



## Report Committee of Adjustment

**Filing Date:** January 22<sup>nd</sup>, 2025  
**Hearing Date:** February 25<sup>th</sup>, 2025

**File:** B-2025-0001

**Owner/  
Applicant:** Vandyk Heart Lake Limited  
Zelinka Priamo Ltd. c/o Connor Wright

**Address:** 10194 Heart Lake Road

**Ward:** WARD 2

**Contact:** Marcia Razao, Planning Technician

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### **Proposal:**

The purpose of this application is to request the consent of the committee to grant a servicing and access easement located at 10194 Heart Lake Road be established in favour of the adjacent landowner to the east.

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### **Recommendations:**

That application B-2025-0001 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. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private and or municipal service easements.
4. As a condition of severance, the Owner shall provide confirmation of the registration of a mutual access easement between the subject lands municipally known as 10194 Heart Lake Road (PIN: 142271264), 0 Heart Lake Road (PIN: 142271266), and PIN: 142271262 and the neighboring property to the east municipally known as PIN: 142262150 (Senator Home Lands). 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 depicting separate parts where the mutual access easement is to be conveyed.
  - b. 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.
  - c. 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.
  - d. 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 and servicing easement at the site of a future residential development in favour of the adjacent landowner to the east (Senator Homes) as shown in the site plan. The subject site was under review by staff for a Zoning By-Law Amendment (File No. C02E11.022) and Draft Plan of Subdivision (File No. 21T-11003B). The applications were appealed to the Ontario Land Tribunal (OLT), which resulted in a decision on November 24<sup>th</sup>, 2021. The OLT approval was conditional on number of matters one of which was the registration of a private access and servicing easement across the subject property to the east.

- **Official Plan:** The subject property is designed as 'Residential' and 'Open Space' in the Official Plan;
- **Brampton Plan:** The subject property is designed as 'Community Areas' and 'Natural Heritage System' in Schedule 1A, and 'Neighbourhoods' and 'Natural Heritage System' in Schedule 2 in the Regionally adopted Brampton Plan;
- **Secondary Plan:** The subject property is designated as "Medium/High-density Residential" and 'Natural Heritage System' within the Snelgrove-Heart Lake Secondary Plan (Area 1); and,
- **Zoning By-law:** The subject property is zoned 'Agricultural Zone – A' according to By-law 270-2004, as amended. The OLT has approved this site to rezone as 'Residential Townhouse A – Section 3560 (R3A-3560) and Open Space (OS)'. Anticipated to come into effect upon clearance of remaining conditions and final order.

### **Current Situation:**

The consent application is required to facilitate the development and to fulfill the OLT condition of the site located at 10194 Heart Lake Road for proposed residential townhouses. The consent application is to create an access and servicing easement in favour of the landowners to the east providing access

through the site to Heart Lake Road. 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**

<b>CRITERIA TO BE CONSIDERED</b>	<b>ANALYSIS</b>
a) <i>The effect of development of the proposed subdivision on matters of provincial interest:</i>	The proposed easements have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed access and servicing easements are neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed easements do not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed easements are 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 and servicing easements do not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	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 and servicing 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 and servicing easements present no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
j) <i>The adequacy of school sites;</i>	The proposed access and servicing easements present no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed access and servicing easements have no impact on matters of energy conservation.

m) <i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.
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