

Date: February 1, 2024

Subject: **Mayfield Industrial GP Inc. and Mayfield Industrial LP, the owners of Blocks 12, 13, 14, 15, 37 and 38, Plan 43M-1907 consent to the City de-registering Blocks 12, 13, 14, 15, 37 and 38 on Plan 43M-1907 from a plan of subdivision in order to legally merge**

Contact: **Legal Counsel – Eugenia Bashura**
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Report Number: Legislative Services-2024-125

Recommendations:

1. That the report from Eugenia Bashura, Legal Counsel, Real Estate & Planning Law to the Council Meeting of February 28, 2023, re: **Mayfield Industrial GP Inc. and Mayfield Industrial LP, the owners of Blocks 12, 13, 14, 15, 37 and 38 on Plan 43M-1907, consent to the City de-registering Blocks 12, 13, 14, 15, 37 and 38 on Plan 43M-1907 from a plan of subdivision in order to legally merge these parcels of land**, be received;
2. That Council enact a by-law to deem Blocks 12, 13, 14, 15, 37 and 38 on Plan 43M-1907 not to be a part of a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*; and
3. That the City provide notice of passage of the by-law as required by subsection 50(29) of the *Planning Act*.

Overview:

- Mayfield Industrial GP Inc. and Mayfield Industrial LP own seven (7) adjacent parcels of land, out of which six (6) are Blocks on a registered plan of subdivision Plan 43M-1907 and one (1) is a part of a lot.
- Mayfield Industrial GP Inc. and Mayfield Industrial LP submitted Minor Variance and Site Plan applications to redevelop these lands with six (6) industrial buildings.

- As a condition of Minor Variance application approval, the City of Brampton required Mayfield Industrial GP Inc. and Mayfield Industrial LP to consent to the inclusion of a condition requesting Council, by by-law, to deem the six (6) Blocks on Plan 43M-1907 not to be a part of a registered plan of subdivision.
- De-registration of the six (6) Blocks on Plan 43M-1907 will allow these lands (i.e., six (6) Blocks and one (1) part of a lot) to legally merge into one parcel and will prevent Mayfield Industrial GP Inc. and Mayfield Industrial LP from selling or charging a portion of these lands without first having to obtain the Committee of Adjustment’s consent.

Background:

Mayfield Industrial GP Inc. and Mayfield Industrial LP (“**Owners**”) are the registered owners of seven (7) adjacent parcels of land in the City of Brampton (“**City**”), out of which six (6) are Blocks on a registered plan of subdivision Plan 43M1907 and one (1) is a part of a lot (the “**Subject Lands**”). The Subject Lands are legally described below:

# Parcels	PIN	Legal Description
1	14225-0137	BLOCK 12, PLAN 43M1907; CITY OF BRAMPTON
2	14225-0138	BLOCK 13, PLAN 43M1907; CITY OF BRAMPTON
3	14225-0139	BLOCK 14, PLAN 43M1907; CITY OF BRAMPTON
4	14225-0140	BLOCK 15, PLAN 43M1907; CITY OF BRAMPTON
5	14225-0162	BLOCK 37, PLAN 43M1907; CITY OF BRAMPTON
6	14225-0163	BLOCK 38, PLAN 43M1907; CITY OF BRAMPTON
7	14225-2721	PART LOT 16 CONCESSION 3 EAST OF HURONTARIO STREET, TOWNSHIP OF CHINGUACOUSY, PART 1 43R41179; CITY OF BRAMPTON

The Owners submitted Minor Variance and Site Plan applications to redevelop the Subject Lands with six (6) industrial buildings. In the Minor Variance application, the Owners sought variances relating to setbacks, authorized uses, landscape open space width and that the Subject Lands be considered one (1) lot for zoning purposes.

Blocks 12, 13, 14, 15, 37, and 38 are whole Blocks on a registered plan of subdivision Plan 43M1907 (attached as **Appendix 1**). This means that the Owners can sell or charge any of these parcels at any time without having to obtain a consent from the Committee of Adjustment. If the Owners sell or charge these Blocks individually, as opposed to as one lot, it will fracture the Subject Lands and may lead to various issues, such as issues with servicing, access, parking, zoning, etc.

As a condition of the Minor Variance application approval, the City required the Owners to consent to the inclusion of a condition requesting Council by by-law to deem Blocks 12, 13, 14, 15, 37, 38 on Plan 43M1907 not to be a part of a registered plan of subdivision

for the purposes of subsection 50(3) of the *Planning Act* (“**Deeming By-law**”). This will allow the Subject Lands to legally merge.

On November 14, 2023, the Committee of Adjustment approved the Minor Variance application subject to the Owners complying with the City of Brampton’s conditions of approval. The Committee of Adjustment’s Notice of Decision is attached as **Appendix 2** and the condition relating to the passing of the Deeming By-law is condition # 7.

Current Situation:

Subsection 50(4) of the *Planning Act* enables Council by by-law to designate any plan of subdivision, or part thereof, that has been registered for at least eight (8) years, and deem it not to be a registered plan of subdivision for the purpose of subsection 50(3) of the *Planning Act*.

The enactment of the Deeming By-law in this case will result in the legal merger of the Subject Lands into one (1) parcel.

Plan 43M1907 was registered on November 9, 2012. As such, the eight-year registration requirement has been met. Furthermore, the City’s Planning Department is in favour of this request for de-registration and has concluded that it represents good planning and conforms to the policies and regulations for the area.

Corporate Implications:

Financial Implications:

There are no financial implications.

Legal Implications:

The enactment of the Deeming By-law will result in the legal merger of the Subject Lands into one parcel.

Strategic Focus Area:

This report furthers the following strategic focus area:

- Growing Urban Centres & Neighbourhoods: Focusing on an economy that thrives with communities that are strong and connected.

Conclusion:

It is recommended that Blocks 12, 13, 14, 15, 37, and 38 on Plan 43M-1907 be de-registered to effect the legal merger of the Subject Lands. This represents good planning and conforms to the policies and regulations for the area.

Authored by:

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Attachments:

- Appendix 1 – Plan of Subdivision 43M1907
- Appendix 2 – Notice of Decision for the Minor Variance application