

December 8, 2023

CFN 68434.18

**By email:** [coa@brampton.ca](mailto:coa@brampton.ca); [clara.vani@brampton.ca](mailto: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: Minor Variance Application and City File No. A-2023-0351**  
**51 Cavendish Crescent**  
**City of Brampton, Region of Peel**  
**Owner: Luis Rios and Iaim Vergara**

This letter acknowledges receipt of the subject application, received on November 17, 2023. 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**

The purpose of Minor Variance Application assigned City File No. **A-2023-0351** is to:

- permit an accessory structure existing shed having a setback of 0.3m to the rear lot line whereas the by-law requires a minimum 0.6m to the nearest lot line; and
- permit an accessory structure existing shed having a GFA of 20.57 sq.m. whereas the by-law permits a maximum GFA of 15 sq.m. for an individual accessory structure.

It is our understanding that the requested variances are required to facilitate the recognition of an as built (20.57 sq.m.) equipment storage shed in the rear yard of the existing dwelling.

### **Recommendation**

TRCA's staff have **no objection** to support the approval of Minor Variance Application assigned City File No. **A-2023-0351**, subject to the following condition:

- 1) That the applicant provides the required \$660.00 planning review fee; and
- 2) Applicant receives a TRCA Permit and pays the applicable fee.

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

### **Site Context**

#### **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 Etobicoke Creek Watershed. Specifically, the subject land is located entirely within the Regulatory Flood Plain associated with a tributary of the Etobicoke Creek. 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 on the subject property.

### **Application Specific Comments**

Based on our latest preliminary 2D modeling results, it appears that the entire subject property is located within the Regulatory Flood Plain. The Water Surface Elevation and velocity are 204.893 m and 0.2997 m/s, at the subject property respectively. The shed is not within the hydraulic floodway based on the depth and velocity.

Based on our review, it appears that the proposed shed is located within the Regulatory Flood Plain. In accordance with Section 8.5.7.1 Valley and Stream Corridors of the TRCA's Living City Policy, TRCA supports new accessory structures within the flood hazards if proposed works are not within the hydraulic floodway.

Please advise the applicant to submit a TRCA permit application for the proposed replacement dwelling (Application for Development, Interference with Wetlands & Alterations to Shorelines and Watercourses – Ontario Regulation 166/06) and the associated review fee of \$535.00 (Works on Private Residential Property – Minor).

Should the applicant disagree with this preliminary flood plain analysis, the applicant may hire a consultant to determine the flooding extent of the spill using two-dimensional hydraulic model, otherwise the applicant is required to apply the preliminary result of TRCA's flood modelling.

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  
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Email: Marina.Janakovic@trca.ca

### **Appendix A: Circulated Materials**

- Minor Variance Application
- Drawing A1, Site Plan, dated August 19, 2023, prepared by Applicant
- Drawing A2, First Floor and Section, dated August 19, 2023, prepared by Applicant
- Drawing A3, Elevations, dated August 19, 2023, prepared by Applicant