

Filing Date: February 20, 2025

Hearing Date: April 29, 2025

File: B-2025-0003

**Owner/
Applicant:** **Rose Garden Investment LP
Urban Solutions Planning & Land Development Consultants Inc.**

Address: **7 Church Street E**

Ward: WARD 1

Contact: Simran Sandhu, Planner I

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 0.82 hectares (2.04 acres). The proposed severed lot has a frontage of approximately 14.65m (48.06 ft.), a depth of approximately 19.25m (63.15 ft.), and an area of approximately 0.030 hectares (0.075 acres). The effect of the application is to create a new lot from the existing lot to facilitate future development on the retained lot for residential and mixed-uses.

Recommendations:

That application B-2025-0003 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. That the applicant shall provide confirmation that the existing building wall with a proposed 1.068 metre setback is in compliance with the minimum construction requirements of the Ontario Building Code for exposing building face, to the satisfaction of the Chief Building Official. Should upgrades be required, a building permit shall be obtained and the required alterations shall be completed prior to the completion of the severance application and issuance of the Certificate from the Committee of Adjustment Secretary Treasurer;
 3. That the applicant provides the required \$1,590.00 Toronto and Region Conservation Area (TRCA) review fee as per the letter dated April 21, 2025; and,
 4. 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.
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Background:

The subject property previously received conditional severance approval on December 3rd, 2024 under applications B-2024-0015 and A-2024-0352 to split the subject lands into two parcels based on the phase line proposed through the ongoing Site Plan application (SPA-2021-0269). The property is to be further severed through this consent application to create a stand-alone lot containing solely the existing heritage house municipally known as 7 Church Street East.

- **Official Plan:** The subject property is designated as 'Central Area' in the Official Plan;
- **Brampton Plan:** The subject property is designated as 'Community Areas' in Schedule 1A, 'Mixed-Use' in Schedule 2 and located within the Brampton MTSA and designated as 'Mixed-Use High Rise' in the Regionally adopted Brampton Plan;
- **Secondary Plan:** The subject property is designated as 'Central Area Mixed Use' within the Downtown Brampton Secondary Plan (Area 7); and,
- **Zoning By-law:** The subject property is zoned 'Residential Apartment – Special Section 2968 and Holding Provision (R4A(H) – 2968)' according to By-law 270-2004, as amended.

Current Situation:

The applicant is requesting to sever the existing heritage house from the balance of the subject lands. The retained lot is proposed to have a lot area of approximately 0.82 hectares (2.04 acres) and a frontage of approximately 116.04 metres on Nelson Street, 52.41 metres on Main Street North and 15.61 metres on Church Street East. The severed lot will have a lot area of approximately of 0.030 hectares (0.075 acres) with a frontage of approximately 14.65 metres on Church Street East.

7 Church Street East was listed in the City of Brampton's Municipal Register as a heritage resource. In 2022, under the site plan application SPA-2021-0269, a Heritage Impact Assessment (HIA) was submitted and reviewed by the Brampton Heritage Board. The HIA recommended that the house at 7 Church Street East merits designation under the Ontario Heritage Act and should be preserved and conserved as part of the development process. In 2025, the Heritage Building Protection Plan, Heritage Conservation plan and Commemoration Plan were submitted. These have been reviewed and approved by the Heritage Board and a recommendation was included to enter into the Heritage Easement agreement. The intent of the Heritage Easement Agreement is to conserve and protect the house during the course of the proposed development. Heritage Staff are currently working with the City's Legal Staff towards drafting the easement agreement. The consent application will help enable the city to register the easement agreement on the portion of the development lands where the house is currently located.

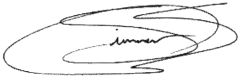
The proposed severance is consistent with the requirements of the Zoning By-law. It results in the creation of two well-proportioned lots that front onto existing public streets and do not interfere with the broader development pattern envisioned through the active Site Plan application for the property.

Overall, the severance aligns with the applicable policies of the City of Brampton Official Plan, including the Planning and Development Controls outlined in Section 5.12, as well as the relevant Provincial Plans.

A condition of approval is recommended that the applicant provide confirmation that the existing building wall is compliant with the Ontario Building Code. Following review of the application by the Building Department, the proposed setback to the existing structure is 1.068 metres and under the Ontario Building Code, this requires the exposed building face to be fire-rated and does not permit unprotected openings, such as windows, within the wall face. Any alterations are required to achieve compliance with Section 9.10.15 of Division B of the Ontario Building Code, a building permit will be required, and the work must be completed prior to finalizing the severance.

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,



Simran Sandhu, Planner I

SCHEDULE "A"

**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT**

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed severance has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The severance is suitable for the purposes for which it is to be subdivided.
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 severance does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The shape and dimension of the proposed lot is appropriate and maintains all minimum Zoning By-law requirements.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted 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 severance presents no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.
j) <i>The adequacy of school sites;</i>	The proposed severance presents 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 severance has no impact on matters of energy conservation.
m)	<i>The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.</i>	There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.