



Report Committee of Adjustment

Filing Date: February 19th, 2025

Hearing Date: May 27th, 2025

File: A-2025-0015

**Owner/
Applicant:** 1000144109 Ontario Inc.
RPD Studio c/o Raj Patel

Address: 2600 North Park Drive

Ward: WARD 8

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2025-0015 be refused.

Background:

The minor variance application was initially considered by the Committee of Adjustment at its hearing on March 25, 2025. The original request sought to permit the following uses in an Industrial Mall: a) a place of commercial recreation; b) a retail warehouse (retail establishment); and c) a motor vehicle repair and/or body shop whereas the by-law does not permit the proposed uses. Following discussions between Committee members, City staff, and the applicant, the Committee deferred the application to the May 27, 2025 hearing to allow the applicant time to revise the proposal. The applicant has since amended the application to request only a place of commercial recreation use, proposed to occupy approximately 22.69% of the existing industrial building.

The City will be undertaking a comprehensive review of lands designated for employment in Brampton due to the changes made in October 2024 to the definition of areas of employment under the PPS, 2024 and Planning Act. The employment study is intended to make the Official Plan consistent with new provincial direction and identify key areas protected for long-term, traditional employment uses and conversely, where a broader range of uses may be more appropriate. An update to Official Plan policies and land use schedules will be integrated upon completion of the study and public engagement.

Existing Zoning

The property is zoned 'Industrial Two – Special Section 896 (M2-896)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit the additional use of a place of commercial recreation in an existing Industrial Mall on lands zoned M2-896.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Industrial' in the 2006 Official Plan and 'General Employment 1' in the Airport Intermodal Secondary Plan (Area 4). The subject property is designated as 'Employment Area' (Schedule 1A – City Structure) and 'Employment' (Schedule 2 – Designations) in the Brampton Plan. It is also located in lands designated as 'Provincially Significant Employment Zones (PSEZ)' on Schedule 5 – Provincial Plans and Policy Areas of the Brampton Plan. 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.

The 'Industrial' designation is highlighted as an important area in the 2006 Official Plan as its within employment lands. These lands have a set of objectives such as protect, retain and enhance business, industry and employment opportunities within Brampton. Section 4.4.2 of the Official Plan outlines that employment areas may accommodate a certain range of ancillary uses without negatively impacting the viability of employment lands or employment operations. Commercial and recreational development shall not be permitted in areas designated industrial in the Official Plan. Section 4.4.2.1 of the Official Pan provides for the development of industrial, manufacturing, distribution, mixed industrial/commercial, commercial self-storage warehouses, data processing and related uses and limited office uses, and may also permit limited service and retail uses, open space, public and institutional use as practical and appropriate subject to the appropriate sub-designations and policies in the relevant Secondary Plan.

The subject property is designated as an "Employment Area" in Brampton Plan. This designation aims to preserve and enhance a diverse range of high-quality jobs and services while fostering innovation. It also seeks to protect industrial areas from conflicts and encroachment by incompatible uses. Employment Areas are intended to prioritize employment-generating activities, particularly office uses, and serve as key hubs for economic growth and competitiveness. As a critical Provincial, Regional, and local planning priority, these areas are strategically clustered to minimize adverse impacts on surrounding land uses while ensuring strong connectivity to major transportation corridors.

Following recent changes to the 2024 Provincial Planning Statement (PPS) and the Planning Act, the definition of "employment areas" has been updated. Notably, primary uses such as retail and office

have been excluded from the revised definition. Employment areas are defined as “areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.”

According to Section 1(1.1) of the Planning Act, ““area of employment” means an area of land designated in an Official Plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:
 - i. Manufacturing uses.
 - ii. Uses related to research and development in connection with manufacturing anything.
 - iii. Warehousing uses, including uses related to the movement of goods.
 - iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
 - v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
 - vi. Any other prescribed business and economic uses.
2. The uses are not any of the following uses:
 - i. Institutional uses.
 - ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv;”

Additionally subject lands are further designated ‘General Employment 1’ in the Airport Intermodal Secondary Plan. This outlines a broad range of uses such as warehousing and storage of goods, manufacturing, processing, repairing and servicing operations, but excluding motor vehicle/body shops, outdoor storage areas only as accessory to an industrial use, and Ancillary uses directly associated with the principal industrial use.

The requested variance is to facilitate the partial conversion of the existing building to permit a place of commercial recreation, accounting for approximately 22.69% of the building. The proposed variance does not maintain the general intent and purpose of the Official Plan, as it introduces non-employment uses that are incompatible with the designated Industrial/Employment Area policies. The inclusion of a place of commercial recreation shifts the area away from its intended function of supporting industrial, manufacturing, and employment-generating activities. These uses may also contribute to land use conflicts and compromise the long-term protection of employment lands, contrary to the objectives of the 2006 Official Plan, Brampton Plan, and recent definitions of the PPS and Planning Act. The variance does not maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance requests to permit the additional use of a place of commercial recreation in an existing Industrial Mall on lands zoned M2-896. The intent of the Zoning By-law is to maintain the integrity and character of the industrial zone while regulating land uses to ensure compatibility with the surrounding area.

The Industrial (M2) zone special section 896 permits a range of industrial uses within an enclosed building, including warehousing, manufacturing, assembly, storage, and distribution of various goods and products. Limited non-industrial uses, such as exhibition and conference halls and broadcasting facilities, are also permitted, along with accessory office uses directly related to industrial activities. Commercial recreational uses are not included as permitted uses. Given this framework, the proposed variance does not maintain the general intent and purpose of the Zoning By-law, as it introduces a place of commercial recreation, which are incompatible with the industrial focus of the designation and could contribute to the erosion of employment lands.

The requested variance is not considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance to allow a place of commercial recreation is not desirable for the appropriate development of the land, as it conflicts with the policies of the 2006 Official Plan, the Brampton Plan, and the recent updates to the Provincial Planning Statement (PPS) and Planning Act. The subject lands are designated as 'Industrial' and 'Employment Area,' which are intended to preserve areas for business and economic activities such as manufacturing, warehousing, and research, while excluding retail and office uses that are not ancillary to the primary employment functions. The proposed variance introduces commercial and recreational uses that undermine the core objectives of these employment areas by shifting the focus away from industrial, manufacturing, and employment-generating activities. This could lead to land use conflicts and encroachment by incompatible activities, compromising the long-term protection and viability of employment lands. The inclusion of such non-employment uses is contrary to the policies outlined in both the current and proposed official plans and does not maintain the general intent and purpose of the Official Plan and related planning documents.

The requested variance is not considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is not minor, as it proposes converting approximately 22.69% of the existing building to non-employment uses to include a place of commercial recreation. This significant shift from industrial to non-industrial uses contradicts the intent of the Zoning By-law, which aims to preserve the area's industrial character. The scale of the proposed changes would disrupt the balance of employment-generating activities and negatively affect the function and character of the Employment Area, conflicting with established zoning and planning policies.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A



Appendix B

