



Report Committee of Adjustment

Filing Date: January 19th, 2024
Hearing Date: February 20th, 2024

File: B-2024-0001

**Owner/
Applicant:** LIV (Bramalea) Ltd.

Address: 11613 Bramalea Road (15-92 Fieldridge Crescent)

Ward: WARD 9

Contact: Aferdita Dzaferovska, Planning Technician

Proposal:

The purpose of the application is to request the consent of the Committee of Adjustment to the grant of an easement for Parts 9 and 11 on Plan 43R-39958. It is proposed that a shared access easement be established over the lands known as 11613 Bramalea Road in favour of the abutting property to the east owned by SmartCentres (Block 2, Plan 43M1938).

Recommendations:

That application B-2024-0001 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;
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;

Background:

The consent application was submitted to provide access to the abutting property to the east owned by SmartCentres (Block 2, Plan 43M1938). The proposed access easement will facilitate the use of one shared access driveway to allow for the consolidation of vehicular and pedestrian access along Inspire Boulevard where it is anticipated to support the residential development of the adjacent site. 11613 Bramalea Road is currently vacant with 73 townhouse dwelling units under construction. The proposed shared access arrangement was reviewed and approved by both the City of Brampton and

the Region of Peel under Site Plan Approval Application SPA-2021-0028. The proposed access easement is required prior to registration of the Plan of Condominium for approved site plan (SPA-2021-0028), currently being reviewed under Draft Plan of Condominium Application DPC-2021-001.

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Institutional' and 'Medium High Density' Transportation' in the Highway 427 Industrial Secondary Plan (Area 47); and
- **Zoning By-law:** The subject property is zoned 'Residential Townhouse A – Section 3002 (R3A-3002)' And 'Residential Apartment A- Holding section 3001(R4A(H)-3001)' according to By-Law 270-2004, as amended

Current Situation:

The consent application is required to provide access to and from Inspire Boulevard to facilitate a future residential development.

The consent application is to create an easement for a shared access driveway in favour of the abutting property to the east owned by SmartCentres (Block 2, Plan 43M1938). 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,

Aferdita Dzaferouska

Aferdita Dzaferovska, Planning Technician

SCHEDULE “A”

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

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest:</i>	The proposed access easement has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest</i>	The proposed access easement 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 access easement 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 access easement 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 access easement 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>	The shape and dimension of the proposed lot is appropriate and maintains all minimum Zoning By-law requirements. No new lots are being created.
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.

<i>h) The conservation of natural resources and flood control;</i>	The proposed access easement presents 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.
<i>j) The adequacy of school sites;</i>	The proposed access easement presents no concerns with regard to the adequacy of school sites.
<i>k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	No conveyance of lands are required.
<i>l) 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 easement has no impact on matters of energy conservation.
<i>m) 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.





February 5, 2024

CFN 70391.02

By Email: coa@brampton.ca; 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: Consent Application – B-2024-0001
15-92 Fieldridge Crescent
City of Brampton, Region of Peel
Owner: LIV (Bramalea) Ltd.
Agent: The Biglieri Group c/o Laura Lebel-Pantazopoulos**

This letter acknowledges receipt of the subject application, received on January 19, 2024. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. 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) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. 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.

Please also note that updates to the Conservation Authorities Act and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the Planning Act, such as those services previously provided under plan review Memorandum of Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Purpose of the Application

TRCA staff understand that the purpose of Consent Application is to grant an easement over the applicant's property (Part Lot 17, Concession 5) In favour of the neighbouring property to the east (Block 2, Plan 43M1938) to provide access.

It is our understanding that the requested variances are required to facilitate the request for an access easement only and that there is no land to be severed.

Background

On December 16, 2021, TRCA issued TRCA permit no. C-211447 to permit grading and servicing works in support of a townhouse development at 11613 Bramalea Road associated with a Zoning By-law Amendment Application C05E17.006 and Site Plan Application SPA-2021-0028. The proposed works are Phase 1 of a two-staged development proposal. The proposed development also includes parking spaces for residents and visitors. A separate TRCA permit will be required for the Phase 2 works associated with this project.

Ontario Regulation 166/06

Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). The subject property is located within TRCA's Regulated Area of the Humber River Watershed. Specifically, the subject lands are located adjacent to Tributary B, a tributary and valley corridor of the Humber River Watershed, as well as a wetland feature to the east. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to any development and/or site alteration taking place within TRCA's Regulated Area on the property.

Application Specific Comments

Based on our review, the proposed easement is sufficiently setback from the natural heritage system (NHS) and will be located outside of TRCA's regulated portion of the site.

Recommendation

TRCA's staff have **no objection** to support the approval of Consent Application assigned City File No. B-2024-0001.

A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property.

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$1,590.00 received on January 25, 2024.

We thank you for the opportunity to comment. 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

Email: Marina.Janakovic@trca.ca

Appendix A: Circulated Materials

Easement Sketch, dated December 19, 2023, prepared by J.D.Barnes Limited

Plan of Survey, dated December 19, 2023, prepared by J.D.Barnes Limited