Landlord, we trust that this submission is to the satisfaction of the City of Brampton. Should you have any questions or wish to discuss this application, please contact Raphael Romeral by phone (647-309-0215) or by email (rromeral@dillon.ca).

Yours sincerely,

DILLON CONSULTING LIMITED

Raphael Romeral,

Planner

RMR:ctj

Enclosure(s) or Attachment(s)

Our file: 19-1821

...cont'd



The personal information collected on this form is collected pursuant to subsection 53(2) of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Consent

(Please read Instructions)

NOTE: Pursuant to subsection 53(2) of the *PLANNING ACT*, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.

1. (a) Name of Owner/Applicant First Gulf Business Park Inc.
(print given and family names in full)

Address 351 King Street East, 13th floor, Toronto, ON M5A 0L6

Attention: Justin Hawkins

Phone # (416) 773-7140

Fax # _____

Email Jhawkins@firstgulf.com

(b) Name of Authorized Agent Dillon Consulting Limited (Raphael Romeral)

Address 235 Yorkland Boulevard, Suite 800, Toronto, Ontario, M2J 4Y8

Phone # 647-309-0215

Fax # 416-229-4692

Email rromeral@dillon.ca

2. The type and the purpose of the proposed transaction, such as transfer for a creation of a new lot, lot addition, an easement, a charge, a lease or a correction of title.

Specify: Lease over 21 Years

3. If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

THE TDL GROUP CORP., a corporation, incorporated under the laws of the Province of British Columbia, and WENDY'S RESTAURANTS OF CANADA INC., a corporation incorporated under the laws of Canada, carrying on business in partnership under the firm name and style of "TIMWEN PARTNERSHIP"

4. Description of the subject land ("subject land" means the land to be severed and retained):

a) Name of Street Biscayne Cres

Number 70

- b) PT BLK 2 PL 43M-947 DES PTS 1, 2, 3, 4, 7, 8, 9, 12, 14 PL 43R-29144; BRAMPTON; T/W PT LT 15 CON 2 EHS DES PT 4 PL 43R-17225 AS IN RO552895; T/W PT BLK 2 PL 43M-947 DES PT 3 PL 43R-20315 AS IN LT1477425; S/T EASEMENT IN FAVOUR OF HYDRO ONE BRAMPTON NETWORK INC., OVER PT BLK 2 PL 43M-947 DES PTS 3, 8, 12, 14 PL 43R-29144 AS IN PR640018; S/T EASEMENT IN FAVOUR OF COSTCO WHOLESALE CORPORATION OVER PT BLK 2 PL 43M-947 DES PTS 2, 3, 4 PL 43R-29144, AS IN PR640175; S/T ROW OVER PT BLK 2 PL 4 3,-947 DES PTS 2, 3, 4 PL 43R-29144 IN FAVOUR OF PT BLK 2 PL 43M-947 DES PTS 5, 6, 10, 11, 13 PL 43R-29144, AS IN PR640735; T/W ROW OVER PT BLK 2 PL 43M-947 DES PT 13 PL 43R-29144, AS IN PR640735.

e) Assessment Roll No. 10-14-0-118-00250-0000

Geographic or Former Township Brampton

5. Are there any easements or restrictive covenants affecting the subject land?

Yes ☒ No ☐

Specify: Easement in favour of Hydro One and Costco Wholsale Corporation

6. Description of LEASED land: (in metric units)

a) Frontage ~25 M Depth ~22 M Area 537.38 S . M

b) Existing Use Restaurant with Drive Through Proposed Use No Change

c) Number and use of buildings and structures (both existing and proposed) on the land to be severed:
 (existing) 1 Storey Wendy's & Tim Horton's Restaurant with Drive Through
 (proposed) No Change

d) Access will be by:

	Existing	Proposed
Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Road - Maintained all year	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>
Regional Road	<input type="checkbox"/>	<input type="checkbox"/>
Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>
Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?
N/A

f) Water supply will be by:

	Existing	Proposed
Publicly owned and operated water system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lake or other body of water	<input type="checkbox"/>	<input type="checkbox"/>
Privately owned and operated individual or communal well	<input type="checkbox"/>	<input type="checkbox"/>

Other (specify): N/A

g) Sewage disposal will be by:

	Existing	Proposed
Publicly owned and operated sanitary sewer system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Privy	<input type="checkbox"/>	<input type="checkbox"/>
Privately owned and operated individual or communal septic system	<input type="checkbox"/>	<input type="checkbox"/>

Other (specify): N/A

7. Description of retained land: (in metric units)

a) Frontage ~119 M Depth ~221 M Area 40,584 Sq. M

b) Existing Use Commercial Plaza Proposed Use No Change

c) Number and use of buildings and structures (both existing and proposed) on the land to be retained:
 (existing) 3 Commercial Restaurant; 1 Commercial Entertainment Facility
 (proposed) No Change

d) Access will be by:

	Existing	Proposed
Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Road - Maintained all year	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>
Regional Road	<input type="checkbox"/>	<input type="checkbox"/>
Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>
Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

N/A

f) Water supply will be by:

	Existing	Proposed
Publicly owned and operated water system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lake or other body of water	<input type="checkbox"/>	<input type="checkbox"/>
Privately owned and operated individual or communal well	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	N/A	

g) Sewage disposal will be by:

	Existing	Proposed
Publicly owned and operated sanitary sewer system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Privy	<input type="checkbox"/>	<input type="checkbox"/>
Privately owned and operated individual or communal septic system	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	N/A	

8. What is the current designation of the land in any applicable zoning by-law and official plan?

	Land to be <u>LEASED</u>	Land to be Retained
Zoning By-Law	<u>Industrial (M4-2701)</u>	<u>Industrial (M4-2701)</u>
Official Plans		
City of Brampton	<u>Business Corridor</u>	<u>Business Corridor</u>
Region of Peel	<u>Urban System</u>	<u>Urban System</u>

9. Has the subject land ever been the subject of an application for approval of a plan of subdivision under section 51 of the Planning Act or a consent under section 53 of the Act and if the answer is yes and if known, the file number of the application and the decision on the application?

Yes ☐

No ☒

File #

Status/Decision

10. Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes ☐

No ☒

Date of Transfer

Land Use

Urban System

Urban System

11. If known, is/was the subject land the subject of any other application under the Planning Act, such as:

	File Number	Status
Official Plan Amendment		
Zoning By-law Amendment		
Minister's Zoning Order		
Minor Variance	A14-078	Approved
Validation of the Title		
Approval of Power and Sale		
Plan of Subdivision		

12. Is the proposal consistent with Policy Statements issued under subsection 3(1) of the *Planning Act*?
Yes ☒ No ☐

13. Is the subject land within an area of land designated under any Provincial Plan?
Yes ☐ No ☒

14. If the answer is yes, does the application conform to the applicable Provincial Plan?
Yes ☐ No ☐

15. If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "APPOINTMENT AND AUTHORIZATION OF AGENTS" form attached).

Dated at the _____ City _____ of _____ Toronto _____
this 14 day of October, 2020.



Signature of Applicant, or Authorized Agent, see note on next page

Check box if applicable:

☐ I have the authority to bind the Corporation

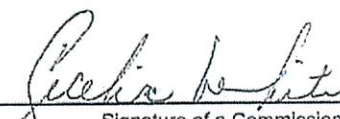
DECLARATION

I, Raphael Romeral of the City of Toronto
in the County/District/Regional Municipality of York solemnly declare that all the statements contained in t
application are true and I make this as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me at the City of Toronto
in the County of York
this 21st day of October, 2020.



Signature of applicant/solicitor/authorized agent, etc.



Signature of a Commissioner, etc.

CECELIA MARIE WHITE
a Commissioner, etc., Province of Ontario,
for Dillon Consulting Limited
Expires August 5, 2023

FOR OFFICE USE ONLY - To Be Completed By the Zoning Division

This application has been reviewed with respect to possible variances required and the results of the said review are outlined on the attached checklist.

Hothi S

Zoning Officer

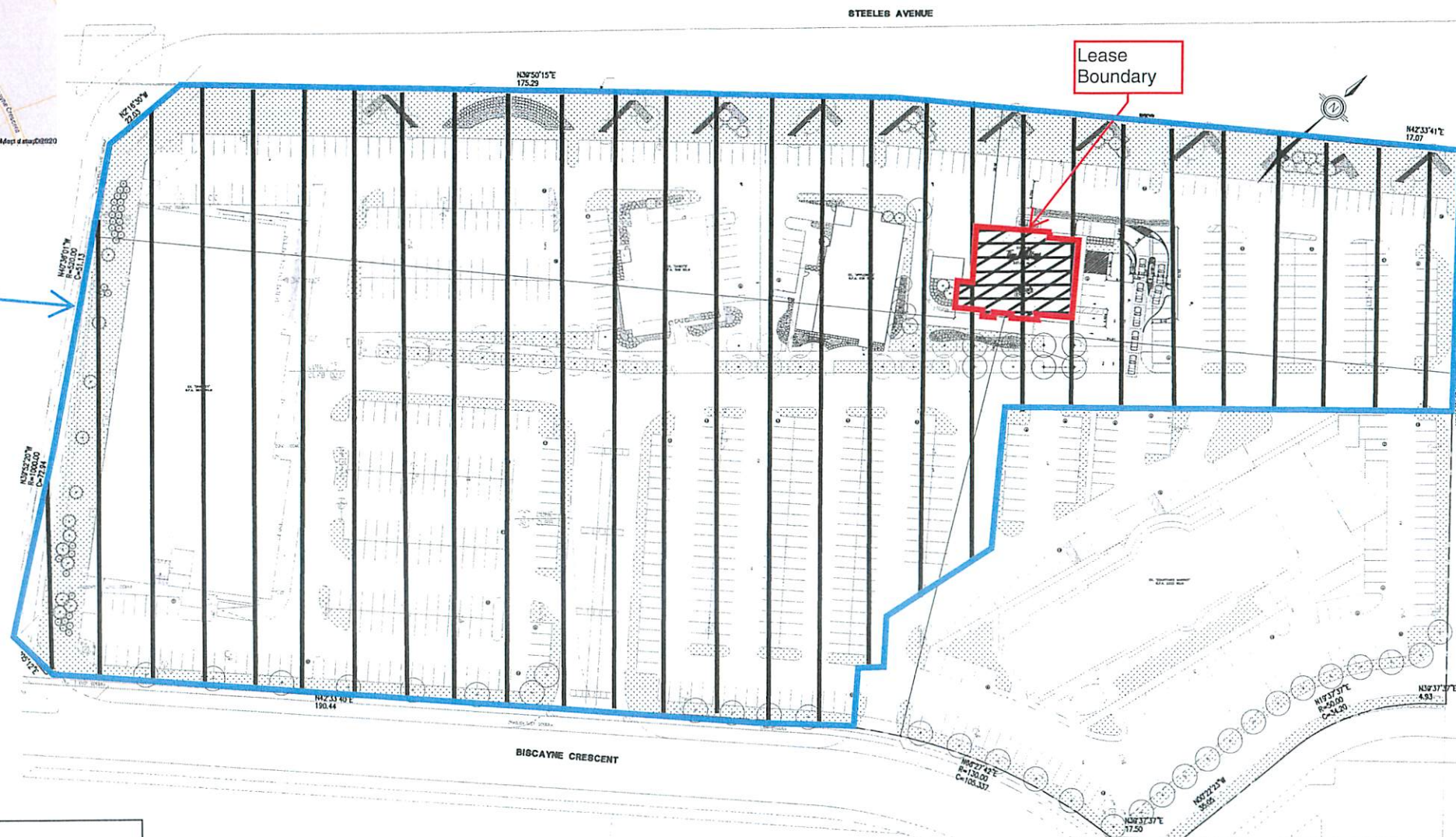
OCT. 27. 2020

Date

DATE RECEIVED October 27, 2020



Property Boundary



Legend



Retained Area



Leased Area



THE TDL GROUP CORPORATION

HEAD OFFICE
8750 SHEPPARD AVENUE EAST
SUITE 100
SCARBOROUGH, ONTARIO
M1S 1T6
Ph: (416) 291-1111
Fax: (416) 291-1112

WESTERN OFFICE
1400 WEST STREET
SUITE 100
VANCOUVER, BC
V6P 3E9
Ph: (604) 253-7400
Fax: (604) 253-7402

QUEBEC OFFICE
1080 CHEMIN COTE DE LIESSE
SUITE 100
LACHAPELLE, QC
H8T 1A4
Ph: (514) 636-2233
Fax: (514) 636-2235

ATLANTIC OFFICE
4100 MAELACHAN ROAD
SUITE 100
DUBUIN, NS
B3M 1G0
Ph: (902) 662-2622
Fax: (902) 662-2627

US OFFICE
4100 TALLER ROAD
SUITE 100
DUBUIN, OH
43007
Ph: (614) 791-4200
Fax: (614) 791-4204

NOT FOR CONSTRUCTION. NO SITE WORKS PROPOSED.
FOR ILLUSTRATION PURPOSES ONLY REGARDING AN
APPLICATION FOR CONSENT

1	DDP MENU BOARD	MAY 2013	8
2	REVISED AS PER TOLY COMMENTS	JAN 2013	8
3	PARKING STATISTICS REVISED	SEP 2013	10
4			11
5			12
6			13
7			14

PROJECT
BRAMPTON, ON
70 BISCAYNE CRESCENT
RESTAURANT No 2016

DRAWING TITLE
SITE PLAN
DRAWN BY: EDO
SCALE: 1:500

DRAWING NO.
SP-1A



Committee of Adjustment

HEARING DATE JUNE 3, 2014

~~SECRETARY-TREASURER~~
~~COMMITTEE OF ADJUSTMENT~~

Flower City



brampton.ca

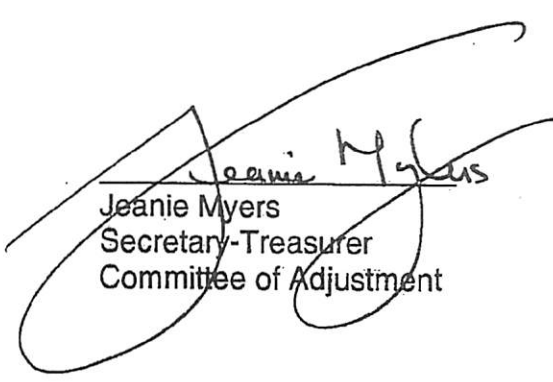
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

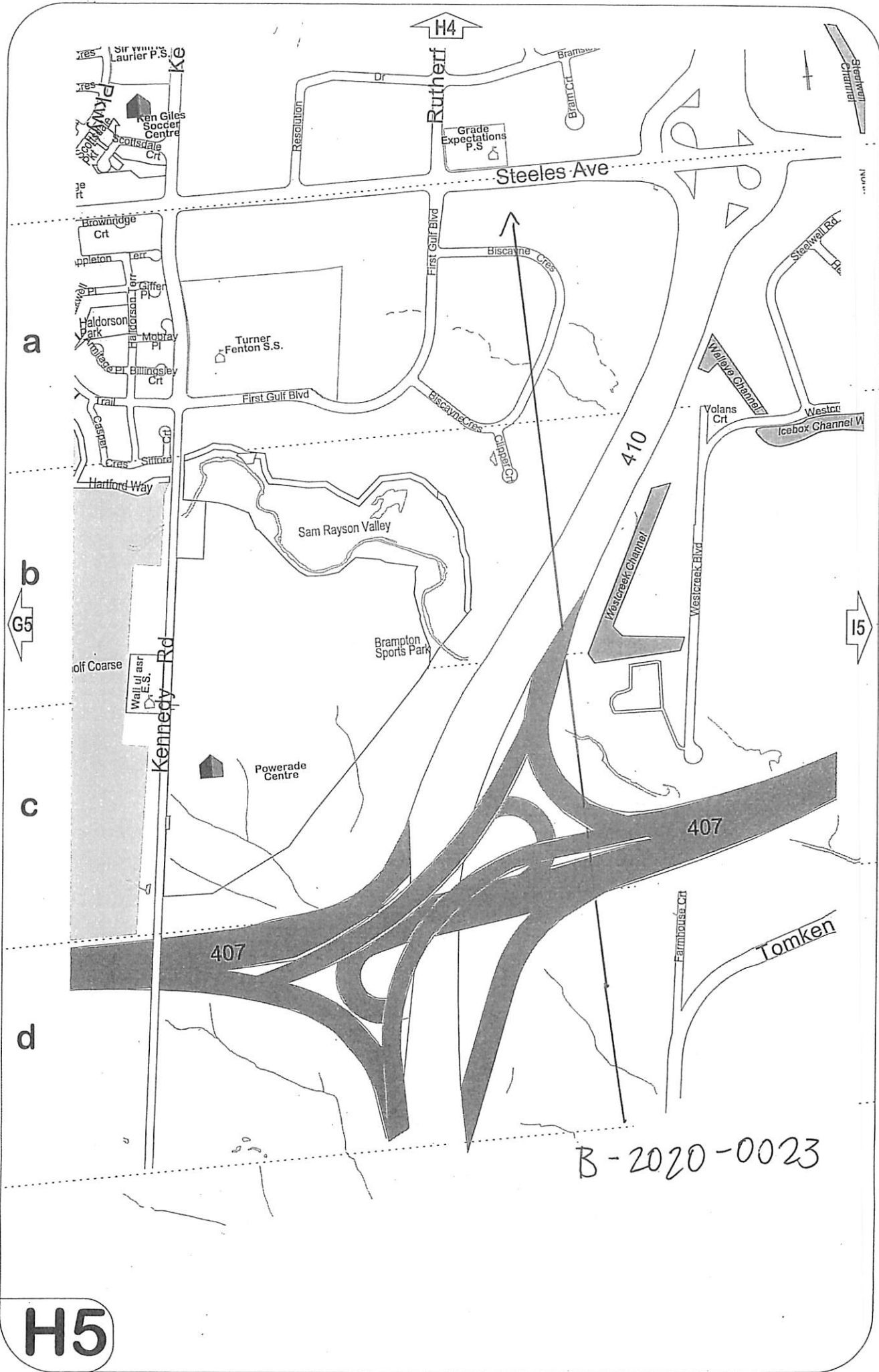
APPLICATION NO: A14-078

DATED: JUNE 3, 2014

Conditions:

1. That the owner shall enter into an agreement with the City to permit the temporary structure for a period of five (5) weeks from the date the building permit is issued;
2. That a \$15,000 security shall be provided to the City prior to the issuance of a building permit for the temporary trailer;
3. That the temporary structure shall be located generally in accordance with the Public Notice;
4. That the precise location of the trailer and any associated directional signage shall be confirmed and form part of the temporary structure agreement. Any signage for the temporary trailer shall comply with the Sign By-law;
5. That a building permit shall be obtained prior to the erection of, anchorage of, or access to the temporary structure.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment



H5

B-2020-0023