



Report Committee of Adjustment

Filing Date: August 16, 2024
Hearing Date: September 17, 2024

File: B-2024-0014

**Owner/
Applicant:** Waheguru Investments Inc.
Gagnon Walker Domes Ltd.

Address: 1304 & 1310 Steeles Avenue East

Ward: WARD 3

Contact: Simran Sandhu, Planner I

Purpose:

The purpose of the application is to request consent from the Committee of Adjustment to sever a parcel of land currently having a total area of approximately 2.44 hectares and grant 4 access easements. The proposed severed lot has a frontage of approximately 84 metres; a depth of approximately 81 metres and an area of approximately 0.73 hectares. It is proposed that four reciprocal access easements be established in favour of the properties municipally known as 1300, 1304 and 1310 Steeles Avenue East. It is proposed that the lot line between the lands municipally known as 1304 and 1310 Steeles Avenue East, which previously existed as two separate properties be re-established as they have inadvertently merged on title.

Recommendations:

That application B-2024-0014 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. That when either 1304 Steeles Avenue East or 1310 Steeles Avenue East changes ownership, a mutual access easement between 1304 Steeles Avenue East and 1310 Steeles Avenue East is to be established and registered on title in perpetuity. The mutual access easement will be to the satisfaction of the City's Corporate Services and Public Works & Engineering Department. The Owner hereby waives and releases the City from any claim for compensation, injurious affection or other damages, claims, demands, losses, costs, suits, or other proceedings by anyone arising or which may arise as a result of such access arrangements;

3. That the Owner provide proof that the required access easements have been registered on title in perpetuity and that the access easements will be to the satisfaction of the City's Legal Services Division, Corporate Services Department and the Commissioner, Public Works & Engineering;
 4. Prior to the issuance of the consent certificate, the Applicant shall submit a solicitor's undertaking, prepared by a solicitor licensed to practice in Ontario, to the satisfaction of the City Solicitor or its delegate, confirming that any required Transfer Easement(s) and agreements in favour of the Retained and Severed Lands or which the Retained and Severed Lands are subject to will be established, created and registered on title of the Retained and Severed Lands concurrently with the registration of the Transfer and upon the issuance of the Certificate(s) of Secretary-Treasurer;
 5. Satisfactory arrangement shall be made between the owner and the Region regarding land dedication and access configuration; and,
 6. 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.
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Background:

- **Official Plan:** The subject property is designated as 'Business Corridor' in the Official Plan;
- **Brampton Plan:** The subject property is designated as 'Employment Areas' in Schedule 1A and 'Mixed-Use Employment' in Schedule 2 in the Regionally adopted Brampton Plan;
- **Secondary Plan:** The subject property is designated as 'Prestige Employment' in the Highway 410 & Steeles Secondary Plan (Area 5); and,
- **Zoning By-law:** The subject property is zoned 'Industrial Two, Special Section 168 (M2-168)' according to By-law 270-2004, as amended.

Current Situation:

The applicant is requesting to establish access easements in favour of the adjacent properties municipally known as 1300, 1304 and 1310 Steeles Avenue East. The proposed easements and severance are intended to re-establish the individual properties which were inadvertently merged on title when they were placed in the same ownership and provide access and passage easements intended to permit pedestrian and vehicular access.


In staff's review of the application, it is noted that the two properties 1304 and 1310 Steeles Avenue East are under the same ownership and the access easements are being requested prior to either property coming under new ownership. Staff advise that when either property comes under new ownership, arrangements should be made with the new owners in regards to the access easement. A

condition of approval is being requested that a mutual access easement between 1304 Steeles Avenue East and 1310 Steeles Avenue East is to be established and registered on title in perpetuity. The mutual access easement will be to the satisfaction of the City's Corporate Services and Public Works & Engineering Department.

Legal staff have also reviewed the application and from a legal perspective, the city wants to ensure that the easements are created shortly after the sale of the severed lands. Since the sale of the severed lands and the registration of the easements are to be done after the issuance of the Consent Certificate, staff recommend obtaining a lawyer's undertaking confirming that the sale and registration of the easements will be done concurrently.

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,

A handwritten signature in black ink, appearing to read 'Simran Sandhu', enclosed within a large, loopy oval shape.

Simran Sandhu, Planner I

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 severance and access easements have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance and access easements are 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 severance and access easements do 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 severance and access easements are 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 severance and access easements do 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 proposed lots are appropriate in size and shape for their purpose.
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>	The proposed severance and access easements present no concerns with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance and access easements present 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.
j)	<i>The adequacy of school sites;</i>	The proposed severance and access easements present no concerns with regard to the adequacy of school sites.
k)	<i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l)	<i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed severance and access easements have no impact on matters of energy conservation.
m)	<i>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.