



## Report Committee of Adjustment

**Filing Date:** November 7<sup>th</sup>, 2024  
**Hearing Date:** December 10<sup>th</sup>, 2024

**File:** B-2024-0021

**Owner/  
Applicant:** 12824752 Canada Inc c/o Madan Sharma

**Address:** 7646 Kennedy Road South

**Ward:** WARD 3

**Contact:** Marcia Razao, Planning Technician

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### Proposal:

The purpose of this application is to request the consent of the Committee of Adjustment to the grant of an access easement. It is proposed that a vehicular access easement covering an approximate area of 770 square metres (0.19 acres) be established in favor of the adjacent southeast property to facilitate a future condominium road.

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### Recommendations:

That application B-2024-0021 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. As a condition of severance, the Owner shall provide confirmation of the registration of a mutual access easement between 7646 Kennedy Road (PIN: 140291416), 7660 Kennedy Road (PIN: 140291416), 7686 Kennedy Road (PIN: 140291416) and 0 Kennedy Road (PIN: 140291415). The mutual access easement will be in perpetuity and to the satisfaction of the City Solicitor and the City's Commissioner of Public Works & Engineering. 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 arising or which may arise as a result of such

arrangements. In this regard, the Owner shall submit the following to the Traffic Planning group for approval and copy the Legal Services Division:

- a. A draft reference plan.
  - b. A draft reference plan overlaid onto the proposed site plan depicting separate parts where the mutual access easement is to be conveyed.
  - c. A memorandum to the Traffic Planning group setting out the parts on the draft reference plan that are to be conveyed and copied to the Legal Services Division.
  - d. Upon approval of the Draft Reference Plan by the City's Traffic Planning group, arrange for the Surveyor to have the Draft Reference Plan deposited at the Land Registry Office of Peel.
  - e. Deposited copies are to be provided to the Traffic Planning group and the Legal Services Division.
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#### **Background:**

This consent application was submitted to provide an access easement at the site of a future condominium road in favour of Parcel C as shown in the site plan. The proposed access easement will facilitate the use of one shared access driveway to allow for the consolidation of vehicular and pedestrian. This site is currently under review by staff under application OZS-2020-0020 to facilitate a new townhouse development.

- **Official Plan:** The subject property is designed as 'Residential' in the Official Plan;
- **Brampton Plan:** The subject property is designed as 'Community Areas' in Schedule 1A, and 'neighbourhoods' in Schedule 2 in the Regionally adopted Brampton Plan;
- **Secondary Plan:** The subject property is located within the Parkway Belt Secondary Plan (Area ); and,
- **Zoning By-law:** The subject property is zoned 'Residential Townhouse C – Special Section 2971 (R3C) - 2971' according to By-law 270-2004, as amended.

#### **Current Situation:**

The Consent application is required to facilitate the development of the site located at 7646 Kennedy Road South for proposed residential townhouses. The consent application is to create an access easement for a shared condominium driveway in favour of the abutting parcel that is also a part of the development. 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,

*Marcia Razao*

Marcia Razao, Planning Technician

**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 access easements has no effect on matters of provincial interest.   |
| b) <i>Whether the proposal is premature or in the public interest;</i>  | The proposed access easement is 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 access easement 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>  | The proposed access easement is suitable.  |
| 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 access easement does not present any concern with regard to the adequacy of the roadwork network.                     |
| f) <i>The dimensions and shapes of the proposed lots;</i>   | There are no new lots proposed as part of the Consent application.   |
| 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 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 access easement presents 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 access easement 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 access easement has no impact on matters of energy conservation.  |

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| 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. |
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