



Report Committee of Adjustment

Filing Date: April 30, 2024

Hearing Date: May 27, 2025

File: B-2024-0008

**Owner/
Applicant:** Mantella Corporation
Mainline Planning Services Inc

Address: 21 Van Kirk Drive

Ward: WARD 2

Contact: Marcia Razao, Planner I

Proposal:

The purpose of this application is to request the consent of the Committee of Adjustment to sever parts 5,6,7,8,9,14,15,16, and 17 from 21 Van Kirk Drive for conveyance to 25 & 35 Van Kirk Drive. The application additionally requests to grant a servicing easement over Parts 15, 16, and 17 in favour of 21 Van Kirk Drive, a servicing easement over Part 11 in favour of 25 & 35 Van Kirk Drive and a partial discharge of mortgage.

Recommendations:

That application B-2024-0008 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. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent.
4. A solicitor's undertaking shall be received, to the satisfaction of the City Solicitor or his/her designate, confirming that the severed lands and the abutting lands, being the lands associated

with Peel Standard Condominium Plan No. 1182 (Peel Standard Condominium Corporation No. 1182), shall be merged for the purposes of the Planning Act at the time of registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed, and that the severed lands shall be transferred and form part of the common elements of Peel Standard Condominium Plan No. 1182 by way of all necessary amendments to the condominium declaration and description under the Condominium Act, 1998.

5. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s). (The "resultant" lot is the "severed" land and the land to which the "severed" land is to be merged.)
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Background:

The consent application is related to an ongoing Site Plan Approval application (SPA-2019-0033) and Draft Plan of Condominium (DPC-2023-0004) that has been registered. The consent application was previously deferred at the December 10, 2024, June 18, 2024, and February 25, 2025 Committee of Adjustment hearings. The Site Plan application is submitted to facilitate the future development of a one-storey multi-tenant industrial building on the lands municipally addressed as 21 Van Kirk Drive. The Draft Plan of Condominium application proposes to convert an existing multi-tenanted employment building into a standard condominium on the lands municipally addressed as 25 and 35 Van Kirk Drive. No development is proposed through the DPC application.

- **Official Plan:** The subject property is designed as 'Industrial' in the Official Plan;
- **Brampton Plan:** The subject property is designed as 'Employment Area' in Schedule 1A, and 'Employment' in Schedule 2 in the Regionally adopted Brampton Plan;
- **Secondary Plan:** The subject property is designated as "General Employment 1" within the Snelgrove-Heart Lake Secondary Plan (Area 1); and,
- **Zoning By-law:** The subject property is zoned 'Industrial Four A, Special Section 225 (M4A-225)' according to By-law 270-2004, as amended.

Current Situation:

The purpose of this application is to request the consent of the Committee of Adjustment to sever parts 5,6,7,8,9,14,15,16, and 17 from 21 Van Kirk Drive for conveyance to 25 & 35 Van Kirk Drive. The application additionally requests to grant a servicing easement over Parts 15, 16, and 17 in favour of 21 Van Kirk Drive, a servicing easement over Part 11 in favour of 25 & 35 Van Kirk Drive and partial discharge of mortgage. The proposed severance and easements are within an existing parking lot as per appendix A. The consent application was previously deferred at the December 10, 2024, June 18, 2024, and February 25, 2025 Committee of Adjustment hearings as the applicant required more time to finalize the application. 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, Planner I

Appendix A: Site Photos



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, easements and mortgage discharge have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance, servicing easements and mortgage discharge 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, easements and mortgage discharge 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 proposed severance, easements, and mortgage discharge are 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, servicing easements and mortgage discharge 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 proposed severance, servicing easements and mortgage discharge are appropriate in size and shape for their purpose.
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 severance, servicing easements and mortgage discharge presents 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 severance, servicing easements and mortgage discharge 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, servicing easements and mortgage discharge 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, servicing easements and mortgage discharge 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.