



Report
Staff Report
The Corporation of the City of Brampton
2/26/2025

Date: 2025-02-07

Subject: **Passing of a Deeming Bylaw to De-register Block 2, Plan 43M1907**

Contact: Eugenia Bashura, Legal Counsel, 905-874-2682

Report number: Legislative Services-2025-143

RECOMMENDATIONS:

1. That the report from Eugenia Bashura, Legal Counsel to the City Council Meeting of February 26, 2025, re: **Passing of a Deeming Bylaw to De-register Block 2, Plan 43M1907**, be received;
2. That Council enact a by-law to deem Block 2 of Plan 43M1907 not to be part of a registered plan of subdivision for the purposes of subsection 50(3) of the Planning Act; and,
3. That the City provide notice of passage of the by-law as required by subsection 50(29) of the Planning Act.

OVERVIEW:

- **Polco Investments Limited owns two adjacent parcels of land, out of which one parcel is a whole Block 2 and the other is a Part of Block 3 on a registered plan of subdivision Plan 43M1907.**
- **Polco Investments Limited has submitted a Consent Application, the purpose of which is to sever a portion from Part of Block 3 and merge it with Block 2 (the newly created lands will be referred to herein as the “Resultant Lands”).**
- **As a condition of Consent Application approval, the City of Brampton required Polco Investments Limited to submit a solicitor’s undertaking confirming that the Resultant Lands will be in fact legally merged (Condition # 4).**

- The intention is that the Resultant Lands will be redeveloped with two car dealerships, for which Polco Investments Limited has submitted a Site Plan Application in parallel with the Consent Application.
- Polco Investments Limited is unable to clear Condition # 4 until Council, by bylaw, deem Block 2 on Plan 43M1907 not to be a part of a registered plan of subdivision.
- Polco Investments Limited consents to the passing of such deeming bylaw.
- Passing of such deeming bylaw will assist Polco Investments Limited with clearing Condition # 4 and will facilitate with the legal merger of the Resultant Lands.

BACKGROUND:

Polco Investments Limited (“**Owner**”) is the registered owner of two adjacent parcels of land in the City of Brampton (“**City**”), out of which one is a whole Block 2 and the other is a Part of Block 3 on a registered plan of subdivision Plan 43M1907 (“**Subject Lands**”).

The Subject Lands are legally described below:

# Parcels	PIN	Legal Description
1	14225-0127	BLOCK 2, PLAN 43M1907; CITY OF BRAMPTON
2	14225-2675	PART BLOCK 3, PLAN 43M1907; CITY OF BRAMPTON

The Owner has submitted a Consent Application (municipal file # B-2023-0008) and a Site Plan Application (municipal file # SPA-2022-0037) in order to redevelop a portion of the Subject Lands with 2 car dealerships.

Specifically, the lands that will be redeveloped will consist of the whole of Block 2 and a portion taken from Part of Block 3 (the “**Severed Lands**”). The newly created lands will be referred to herein as the “**Resultant Lands**”.

A copy of the Site Plan is attached as **Appendix 1**.

The purpose of the Consent Application is to sever a portion from Part of Block 3 and create the Severed Lands. A copy of the Reference Plan 43R-41105 is attached as **Appendix 2**. Parts 5, 16, and 17 on the Reference Plan are the Severed Lands, which will be merged with Block 2.

On April 18, 2023, the Committee of Adjustment approved the Consent Application subject to the Owner complying with the conditions of approval. The Committee of Adjustment's Notice of Decision is attached as **Appendix 3**. In Condition # 4, the Committee of Adjustment required the Owner to submit a solicitor's undertaking confirming that the Resultant Lands will be in fact be legally merged.

Block 2 is a whole Block on a registered plan of subdivision Plan 43M1907. Without a deeming bylaw the Resultant Lands will not legally merge. Moreover, without the legal merger, the Owner will be able to sell or charge Block 2 at any time without having to obtain a further consent from the Committee of Adjustment. If the Owner sells or charges Block 2 only, it will fracture the Resultant Lands and may lead to various issues, such as issues with servicing, access, parking, zoning, etc.

The Owner consents to the passing of the deeming bylaw.

CURRENT SITUATION:

Subsection 50(4) of the *Planning Act* enables Council by by-law to designate any plan of subdivision, or part thereof, that has been registered for at least eight years, and deem it not to be a registered plan of subdivision for the purpose of subsection 50(3) of the *Planning Act*.

The enactment of the Deeming By-law in this case will assist the Owner with clearing Condition # 4 and will assist with the legal merger of the Resultant Lands from two parcels into one legal parcel.

Plan 43M1907 was registered on November 9, 2012. As such, the eight-year registration requirement has been met. Furthermore, the City's Planning Department is in favour of this request for de-registration and has concluded that it represents good planning and conforms to the policies and regulations for the area.

CORPORATE IMPLICATIONS:

Financial Implications:

There are no financial implications.

Legal Implications:

The enactment of the Deeming By-law in this case will assist the Owner with clearing Condition # 4 and will assist with the legal merger of the Resultant Lands from two parcels into one legal parcel.

STRATEGIC FOCUS AREA:

This report furthers the following strategic focus area:

- Growing Urban Centres & Neighbourhoods: Focusing on an economy that thrives with communities that are strong and connected.

CONCLUSION:

It is recommended that Block 2 on Plan 43M1907 be de-registered to facilitate clearance of Condition # 4 and the future legal merger of the Resultant Lands. This represents good planning and conforms to the policies and regulations for the area.

Authored by:

Reviewed by:

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City Solicitor, Legal Services

Approved by:

Approved by:

Laura Johnston
Commissioner of Legislative Services

Marlon Kallideen
Chief Administrative Officer

Attachments:

- Appendix 1 – Site Plan
- Appendix 2 – Reference Plan 43R-41105
- Appendix 3 – Notice of Decision for the Consent Application