

Steven Pordage
E-mail: spordage@pallettvalo.com
Direct Line: (905) 273-3022 x. 286

BY COURIER AND EMAIL

December 3, 2020

City of Brampton – Clerk
2 Wellington Street West, 3rd Floor
Brampton, ON L6Y 4R2

And to

Planning, Building and Economic Development Department
2 Wellington Street West, 3rd Floor
Brampton, ON L6Y 4R2

Dear Sirs/Mesdames:

Re: Application to Amend the Official Plan and Zoning Bylaw by Great Gulf Homes – (c/o Scottish Heather Developments Inc, Brampton G & H Holdings Inc., Brampton G & H Holdings II Inc.) (collectively, the “Applicant”) West of Mississauga Road, between Embleton Road and Lionhead Golf Club Road (the “Application Lands”) City File No: OZS-2020-0011 Our File No: 82896

We are the solicitors for Herbst Ltd. (“**Herbst**”), the owner of 52 Cliffside Drive, Brampton (the “**Property**”). The Property abuts the Application Lands and is shown highlighted in orange on the Concept Land Use and Lotting Plan attached hereto as Appendix “A”. Herbst received a Notice of Public Meeting for the meeting scheduled for December 7th in connection with the above noted matter and we would like to provide the following comments in connection therewith.

There are several trees that run along the boundary line between the Property and the Application Lands (the “**Boundary Trees**”). The locations of the trees are depicted on the sketch attached hereto as Appendix “B”. Photos of the trees are attached hereto as Appendix “C”. Herbst wants to ensure that the trees are protected.

Tree Preservation By-law 317-2012 (the “**Bylaw**”) provides that a person who intends to Injure a tree shall be required to provide the written consent of the adjacent property owner if the tree to be injured is a boundary tree. The term “Injure” is defined broadly and means “to injure or Destroy a Tree by any action that causes physical, biological or chemical damage or death to a Tree, but does not include pruning or removing branches for maintenance purposes.” It is

important to Herbst that the Bylaw be complied with and that the trees be protected. Moreover, Herbst would like to ensure there are additional protections beyond just the fine called for under the Bylaw.

In addition to the concern about the Boundary Trees, Herbst is concerned that there will be a loss of privacy due to the numerous lots that will be backing onto the Property. Herbst would like to ensure that its privacy is protected moving forward.

To that end, in accordance with subsection 34(16) of the *Planning Act*, R.S.O. 1990 (the "**Act**"), we would request that the following conditions be imposed:

1. The Applicant be required to retain the services of a certified arborist prior to commencing any work that could reasonably be expected to Injure the Boundary Trees to confirm that the proposed work will not cause any such injury;
2. The Applicant be required to erect a permanent privacy fence to protect the Boundary Trees on the Application Lands;
3. The Applicant be explicitly prohibited from removing the Boundary Trees or taking any action whatsoever which could reasonably be expected to injure them; and
4. The Applicant shall be required to replace any Boundary trees that or injured or die as a result of the construction on the Application Lands.

Moreover, in accordance with subsection 34(16.2) of the Act, we would request that the aforementioned conditions be set out in an agreement between the Applicant and the City of Brampton, which agreement should be registered on title to the Application Lands and which shall bind all successor owners of the Application Lands.

Please be advised that we wish to be notified of the decision of the City in respect of the proposed zoning bylaw amendment and official plan amendment. We would also request that you provide our office with the comments of City Staff and a list of proposed conditions prior to this matter being heard before Council.

Yours very truly,

PALLETT VALO LLP



Per: Steven Pordage

sp

encl.

APPENDIX 1
CONCEPT LAND USE AND LOTTING PLAN
 GREAT GULF GROUP OF COMPANIES
 SCOTTISH HEATHER DEVELOPMENT INC.
 AND BRAMPTON G&A HOLDINGS INC
 CITY FILE: OZS-2020-0011

Appendix "B"



