

Filing Date: November 6, 2024
Hearing Date: December 10, 2024

File: B-2024-0020

**Owner/
Applicant:** **2494747 Ontario Ltd.
Davis Webb LLP c/o Neil G Davis**

Address: **98-100 Rutherford Road South**

Ward: WARD 3

Contact: Megan Fernandes, Assistant Development Planner

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 62,115 square metres (15.34 acres) and a partial discharge of mortgage. The proposed parcel has a frontage of approximately 45.68 metres (149.87 feet), a depth of approximately 63.24 metres (207.48 feet) and approximately 1,433 square metres (0.35 acres). The effect of the application is to provide for a lot addition to the adjacent property municipally known as 25 Clark Boulevard.

Recommendations:

That application B-2024-0020 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. 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;
3. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent.
4. A solicitor's undertaking shall be received indicating that the "severed" land and the abutting land, being the property municipally identified as 25 Clark Boulevard legally described as PART LOTS 8 & 9 PLAN 644 BRAMPTON, PARTS 1 & 2 PLAN 43R32946 AND PART 5 PLAN 43R35417, shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed.

5. An undertaking shall be received from a solicitor confirming that the legal description of the “resultant” lot and the legal description in any mortgage(s) encumbering the “resultant” lot will be identical within four (4) weeks of the date of the Secretary-Treasurer’s Certificate under the Planning Act; or alternatively, that no part of the “resultant” lot is encumbered by any mortgage(s).
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Background:

Through a review of the application by the City’s Legal department, staff noticed that the sketch provided with the applicant was not consistent with PIN map provided. As such the following revised sketch and lot area (page 2 of the application) are provided in Appendix B. The purpose statement is revised as follows:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 61,720 square metres (15.34 acres) and a partial discharge of mortgage. The proposed parcel has a frontage of approximately 45.68 metres (149.87 feet), a depth of approximately 63.24 metres (207.48 feet) and approximately 1,432.7 square metres (0.35 acres). The effect of the application is to provide for a lot addition to the adjacent property municipally known as 25 Clark Boulevard.

The subject property was associated with two previous Consent Application, City Files: B-2020-0006 and B-2022-0007. In regard to application B-2020-0006 the scope of the consent is as follows:

The purpose of the application is to request the consent of the Committee of Adjustment to sever a parcel of land currently having a total area of approximately 0.68 hectares (1.6 acres). The effect of the application is to facilitate the addition of lands to the adjacent property to the south-west, municipally known as 98 and 100 Rutherford Road South.

The subject lands was previously presented to the Committee of Adjustment in August 2022 as part of Consent Application B-2022-0007. The scope of the previous proposal was to request a consent to sever the norther triangular portion land located at 98-100 Rutherford Rd to provide for a lot addition to the adjacent property municipally known as 25 Clark Boulevard. The lot addition by way of Consent application B-2022-0007 was approved but the provisional consent has since lapsed. The proposal presented today contemplates the same lot addition and includes the request for a consent to partial discharge of the mortgages in favour of the Bank of Nova Scotia as required pursuant to Sections 50(16), (17) and (18) to partially discharge the mortgage.

- **Official Plan:** The subject property is designated ‘Central Area’ in the Official Plan;
- **Brampton Plan 2023:** The subject property is designated ‘Employment Areas’ on Schedule 1A – City Structure and ‘Employment’ on Schedule 2 – Designations.
- **Secondary Plan:** The subject property is designated ‘Central Mixed Use’ and ‘Special Study Area’ in the Queen Street Corridor Secondary Plan (Area 36); and

- **Zoning By-law:** The subject property is zoned 'Industrial Two (M2)' according to By-Law 270-2004, as amended.

Current Situation:

The subject property is primarily rectangular in shape and contains an existing industrial building and the Etobicoke Creek watershed. The owner of the property is seeking to sever the northern triangular portion of the land to provide for a lot addition to the adjacent property municipally addressed as 25 Clark Boulevard. This application also contemplates a partial discharge of mortgage.

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 to validate title is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

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 consent for lot addition and mortgage discharge has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposal is in the public interest and is not premature.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The application does 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>	No change in use is proposed and the land is suitable for the existing use.
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 proposal has no impact on the roadway network.
f) <i>The dimensions and shapes of the proposed lots;</i>	No new lots are proposed.
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>	No restrictions are required.
h) <i>The conservation of natural resources and flood control;</i>	No concerns.
i) <i>The adequacy of utilities and municipal services;</i>	No concerns.
j) <i>The adequacy of school sites;</i>	None required.

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>	The application has no impact on energy conservation.
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 application has 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>	The application has no impact on matters of site plan control.

6. Description of severed land: (in metric units)

a) Frontage 45.68 metres Depth 63.23 metres Area 1,432.7 sq. m.

b) Existing Use Industrial Proposed Use Industrial

c) Number and use of buildings and structures (both existing and proposed) on the land to be severed:

(existing) None

(proposed) None

d) Access will be by: Existing Proposed

Provincial Highway ☐ ☐

Municipal Road - Maintained all year ☒ ☒

Other Public Road ☐ ☐

Regional Road ☐ ☐

Seasonal Road ☐ ☐

Private Right of Way ☐ ☐

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

f) Water supply will be by: Existing Proposed

Publicly owned and operated water system ☒ ☒

Lake or other body of water ☐ ☐

Privately owned and operated individual or communal well ☐ ☐

Other (specify): _____

g) Sewage disposal will be by: Existing Proposed

Publicly owned and operated sanitary sewer system ☒ ☒

Privy ☐ ☐

Privately owned and operated individual or communal septic system ☐ ☐

Other (specify): _____

7. Description of retained land: (in metric units)

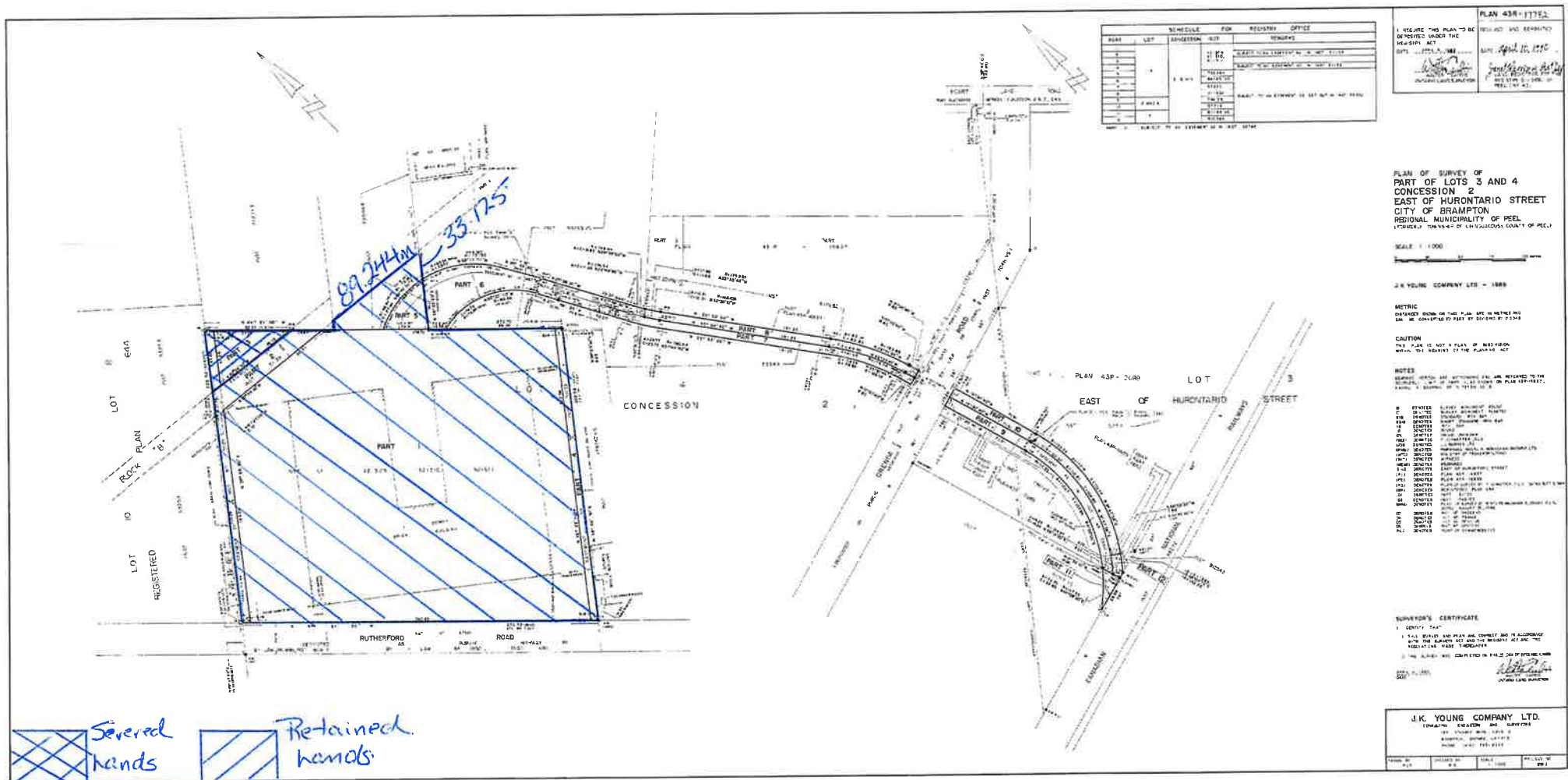
a) Frontage 272.73 metres Depth 222.50 metres Area 61,720.30 sq. m.

b) Existing Use Industrial Proposed Use Industrial - No Change

c) Number and use of buildings and structures (both existing and proposed) on the land to be retained:

(existing) 1 building - industrial building

(proposed) No change



PLAN 43R-39471

RECEIVED AND DEPOSITED

DATE JUNE 4, 2020

WALDEMAR COLINSKI
ONARIO LAND SURVEYOR

REPRESENTATIVE FOR LAND
REGISTRAR FOR THE LAND TITLES
DIVISION OF PEEL (No.43)

PART	LOT	CONCESSION	PIN	AREA (m ²)
1	2	EAST OF HURONTARIO STREET	ALL OF PIN 14032-0135(LT)	11363.6
2	3	PART OF LOT 4		1366.9
3	4			1986.7
4				778.4

PART 2-SUBJECT TO EASEMENT AS IN INST. V528477
PART 4-SUBJECT TO EASEMENT AS IN INST. BR53000

PLAN OF SURVEY OF
PART OF LOT 4
CONCESSION 2 EAST OF HURONTARIO STREET
GEOGRAPHIC TOWNSHIP OF CHINGUACOUS
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEL

SCALE 1:500

KROMAR SURVEYORS LTD. 2020

METRIC: DISTANCES AND COORDINATES SHOWN HEREON ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING
BEARINGS SHOWN HEREON ARE GRID DERIVED FROM GPS OBSERVATIONS OF
OBSERVED REFERENCE POINTS 'A' AND 'B' USING THE LEICA SMARTNET RTK
NETWORK AND ARE REFERRED TO THE 6° UTM COORDINATE SYSTEM, ZONE
17, CENTRAL MERIDIAN 8100' WEST LONGITUDE.

(NAD 83 (CSRS)(2010)).
DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE
CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE
FACTOR OF 0.999688.

INTEGRATION DATA

6° UTM ZONE 17 COORDINATES
NAD 83 (CSRS)(2010) (CENTRAL MERIDIAN 8100' WEST LONGITUDE)
SECTION 14(2) OF ONTARIO REGULATION 216/10 FILED UNDER THE SURVEYORS ACT.

MONUMENT ID.	NORTHING	EASTING
(A) SIB(MTO)	4 839 429.750	602 067.604
(B) SSB(MMP)	4 839 283.633	602 214.534
POINT	NORTHING	EASTING
1	4 839 376.01	602 121.64
2	4 839 325.55	602 172.39
3	4 839 152.45	602 039.70
4	4 839 202.88	601 958.89

COORDINATE VALUES SHOWN ARE FOR GEODETIC POINTS ONLY. INTEGRATION ONLY.
RE-ESTABLISH CORNERS OF BOUNDARIES SHOWN ON THIS PLAN.

- LEGEND
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - SIB DENOTES STANDARD IRON BAR
 - SSB DENOTES SHORT STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - CB DENOTES CONCRETE PIN
 - (M) DENOTES MEASURED
 - (S) DENOTES SET
 - (OU) DENOTES ORIGIN UNKNOWN
 - (WT) DENOTES WITNESS
 - (PH) DENOTES SURVEYORS REAL PROPERTY REPORT BY B. J. STASSEN
DATED AUGUST 17, 1995
 - (P2) DENOTES PLAN 43R-17742
 - (P3) DENOTES PLAN 43R-21637
 - (P4) DENOTES PLAN OF SURVEY BY J. K. YOUNG
COMPANY LTD. O.L.S. DATED SEPTEMBER 12, 1989
 - (NTO) DENOTES INSTRUMENT OF TRANSFER
 - (MPS) DENOTES J.P. MCCAY, MCCAY & PETERS, LIMITED, O.L.S.
 - (865) DENOTES D.P. MCLEAN, O.L.S.
 - (1365) DENOTES B.J. STASSEN LIMITED, O.L.S.
 - (1370) DENOTES KROMAR SURVEYORS LTD. O.L.S.

BUILDING TIES TAKEN TO BRICK UNLESS NOTED OTHERWISE

MUNICIPAL ADDRESS
No. 88 HEART LAKE ROAD, BRAMPTON

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 8th DAY OF APRIL, 2020

DATE APRIL 23, 2020

WALDEMAR COLINSKI
ONARIO LAND SURVEYOR

PLAN AVAILABLE AT www.ProfessionalBoundaries.ca

FIELD: DLJ/L DRAWN: JM/S.d. CHECKED: W.G. JOB NO: 15-167
DWG NAME: 15-167P01: LOT INFO: 14:14 23/APR/2020 WORK ORDER NO: 32928
1137 Centre Street Thornhill ON L4J 3M6 F 905.738.0053 F 905.738.9221 www.kromar.ca

KRCMTR

