



For Office Use Only  
(to be inserted by the Secretary-Treasurer  
after application is deemed complete)

APPLICATION NUMBER: "B"-2005-0001

*The personal information collected on this form is collected pursuant to subsection 53(2) of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.*

**APPLICATION**  
**Consent**  
(Please read Instructions)

**NOTE:** Pursuant to subsection 53(2) of the *PLANNING ACT*, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.

1. (a) **Name of Owner/Applicant** Vandyk HeartLake Limited  
(print given and family names in full)

**Address** 220 Bay Street, Suite 1300, PO Box 20  
Toronto, ON M5J 2W4

**Phone #** 416-932-6031 **Fax #** \_\_\_\_\_

**Email** mtallat@ksvadvisory.com and francesco@elmdevelopments.com

(b) **Name of Authorized Agent** Zelinka Priamo Ltd. (c/o Connor Wright)

**Address** 20 Maud Street, Suite 305  
Toronto ON, M5V 2M5

**Phone #** 226-979-0336 **Fax #** \_\_\_\_\_

**Email** connor.w@zpplan.com

2. **The type and the purpose of the proposed transaction, such as transfer for a creation of a new lot, lot addition, an easement, a charge, a lease or a correction of title.**

**Specify:** Easement for the purpose of servicing and access to the benefit of the easterly landowner.

3. **If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.**

Senator Homes (Discover II) Inc. is the current owner of the easterly lands, however, easement to be registered on title.

4. **Description of the subject land ("subject land" means the land to be severed and retained):**

a) **Name of Street** Heart Lake Road **Number** 10194

b) **Concession No.** 2 **Lot(s)** part lot 11

c) **Registered Plan No.** \_\_\_\_\_ **Lot(s)** \_\_\_\_\_

d) **Reference Plan No.** Please refer to Survey for details. **Lot(s)** \_\_\_\_\_

e) **Assessment Roll No.** 10-07-0-007-05800-0000 **Geographic or Former Township** Chinguacousy

5. **Are there any easements or restrictive covenants affecting the subject land?**

**Yes**  **No**   
**Specify:** \_\_\_\_\_

6. Description of severed land: (in metric units) Please note application is not to sever. Description of proposed easement provided in this section.

a) Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

b) Existing Use Vacant Proposed Use Vehicular/pedestrian access and servicing

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

(existing) 0

(proposed) 0

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) Please note that application is not to sever. The following information describes the entire subject lands which will not be modified through this application.

a) Frontage 188.3m Depth 250m Area 9.07 hectares

b) Existing Use vacant, except for a temporary presentation centre Proposed Use 200-unit townhouse development.

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

(existing) 0

(proposed) 15 Townhouse Blocks proposed.



11. If known, is/was the subject land the subject of any other application under the Planning Act, such as:

	File Number	Status	
Official Plan Amendment	_____	_____	Note: interim order providing approval. Final order contingent on several conditions. One condition is the registration of the presently requested easement.
Zoning By-law Amendment	C02E11.022	OLT approved	
Minister's Zoning Order	_____	_____	
Minor Variance	_____	_____	
Validation of the Title	_____	_____	
Approval of Power and Sale	_____	_____	
Plan of Subdivision	21T-11003B	Withdrawn	

12. Is the proposal consistent with Policy Statements issued under subsection 3(1) of the Planning Act?  
Yes  No

13. Is the subject land within an area of land designated under any Provincial Plan?  
Yes  No

14. If the answer is yes, does the application conform to the applicable Provincial Plan?  
Yes  No

15. If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "APPOINTMENT AND AUTHORIZATION OF AGENTS" form attached).

Dated at the City \_\_\_\_\_ of Toronto \_\_\_\_\_  
this 20th day of January, 2025.

Connor Wright  
Signature of Applicant, or Authorized Agent, see note on next page

Check box if applicable:  
 I have the authority to bind the Corporation

DECLARATION

I, Connor Wright of the City of Toronto  
in the County/District/Regional Municipality of N/A solemnly declare that all the statements contained in t  
application are true and I make this as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me at the City of Toronto  
in the N/A of N/A  
this 21st day of January, 2025.

Connor Wright  
Signature of applicant/solicitor/authorized agent, etc.

Robert MacFarlane  
Signature of a Commissioner, etc.

ROBERT WILLIAM MAC FARLANE, a Commissioner, etc.,  
Province of Ontario, for Zelinka Priamo Ltd.  
Expires August 12, 2025.

FOR OFFICE USE ONLY - To Be Completed By the Zoning Division	
This application has been reviewed with respect to possible variances required and the results of the said review are outlined on the attached checklist.	
_____	_____
Zoning Officer	Date

DATE RECEIVED January 22, 2025  
Date Application Deemed Complete by the Municipality Merrellyn

**NOTES:**

1. If this application is signed by an agent or solicitor on behalf of the applicant, the owner's written authorization must accompany this application. If the applicant is a Corporation acting without agent or solicitor, the application must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation. If the application is signed by an agent or solicitor on behalf of the applicant who is a Corporation, the applicant's written authorization must accompany this application and must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation.
2. Each copy of the application must be accompanied by a sketch **and a key map** showing the location of the subject land
3. Sketches or reproductions are to be no larger than Legal Size. Application plans which are larger may be submitted provided at least **one reproduction** reduced to Legal Size is filed with the application.
4. Where it is determined that a sketch will not adequately provide the information required, it may be necessary to provide a plan prepared by an Ontario Land Surveyor.
5. The sketch shall show
  - a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
  - b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
  - c) the boundaries and dimensions of the subject land, the part that is to be severed (shown in double hatch lines XXXX) and the part that is to be retained (shown in single hatched lines ////);
  - d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
  - e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
  - f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
  - g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
  - h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
  - i) the location and nature of any easement affecting the subject land; a
  - j) if a natural or artificial feature is to be the proposed new property line or part thereof, identify the feature(s) as such on the sketch.
6. It is required that **1 original copy** of this application be filed, together with **2 copies** of the sketch described in item 2 above, with the Secretary-Treasurer, accompanied by the applicable fee.

**APPOINTMENT AND AUTHORIZATION OF AGENT(S)**

To: The Committee of Adjustment, City of Brampton,

I, Vandyk-Heart Lake Limited, Noah Goldstein, Managing Director ,  
(Please print or type full name of the owner)

the undersigned, hereby appoint and authorize/have appointed and authorized as my agent(s) for the purpose of:

1. Signing and filing the application(s) on behalf of the undersigned;

1. Zelinka Priamo Ltd. ;  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

2. Representing the undersigned before the Committee of Adjustment,

2. Zelinka Priamo Ltd. ;  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)


3. Acting on behalf of the owner with respect to all matters related to the application, including but not limited to fulfilling conditions and acquiring the Secretary-Treasurer's Certificate,

3. Zelinka Priamo Ltd. ;  
(Please print or type full name(s) of the agent(s) or the firm or corporation name. Add a separate sheet if necessary.)

**AND**, I do hereby declare and confirm that I am the (an) owner of the land to which this application relates;

**AND**, I do hereby ratify, confirm and adopt as my own, the act(s), representation(s), reply (replies) and commitment(s) made on my behalf by the said agent(s).

Dated this 21 day of January, 2025.

  
\_\_\_\_\_  
(Signature of the owner, or where the owner is a firm or corporation, the signing officer of the owner.)

Per: KSV Restructuring Inc., in its capacity as Receiver of Vandyk-Heart Lake Limited. Per: Noah Goldstein  
(Where the owner is a firm or corporation, please type or print the full name of the person signing.)

**NOTES:**

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If there is more than one owner, **all owners** shall complete and sign **individual** appointment and authorization forms.
3. If the agent is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.

**PERMISSION TO ENTER**


To: The Secretary-Treasurer  
Committee of Adjustment  
City of Brampton  
2 Wellington Street West  
Brampton, Ontario  
L6Y 4R2  
[coa@brampton.ca](mailto:coa@brampton.ca)

LOCATION OF THE SUBJECT LAND: 10194 Heart Lake Road

I/We, Vandyk-Heart Lake Limited - Noah Goldstein, Managing Director  
please print/type the full name of the owner(s)

the undersigned, being the registered owner(s) of the subject land, hereby authorize the Members of the City of Brampton Committee of Adjustment and City of Brampton staff members, to enter upon the above noted property for the purpose of conducting a site inspection with respect to the attached application for Minor Variance and/or consent.

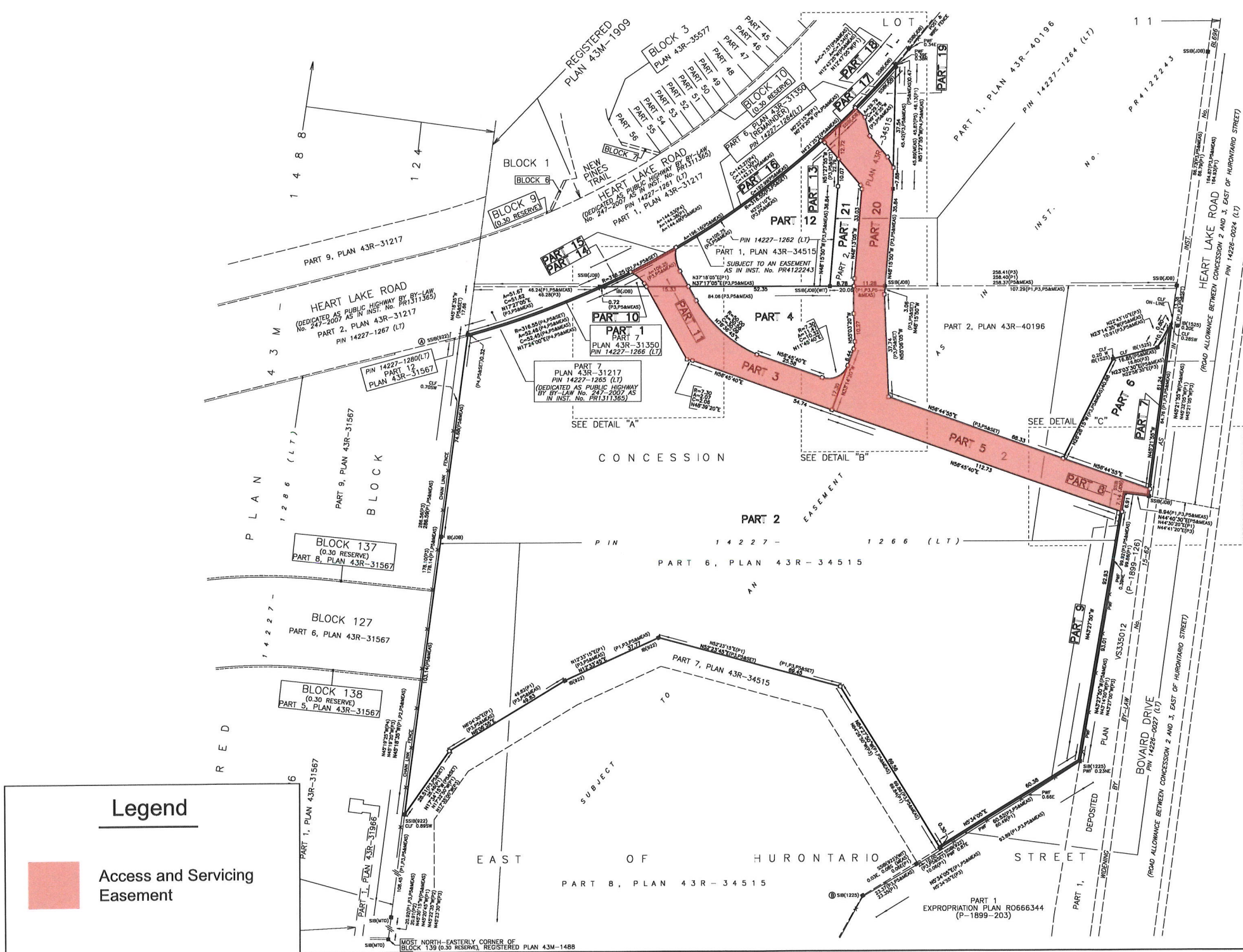
Dated this 21 day of January, 2025.

  
\_\_\_\_\_  
(signature of the owner[s], or where the owner is a firm or corporation, the signature of an officer of the owner.)

Per: KSV Restructuring Inc., in its capacity as Receiver of Vandyk-Heart Lake Limited. Per: Noah Goldstein  
(where the owner is a firm or corporation, please print or type the full name of the person signing.)

**NOTE: If the owner is a firm or corporation, the corporate seal shall be affixed heret**

**NO DISCUSSION SHALL TAKE PLACE BETWEEN THE COMMITTEE MEMBERS AND THE APPLICANT DURING THE SITE INSPECTION**



SCHEDULE				
PARTS	LOT	CONCESSION	PIN	AREA (sq.m.)
1				15.5
2				30,045.6
3				932.8
4				1,472.3
5				1,772.3
6				1,214.9
7				18.3
8				5.5
9				45.7
10				45.3
11				158.7
12				1,970.3
13				38.1
14				3.7
15				5.6
16				20.1
17				5.2
18				6.4
19				264.9
20				771.7
21				365.1

**PLAN OF SURVEY OF  
PART OF LOT 11  
CONCESSION 2  
EAST OF HURONTARIO STREET**  
(GEOGRAPHIC TOWNSHIP OF CHINGUACOUSY)  
CITY OF BRAMPTON  
REGIONAL MUNICIPALITY OF PEELE

SCALE 1 : 600  
  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 1384mm IN WIDTH BY 609mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:600  
 J.D. BARNES LIMITED  
 © COPYRIGHT  
 METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NOTES**  
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).  
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999886.  
 FOR BEARING COMPARISONS, A ROTATION OF 1'23.0" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P1.  
 FOR BEARING COMPARISONS, A ROTATION OF 1'13.0" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P2.  
 FOR CLARITY PURPOSES, THE 0.30 RESERVES HAVE BEEN EXAGGERATED.

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP), UTM ZONE 17, NAD83 (CSRS) (2010.0).			
COORDINATES TO AN URBAN ACCURACY PER SECTION 14 (4) OF THE REG. 216/10.			
POINT ID	EASTING	NORTHING	NOTING
ORP(A)	599 006.69	599 250.52	
ORP(B)	599 250.52	599 006.69	

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.  
 THE RESULTANT TIE BETWEEN ORP(A) AND ORP(B) IS 253.08 N87°54'50"W

LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SB	DENOTES STANDARD IRON BAR
SSB	DENOTES SHORT STANDARD IRON BAR
IB	DENOTES IRON BAR
WT	DENOTES WITNESS
P1	DENOTES PLAN 43R-40196
P2	DENOTES REGISTERED PLAN 43M-1488
P3	DENOTES PLAN 43R-34515
P4	DENOTES PLAN 43R-31500
P5	DENOTES PLAN OF SURVEY BY J.D. BARNES LIMITED, DATED SEPTEMBER 13, 2024. (REF. No. 24-30-228-02-A)
MEAS	DENOTES MEASURED
JDB	DENOTES J.D. BARNES LIMITED, O.L.S.
MTO	DENOTES MINISTRY OF TRANSPORTATION OF ONTARIO
R22	DENOTES ROYAL CANADIAN MOUNTED POLICE
1225	DENOTES CHARLETTA DZALOVY PURCELL LIMITED, O.L.S.
1525	DENOTES R. AINS SURVEYING INC., O.L.S.
CLF	DENOTES CHAIN LINK FENCE
PWF	DENOTES POST AND WIRE FENCE

N=NORTH / S=SOUTH / E=EAST / W=WEST  
 AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.R.G. 525/91.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON [ ] DAY OF [ ], 2024.

[ ] DATE  
 MONIKA BUZAK  
 ONTARIO LAND SURVEYOR  
 THIS PLAN OF SURVEY RELATES TO A/S PLAN SUBMISSION FORM NUMBER XXXXXXXX  
  
 J.D. BARNES LIMITED  
 SURVEYING MAPPING GIS  
 LAND INFORMATION SPECIALISTS  
 40 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 1C1  
 T: (905) 875-9951 F: (905) 875-9954 www.jdbarnes.com  
 DRAWN BY: MB/MD CHECKED BY: [ ] REFERENCE NO.: 24-30-228-02-A  
 DATED: JANUARY 22, 2025 FOR SET: 1/23/2025 8:04 AM

**Legend**

Access and Servicing Easement





**Zelinka Priamo Ltd.**

LAND USE PLANNERS

January 22, 2025

**E: [coa@brampton.ca](mailto:coa@brampton.ca)**  
Committee of Adjustment  
City Clerk's Office  
2 Wellington Street West  
Brampton, L6Y 4R2

Attention: City of Brampton Committee of Adjustment, Secretary-Treasurer

**Re: Consent Application – Easement**  
**KSV Restructuring Inc. in its capacity as Receiver of Vandyk-Heart**  
**Lake Limited**  
**10194 Heart Lake Road**  
**Our Files: KSV/BRM/24-03**

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Zelinka Priamo Ltd. is the planning consultant for KSV Restructuring Inc. in its capacity as Receiver of Vandyk-Heart Lake Limited (the "Receiver"), pertaining to the lands municipally known as 10194 Heart Lake Road in the City of Brampton (the "Site").

We are pleased to submit an application for Consent for easements pertaining to access and servicing from Heart Lake Road, through the Site, to the neighbouring property which is owned by Senator Homes (Discovery II) Inc., herein referred to as the "Senator Home Lands".

#### **SITE AND SURROUNDINGS**

The Site is located northwest of the interchange of Highway 410 and Highway 107 (Bovaird Drive East). Having frontage on Heart Lake Road to the west, the Site is adjacent to by an existing 'RONA' store to the south, and vacant/natural areas to the north. Across Heart Lake Road to the west lies a townhouse development generally consisting of three-storey townhomes of various typologies. Also in the area is Turnberry Golf Club and White Spruce Park. To the immediate east of the Site lies the old Heart Lake Road right-of-way, which are lands owned by the City of Brampton, but are not in use and are currently vacant. Beyond the old Heart Lake Road right-of-way to the east, lie the Senator Home Lands which are currently vacant. It is understood that these lands are generally contemplated for future development, though no development applications have currently been filed to our knowledge.

The Site is designated Community Areas, Natural Heritage System, and conceptually identified as within a Planned Major Transit Station on Schedule 1A of the City of Brampton Official Plan (OP). Schedule 2 of the OP designates the subject lands as Neighbourhoods and Natural Heritage System. Schedule 6A of the OP identifies the two (2) Provincially Significant Wetlands on the north and south portions of the subject lands. The subject lands are located within the Snelgrove-Heart Lake Secondary Plan Area, which designates the subject lands as Medium/High Density Residential, Natural Heritage System, and with a portion of the subject lands designated as Special Site Area 3.

The Site is currently zoned as Agricultural (A) under the City of Brampton Zoning By-law 270-2004. However, it is noted that the Interim Order of the Ontario Land Tribunal approved the rezoning of the lands to "Residential Townhouse A – Section 3560 (R3A

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3560)” and “Open Space (OS)”, which is anticipated to come into effect upon the clearance of the remaining conditions and issuance of the Final Order, further detailed in the following section.

More broadly, the character of the area can be described as medium density residential, with sporadic commercial and recreational uses in the vicinity. The Site itself can effectively be described as being comprised of the “Development Lands”, and the two (2) Provincially Significant Wetlands (“PSWs”). Each, the north and south of the Site are occupied by PSW, which are to be preserved in situ, and remain in private ownership per discussion with the City of Brampton. The PSWs comprise areas of 1.93ha and 2.03ha, respectively. The Development Lands, being located between the two PSWs, comprise a total area of 3.91ha. The Development Lands are currently generally vacant, with the exception of a temporary presentation centre, and associated access and parking lot.

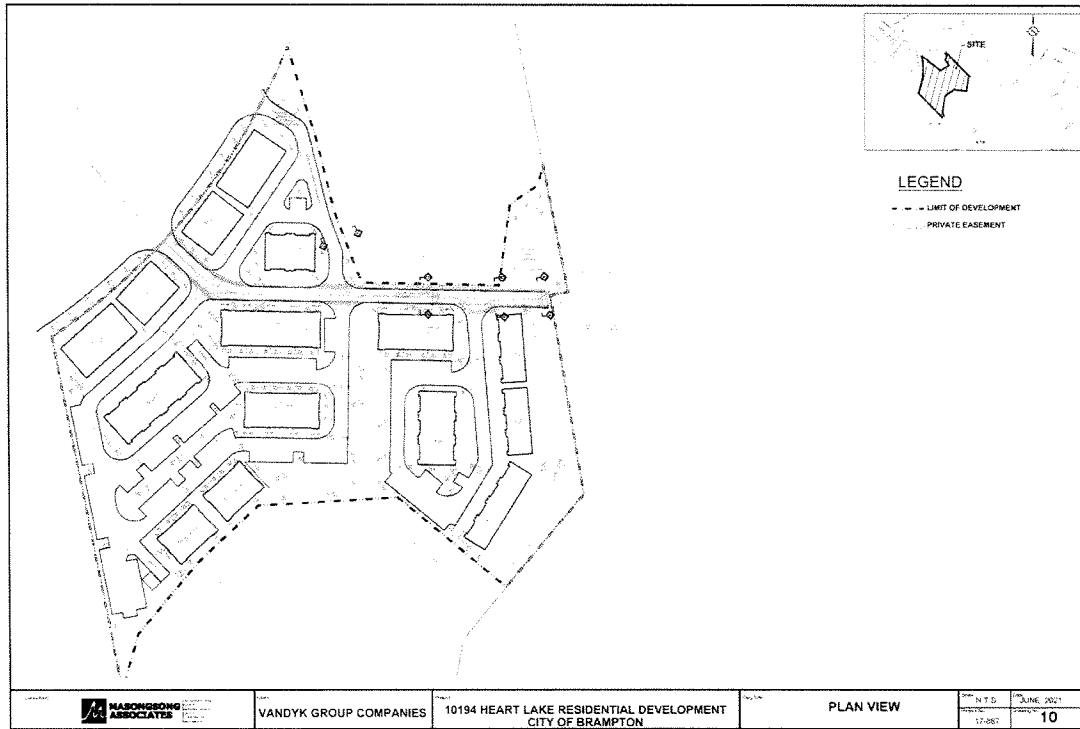
### **BACKGROUND**

By way of background, this Site and proposed development has been subject to City of Brampton review since 2017, when applications for Zoning By-law Amendment (File No. C02E11.022) and Draft Plan of Subdivision (File No. 21T-11003B) were first submitted by Vandyk-Heartlake Limited (the “Owner”).

The applications were appealed to the Ontario Land Tribunal (OLT) for non-decision (OLT Case No.: PL171333), concluding in the OLT decision issued on November 24th, 2021, which conditionally approved the Zoning By-law Amendment. The Draft Plan of Subdivision application was withdrawn during the course of the OLT hearing and is no longer being pursued for lack of necessity, as instead a Draft Plan of Condominium will be filed.

The OLT order to conditionally approve the Zoning By-law Amendment, is conditional upon three matters, including the registration of a private access and servicing easement across the subject property to the benefit of Senator Homes to the satisfaction of the City of Brampton. The nature of the easement is generally depicted as Schedule 3 in the Minutes of Settlement (see Figure 1). This easement would assist in development of the Senator Homes lands, by granting access and servicing to pass through the Site, connecting to Heart Lake Road [Figure 1].

Figure 1: Schedule 3 - Easement Plan from OLT Case No. PL 171333 Minutes of Settlement. Enlarged version available as a separate attachment to this submission (See "Minutes of Settlement" document in submission package).



Following the OLT decision, a Site Plan Approval (SPA) Application was submitted on May 20th, 2022, however the project entered receivership status, which halted the progression of the City review.

On October 18, 2024, the revised SPA Application was filed by the Receiver, formally identified as City File No. SPA-2024-0144. Comments were received from the City of Brampton and most external agencies on December 10, 2024. Revision of certain technical documents is underway in response do comments, which generally do not impact site design [Figure 2]. Further, it is required that prior to Site Plan Approval, the easement for servicing and access to the neighbouring lands, be registered on title. To this end, this Consent Application seeks approval for the access and servicing easement, as required by the Minutes of Settlement and by the City of Brampton.

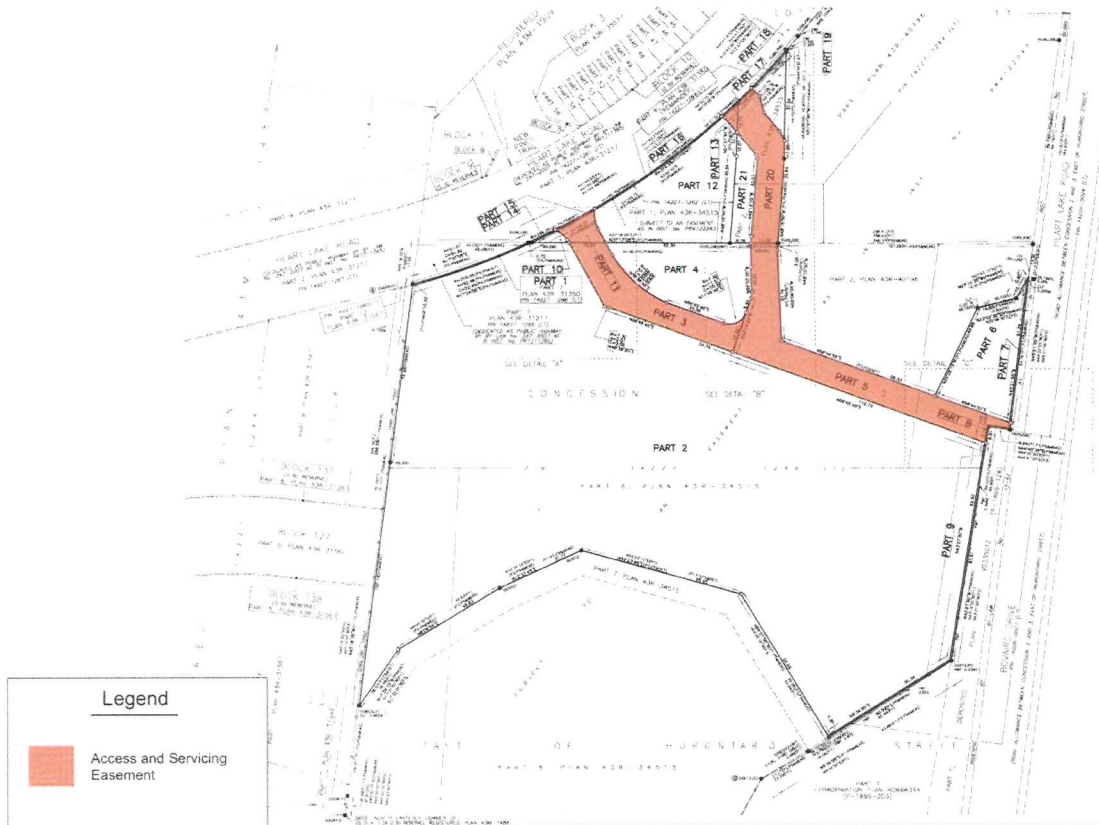
Figure 2: Site Plan (October 16-24), depicting proposed development and access/servicing easement. Enlarged version available as a separate attachment to this submission (See "Site Plan (Oct 16-24)" in submission package).



### PROPOSED CONSENT APPLICATION

The application for Consent is for the creation of an access and servicing easement on the Site, benefitting the Senator Homes lands. The attached Draft R-Plan identifies the various parts representing the easement for both access and servicing. The relevant parts which would form the easement are visually depicted in the attached Easement Sketch [Figure 3].

Figure 3: Easement Sketch (Jan 22-25), depicting access/servicing easement. Enlarged version available as a separate attachment to this submission (See "Easement Sketch (Jan 22-25)" in submission package).



### SUBMISSION PACKAGE

As per the application requirements, please find enclosed the following materials under a digital submission, in addition to this cover letter:

- Executed Application Form;
- Site Plan, prepared by Kohn Partnerships Architects Inc., dated October 16, 2024;
- Plan of Survey, prepared by J.D. Barnes Limited, dated September 13, 2024;
- Draft R-Plan, prepared by J.D. Barnes Limited, dated January 22, 2025;
- Easement Sketch;
- Key Map;
- Minutes of Settlement for OLT Case No. PL171333;
- Ontario Land Tribunal Order for Case No.: PL171333 dated November 24, 2021;
- Parcel Registers for the three (3) relevant parcels, PINs being:
  - 14227-1262 (LT);
  - 14227-1264 (LT);
  - 14227-1266 (LT).

Please note that the Application fee of \$5,078.00, paid by cheque, will be delivered to the City in physical form.

January 22, 2025

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Please note that as per the Consent Application Form, if an additional fee for TRCA review is identified as required, the payment of \$1,400.00 will be made upon confirmation.

We trust that the enclosed information is complete and satisfactory. Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Connor Wright  
Intermediate Planner

CC KSV Restructuring Inc.  
O & L LP dba ELM Forward  
Ramsen Yousif, Development Planner III, Development Services

**SOME MATTERS USUALLY ADDRESSED**

The Committee having regard to comments, recommendations, evidence, by-laws and policies may impose conditions on favourably considered applications.

Noted below are some of the matters addressed by Committee conditions:

- 1) Certificate fee;
- 2) Copies of the final reference (survey) plan to be provided
- 3) Gratuitous conveyance of land for road widening;
- 4) Provision of adequate services; and,
- 5) Zoning by-law compliance.

Other conditions specific to some properties are noted below:

- a) Site plan approval by:
  - i) Conservation Authority
  - ii) Municipal Department;
  
- b) Approval of driveway location.

It is recommended that applicants contact the Planning and Development Services Department and other appropriate commenting agencies; however, it is noted that the Committee of Adjustment will make a decision on the merits of the application.

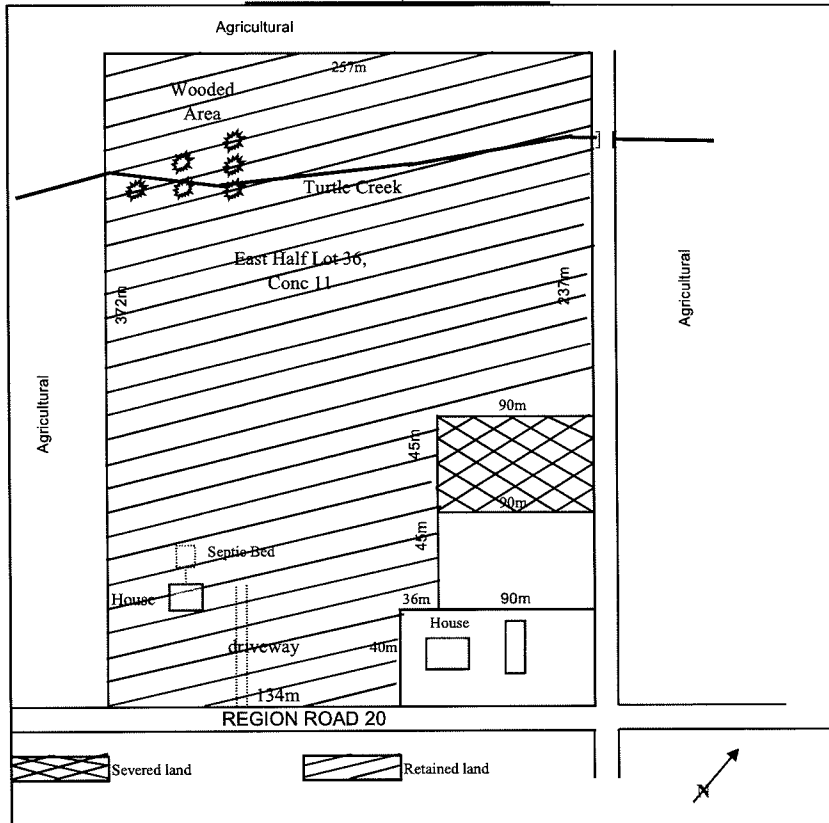
**NOTE: DEVELOPMENT CHARGES AND/OR A CASH PAYMENT IN LIEU OF PARKLAND DEDICATION MAY BE PAYABLE AT THE TIME OF BUILDING PERMIT AND THE CHARGES MAY BE SIGNIFICANT**

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**A PRELIMINARY PROCESSING FEE MAY BE REQUIRED BY THE CONSERVATION AUTHORITY  
TORONTO & REGION CONSERVATION - \$1400.00 OR  
CREDIT VALLEY CONSERVATION - \$410.00**

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**SAMPLE OF REQUIRED SKETCH**



**MINUTES OF SETTLEMENT**

Between:

**VANDYK – HEARTLAKE LIMITED**

**-and-**

**TORONTO AND REGION CONSERVATION AUTHORITY**

**-and-**

**THE CORPORATION OF THE CITY OF BRAMPTON**

**-and-**

**SENATOR HOMES (DISCOVERY II) INC.**

**RECITALS**

- A. Van Dyk – Heartlake Limited (hereinafter referred to as the “**Owner**”) owns the lands municipally known as 10194 Heart Lake Road and 0 Heart Lake Road as legally described on parcel registers: 14227-1262, 14227-1264 and 14227-1266 (the “**Subject Property**”).
- B. The Subject Property is located on the east side of Heart Lake Road, north of Bovaird Drive. It comprises a 9.07 hectares of land that includes two Provincially Significant Wetlands.
- C. In 2011, applications for zoning by-law amendment and draft plan of subdivision were submitted by a previous owner for the purpose of developing the Subject Property for medium density townhouse development.
- D. In 2017, the Owner appealed the applications to the Ontario Municipal Board (now Ontario Land Tribunal), which were assigned Case No. PL171333 (zoning) and Case No. PL171334 (subdivision).



- E. The Toronto and Region Conservation Authority (the "TRCA") sought and was granted party status on consent to the appeals and the City of Brampton (the "City") is a statutory party to the appeals. Senator Homes (Discovery II) Inc. ("Senator") was granted participant status to the appeals. Senator owns lands that abut the Subject Property to the East.
- F. On February 11, 2021, the Owner withdrew the draft plan of subdivision appeal.
- G. This agreement including the attached schedules, has been negotiated by the signatories for the purpose of settling the remaining appeal assigned Case No. PL171333 (the "Zoning Appeal").

**NOW THEREFORE**, in consideration of the mutual covenants given in these Minutes of Settlement (the "Minutes"), the City, TRCA, Owner and Senator (collectively the "Parties") agree to settle the Zoning Appeal as follows:

1. The recitals above are accurate, both in substance and in fact.
2. The Parties consent to the form of zoning by-law amendment included as Schedule 1 to these Minutes and to the concept plan included as Schedule 2 to these Minutes ("Concept Plan"), subject to clauses 3 and 8 below;
3. The Parties shall make a joint request that the Ontario Land Tribunal ("OLT") approve the zoning by-law amendment attached as Schedule 1 to this Agreement, pursuant to section 34 of the *Planning Act*, provided that the OLT withhold its Order that would bring the instrument into force pending the following being completed to the satisfaction of the City:
  - a. Proof that the Owner has registered a private access and servicing easement across the Subject Property for the benefit of Senator in accordance with the Easement Plan included as Schedule 3 to these Minutes. The private easement shall have sufficient width to accommodate access and separate services for the future

development of both the Subject Property and Senator's lands. The Owner acknowledges that it is obligated to allow Senator access and servicing across the Subject Property to Heart Lake Road and Senator consents to receiving a private easement for that purpose. Warning clauses for inclusion in agreements of purchase and sale shall be required to identify Senator's easement interest to future purchasers.

- b. The submission of a Functional Servicing Report (FSR) to the satisfaction of the TRCA to address site water balance targets and feature-based water balance.
  
4. The Owner agrees that any future development application submissions for the Subject Property, including for site plan approval and draft plan of condominium approval, shall:
  - a. be substantially in accordance with the Concept Plan. The Owner acknowledges that the City, TRCA and other public authorities are not precluded from making technical comments on those future development applications that may necessitate refinements to the Concept Plan in order to accommodate infrastructure, easements or other aspects of development normally part of site plan and/or draft plan of condominium review;
  - b. address outstanding transportation comments to the City's satisfaction with respect to the alignment, design and lane configuration of access to the Subject Property from Heart Lake Road including alignment with new Pines Trail; and
  - c. provide sufficient space within the units to accommodate waste receptacles in compliance with Region of Peel requirements.

5. A decision on the potential future gratuitous conveyance into public ownership of any or all of the Provincially Significant Wetlands 31 and 33 and buffer/linkage corridor lands shown on Schedule 4 to this Agreement (“Non-Developable Lands”) is being deferred and the City and TRCA make no representation or warranty that a conveyance will be accepted in the future.
6. The Parties shall work co-operatively to support a settlement of the Zoning Appeal. The Owner shall retain any required expert witnesses to testify or attest on consent of the Parties. The Owner acknowledges and agrees that TRCA is not required to provide any witnesses or evidence at a hearing or motion at the OLT or at any other time in support of these Minutes of Settlement.
7. The Parties shall bear their own costs respecting this Zoning Appeal proceeding.
8. The Parties acknowledge and agree that in the event that the OLT does not grant approvals in accordance with the Parties joint request outlined in clause 2, these Minutes shall terminate and the Parties shall no longer have any rights or obligations hereunder.
9. Nothing in these Minutes shall have the intent or effect of fettering the discretion of the Council of the City of Brampton or any of its Committees.
10. Nothing in these Minutes of Settlement is intended to operate to in any way fetter TRCA's discretionary powers, duties and authorities on other matters. In addition, nothing herein shall in any way detract from the requirement to obtain any future permissions from TRCA for the Subject Property pursuant to Ontario Regulation 166/06 as aforesaid.
11. The Owner agrees and acknowledges that for the purposes of the development of the Subject Property, TRCA holds regulatory jurisdiction over a portion of the Subject Property. The Owner agrees, in connection with its proposal to engage in "development" in these regulated

areas, to apply for all regulatory permits as required by TRCA and to pay the fees associated with applying for the given permits.

12. These Minutes are made pursuant to, shall be governed by, and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.
13. The parties have entered into these Minutes in good faith with the expectation that failure to abide by the rights and obligations therein shall be enforceable by court action. It is not intended that these Minutes of Settlement be tendered as evidence at a hearing or motion at the OLT unless it is necessary to do so in conjunction with an explicit argument that one or more parties are in breach of the terms of these Minutes of Settlement.
14. The Parties agree that all of the covenants, rights, duties, provisions, conditions and obligations herein contained shall enure to the benefit of and be binding upon each of the Parties and their respective successors and assigns. For the purpose of this provision, the Owner shall duly provide notice and a copy of this agreement to any prospective purchaser prior to completion of any agreement granting any right, title or interest in the Subject Property and upon transfer, the Owner shall provide the City with written confirmation that the purchaser has agreed to assume the obligations contained in these Minutes of Settlement and schedules and shall provide the City with written confirmation of assumption from any subsequent purchaser.
15. These Minutes may be executed in one or more counterparts, which together shall constitute a complete set of these Minutes, and executed counterparts may be delivered by email to the other Parties or their representatives as follows:

OLT CASE NO.: PL171333

To the Owner  
Aird & Berlis LLP  
Patrick Harrington  
Email: [pharrington@airdberlis.com](mailto:pharrington@airdberlis.com)

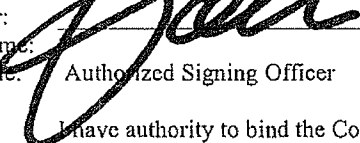
To TRCA  
Fogler, Rubinoff LLP  
Tim Duncan  
Email: [tduncan@foglers.com](mailto:tduncan@foglers.com)

To City  
City of Brampton  
Legislative Services Department  
Matthew Rea  
Email: [matthew.rea@brampton.ca](mailto:matthew.rea@brampton.ca)

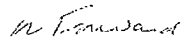
To Senator  
Oslers  
Chris Barnett  
[CBarnett@osler.com](mailto:CBarnett@osler.com)

In Witness Whereof, the Parties have executed this agreement as of the \_\_\_ day of October, 2021.

VANDYK - HEARTLAKE LIMITED

Per:   
Name: \_\_\_\_\_  
Title: Authorized Signing Officer  
I have authority to bind the Corporation

THE CORPORATION OF THE CITY OF  
BRAMPTON

  
Per: \_\_\_\_\_  
Name: Richard Forward  
Title: Commissioner of Planning and Economic  
Development

I have authority to bind the municipality

TORONTO AND REGION CONSERVATION  
AUTHORITY

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I have authority to bind the conservation authority

SENATOR HOMES (DISCOVERY II) INC.

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Authorized Signing Officer

I have authority to bind the Corporation

**OLT CASE NO.: PL171333**

To the Owner  
Aird & Berlis LLP  
Patrick Harrington  
Email: [pharrington@airdberlis.com](mailto:pharrington@airdberlis.com)

To TRCA  
Fogler, Rubinoff LLP  
Tim Duncan  
Email: [tduncan@foglers.com](mailto:tduncan@foglers.com)

To City  
City of Brampton  
Legislative Services Department  
Matthew Rea  
Email: [matthew.rea@brampton.ca](mailto:matthew.rea@brampton.ca)

To Senator  
Oslers  
Chris Barnett  
[CBarnett@osler.com](mailto:CBarnett@osler.com)

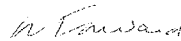
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**VANDYK – HEARTLAKE LIMITED**

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Title: Authorized Signing Officer

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BRAMPTON**

Per:   
Name: Richard Forward  
Title: Commissioner of Planning and Economic  
Development

I have authority to bind the municipality

**TORONTO AND REGION CONSERVATION  
AUTHORITY**

Per: \_\_\_\_\_  
Name:  
Title:

I have authority to bind the conservation authority

**SENATOR HOMES (DISCOVERY II) INC.**

Per: \_\_\_\_\_  
Name:  
Title: Authorized Signing Officer

I have authority to bind the Corporation

To the Owner  
Aird & Berlis LLP  
Patrick Harrington  
Email: [pharrington@airdberlis.com](mailto:pharrington@airdberlis.com)

To TRCA  
Fogler, Rubinoff LLP  
Tim Duncan  
Email: [tduncan@foglers.com](mailto:tduncan@foglers.com)

To City  
City of Brampton  
Legislative Services Department  
Matthew Rea  
Email: [matthew.rea@brampton.ca](mailto:matthew.rea@brampton.ca)

To Senator  
Oslers  
Chris Barnett  
[CBarnett@osler.com](mailto:CBarnett@osler.com)

In Witness Whereof, the Parties have executed this agreement as of the \_\_\_ day of October, 2021.

**VANDYK – HEARTLAKE LIMITED**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Authorized Signing Officer

I have authority to bind the Corporation

**THE CORPORATION OF THE CITY OF  
BRAMPTON**

Per: \_\_\_\_\_  
Name: Richard Forward  
Title: Commissioner of Planning and Economic  
Development

I have authority to bind the municipality

**TORONTO AND REGION CONSERVATION  
AUTHORITY**

Per:  \_\_\_\_\_  
Name: John MacKenzie  
Title: Chief Executive Officer

I have authority to bind the conservation authority

**SENATOR HOMES (DISCOVERY II) INC.**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Authorized Signing Officer

I have authority to bind the Corporation

**SCHEDULE 1**  
**ZONING BY-LAW AMENDMENT**





THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* \_\_\_\_\_ - 2021

To amend Comprehensive Zoning By-law 270-2004, as amended

---

The Ontario Land Tribunal approves as follows:

1. By-law 270-2004, as amended, is hereby further amended:

(1) By changing the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
Agricultural (A)	Residential Townhouse A – Section 3560 (R3A-3560)  Open Space (OS)

(2) By adding the following Section:

“3560 The lands designated R3A-3560 on Schedule A to this by-law:

3560.1 Shall only be used for the following purposes:

- (1) a townhouse dwelling
- (2) a back to back townhouse dwelling
- (3) a stacked townhouse dwelling
- (4) a stacked back to back townhouse dwelling
- (5) purposes accessory to other permitted purposes

3560.2 Uses permitted under Section R3A-3560.1 shall be subject to the following requirements and restrictions:

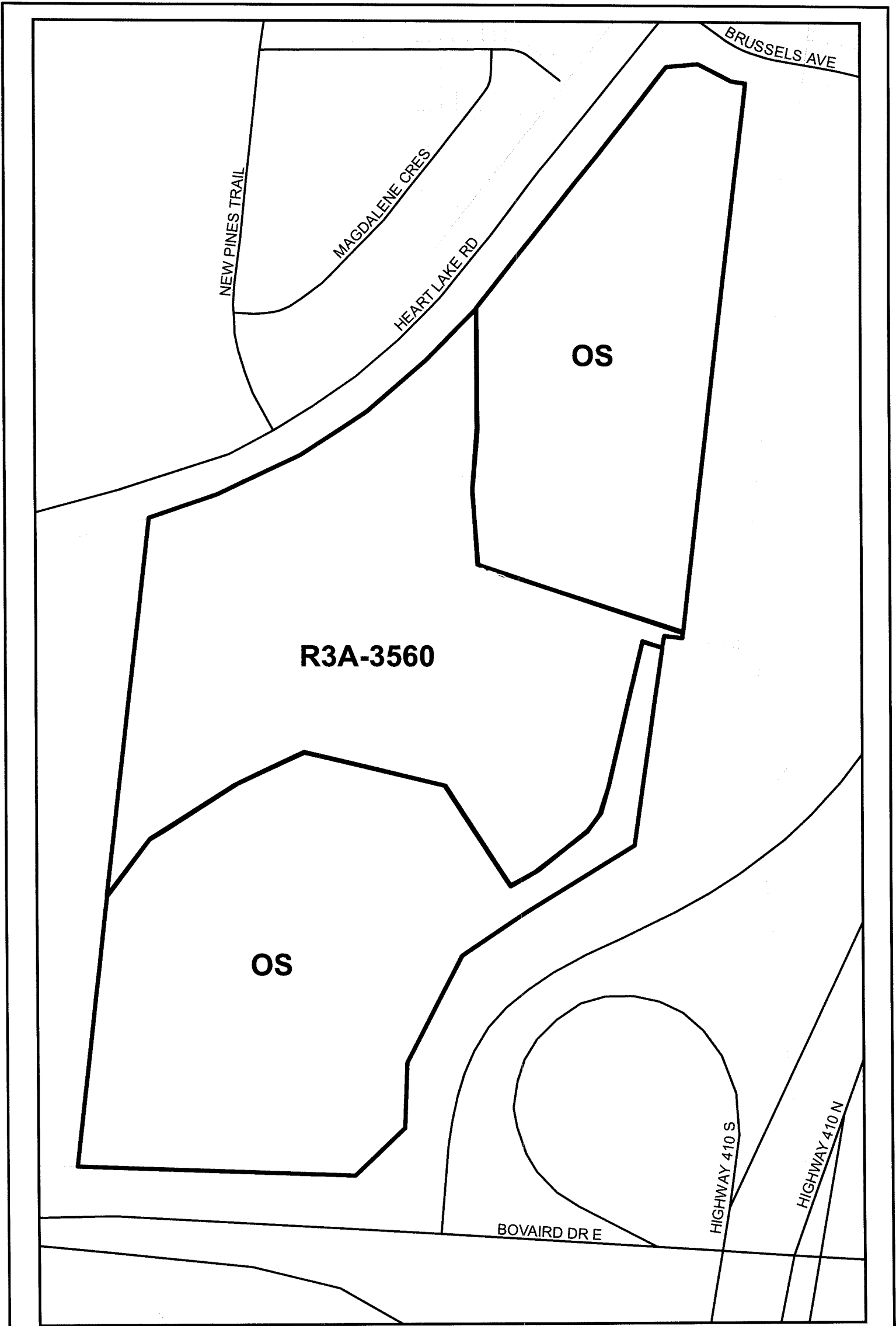
- (1) Minimum Lot Area: 30,000.00 square metres;
- (2) Minimum Front Yard Depth: 2.0 metres to the front wall of a dwelling;
- (3) Minimum Interior Side Yard Width: 3.0 metres;

- (4) Minimum Rear Yard Depth to an Open Space Zone: 4.0 metres;
  - (5) Minimum separation between buildings: 12.0 metres, except that a minimum 3.0 metres shall be permitted between end wall of dwellings;
  - (6) Minimum setback to all stairwells, enclosed or open, providing access to townhouse dwelling from a Private Street: No requirement;
  - (7) Minimum setback from a Private Street:
    - a) 3.0 metres from the wall of a dwelling to a private road, except:
      - i. where the building abuts a daylight rounding of a private road, the setback may be reduced to a minimum of 2.0 metres;
      - ii. where the flanking wall of a back to back townhouse dwelling abuts a Private Street the setback may be reduced to 2.5 metres;
    - b) 5.4 metres to a garage door opening;
  - (8) Maximum Building Height: 4 storeys or 16.6 metres, whichever is greater;
  - (9) Minimum Landscaped Open Space: 30% of the lot area;
  - (10) A balcony or porch may project into the interior side yard by a maximum of 0.6 metres including eaves and cornices;
  - (11) Any structures or equipment required for the provision of services by a public or private utility company may be located no less than 2 metres from a public road right-of-way and 1 metre from a private road or dwelling;
  - (12) Maximum Floor Space Index: 0.85;
  - (13) Maximum Number of Dwelling units: 200;
  - (14) Maximum Building Width: 50.0 metres;
  - (15) Patios and Amenity Areas: Below grade patios and amenity areas shall be permitted within a required yard.
  - (16) Minimum Dwelling Unit Width:
    - a) 5.5 metres for a townhouse dwelling;
    - b) 4.2 metres for a townhouse dwelling where parking is located at the rear of the building;
    - c) 5.8 for back to back townhouses, stacked townhouses, and stacked back to back townhouses;
- 3560.3 All lands zoned R3A-3560 shall be deemed to be one lot for zoning purposes;
- 3560.4 For the purposes of this Section, Private Street shall mean a private thoroughfare providing primary access to abutting uses, but shall not include a public street, public lane, or private lane.

- 3560.5 For the purposes of this Section, a Stacked Back to Back Townhouse Dwelling shall mean a building not exceeding four storeys in height, containing a minimum of four attached dwelling units that are divided horizontally and vertically, each with an entrance that is independent or through a common vestibule, with a minimum of four units per block that are attached sharing a common rear wall.
- 3560.6 Shall also be subject to the requirements and restrictions relating to the R3A zone and all the general provisions of the By-law which are not in conflict with those set out in Section 3560.2, 3560.3, 3560.4, and 3560.5.”

APPROVED BY THE ONTARIO LAND TRIBUNAL ON \_\_\_\_\_, 2021  
PURSUANT TO ORDER NO. \_\_\_\_\_.

(C02E11.022)



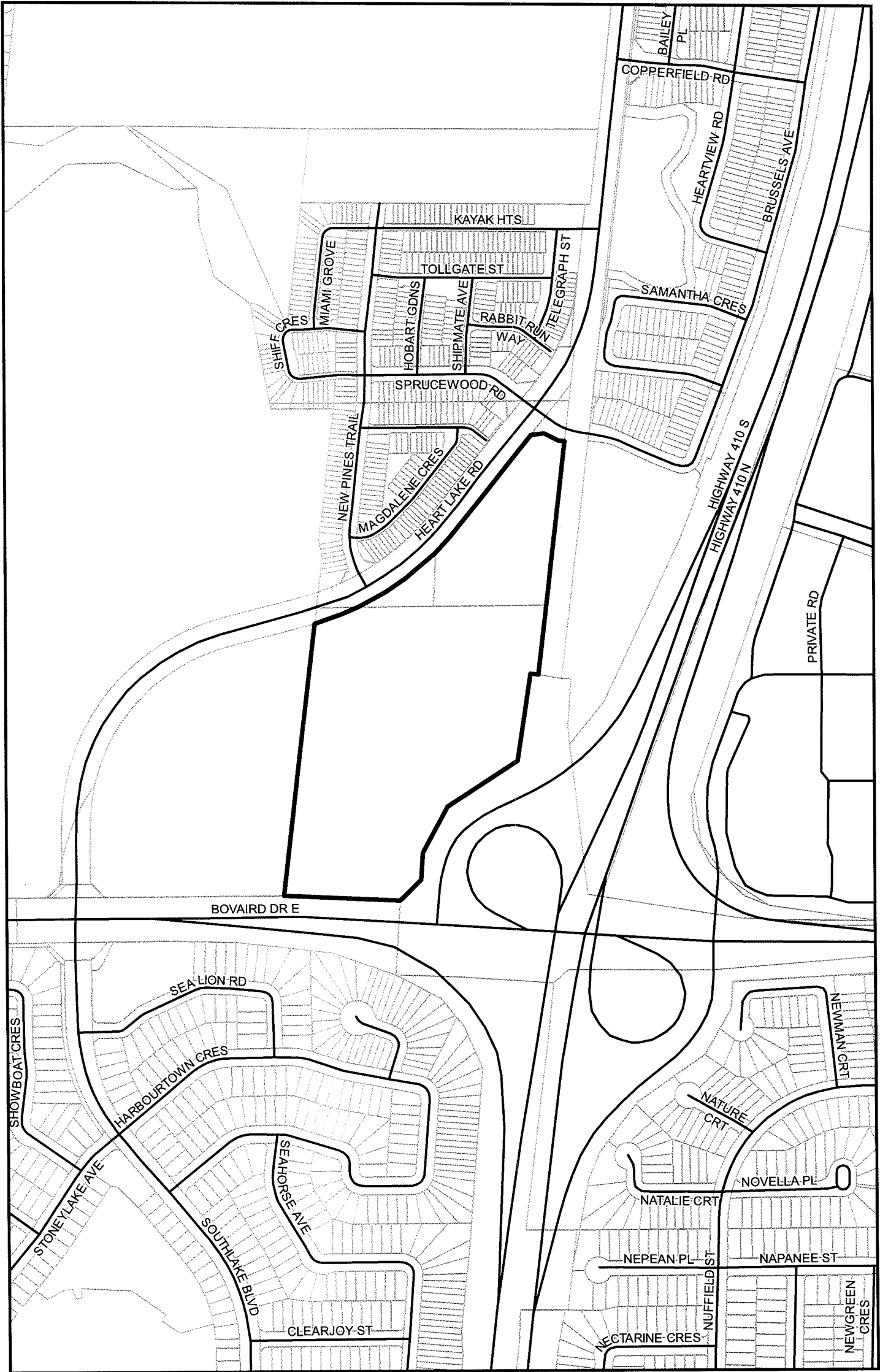
**—— ZONE BOUNDARY**



**PART LOT 11, CONCESSION 2 E.H.S.**

BY-LAW \_\_\_\_\_

**SCHEDULE A**



 SUBJECT LANDS



**SCHEDULE 2**  
**CONCEPT PLAN**

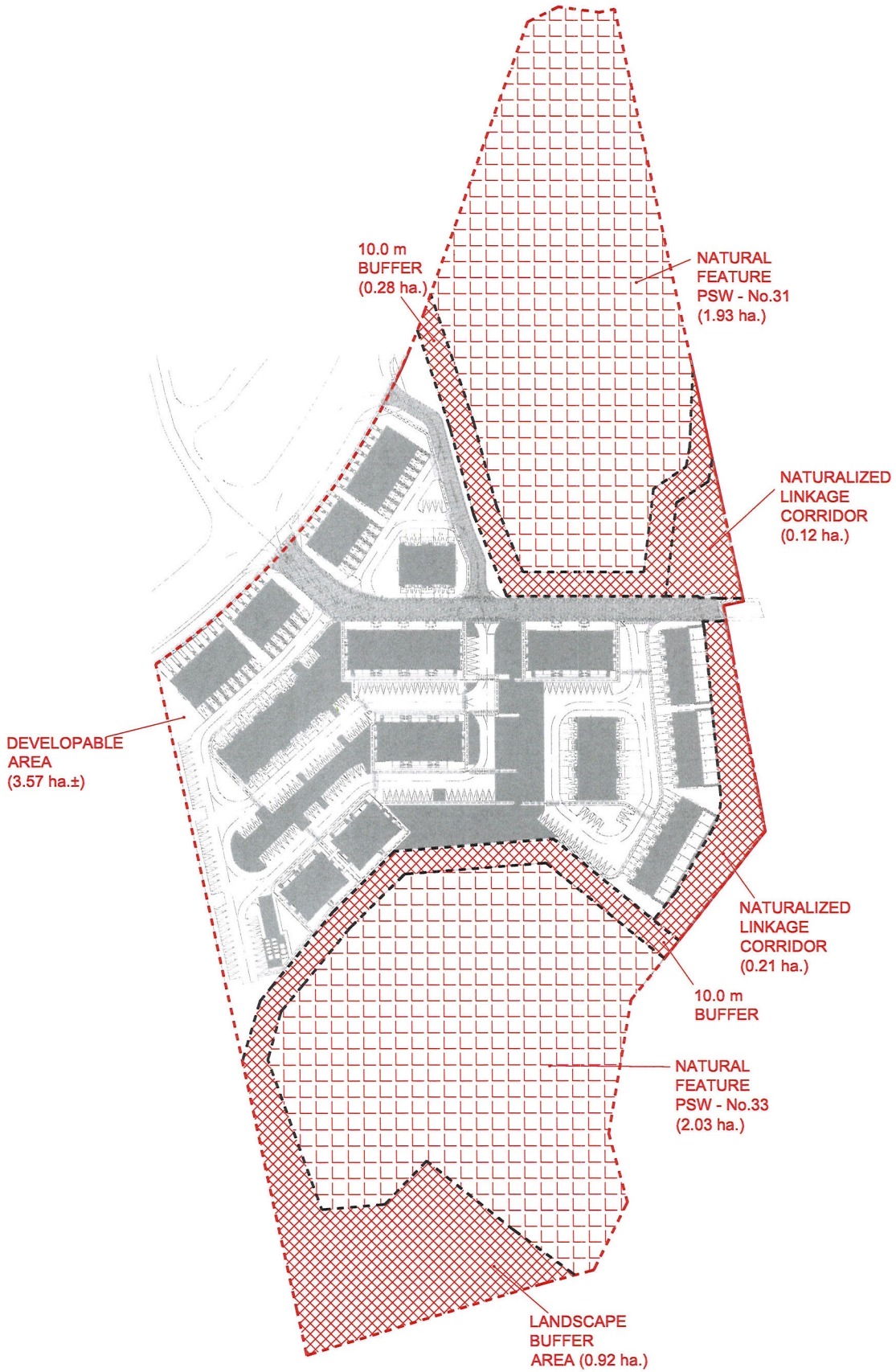


**SCHEDULE 3**  
**EASEMENT PLAN**





**SCHEDULE 4**  
**NON-DEVELOPABLE LANDS**



**LEGEND**

- Buffer/Naturalized Area
- Natural Feature PSW
- Survey Boundary
- Non - Developable Area Boundary

**AREA STATISTICS**

Natural Feature Areas	_____ 3.96 ha.
Landscape Areas/Buffers	_____ 1.2 ha.
Natural Linkage Corridor	_____ 0.33 ha.
Developable Area	_____ 3.57 ha.±
<b>Total Area</b>	<b>_____ 9.06 ha.±</b>

**10194 Heart Lake Road - Non-Developable Lands**

**DESIGN PLAN SERVICES INC.**  
 Town Planning Consultants  
 900 The East Mall, Suite 300  
 Toronto, ON M9B 6K2  
 Telephone: 416.626.5445  
 www.designplan.ca



1:900	08/11/2021	1431-13	Rev.	Drawn	RW
<small>Scale</small>	<small>Date</small>	<small>Drawing Number</small>	<small>Rev.</small>	<small>Drawn</small>	<small>Design</small>

LAND  
REGISTRY  
OFFICE #43

14227-1262 (LT)

PAGE 1 OF 2  
PREPARED FOR MCaicedo  
ON 2024/08/26 AT 10:18:47

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

**PROPERTY DESCRIPTION:** PT LT 11 CON 2 EHS CHING DES PTS 1, 2 PL 43R-31192; T/W ROW OVER PT LT 11 CON 2 EHS CHING, PTS 1, 2, 3, 4, 5 PL 43R-31098, AS IN PR1167589; SUBJECT TO AN EASEMENT AS IN PR4122243; CITY OF BRAMPTON

**PROPERTY REMARKS:** PLANNING ACT CONSENT ATTACHED TO PR1194198.

**ESTATE/QUALIFIER:**  
FEE SIMPLE  
LT CONVERSION QUALIFIED

**RECENTLY:**  
DIVISION FROM 14227-1260

**PIN CREATION DATE:**  
2007/01/08

**OWNERS' NAMES**  
VANDYK - HEART LAKE LIMITED

**CAPACITY SHARE**  
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 1996/05/07 **						
NOTE: THE NO DEALINGS INDICATOR IS IN EFFECT ON THIS PROPERTY						
43R31192	2006/12/06	PLAN REFERENCE				C
43R34515	2012/04/03	PLAN REFERENCE				C
PR2640781	2014/12/01	TRANSFER	\$2,687,500	JORDON ENTERPRISES INC.	2366885 ONTARIO INC.	C
REMARKS: PLANNING ACT STATEMENTS.						
PR3886587	2021/08/09	APL CH NAME OWNER		2366885 ONTARIO INC.	VANDYK - HEARTLAKE LIMITED	C
PR3987858	2022/02/01	APL CH NAME OWNER		VANDYK - HEARTLAKE LIMITED	2366885 ONTARIO INC.	C
PR4070552	2022/06/16	CHARGE	\$68,750,000	VANDYK-UPTOWNS LIMITED 2366885 ONTARIO INC.	KINGSETT MORTGAGE CORPORATION	C
PR4070553	2022/06/16	NO ASSGN RENT GEN		VANDYK-UPTOWNS LIMITED 2366885 ONTARIO INC.	KINGSETT MORTGAGE CORPORATION	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

LAND  
 REGISTRY  
 OFFICE #43

14227-1262 (LT)

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD	
		<i>REMARKS: PR4070552.</i>					
PR4103246	2022/08/19	APL CH NAME OWNER		2366885 ONTARIO INC.	VANDYK - HEART LAKE LIMITED	C	
PR4122243	2022/09/29	TRANSFER EASEMENT	\$2	VANDYK - HEARTLAKE LIMITED	ROGERS COMMUNICATIONS INC.	C	
PR4241740	2023/08/25	APL (GENERAL)		J. LANG MANAGEMENT INC.		C	
		<i>REMARKS: CERTIFICATE OF PENDING LITIGATION</i>					
PR4270124	2023/11/06	CHARGE	\$4,500,000	VANDYK - HEART LAKE LIMITED	SUPERTRIN PROPERTIES INC.	C	
PR4270136	2023/11/06	NO ASSGN RENT GEN		VANDYK - HEART LAKE LIMITED	SUPERTRIN PROPERTIES INC.	C	
		<i>REMARKS: PR4270124</i>					
PR4273766	2023/11/16	CONSTRUCTION LIEN	\$75,936	SKIRA & ASSOCIATES LIMITED		C	
PR4287705	2023/12/22	CERTIFICATE		SKIRA & ASSOCIATES LIMITED		C	
		<i>REMARKS: PR4273766</i>					
PR4291477	2024/01/11	APL COURT ORDER		ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)	KSV RESTRUCTURING INC.	C	
		<i>REMARKS: RECEIVERSHIP ORDER</i>					
PR4293780	2024/01/18	CHARGE	\$16,000,000	VANDYK - HEART LAKE LIMITED	DIVERSIFIED CAPITAL INC.	C	
PR4293781	2024/01/18	RESTRICTION-LAND		VANDYK - HEART LAKE LIMITED		C	
		<i>REMARKS: NO TRANSFER OR CHARGE WITHOUT THE CONSENT OF DIVERSIFIED CAPITAL INC.</i>					

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
 NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

LAND  
 REGISTRY  
 OFFICE #43

14227-1264 (LT)

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

**PROPERTY DESCRIPTION:** PT LT 11 CON 2 EHS CHING AS IN CH21799, SAVE AND EXCEPT BL 696, PTS 1, 2, 3, 4, 5 PL 43R-31098, LYING NORTH EAST OF PT 1 PL 43R-31217 AND PTS 1, 2 PL 43R-31192; T/W ROW OVER PT LT 11 CON 2 EHS CHING, PTS 1, 2, 3, 4, 5 PL 43R-31098, AS IN PR1167589; SUBJECT TO AN EASEMENT AS IN PR4122243; CITY OF BRAMPTON

**PROPERTY REMARKS:**

ESTATE/QUALIFIER:  
 FEE SIMPLE  
 LT CONVERSION QUALIFIED

RECENTLY:  
 DIVISION FROM 14227-1260

PIN CREATION DATE:  
 2007/01/08

OWNERS' NAMES  
 VANDYK - HEART LAKE LIMITED

CAPACITY SHARE  
 ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44 (1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70 (2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 1996/05/07 **						
NOTE: THE NO DEALINGS INDICATOR IS IN EFFECT ON THIS PROPERTY						
43R26015	2002/02/07	PLAN REFERENCE				C
43R29542	2004/10/18	PLAN REFERENCE				C
43R31192	2006/12/06	PLAN REFERENCE				C
43R31217	2006/12/18	PLAN REFERENCE				C
43R31350	2007/02/21	PLAN REFERENCE				C
43R34515	2012/04/03	PLAN REFERENCE				C
PR2640781	2014/12/01	TRANSFER	\$2,687,500	JORDON ENTERPRISES INC.	2366885 ONTARIO INC.	C
REMARKS: PLANNING ACT STATEMENTS.						
PR3886587	2021/08/09	APL CH NAME OWNER		2366885 ONTARIO INC.	VANDYK - HEARTLAKE LIMITED	C

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 NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

LAND  
 REGISTRY  
 OFFICE #43

14227-1264 (LT)

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REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
43R40196	2022/01/19	PLAN REFERENCE				C
PR3987858	2022/02/01	APL CH NAME OWNER		VANDYK - HEARTLAKE LIMITED	2366885 ONTARIO INC.	C
PR4070552	2022/06/16	CHARGE	\$68,750,000	VANDYK-UPTOWNS LIMITED 2366885 ONTARIO INC.	KINGSETT MORTGAGE CORPORATION	C
PR4070553	2022/06/16	NO ASSGN RENT GEN		VANDYK-UPTOWNS LIMITED 2366885 ONTARIO INC.	KINGSETT MORTGAGE CORPORATION	C
		REMARKS: PR4070552.				
PR4101978	2022/08/17	CERTIFICATE		HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF THE ENVIRONMENT, CONSERVATION AND PARKS		C
		REMARKS: CERTIFICATE OF REQUIREMENT S.197(2) ENVIRONMENTAL PROTECTION ACT. PART LOT 11 CONCESSION 2 EHS CHING AS IN CH21799, EXCEPT BLOCK 696, PARTS 1, 2, 3, 4 AND 5 PLAN 43R31098, LYING NORTH EAST OF PART 1 PLAN 43R31217, PARTS 1 AND 2, PLAN 43R31192 AND EXCEPT PART 2, PLAN 43R34515.				
PR4103246	2022/08/19	APL CH NAME OWNER		2366885 ONTARIO INC.	VANDYK - HEART LAKE LIMITED	C
PR4122243	2022/09/29	TRANSFER EASEMENT	\$2	VANDYK - HEARTLAKE LIMITED	ROGERS COMMUNICATIONS INC.	C
PR4241740	2023/08/25	APL (GENERAL)		J. LANG MANAGEMENT INC.		C
		REMARKS: CERTIFICATE OF PENDING LITIGATION				
PR4270124	2023/11/06	CHARGE	\$4,500,000	VANDYK - HEART LAKE LIMITED	SUPERTRIN PROPERTIES INC.	C
PR4270136	2023/11/06	NO ASSGN RENT GEN		VANDYK - HEART LAKE LIMITED	SUPERTRIN PROPERTIES INC.	C
		REMARKS: PR4270124				
PR4273766	2023/11/16	CONSTRUCTION LIEN	\$75,936	SKIRA & ASSOCIATES LIMITED		C
PR4287705	2023/12/22	CERTIFICATE		SKIRA & ASSOCIATES LIMITED		C
		REMARKS: PR4273766				
PR4291477	2024/01/11	APL COURT ORDER		ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)	KSV RESTRUCTURING INC.	C
		REMARKS: RECEIVERSHIP ORDER				
PR4293780	2024/01/18	CHARGE	\$16,000,000	VANDYK - HEART LAKE LIMITED	DIVERSIFIED CAPITAL INC.	C
PR4293781	2024/01/18	RESTRICTION-LAND		VANDYK - HEART LAKE LIMITED		C
		REMARKS: NO TRANSFER OR CHARGE WITHOUT THE CONSENT OF DIVERSIFIED CAPITAL INC.				

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
 NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

LAND  
 REGISTRY  
 OFFICE #43

14227-1266 (LT)

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

PROPERTY DESCRIPTION: PT LT 11 CON 2 EHS CHING, PT 1 PL 43R-19750, SAVE AND EXCEPT PT 7 PL 43R-31217; SUBJECT TO AN EASEMENT AS IN PR4122243; CITY OF BRAMPTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:  
 FEE SIMPLE  
 ABSOLUTE

RECENTLY:  
 DIVISION FROM 14227-0830

PIN CREATION DATE:  
 2007/01/24

OWNERS' NAMES  
 VANDYK - HEART LAKE LIMITED

CAPACITY SHARE  
 ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
NOTE: THE NO DEALINGS INDICATOR IS IN EFFECT ON THIS PROPERTY						
FAD92025	1993/03/25	APL FIRST REGN			JORDON ENTERPRISES INC. JURAGEL SHOPPING CENTRE LIMITED TANBURN ENTERPRISES LIMITED PAULHEALTH INVESTMENTS LIMITED GIDDENS, FRANCES	C
43R19750	1993/03/25	PLAN REFERENCE				C
43R26015	2002/02/07	PLAN REFERENCE				C
43R29542	2004/10/18	PLAN REFERENCE				C
43R31217	2006/12/18	PLAN REFERENCE				C
43R31350	2007/02/21	PLAN REFERENCE				C
43R34515	2012/04/03	PLAN REFERENCE				C
PR2640780	2014/12/01	TRANSFER	\$8,062,500	JORDON ENTERPRISES INC. GIDDENS, FRANCES JURAGEL SHOPPING CENTRE LIMITED PAULHEATH INVESTMENTS LIMITED TANBURN ENTERPRISES LIMITED	2366885 ONTARIO INC.	C
REMARKS: PLANNING ACT STATEMENTS.						
PR3886587	2021/08/09	APL CH NAME OWNER		2366885 ONTARIO INC.	VANDYK - HEARTLAKE LIMITED	C
43R40196	2022/01/19	PLAN REFERENCE				C
PR3987858	2022/02/01	APL CH NAME OWNER		VANDYK - HEARTLAKE LIMITED	2366885 ONTARIO INC.	C

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LAND  
 REGISTRY  
 OFFICE #43

14227-1266 (LT)

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
PR4070552	2022/06/16	CHARGE	\$68,750,000	VANDYK-UPTOWNS LIMITED 2366885 ONTARIO INC.	KINGSETT MORTGAGE CORPORATION	C
PR4070553	2022/06/16	NO ASSGN RENT GEN		VANDYK-UPTOWNS LIMITED 2366885 ONTARIO INC.	KINGSETT MORTGAGE CORPORATION	C
		REMARKS: PR4070552.				
PR4101978	2022/08/17	CERTIFICATE		HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF THE ENVIRONMENT, CONSERVATION AND PARKS		C
		REMARKS: CERTIFICATE OF REQUIREMENT S.197(2) ENVIRONMENTAL PROTECTION ACT. PARTS 4 AND 5, PLAN 43R34515.				
PR4103246	2022/08/19	APL CH NAME OWNER		2366885 ONTARIO INC.	VANDYK - HEART LAKE LIMITED	C
PR4122243	2022/09/29	TRANSFER EASEMENT	\$2	VANDYK - HEARTLAKE LIMITED	ROGERS COMMUNICATIONS INC.	C
PR4241740	2023/08/25	APL (GENERAL)		J. LANG MANAGEMENT INC.		C
		REMARKS: CERTIFICATE OF PENDING LITIGATION				
PR4270124	2023/11/06	CHARGE	\$4,500,000	VANDYK - HEART LAKE LIMITED	SUPERTRIN PROPERTIES INC.	C
PR4270136	2023/11/06	NO ASSGN RENT GEN		VANDYK - HEART LAKE LIMITED	SUPERTRIN PROPERTIES INC.	C
		REMARKS: PR4270124				
PR4273766	2023/11/16	CONSTRUCTION LIEN	\$75,936	SKIRA & ASSOCIATES LIMITED		C
PR4287705	2023/12/22	CERTIFICATE		SKIRA & ASSOCIATES LIMITED		C
		REMARKS: PR4273766				
PR4291477	2024/01/11	APL COURT ORDER		ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)	KSV RESTRUCTURING INC.	C
		REMARKS: RECEIVERSHIP ORDER				
PR4293780	2024/01/18	CHARGE	\$16,000,000	VANDYK - HEART LAKE LIMITED	DIVERSIFIED CAPITAL INC.	C
PR4293781	2024/01/18	RESTRICTION-LAND		VANDYK - HEART LAKE LIMITED		C
		REMARKS: NO TRANSFER OR CHARGE WITHOUT THE CONSENT OF DIVERSIFIED CAPITAL INC.				

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LOCATION OF PROJECT: 10194 HEART LAKE RD, BRAMPTON, ONTARIO, CANADA. PROJECT NO.: C02E11.022. DRAWING NO.: ENLARGED SITE PLAN. DATE: 2024-10-16. SCALE: AS SHOWN.

**SCALE DATES AND DISTRIBUTION**

No.	Date	Description
1	11/19/13	ISSUED FOR PERMITS
2	16/04/19	ISSUED FOR PERMITS
3	20/02/20	ISSUED FOR PERMITS
4	20/05/20	ISSUED FOR PERMITS
5	20/09/21	ISSUED FOR PERMITS
6	21/02/22	ISSUED FOR PERMITS
7	21/04/22	ISSUED TO CLIENT FOR INFORMATION
8	21/09/22	ISSUED FOR PERMITS
9	22/06/22	ISSUED FOR PERMITS
10	23/03/23	ISSUED FOR PERMITS
11	24/02/23	ISSUED FOR PERMITS
12	24/02/23	ISSUED FOR PERMITS
13	24/10/24	ISSUED FOR PERMITS

- SITE PLAN SYMBOL AND SIGN LEGEND**
- ENTRANCE TO LOWER RES
  - ENTRANCE TO RES
  - CATCH BASIN (REFER TO CIVIL DWGS.)
  - AREA DRAIN (REFER TO CIVIL DWGS.)
  - TRENCH DRAIN (REFER TO CIVIL DWGS.)
  - MANHOLE (REFER TO CIVIL DWGS.)
  - FIRE HYDRANT
  - SIAMISE (STANDPIPE) CONNECTION
  - ACCESSIBLE PARKING SIGNAGE
  - FIRE ROUTE SIGNAGE
  - LIGHT FIXTURES (EXTERIOR POLE FIXTURE)
  - WALL MOUNTED EXTERIOR LIGHT FIXTURE
  - ACCESSIBLE CURB CUT
  - BARRIER FREE PARKING SPACE
  - COMPLETE OWNERSHIP LANDS
  - PSWs
  - LANDSCAPE BUFFER
  - FUTURE CONVEYANCE
  - LIMIT OF DEVELOPMENT
  - PEDESTRIAN CIRCULATION
  - RED BRICK COLOUR PACKAGE #1
  - GREY BRICK COLOUR PACKAGE #2
  - STACKED TH GREY COLOUR PACKAGE #3
  - STACKED TH WOOD COLOUR PACKAGE #4
  - CP#1
  - CP#2
  - CP#3
  - CP#4
  - VISITOR PARKING, ALL REMAINING PARKING WITHOUT THIS SYMBOL ARE RESIDENTIAL
  - DAYLIGHT TRIANGLE
  - TACTILE SURFACE INDICATOR



**SITE STATISTICS**

**ZONING INFORMATION**

FRONTAGE: 188.3 m

**COMPLETE OWNERSHIP**

LOT AREA: 80,600 sqm (22.39 ac)

**ADJACENT LANDS**

ZONING: R1  
 PSW No. 31  
 19,384 sqm (4.77 ac)  
 20,315 sqm (5.02 ac)  
 2,711 sqm (0.67 ac)  
 9,186 sqm (2.27 ac)

**DEVELOPABLE LANDS**

LOT AREA: 39,000 sqm (9.66 ac) 100%  
 COVERAGE: 8,128 sqm (1.96 ac) 21%  
 PAVING: 8,208 sqm (2.00 ac) 21%  
 LANDSCAPE OPEN AREA: 11,271 sqm (2.86 ac) 30%  
 LINKAGE CORRIDOR: 3,483 sqm (0.86 ac) 9%  
 F.S.I.: 0.81

**UNIT COUNT PER TYPE**

4.2m REAR LAKE TOWNHOUSES	28
6.0m BACK TO BACK TOWNHOUSES	20
5.0m STREET TOWNHOUSES	20
5.0m STACKED TOWNS	112
<b>TOTAL UNIT COUNT:</b>	<b>200</b>

**MINIMUM PARKING SPACE DIMENSIONS**

TRUCK GARAGE WITH ACCESSIBLE PARKING SPACE TYPE 1 & 2  
 TYPE 2 & 3 ARE REQUIRED

BY PARKING SPACES TO BE PROVIDED AS SHOWN IN PLAN

STANDARD PARKING SPACES (AS PER BY-LAW 609)

DRIVE ALLEY 6.0m MIN

**GRASS FLOOR AREAS**

BLOCK	UNITS	GFA (sqm)	GFA (sq ft)
BL 1 (LANE TH)	8	1,145sqm	12,321sf
BL 2 (LANE TH)	6	805sqm	8,577sf
BL 3 (LANE TH)	6	805sqm	8,577sf
BL 4 (LANE TH)	6	1,145sqm	12,321sf
BL 5 (LANE TH)	8	874sqm	9,374sf
BL 6 (LANE TH)	8	874sqm	9,374sf
BL 7 (LANE TH)	30	3,174sqm	34,161sf
BL 8 (LANE TH)	24	2,384sqm	25,614sf
BL 9 (LANE TH)	6	2,384sqm	25,614sf
BL 10 (LANE TH)	6	1,205sqm	13,018sf
BL 11 (LANE TH)	12	1,402sqm	15,105sf
BL 12 (STACK TH)	28	2,384sqm	25,614sf
BL 13 (STACK TH)	16	1,500sqm	16,165sf
BL 14 (STACK TH)	16	1,500sqm	16,165sf
BL 15 (STACK TH)	16	1,500sqm	16,165sf
<b>TOTAL</b>	<b>200</b>	<b>33,708sqm</b>	<b>362,121sf</b>

GFA INCLUDES AREA OF BASEMENTS

**BUILDING INFORMATION**

COVERAGE: 0.208

BUILDING COVERAGE: 0.208

PAVING (LANDSCAPING): PAVE AREA OF LOT

LANDSCAPING (SOFTSCAPING): LANDSCAPING AREA/LOT

AREA: 0.81

NO. OF STOREYS: 4.33m - 11.13m

RESIDENTIAL: 3.37m

EXTERIOR AMENITY SPACE: 3,483sqm

**PARKING SPACE RATES**

REQ.	PROP.
RES. TOWNHOUSES (DUAL)	165
VIS. TOWNHOUSES (DUAL)	165
RES. TOWNHOUSES (DUAL)	20
STACKED TOWNS (1.5m)	115
VIS. STACKED TOWNS (0.2m)	24
<b>TOTAL SPACES:</b>	<b>323</b>

**LOADING RATE RATES**

REQ.	PROP.
RES. TOWNHOUSES (DUAL)	165
VIS. TOWNHOUSES (DUAL)	165
RES. TOWNHOUSES (DUAL)	20
STACKED TOWNS (1.5m)	115
VIS. STACKED TOWNS (0.2m)	24
<b>TOTAL SPACES:</b>	<b>323</b>

**LOADING RATES BASED ON ZONING BY-LAW**

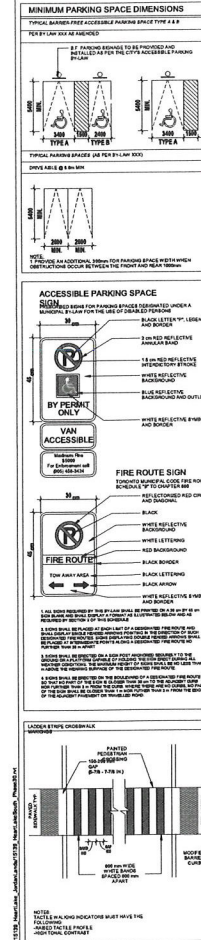
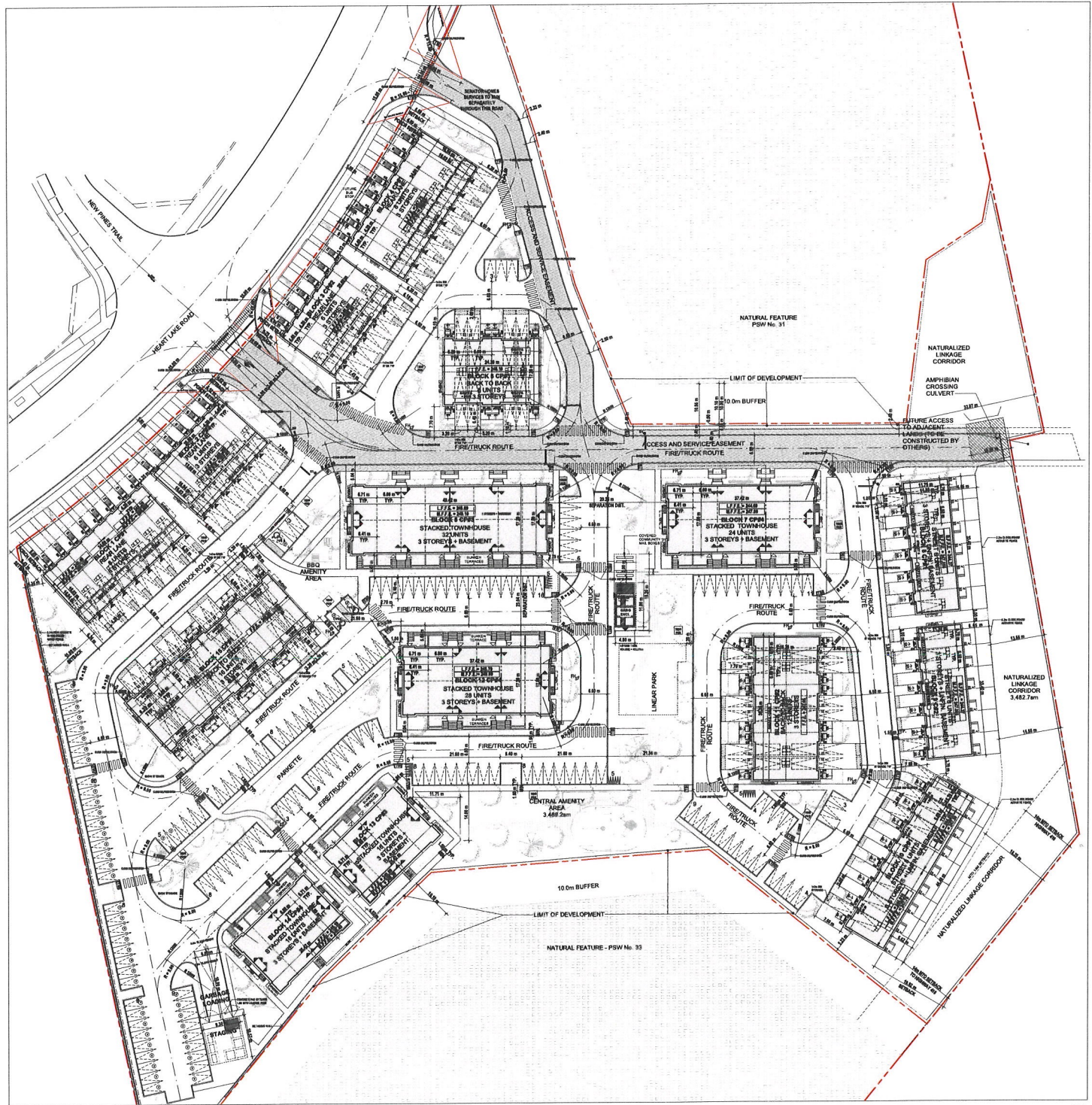
RES. LOADING IS (MAX 15M)

REQ.	PROP.
RESIDENTIAL	1
RESIDENTIAL	1

**SURVEY INFORMATION**

PART OF LOT 11  
 CONVEYANCE 2  
 EAST OF ALBERTA STREET (GEOGRAPHIC TOWNSHIP OF BRIMLEY)  
 CITY OF BRAMPTON  
 REGIONAL MUNICIPALITY OF PEEL

PREPARED BY:  
 BACH & EDWARDS SURVEYING LTD. OLS  
 100 HURONTARIO STREET, SUITE 101  
 MISSISSAUGA, ONTARIO L4R 1A3  
 TEL: 416-673-5000



**SITE PLAN**  
 SCALE: 1:300 (A1 01)

**PROJECT NORTH** **TRUE NORTH**

**10194 HEART LAKE RD**  
**FILE NO. C02E11.022**  
**KSV RESTRUCTURING INC. IN ITS**  
**CAPACITY AS RECEIVER OF**  
**VANDYK HEART LAKE LIMITED**  
 SPA-2024-014  
 BRAMPTON ONTARIO PROVINCE

**ENLARGED SITE PLAN**

Drawn By: TM Checked By: AM Project No: 15-139  
 Date Plotted: 2024-10-16 4:37:45 PM As Indicated  
 Drawing No: A1 01

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** November 24, 2021

**CASE NO(S):** PL171333

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** 2366885 Ontario Inc.  
**Subject:** Application to amend Zoning By-law No. 270-2014  
- Neglect of City of Brampton to make a decision  
**Existing Zoning:** Agricultural (A)  
**Proposed Zoning:** To be determined  
**Purpose:** To permit residential development  
**Property Address/Description:** 10194 Heart Lake Road  
**Municipality:** City of Brampton  
**Municipality File No.:** C02E11.022  
**OLT Case No.:** PL171333  
**OLT File No.:** PL171333  
**OLT Case Name:** 2366885 Ontario Inc. v. Brampton (City)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** 2366885 Ontario Inc.  
**Subject:** Proposed Plan of Subdivision - Failure of the City  
of Brampton to make a decision  
**Purpose:** To permit residential development  
**Property Address/Description:** 10194 Heart Lake Road  
**Municipality:** City of Brampton  
**Municipality File No.:** 21T-11003B  
**OLT Case No.:** PL171333  
**OLT File No.:** PL171334

**Heard:** October 12, 2021 by video hearing and October  
18, 2021 by written submission

**APPEARANCES:**

**Parties**

**Counsel**

2366885 Ontario Inc. (later  
assumed by Van Dyke – Heart  
Lake Limited)

Patrick Harrington

City of Brampton

Matthew Rea

Toronto and Region Conservation  
Authority

Tim Duncan

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**DECISION DELIVERED BY M.A. SILLS AND INTERIM ORDER OF THE TRIBUNAL**

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[1] The parties have reached a settlement in the matter of an appeal by the former owner of the property 2366885 Ontario Inc., and subsequently assumed by the current owner, Vandyke Van – Heart Lake Limited (“Vandyke”), from the refusal or neglect of the City of Brampton (the “City”) to amend Zoning By-law No. 270-2004 (the “ZBA”) for the lands located at 10194 Heart Lake Road (the “subject lands/ property”).

[2] Chris Barnett, who has been monitoring this matter on behalf of his client Senator Homes (Discover II) Inc. (“Senator Homes”), was also in attendance. Senator Homes owns lands to the east of the property.

[3] The subject property is designated “Residential” and “Open Space” in the City’s Official Plan (“COP”) and “Urban System” in the Region of Peel Official Plan (“ROP”).

[4] The subject lands are located within the north-western portion of the City, north of Bovaird Drive East and west of Highway 401 and have approximately 320 metres (“m”) of street frontage on the east side of Heart Lake Road. The property encompasses an area of approximately 9.06 hectares (“ha”), 3.91 ha of which are developable lands.

[5] The property being proposed for residential development is currently vacant, with Provincially Significant Wetlands (“PSW”) located within the north (PSW No. 31) and south (PSW No. 33) portions of the developable area.

### **The Development Proposal**

[6] The original application was filed by the previous owner of the property in 2011. That proposal was substantially revised in 2017 by the current owner, Vandyke.

[7] The current proposal is for a residential development consisting of 200 dwelling units within fifteen (15) blocks of townhouses. A private condo road connection to Heart Lake Road is proposed to provide access to the units and the future developable land east of the former Heart Lake Road right of way owned by Senator Homes.

[8] The ZBA includes the wetlands to the north and south (including respective buffers) of the developable area, with a total of 5.15 ha of the property being dedicated to Open Space and landscape buffer blocks.

[9] The subject property is currently zoned Agricultural (A). The purpose and effect of the proposed ZBA is:

- a. to rezone the developable portion of the property to Residential Townhouse A – Section 35260 (R3A-3560) and Open Space (OS).
- b. to allow townhouse dwelling units, back to back townhouse dwelling units, stacked townhouse dwelling units, stacked back to back townhouse dwelling units, and purposes accessory to other permitted purposes, as permitted building types on the developable portions of the property, and establish a maximum of 200 units for the proposed residential development.
- c. to introduce site-specific performance standards for the proposed 200 townhouse units.
- d. to reflect the protection of the existing wetlands located within the property to the north (PSW No. 31) and south (PSW No. 33), their proposed

landscaped buffers, and a green corridor running along the east edge of the developable portion of the property, all of which will be zoned OS.

- e. to establish maximum building height and minimum dwelling unit width performance standards for the building types being proposed.

### **Planning Evidence**

[10] Theodore Cieciora was qualified by the Tribunal to proffer expert land use planning evidence and opinion to support the development application and proposed ZBA. Mr. Cieciora is an experienced Registered Professional Planner and a Member of the Canadian Institute of Planners and the Ontario Professional Planners Institute.

[11] Following his review and analysis of the policy and regulatory framework for the property, Mr. Cieciora concluded that the residential development being proposed is appropriate and represents good land use planning.

[12] The subject lands are within a defined settlement area and the proposal contemplates a land use pattern that is designed specifically to add a density of housing in an efficient way, while minimizing impacts to abutting environmental features by the incorporation of appropriate buffers.

[13] The development proposal provides for a logical extension of land uses in this area of the City. The property is a vacant parcel of land within an area that has experienced development over the past few decades. The subject lands are located in an area that has available municipal services, commercial and recreational amenities, and is well served by transportation and road networks.

[14] It is his opinion that the proposed ZBA facilitates development that has regard for the matters of Provincial interest set out in s. 2 of the *Planning Act*, is consistent with the Provincial Policy Statement, 2020 ("PPS"), conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended in 2020 ("GP"), the COP and the ROP.

[15] The development proposal provides for the orderly development of a safe and healthy community in a location that is appropriate for growth and residential development. The development that is being proposed is well designed, encourages a sense of place, supports public transit, and provides for public spaces that are high quality, safe, accessible, attractive and vibrant.

[16] The proposal facilitates development in a variety of compact forms, while maximizing existing underutilized lands in a designated urban area, while also ensuring that the two PSWs and associated buffers and connecting green corridor are zoned in a protective manner.

[17] In his opinion, the introduction of residential development on a parcel of land with easy access to the regional and provincial road network and well-served by municipal and commercial amenities contributes to the efficient development of the City and the area west of Highway 410 in a positive manner.

[18] The GP directs growth to settlement areas that have existing or planned municipal water and wastewater systems and can support the achievement of complete communities. The GP seeks to achieve minimum intensification targets by encouraging intensification within the delineated built-up area, and to ensure that urban lands are zoned and designed to support the achievement of complete communities. The proposal will assist the City in achieving these objectives.

[19] The subject property is within a defined settlement area and is designated "Urban System" by the ROP. The growth management policies of the ROP are consistent with the related policies of the GP.

[20] The ROP focuses on providing housing types, densities, sizes and tenure to meet the projected needs and requirements of current and future residents. The proposed plan includes medium-density townhouse development in an urban context within an area with existing municipal services and in proximity to local and regional transit servicing. Compact and dynamic community design techniques will be



incorporated in the development proposal to provide for an appropriate style of housing that will contribute positively to the lifestyle of current and future residents.

[21] The addition of this subdivision to the City's built form will assist the City and the Region to meet intensification goals in a responsible and appropriate manner. The environmental rehabilitation efforts being made in regard to the PSWs respects and supports the Region's commitment to pursuing environmentally responsible development.

[22] The objectives of the COP are: to encourage development of built forms that enhance the characteristics of the neighbourhood; protect and enhance natural heritage; promote public safety; encourage intensification; and create attractive streetscapes. The COP strives to accommodate residential growth by promoting and facilitating intensification throughout the built-up area and ensuring compact, complete greenfield neighbourhoods.

[23] The proposed ZBA to implement the development proposal conforms to the policies of the COP by providing for a more efficient use of the land, creating a wider variety of dwelling types, utilizing existing municipal services in an efficient manner, and preserving the natural environment.

[24] In summary, it is Mr. Cieciora's professional opinion that the development of 200 residential townhouse dwelling units on the subject lands respects and enhances the localized natural heritage; meets the criteria specified under the *Planning Act*; is consistent with the policies of the PPS; conforms to the GP and the ROP, and appropriately implements the COP. It is his view and recommendation that the ZBA be approved.

### **Analysis and Disposition**

[25] The Tribunal accepts the uncontested planning evidence and opinions of Mr. Cieciora in support of the zoning amendments to facilitate the residential development

of the subject lands in the manner proposed.

[26] The Tribunal is satisfied that the proposed ZBA facilitates orderly residential development on vacant lands within an area that contemplates a range and mix of housing types and forms. The development proposal makes efficient use of vacant lands utilizing existing and available municipal servicing infrastructure, while also ensuring that the natural environment and heritage features on the property and in the area are being appropriately protected and preserved.

[27] The Tribunal finds that the development proposal is consistent with the land use planning policy directives of the Province and conforms to the policy intent of the ROP and the COP. The proposal, as implemented by the ZBA, represents good land use planning and is in the public interest.

#### **INTERIM ORDER**

[28] The Tribunal orders that the appeal is allowed in part, and Zoning By-law No. 270-2004, as amended, is further amended in the manner set out in Attachment 1 to this order.

[29] At the request of the parties, the Tribunal will withhold the Final Order pending written confirmation of the following:

1. The parties and the participant have fully executed Minutes of Settlement;
2. The Owner has registered a private access and servicing easement across the subject property to the benefit of Senator Homes to the satisfaction of the City of Brampton; and
3. A satisfactory update to the Functional Servicing Report has been provided to the Toronto and Region Conservation Authority to address site water balance targets and feature-based water balance.

[30] The Tribunal may be spoken to regarding issues arising from the implementation of this Order.

[31] The parties are expected to provide a status update on the progress in fulfilling these conditions no later than 120 days from the date of issue of this order.

*"M.A. Sills"*

M.A. SILLS  
VICE-CHAIR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number \_\_\_\_\_ - 2021

To amend Comprehensive Zoning By-law 270-2004, as amended

The Ontario Land Tribunal approves as follows:

1. By-law 270-2004, as amended, is hereby further amended:

(1) By changing the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
Agricultural (A)	Residential Townhouse A – Section 3560 (R3A-3560) Open Space (OS)

(2) By adding the following Section:

"3560 The lands designated R3A-3560 on Schedule A to this by-law:

3560.1 Shall only be used for the following purposes:

- (1) a townhouse dwelling
- (2) a back to back townhouse dwelling
- (3) a stacked townhouse dwelling
- (4) a stacked back to back townhouse dwelling
- (5) purposes accessory to other permitted purposes

3560.2 Uses permitted under Section R3A-3560.1 shall be subject to the following requirements and restrictions:

- (1) Minimum Lot Area: 30,000.00 square metres;
- (2) Minimum Front Yard Depth: 2.0 metres to the front wall of a dwelling;
- (3) Minimum Interior Side Yard Width: 3.0 metres;

**By-law Number \_\_\_\_\_ - 2021**

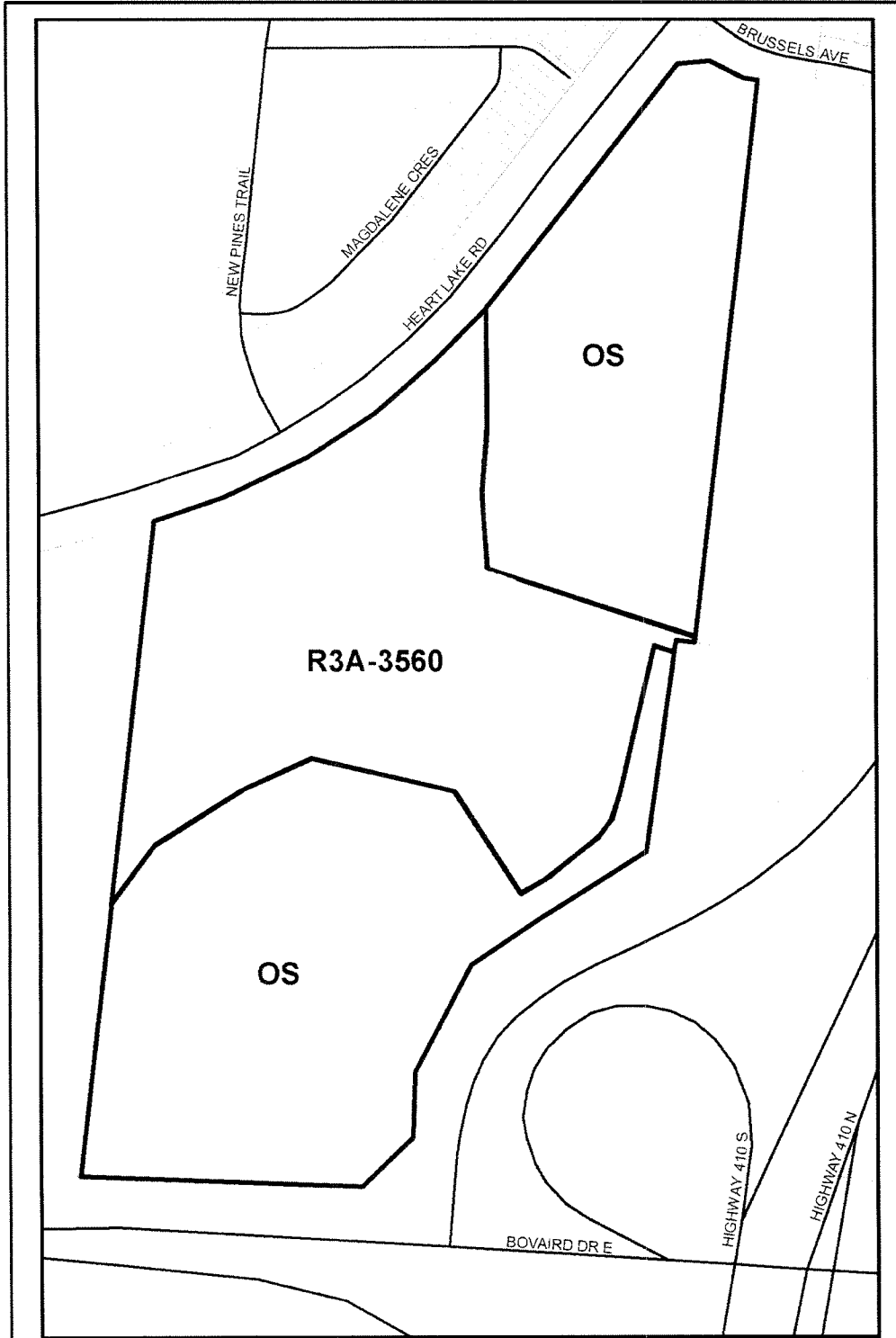
- (4) Minimum Rear Yard Depth to an Open Space Zone: 4.0 metres;
  - (5) Minimum separation between buildings: 12.0 metres, except that a minimum 3.0 metres shall be permitted between end wall of dwellings;
  - (6) Minimum setback to all stairwells, enclosed or open, providing access to townhouse dwelling from a Private Street: No requirement;
  - (7) Minimum setback from a Private Street:
    - a) 3.0 metres from the wall of a dwelling to a private road, except:
      - i. where the building abuts a daylight rounding of a private road, the setback may be reduced to a minimum of 2.0 metres;
      - ii. where the flanking wall of a back to back townhouse dwelling abuts a Private Street the setback may be reduced to 2.5 metres;
    - b) 5.4 metres to a garage door opening;
  - (8) Maximum Building Height: 4 storeys or 16.6 metres, whichever is greater;
  - (9) Minimum Landscaped Open Space: 30% of the lot area;
  - (10) A balcony or porch may project into the interior side yard by a maximum of 0.6 metres including eaves and cornices;
  - (11) Any structures or equipment required for the provision of services by a public or private utility company may be located no less than 2 metres from a public road right-of-way and 1 metre from a private road or dwelling;
  - (12) Maximum Floor Space Index: 0.85;
  - (13) Maximum Number of Dwelling units: 200;
  - (14) Maximum Building Width: 50.0 metres;
  - (15) Patios and Amenity Areas: Below grade patios and amenity areas shall be permitted within a required yard.
  - (16) Minimum Dwelling Unit Width:
    - a) 5.5 metres for a townhouse dwelling;
    - b) 4.2 metres for a townhouse dwelling where parking is located at the rear of the building;
    - c) 5.8 for back to back townhouses, stacked townhouses, and stacked back to back townhouses;
- 3560.3 All lands zoned R3A-3560 shall be deemed to be one lot for zoning purposes;
- 3560.4 For the purposes of this Section, Private Street shall mean a private thoroughfare providing primary access to abutting uses, but shall not include a public street, public lane, or private lane.

**By-law Number** \_\_\_\_\_ - 2021

- 3560.5 For the purposes of this Section, a Stacked Back to Back Townhouse Dwelling shall mean a building not exceeding four storeys in height, containing a minimum of four attached dwelling units that are divided horizontally and vertically, each with an entrance that is independent or through a common vestibule, with a minimum of four units per block that are attached sharing a common rear wall.
- 3560.6 Shall also be subject to the requirements and restrictions relating to the R3A zone and all the general provisions of the By-law which are not in conflict with those set out in Section 3560.2, 3560.3, 3560.4, and 3560.5."

APPROVED BY THE ONTARIO LAND TRIBUNAL ON \_\_\_\_\_, 2021  
PURSUANT TO ORDER NO. \_\_\_\_\_.

W/201811-0001



— ZONE BOUNDARY

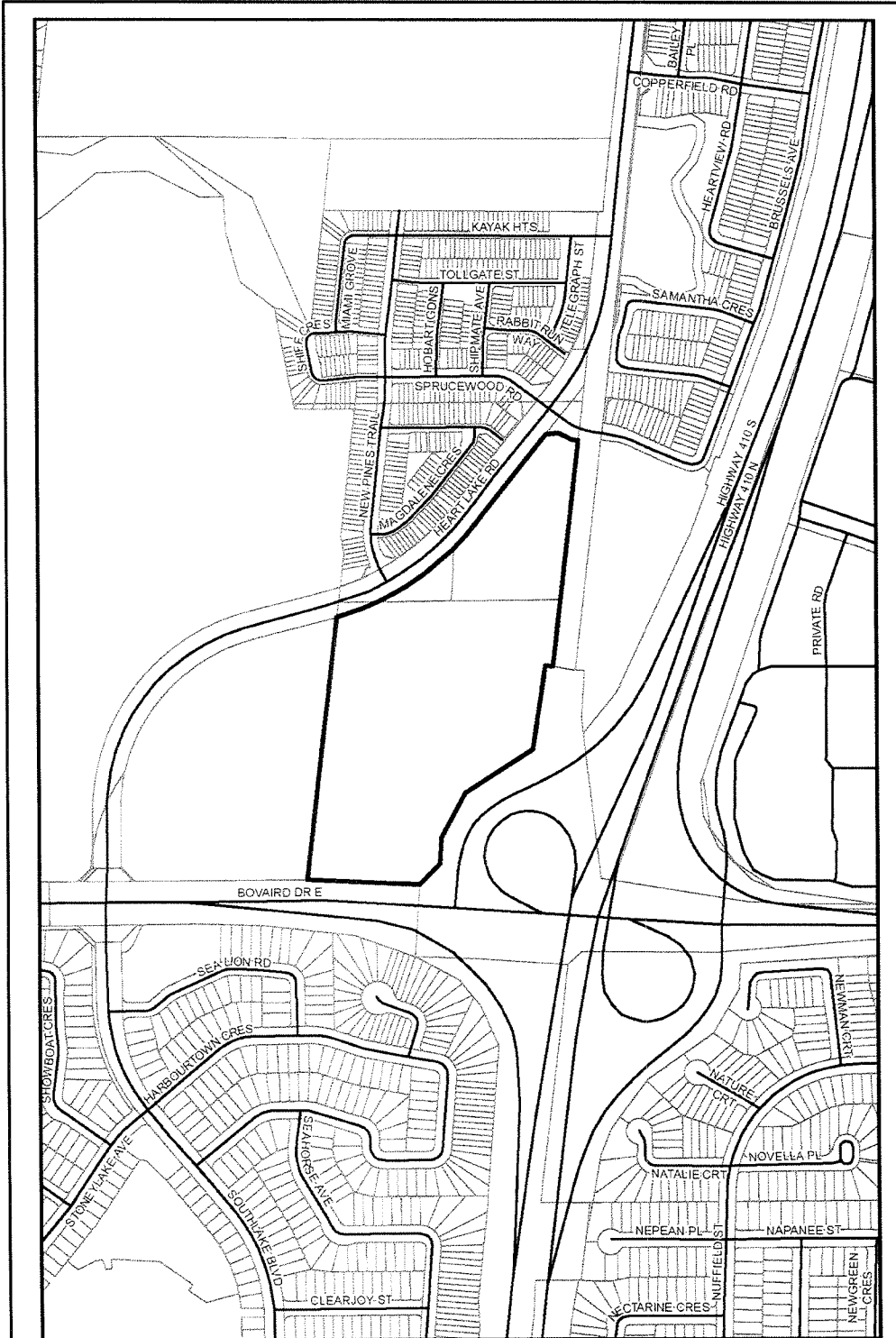

  
 PLANNING, BUILDING AND ECONOMIC DEVELOPMENT


PART LOT 11, CONCESSION 2 E.H.S.

File: C02E11.022\_ZBLA  
 Date: 2021/09/28 Drawn by: ckovic

BY-LAW \_\_\_\_\_

SCHEDULE A



 SUBJECT LANDS

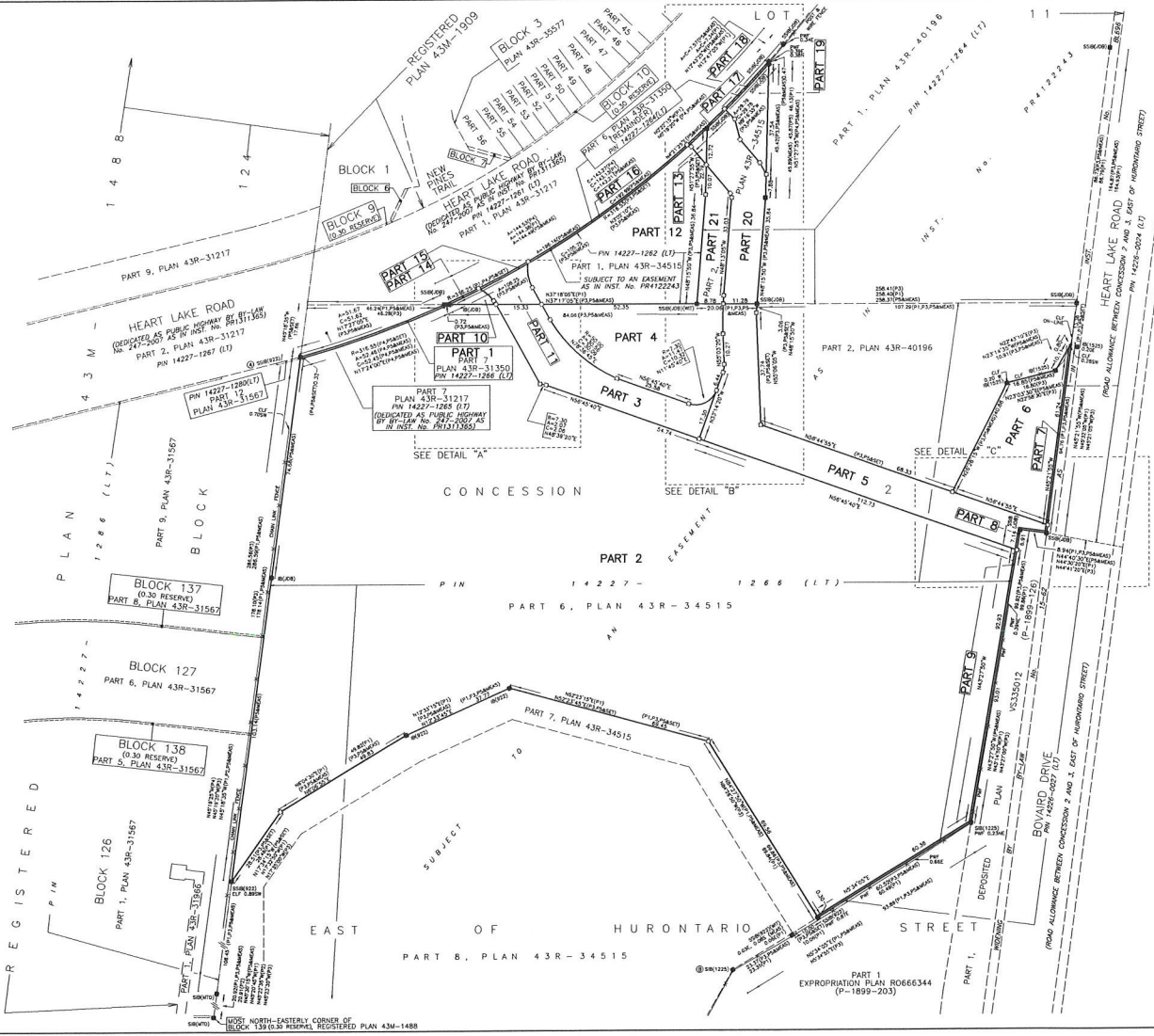
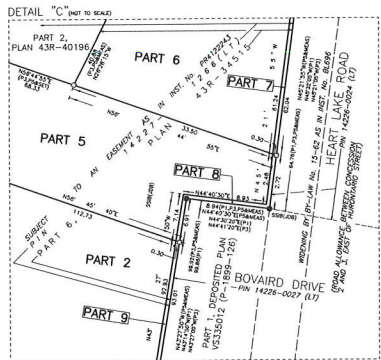
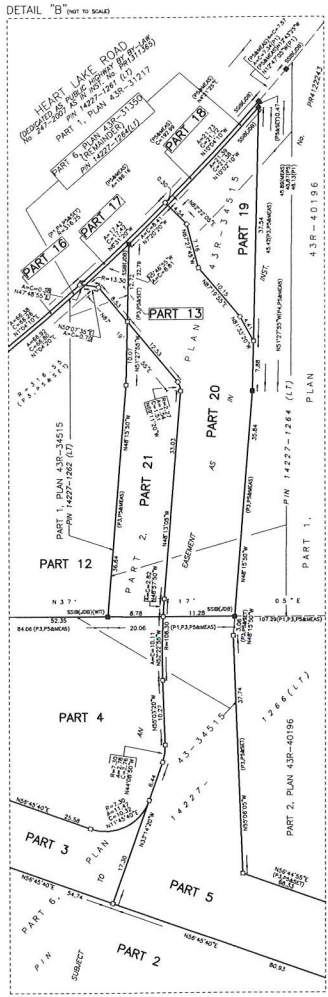
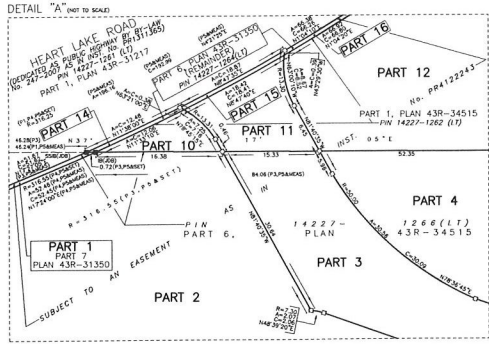


File: C02E11.022\_ZKM  
Date: 2021/09/28 Drawn by: ckovac

KEY MAP

BY-LAW \_\_\_\_\_





SCHEDULE			
PARTS	LOT	CONCESSION	PIN
1			15.5
2			3024.4
3			152.8
4			1.472.3
5			1.712.3
6			1.214.9
7			18.3
8			5.5
9			45.7
10			45.2
11			156.7
12			1.970.3
13			58.1
14			3.7
15			5.8
16			20.1
17			5.2
18			6.4
19			284.9
20			771.7
21			365.1



PLAN OF SURVEY OF  
 PART OF LOT 11  
 CONCESSION 2  
 EAST OF HURONTARIO STREET  
 (GEOGRAPHIC TOWNSHIP OF CHINGACOUSY)  
 CITY OF BRAMPTON  
 REGIONAL MUNICIPALITY OF PEELE  
 SCALE 1 : 600  
 J.D. BARNES LIMITED  
 © COPYRIGHT

NOTES  
 1. BEARINGS AND LINE LENGTHS DERIVED FROM ASSIGNED REFERENCE POINTS AND B.M. BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) DATUM.  
 2. DISTANCES ARE GIVEN AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORRECTED SCALE FACTOR OF SURVEY.  
 3. FOR BEARING COMPARISONS, A ROTATION OF 12.30° COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P1.  
 4. FOR BEARING COMPARISONS, A ROTATION OF 12.10° COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P2.  
 5. FOR CLARITY PURPOSES, THE 0.30 RESERVE HAS BEEN ENLARGED.  
 6. OBSERVED REFERENCE POINTS (RPN) IN UTM ZONE 17, NAD83 (CSRS) (2010-0) COORDINATES TO AN UTM ACCURACY FOR SECTION 14, T18S, R10E, 216/10.

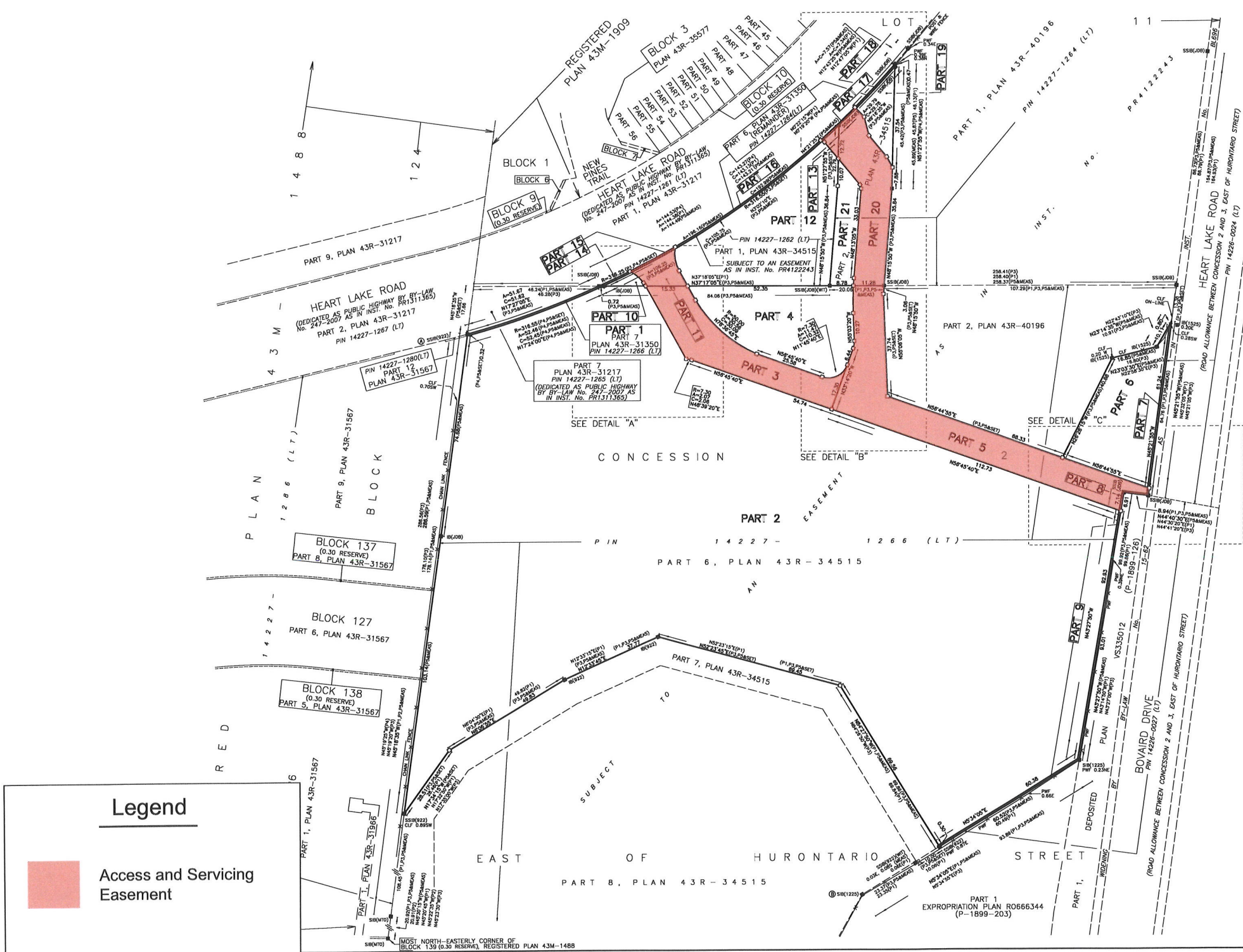
LEGEND  
 B.M. DENOTES SURVEY MONUMENT (E.P.M.)  
 C.M. DENOTES CURB MONUMENT (E.P.M.)  
 S.M. DENOTES SHORT MONUMENT (E.P.M.)  
 S.M.B. DENOTES SHORT STANDARD PIVOT BAR (E.P.M.)  
 P.T. DENOTES PIVOT POINT (E.P.M.)  
 P1 DENOTES PLAN 43R-40186 (E.P.M.)  
 P2 DENOTES PLAN 43R-31567 (E.P.M.)  
 P3 DENOTES PLAN 43R-31567 (E.P.M.)  
 P4 DENOTES PLAN 43R-31567 (E.P.M.)  
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 P97 DENOTES PLAN 43R-31567 (E.P.M.)  
 P98 DENOTES PLAN 43R-31567 (E.P.M.)  
 P99 DENOTES PLAN 43R-31567 (E.P.M.)  
 P100 DENOTES PLAN 43R-31567 (E.P.M.)

SURVEYOR'S CERTIFICATE  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.  
 2. THE SURVEY WAS COMPLETED ON [ ] DAY OF [ ] 2024.

THIS PLAN OF SURVEY RELATES TO A35 PLAN SUBMISSION FORM NUMBER XXXXXXX

**J.D. BARNES**  
 LAND INFORMATION SPECIALISTS  
 40 WILHELMINA AVENUE, SUITE 100, BRAMPTON, ON L6Y 4R4  
 T: (905) 875-9101 F: (905) 875-9104 www.jdbarnes.com

DATE: [ ] / [ ] / [ ]  
 SURVEYOR: [ ]  
 DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 24-30-228-02-A  
 PLOT SIZE: 1700x800 241.74



SCHEDULE				
PARTS	LOT	CONCESSION	PIN	AREA (sq.m.)
1				15.5
2				30,045.6
3				932.8
4				1,472.3
5				1,772.3
6				1,214.9
7				18.3
8				5.5
9				45.7
10				45.3
11				156.7
12				1,970.3
13				38.1
14				3.7
15				5.6
16				20.1
17				5.2
18				6.4
19				284.9
20				771.7
21				385.1

PLAN OF SURVEY OF  
**PART OF LOT 11**  
**CONCESSION 2**  
**EAST OF HURONTARIO STREET**  
 (GEOGRAPHIC TOWNSHIP OF CHINGUACOUSY)  
 CITY OF BRAMPTON  
 REGIONAL MUNICIPALITY OF PEEL  
 SCALE 1 : 600  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 1384mm IN WIDTH BY 609mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:600  
 J.D. BARNES LIMITED  
 © COPYRIGHT  
 METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NOTES**  
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).  
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999888.  
 FOR BEARING COMPARISONS, A ROTATION OF 1°2'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON F1.  
 FOR BEARING COMPARISONS, A ROTATION OF 1°13'10" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON F2.  
 FOR CLARITY PURPOSES, THE 0.30 RESERVES HAVE BEEN EXAGGERATED.

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORP), UTM ZONE 17, NAD83 (CSRS) (2010.0).		
COORDINATES TO AN URBAN ACCURACY PER SECTION 14 (1) OF THE SURVEY ACT, 1990		
POINT ID	EASTING	NORTHING
ORP (A)	599 006.69	4 842 144.87
ORP (B)	599 259.52	4 842 144.87

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.  
 THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 233.08 NS $75^{\circ}54'50''$ W

**LEGEND**  
 ■ DENOTES SURVEY MONUMENT FOUND  
 □ DENOTES SURVEY MONUMENT SET  
 S/S DENOTES STANDARD IRON BAR  
 S/SB DENOTES SHORT STANDARD IRON BAR  
 IB DENOTES IRON BAR  
 W DENOTES WITNESS  
 P1 DENOTES PLAN 43R-40186  
 P2 DENOTES REGISTERED PLAN 43M-1488  
 P3 DENOTES PLAN 43R-34515  
 P4 DENOTES PLAN 43R-31350  
 P5 DENOTES PLAN OF SURVEY BY J.D. BARNES LIMITED, DATED SEPTEMBER 13, 2024. (REF. NO. 24-30-228-00-A).  
 MEAS DENOTES MEASURED  
 JDB DENOTES J.D. BARNES LIMITED, O.L.S.  
 MTO DENOTES MINISTRY OF TRANSPORTATION OF ONTARIO  
 822 DENOTES SCHWARTZ OZDLOVY PURCELL LIMITED, O.L.S.  
 1223 DENOTES DAVID B. SEARLES SURVEYING LIMITED, O.L.S.  
 1225 DENOTES R. A. W. SURVEYING INC., O.L.S.  
 CLF DENOTES CHAIN LINK FENCE  
 PWF DENOTES POST AND WIRE FENCE  
 N=NORTH / S=SOUTH / E=EAST / W=WEST  
 ALL SET POINTS DENOTES MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O. REG. 525/91.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON [ ]th DAY OF [ ], 2024.

DATE [ ] MONIKA RUDZAK  
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ADS PLAN SUBMISSION FORM NUMBER XXXXXX

**J.D. BARNES LIMITED** SURVEYING MAPPING GIS  
 LAND INFORMATION SPECIALISTS  
 41 WINDERMERE AVE., SUITE 101, MILTON, ONT. L7T 4S1  
 T: (905) 875-9933 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY: MB/MD CHECKED BY: [ ] REFERENCE NO.: 24-30-228-02-A  
 DATED: JANUARY 22, 2025 PLOT DATE: 1/22/2025 9:04 AM

**Legend**

Access and Servicing Easement



Senator  
Home  
Lands

10194 Heart Lake Road  
(the "Site")

# KEY MAP

## Legend



Access and Servicing  
Easement