



## Report Committee of Adjustment

**Filing Date:** June 28, 2024

**Hearing Date:** November 12, 2024

**File:** A-2024-0253

**Owner/  
Applicant:** 410@Steeles Inc., c/o Morguard Investments Limited  
EXP Services Inc.

**Address:** 110 Resolution Dr (North East corner of Kennedy Rd and Steeles Ave)

**Ward:** 3

**Contact:** Megan Fernandes, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0253 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the applicant/owner finalize site plan approval under City File SPA-2024-0148, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Service within 180 days of the date of the Committee's decision or extended for a period of time at the discretion of the Director of Development Services;
  3. That landscaping, screening, signage, security cameras and associated details shall be completed to the satisfaction of the Director of Development Services to support the proposed use of an in-ground waste storage bin for food refuse; and;
  4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

#### Existing Zoning:

The property is zoned 'Industrial Business, Special Section 3456 (MBU-3456)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To allow molok bins to be used for restaurant waste, whereas the by-law requires an interior climate controlled garbage room in each building.

**Current Situation:**

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as 'Employment Areas' (Schedule 1A – City Structure) and 'Mixed-Use Employment' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved. Within the 2006 Official Plan, the property is designated as 'Business Corridor' (Schedule A: General Land Use) and 'Mixed Employment Commercial' in the Highway 410 and Steeles Secondary Plan (Area 5). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to allow molok bins to be used for restaurant waste, whereas the by-law requires an interior climate controlled garbage room in each building. The intent of the by-law in requiring a climate controlled garbage area inside a building for all restaurant waste is to act as a form of odour and pest control.

The subject property is zoned Industrial Business (MBU) and permits various commercial uses including restaurants. Currently located on the subject property are approximately 5 single-storey commercial buildings. In this instance, the applicant is proposing to develop the vacant lands located at the northeast corner of the property within the existing 410 @ Steeles plaza for a stand-alone restaurant. As outlined in the City's Zoning By-law, restaurants are required to provide an interior climate controlled garbage room in each building. The purpose of the climate controlled garbage area inside a building for all restaurant waste is to act as a form of odour and pest control.

Outdoor in-ground waste storage units such as Molok Bins are a type of waste receptacle that features an underground component where waste is stored, and an above-ground component that functions as the interface for users to operate the receptacle. In support of their proposal, the applicant provided City Staff with a study conducted by The Earth Rangers Centre for Sustainable Technology in 2019 which evaluated the effectiveness of Molok brand bins (one of several brands that manufacture in-ground waste bins) with respect to odour containment. Staff have reviewed the report and supporting materials provided by the applicant and are satisfied with the proposed utilization of the Molok Bins for restaurant waste. Furthermore, an Information Report – Potential Zoning Permissions for the Use of Outdoor In-Ground Waste Bins (i.e. Molok brand bins) for Restaurant (Organic) Waste, In Lieu of Indoor

Climate Controlled Rooms (Appendix B) was presented to Planning and Development Committee on October 21, 2024 which directs Staff to develop Zoning By-law performance standards for in-ground waste storage units and incorporate those performance standards through the City's Comprehensive Zoning By-law Review. The attached Information Report presented to Planning and Development Committee provides further information regarding the performance of in-ground waste storage units as well as examples of the use in other municipalities in Ontario. As stated in the staff report, in-ground waste receptacles have been successful in limiting nuisances, and may be comparable to the current requirement for indoor climate-controlled rooms for managing restaurant waste at managing odour, pests and appearance and could be beneficial in reducing the land requirements and costs associated with climate controlled rooms. As this Minor Variance application precedes the completion of the Comprehensive Zoning By-law Review, staff have no concerns with the use of molok bins to be used for restaurant waste at north-east corner of Kennedy Road and Steeles Avenue.

Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning by-law.

### 3. Desirable for the Appropriate Development of the Land

A variance is requested to allow molok bins to be used for restaurant waste, whereas the by-law requires an interior climate controlled garbage room in each building. The applicant is proposing to develop a vacant area on the subject lands for a restaurant use. The proposed use is not anticipated to have a significant impact on the overall function of the property or impact adjacent existing businesses. Conditions of approval are provided that the applicant obtain Site Plan Approval under City File SPA-2024-0148 to ensure that the design and technical aspects of the proposed development is in compliance with all municipal requirements, standards and objectives. Furthermore, a condition of approval is provided that landscaping, screening, and associated details shall be completed to the satisfaction of the Director of Development Services to support the proposed use of an in-ground waste storage bin for food refuse. Subject to the recommended conditions, the variance is desirable for the appropriate development of the land.

### 4. Minor in Nature

The applicant is requesting to permit molok bins to be used for a restaurant waste whereas the by-law requires an interior climate controlled garbage room in each building. In this instance the there will be no interior climate controlled garbage room within the building. Staff considers the use of molok bins to be for restaurant waste to be an acceptable alternative an interior climate controlled garbage room Subject to the recommended conditions of approval, the variance is considered minor in nature.

Respectfully Submitted,

*Megan Fernandes*

Megan Fernandes, Assistant Development Planner