



## Report Committee of Adjustment

**Filing Date:** March 7, 2025

**Hearing Date:** April 29, 2025

**File:** A-2025-0028

**Owner/  
Applicant:** Enoma Inc. C/O Chris Inneh / Nadia Khalil

**Address:** 44 Centre Street North

**Ward:** WARD 1

**Contact:** Courtney Sutherland, Assistant Development Planner

---

### Recommendations:

That application A-2025-0028 is supportable, subject to the following conditions being imposed:

1. That the extent of the Special Permission be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the site improvements as per approved Site Plan SP17-111.000 be reinstated at the property within 90 days of the Committee of Adjustment's decision to the satisfaction of the Director of Development Services;
  3. That the proposed expansion of the Legal Non-Conforming commercial use not be established until such time as all related site improvements are implemented to the satisfaction of the Director of Development Services;
  4. That the owner obtain a permit for a change of use prior to occupancy of the space; and
  5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
- 

### Background:

The related application for Special Permission at the property, application A17-079, which requested special permission to expand a legal non-conforming retail use located at 44 Centre Street North to permit additional commercial uses, was approved with one of the conditions being that a permitted commercial use at the property includes a Personal Service Shop (see associated Staff Report, Appendix A, and Notice of Decision, Appendix B). As per Section 5 of the Zoning By-Law, a Personal Service Shop shall mean an establishment wherein a personal service is provided, and includes a beauty salon. Application A17-079 was also approved with notable conditions (not exhaustive of the list of conditions):

- That a site plan be approved to the satisfaction of the Director of Development Services within one hundred and eighty (180) days of the final date of the decision of the Committee or as extended at the discretion of the Director of Development Services. Site Plan Approval is to include landscape improvements and improvements to the layout of the parking area.
- That the new commercial use not be established until such time as the site plan has been approved, including the registration of an associated agreement as may be required, and all related site improvements are implemented to the satisfaction of the Director of Development Services.

Site Plan Approval was granted through SP17-111.000 on August 10, 2018; however, based on a site visit of the property (photos attached in Appendix D), the site improvements established in SP17-111.000 have not been maintained at the property.

#### Requested Special Permission:

The applicant is requesting the following Special Permission:

1. To permit an increase in floor area associated with the existing legal non-conforming commercial use, whereas the by-law does not permit the enlargement of a legal non-conforming use.

#### **Current Situation:**

##### Official Plan

The property is designated 'Central Area' (Schedule A – General Land Use Designations) in the 2006 Official Plan and Low Density Residential in the Queen Street Corridor Secondary Plan (Area 36). The property is designated 'Community Areas' (Schedule 1A – City Structure) and 'Mixed Use' (Schedule 2 – Designations) in the 2024 Brampton Plan Official Plan. The property also falls within an Urban Centre and Primary Major Transit Station Area (Schedule 1A – City Structure) in the 2024 Brampton Plan Official Plan. The property is located within the Centre Street MTSA (Schedule 13d) within the 2024 Brampton Plan Official Plan and is also located within a Mature Neighbourhood. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

##### Existing Zoning:

The property is zoned 'Residential Single Detached B (R1B)', according to By-law 270-2004, as amended, which permits the following uses: a single detached dwelling; Supportive Housing Residence Type 1; a place of worship; and purposes accessory to the other permitted purposes.

#### Legal Non-Conforming Commercial Use

It has been determined that the proposal constitutes an enlargement of the existing Legal Non-Conforming commercial use at the property.

### **Discussion and Evaluation – Enlargement of a Legal Non-Conforming Use**

#### Request to Permit an Enlargement of a Legal Non-Conforming Use

According to Section 45(2)(a)(i) of the *Planning Act* (see Appendix C), “where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, [the committee] may permit the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed...” An existing commercial use (spa) which is described as a Legal Non-Conforming Use as per Minor Variance Application A17-079, is currently operating at the property. The existing commercial use was determined to be Legal Non-Conforming on the day the by-law was passed. This commercial use has continued until the date of this application coming to the Committee of Adjustment (April 29, 2025).

According to Section 45(2)(a)(ii) of the *Planning Act*, “[the committee may permit] the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee...” As the proposed use is the same use as the existing Legal Non-Conforming Use (i.e. spa) – albeit the proposed use is a separate business from the existing use – this section of the Planning Act is satisfied, as the proposed use is not only similar but the same use expanding further into the building.

According to Section 45(2)(b) of the *Planning Act*, “where the uses of land, buildings or structures permitted in the by-law are defined in general terms, [the committee] may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.” The property is zoned Residential Single Detached B (R1B), according to By-law 270-2004, as amended, which permits the following uses: a single detached dwelling; Supportive Housing Residence Type 1; a place of worship; and purposes accessory to the other permitted purposes. The proposed Legal Non-Conforming Use conforms with the uses permitted in the by-law as the proposed use may contribute to the creation of a complete community by co-locating residential and commercial uses so that residents may access commercial services.

The Building Department has reviewed this application, and advise that the proposed use is considered “business and personal service” as defined in the Ontario Building Code, changing from a previous use of “residential” as defined in the Ontario Building Code. Therefore, a permit is required for a change of use prior to the space being occupied. The applicant is advised to consult with the Finance Department to understand the impact of development charges on this proposed project as a result of the change of use.

**Conclusion**

Staff have reviewed the proposal in accordance with the criteria set out in Section 45(2) of the *Planning Act* (Appendix “A” attached herein) and have determined that the proposed use is appropriate from a land use perspective, subject to the recommended conditions.

Respectfully Submitted,

A handwritten signature in cursive script that reads "C Sutherland".

Courtney Sutherland, Assistant Development Planner

**Appendix A: A17-079 – Staff Report, dated May 9, 2017**

**Date:** May 9, 2017

**File:** A17-079

**Subject:** CHARAN SINGH AND KULDIP KAUR  
Block A, Part of Lots 1 & 2, Plan BR-13  
44 Centre Street North  
WARD: 1

**Contact:** David VanderBerg, Central Area Planner

**Recommendations:**

That application A17-079 is supportable, subject to the following conditions being imposed:

- (1) That the permitted commercial uses shall be restricted to a:
  - Retail establishment
  - Office, but not including a medical office
  - Personal service shop
  - Laundromat or dry cleaning establishment
  - Animal hospital.
- (2) That a site plan be approved to the satisfaction of the Director of Development Services within one hundred and eighty (180) days of the final date of the decision of the Committee or as extended at the discretion of the Director of Development Services. Site Plan Approval is to include landscape improvements and improvements to the layout of the parking area.
- (3) That the new commercial use not be established until such time as the site plan has been approved, including the registration of an associated agreement as may be required, and all related site improvements are implemented to the satisfaction of the Director of Development Services.
- (4) That a second residential dwelling unit is not permitted at the property.
- (5) That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

**Background:**Official Plan:

*The property is designated "Central Area" in the Official Plan and "Low Density Residential" in the Queen Street Corridor Secondary Plan (SPA 36).*

Existing Zoning:

*The property is zoned "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended.*

Request for Special Permission:

*The applicants are requesting special permission to expand the legal non-conforming commercial use to include the following:*

1. *Restaurant;*
2. *Retail Establishment;*
3. *Office (including Real Estate Office);*
4. *Laundromat or Dry Cleaning Establishment;*
5. *Personal Service Shop; and*
6. *Animal Hospital*

**Current Situation:**

Section 45(2)(a)(ii) of the *Planning Act* grants the Committee of Adjustment the authority to permit a property with a legal non-conforming use to be used for another purpose that, in the opinion of the Committee, is either similar to the legal non-conforming use or is more compatible with the permitted uses for the property.

Section 5.18.4 of the Official Plan establishes criteria to be considered when reviewing a requested extension or enlargement of a legal non-conforming use. The criteria relate to ensuring that the host neighbourhood is not unduly impacted by the change, that appropriate measures are put in place to protect the neighbourhood from potential impacts, that sufficient parking is provided, and that municipal servicing is adequate. These criteria are also appropriate consideration for reviewing a change of a legal non-conforming use to another use.

The subject property is zoned "Residential Single Detached B" and has legal non-conforming permissions for a convenience retail store. The applicant is requesting to permit a range of other commercial uses at the property. The intent of the request is to give them more flexibility in leasing out the currently vacant commercial space in the building.

Staff is supportive of allowing additional uses at the property if the uses have a similar impact as the convenience retail store or are more compatible with the permitted residential uses.

Parking concerns are a key potential impact because the space available for parking is currently constrained, with no opportunities for expansion. Given this constraint, the primary criteria that staff has used in determining whether a use is more or similarly compatible is whether it has an equal or lower parking demand than the permitted convenience retail store. Of the requested uses, the following have an equal or lower minimum parking requirements in the Zoning By-law:

- Retail establishment
- Office, except for medical office
- Personal service shop
- Laundromat or dry cleaning establishment
- Animal hospital

Staff also considers a real estate office to have similar or lesser demand for parking as a convenience retail store. The requested restaurant and medical office uses have higher parking requirements and are not supported by staff.

The above uses are generally considered to be similar to the legal non-conforming convenience retail store or to be more compatible with the permitted residential use. They also meet the criteria established in Section 5.18.4 of the Official Plan. It is recommended that there be a condition limiting the permitted uses to these uses.

It is also recommended that the applicant be required to make improvements to enhance the site's functionality, improve its aesthetics, and minimize impacts to the host neighbourhood. These would include improving the landscaping and reviewing the parking arrangements to make them as functional as possible given the site constraints. It is recommended that there be a condition requiring that the applicant obtain site plan approval related to these improvements and then implement them before initiating the new commercial use.

The plan submitted with the application depicts two residential dwelling units at the property. The Zoning By-law only permits one unit. The applicant has worked with City By-law Enforcement staff on removing the second unit and has taken the necessary measures to do so. It is recommended that a condition be included that the second dwelling unit is not permitted.

## **Conclusion**

Staff supports some of the uses that the applicant has requested for the property as they are similar to or more compatible than the permitted legal non-conforming convenience retail store. A restaurant and medical office are not supported because of the higher parking requirements for them. It is also recommended that the applicant be



required to make improvements to enhance the functionality and aesthetics of the site, which would be reviewed through a site plan approval process.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'David VanderBerg', written over a horizontal line.

David VanderBerg  
Central Area Planner

**Appendix B: A17-079 – Notice of Decision, dated May 9, 2017**



## Notice of Decision

### Committee of Adjustment

FILE NUMBER A17-079

HEARING DATE MAY 9, 2017

APPLICATION MADE BY CHARAN SINGH AND KULDIP KAUR

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION TO EXPAND THE LEGAL NON-CONFORMING COMMERCIAL USE TO INCLUDE THE FOLLOWING:

1. Restaurant;
2. Retail Establishment;
3. Office (including Real Estate Office);
4. Laundromat or Dry Cleaning Establishment;
5. Personal Service Shop; and
6. Animal Hospital

(44 CENTRE STREET NORTH - BLK. A, PT. OF LOT 1 & 2, PLAN BR 13)

THE REQUEST IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS  
(APPROVAL IS GRANTED SUBJECT TO A BUILDING PERMIT BEING ISSUED BY THE CITY OF BRAMPTON WHERE REQUIRED AND DEVELOPMENT CHARGES MAY BE APPLICABLE)

### SEE SCHEDULE "A" ATTACHED

#### REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance authorized is desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The general intent and purpose of the zoning by-law and the City of Brampton Official Plan are maintained and the variance is minor.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

MOVED BY: R. Crouch

SECONDED BY: R. Nurse

SIGNATURE OF CHAIR OF MEETING: [Signature]

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER [Signature]

MEMBER [Signature]

MEMBER [Signature]

MEMBER [Signature]

MEMBER [Signature]

DATED THIS 9TH DAY OF MAY, 2017

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE MAY 29, 2017

I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.

[Signature]  
SECRETARY-TREASURER  
COMMITTEE OF ADJUSTMENT

Flower City



brampton.ca

THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

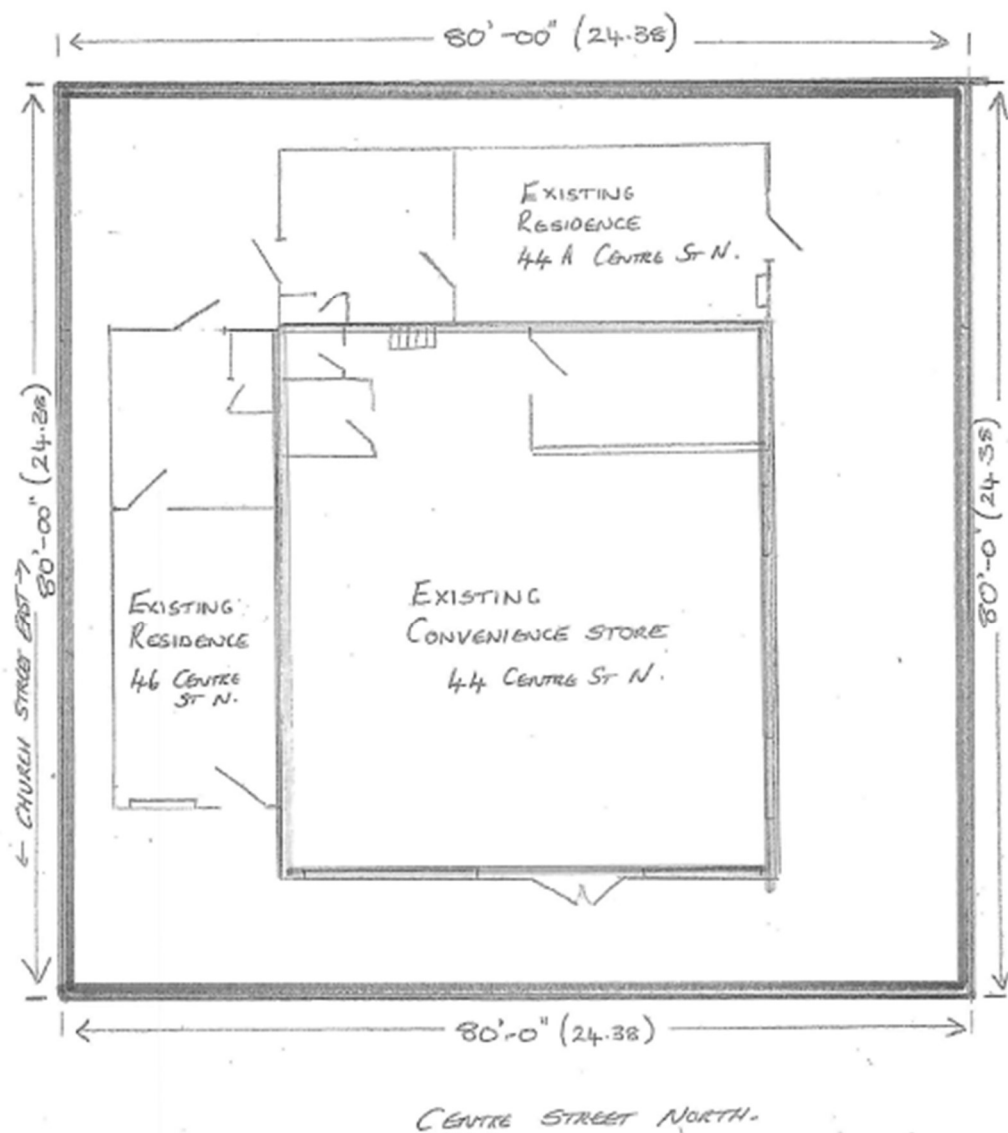
APPLICATION NO: A17-079

DATED: MAY 9, 2017

Conditions:

1. That the permitted commercial uses shall be restricted to a:
  - Retail establishment
  - Office, but not including a medical office, dental or drugless practitioner
  - Personal service shop
  - Laundromat or dry cleaning establishment; or
  - Animal hospital.
2. That a site plan be approved to the satisfaction of the Director of Development Services within one hundred and eighty (180) days of the final date of the decision of the Committee or as extended at the discretion of the Director of Development Services. Site Plan Approval is to include landscape improvements and improvements to the layout of the parking area.
3. That the new commercial use not be established until such time as the site plan has been approved, including the registration of an associated agreement as may be required, and all related site improvements are implemented to the satisfaction of the Director of Development Services.
4. That a second residential dwelling unit is not permitted at the property.
5. That failure to comply with and maintain the conditions of the Committee will render the approval null and void.

  
Jeanie Myers  
Secretary-Treasurer  
Committee of Adjustment



## Appendix C: Section 45(2) of the *Planning Act*

### Other powers

(2) In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

## Appendix D: Site Visit Photos

