

March 5, 2024

CFN 68434.18

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: Minor Variance Application – 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, second circulation received on February 16, 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 Minor Variance Application is to:

1. 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.
2. To permit an accessory structure existing shed having a gross floor area of 20.57sq. m whereas, the by-law permits a maximum gross floor area 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.

Background

TRCA staff provided comments on December 8, 2023, on the first circulation of Minor Variance Application – A-2023-0351 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.

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 located within the Regulatory Flood Plain, however it is not within the hydraulic floodway based on the depth and velocity.

In accordance with Section 8.5.7.1 Valley and Stream Corridors of the TRCA's The Living City Policy, TRCA supports new accessory structures within the flood hazards if proposed works are not within the hydraulic floodway.

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. Applicant receives a TRCA Permit and pays the applicable permit fee.

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 minor variance planning review fee of \$660.00 received on March 1, 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

- 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
- Drawing no. A4, Elevations – Small Shed, dated August 19, 2023, prepared by Applicant