



APPLICATION FOR MINOR VARIANCE

WHEREAS an application for minor variance has been made by **2042843 ONTARIO INC** under Section 45 of the Planning Act, (R.S.O. 1990 c.P.13) for relief from **By-law 270-2004**;

AND WHEREAS the property involved in this application is described as Part of Lot 18, Concession 1 EHS, municipally known as **34 HIGHWOOD ROAD**, Brampton;

AND WHEREAS the applicants are requesting the following variances(s):

1. To permit a temporary new homes sales pavilion to facilitate the sale of units within a proposed townhouse development on the lands whereas the by-law does not permit the proposed use.

OTHER PLANNING APPLICATIONS:

The land which is subject of this application is the subject of an application under the Planning Act for:

Plan of Subdivision: _____ NO _____
Application for Consent: _____ NO _____

File Number: _____
File Number: _____

The Committee of Adjustment has appointed **TUESDAY, May 11, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for the purpose of hearing all parties interested in supporting or opposing these applications.

This notice is sent to you because you are either the applicant, a representative/agent of the applicant, a person having an interest in the property or an owner of a neighbouring property. **OWNERS ARE REQUESTED TO ENSURE THAT THEIR TENANTS ARE NOTIFIED OF THIS APPLICATION. THIS NOTICE IS TO BE POSTED BY THE OWNER OF ANY LAND THAT CONTAINS SEVEN OR MORE RESIDENTIAL UNITS IN A LOCATION THAT IS VISIBLE TO ALL OF THE RESIDENTS.** If you are not the applicant and you do not participate in the hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings. **WRITTEN SUBMISSIONS MAY BE SENT TO THE SECRETARY-TREASURER AT THE ADDRESS OR FAX NUMBER LISTED BELOW.**

IF YOU WISH TO BE NOTIFIED OF THE DECISION OF THE COMMITTEE OF ADJUSTMENT IN RESPECT OF THIS APPLICATION, YOU MUST SUBMIT A WRITTEN REQUEST TO THE COMMITTEE OF ADJUSTMENT. This will also entitle you to be advised of a Local Planning Appeal Tribunal hearing. Even if you are the successful party, you should request a copy of the decision since the Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the applicant or another member of the public.

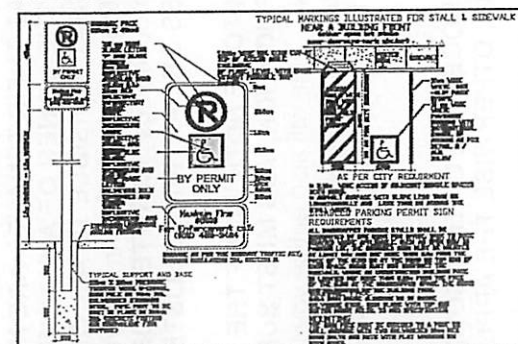
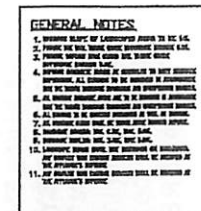
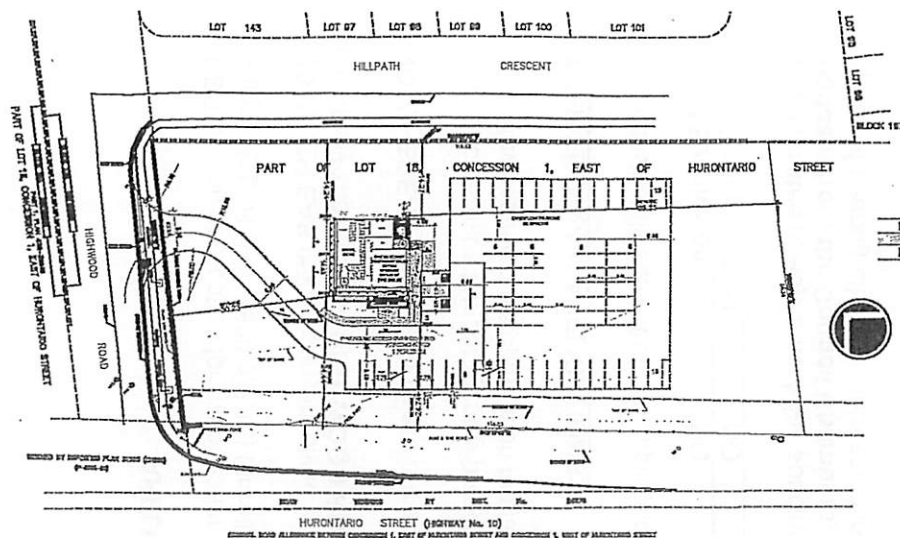
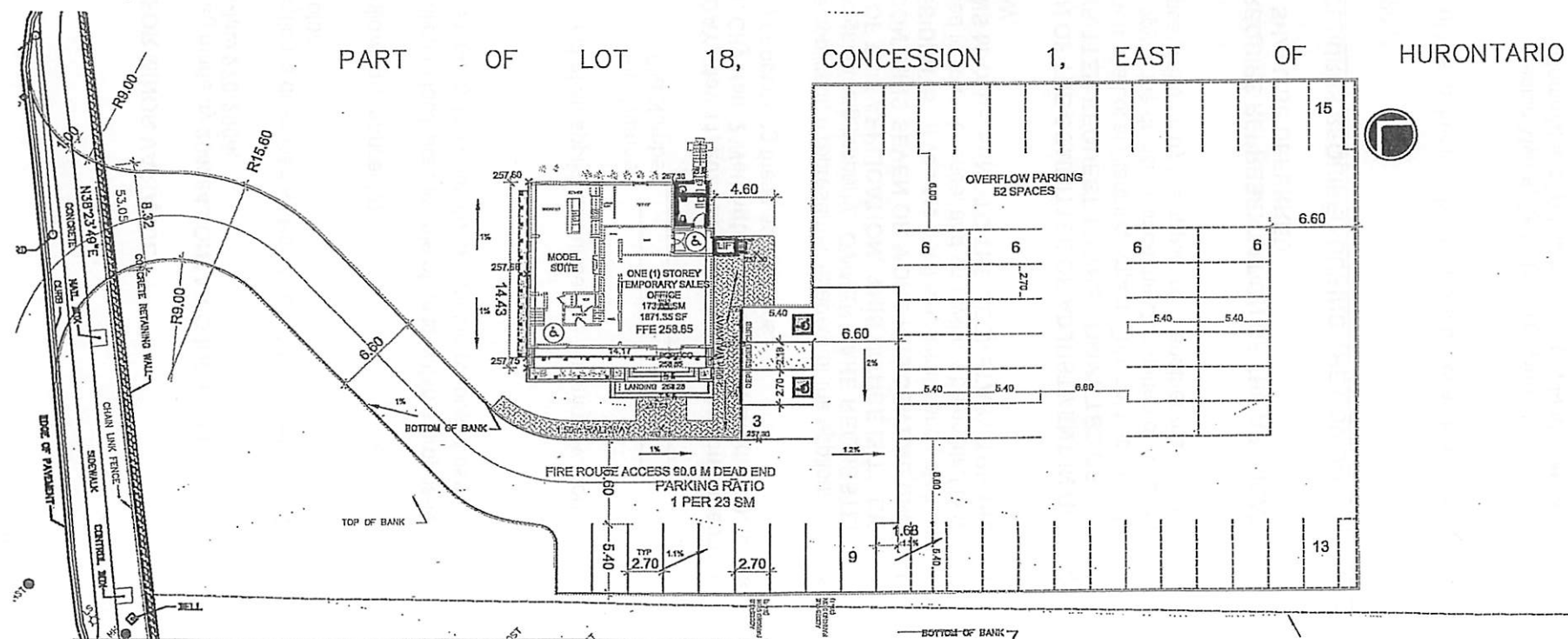
RULES OF PROCEDURE OF THIS COMMITTEE REQUIRE REPRESENTATION OF THE APPLICATION AT THE HEARING, OTHERWISE THE APPLICATION SHALL BE DEFERRED.

PLEASE SEE ATTACHED PARTICIPATION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

DATED at Brampton Ontario, this 29th day of April, 2021.

Comments may be sent to and more information about this matter may be obtained between 8:30 a.m. to 4:30 p.m. Monday - Friday from:

Jeanie Myers, Secretary-Treasurer
Committee of Adjustment, City Clerk's Office,
Brampton City Hall
2 Wellington Street West,
Brampton, Ontario L6Y 4R2
Phone: (905)874-2117
Fax: (905)874-2119
jeanie.myers@brampton.ca

[illegible]

REVISIONS		
NO.	REVISION	DATE

CIVIL CONSULTANT:

nextrans
ENGINEERING

Suite 450, 4281-A Highway 7 East Markham, ON L3R 9W1
Tel: 416-474-7700 Fax: 416-477-9529
WWW.NEXTRANS.CA

DRAWING TITLE

PARKING AREA EXPANSIO

Under the authority of the *Emergency Management and Civil Protection Act* and the *Municipal Act, 2001*, City Council approved Committee Meetings to be held electronically during the COVID-19 Emergency

Electronic Hearing Procedures
How to get involved in the Virtual Hearing

Brampton City Hall is temporarily closed to help stop the spread of COVID-19. In-person Committee of Adjustment Hearings have been cancelled since mid-March 2020. Brampton City Council and some of its Committees are now meeting electronically during the Emergency. The Committee of Adjustment will conduct its meeting electronically until further notice.

How to Participate in the Hearing:

- All written comments (by mail or email) must be received by the Secretary-Treasurer no later than **4:30 pm, Thursday, May 6, 2021**.
- Advance registration for applicants, agents and other interested persons is required to participate in the electronic hearing using a computer, smartphone or tablet by emailing the Secretary-Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm, Friday, May 7, 2021**.
 - Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone. You can register by calling 905-874-2117 and leave a message with your name, phone number and the application you wish to speak to by **Friday, May 7, 2021**. City staff will contact you and provide you with further details.
- All Hearings will be livestreamed on the City of Brampton YouTube account at: <https://www.brampton.ca/EN/City-Hall/meetings-agendas/Pages/Welcome.aspx> or <http://video.isilive.ca/brampton/live.html>.

If holding an electronic rather than an oral hearing is likely to cause a party significant prejudice a written request may be made to have the Committee consider holding an oral hearing on an application at some future date. The request must include your name, address, contact information, and the reasons for prejudice and must be received no later than 4:30 pm the Friday prior to the hearing to cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca. If a party does not submit a request and does not participate in the hearing, the Committee may proceed without a party's participation and the party will not be entitled to any further notice regarding the proceeding.

NOTE Personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, collected and recorded or submitted in writing or electronically as related to this planning application is collected under the authority of the *Planning Act*, and will be used by members of the Committee and City of Brampton staff in their review of this matter. Please be advised that your submissions will be part of the public record and will be made available to the public, including posting on the City's website, www.brampton.ca. By providing your information, you acknowledge that all personal information such as the telephone numbers, email addresses and signatures of individuals will be redacted by the Secretary-Treasurer on the on-line posting only. Questions regarding the collection, use and disclosure of personal information may be directed to the Secretary-Treasurer at 905-874-2117.

March 23rd, 2021

A-2021-0099

Committee of Adjustment
City of Brampton
2 Wellington Street West
Brampton, ON, L6Y 4R2

Dear Madam/Sir:

On behalf of 2042843 Ontario Inc. (Client) we, WSP Canada Inc. (WSP), are pleased to submit the enclosed application for minor variance with respect to a proposed temporary commercial use.

1.0 Site Background and Proposed Variance

The subject lands are located within the community of Snelgrove in Brampton, on the lands municipally known as 34 Highwood Road. The subject lands enclose approximately 0.62 ha (1.53 ac) and have approximately 115.83 m of frontage onto Hurontario St, 55.36 m of frontage onto Highwood Rd, and 115.52 m of frontage onto Hillpath Crescent. The subject lands contain an existing small building previously used as a sales office in conjunction with the adjacent residential development in the area. Please refer to **Figure 1-1** below for an aerial view of the lands.

Figure 1-1: Aerial View of the Subject Lands for the Proposed Minor Variance.



Image captured from City of Brampton GeoHub (2021).

This site has been subject to a minor variance application in the past (Application No. A14-033) for a temporary sales facility on the site, under the condition that only homes within the vicinity could be sold through the facility. However, with no permission from the

landowner (the client), the tenant used the facility to also sell homes within Caledon, thereby voiding the granted variance. Although, the use ceased, the building has never been removed from the subject site.

The client requests a minor variance on the subject lands in order to permit the temporary use of a sales building on the lands to facilitate the sale of units within a proposed townhouse development to be constructed on the same lands.

1.1 Surrounding Context

The land uses surrounding the site include low-density residential in all directions, a commercial use abutting the lands to the south, on the west side there is a medical/dental and professional services office. Onto Hurontario Street there are various institutional and commercial uses, including churches and a community centre southeast of the lands and an elementary school east of said lands.

1.2 City of Brampton Official Plan & Zoning Bylaw

The **City of Brampton Official Plan** designates the subject lands as "Residential". The City's residential policy Section no. 4.2 places a focus on having a variety of housing types which promote vibrant, sustainable, and accessible residential communities, and to encourage well planned, designed, and built residential areas as to enhance the sense of place for residents and visitors alike. In March 2020, the City released the Snelgrove-Heart Lake Secondary Plan, of which its policies affect the subject lands. Schedule 1 of this secondary plan designates the subject lands as "Medium Density Residential", which permits single detached houses, semi-detached houses, as well as townhouses with a permitted maximum density of 50 units per net hectare.

The **City of Brampton Zoning By-law No. 270-2004** zones the subject lands as Agricultural (A). It is important to note that the site has been approved for a Zoning By-Law Amendment to change the zoning from "Agricultural" to "Site Specific – Residential Townhouse Zone" in order to permit a proposed townhouse development on the site (LPAT Case No. PL17052). The LPAT decision is pending on Site Plan Control conditions. The final decision should be issued this spring.

2.0 Previous Minor Variance Application for the Site

This property was subject to a Minor Variance decision in 2014, file no. A14-033. The application was considered to be supportable but subject to various conditions outlined below:

- That the owner shall obtain site plan approval for the Temporary Sales Office prior to the issuance of a building permit for the temporary sales trailers. The Temporary Sales Office application shall address access and grading. No grading works shall be permitted until the applicant has secured a building permit from the Building Division;
- That a grading and stormwater management report must be approved by the City of Brampton Planning and Infrastructure Services Department prior to construction;
- That the owner and builder shall enter into a temporary sales office agreement with the City, and shall post securities in the amount of \$30,000 to ensure the removal of the sales offices;

- That the sales trailers shall be removed from the site after three years from the date of Committee of Adjustment approval or not more than 60 days after the lots have been sold, whichever occurs first. A demolition permit shall be obtained prior to the removal of the temporary structure from the site;
- That the owner agrees to sell lots pertaining to draft plan 21T-12009B and shall not conduct sales for other subdivisions from the temporary sales office; and
- That all signage associated with the temporary sales offices and sale of homes within the above plan of subdivision shall be in compliance with the City's Sign By-law and shall not be installed until such time as permits for signage have been issued.

3.0 Four Tests of Minor Variance

It is my professional planning opinion that the proposed application is "minor" in nature as it meets the four tests of a Minor Variance, in accordance with Section 45(1) of the Planning Act:

3.1 The variance meets the intent and purpose of the Official Plan.

The City of Brampton Official Plan generally designates the subject lands as residential, which permits a variety of different housing types from affordable housing to executive suites. The City's Official Plan outlines its focus on "promoting and facilitating intensification throughout the built-up area and in particular within the Urban Growth Centre and Central Area, intensification corridors, Mobility Hubs, and Major Transit Station Areas". The Snelgrove-Heart Lake Secondary Plan also permits the use of townhouses within areas specified as "medium-density", such as the subject lands. The proposed variance is required by the client in order to make the sale of over 30 rear-lane townhouses proposed to be constructed on the subject lands. This proposed development would convert empty lands along the Hurontario Street intensification corridor into a new townhouse community. Also, small commercial uses have been permitted in designated residential zones, as shown in Schedule A2 (Retail Structure) of the City's Official Plan. Therefore, WSP believes that the proposed minor variance follows the intent and purpose of the City's Official Plan and Secondary Plan.

3.2 The variance meets the intent and purpose of the Zoning By-law.

The purpose of the requested variance is to allow the use of a sales building on the subject lands. The building is necessary to allow the sale of over 30 townhouse units on the property. An LPAT hearing has recently approved a Zoning By-Law Amendment that rezoned the subject lands from Agriculture (A) to Site Specific – Residential Townhouse Zone, and WSP is in the process of clearing conditions for final Site Plan Control approval in Spring 2021. The existing building will be a temporary use and only be used to facilitate the sale of said townhouses on the subject lands. Therefore, WSP believes that the proposed minor variance follows the intent and purpose of the City's Zoning By-Law.

3.3 The variance is desirable for the appropriate use of land.

The proposed activity is necessary for the lands to be eventually converted from vacant lands into a townhouse development. The proposed minor variance would

allow for the sale of these townhouse units to be expedited and provide more units within a large predominantly residential neighbourhood. Furthermore, the site has been subject to a similar temporary minor variance in the past as to allow the existing building to facilitate the sale of multiple residential units adjacent to the subject lands. The temporary use will only be prolonged until the townhouse units have been sold. It must be mentioned, that on Hurontario Street, there is a mix of residential and commercial uses along this corridor.

The proposed minor variance is appropriate for the land for the following reasons:

1. The building is an existing structure;
2. There is sufficient parking on site;
3. The site is accessed off of Hurontario Street, a collector road;
4. The existing sales office has already gone through a Site Plan Control process. Lot access and grading has previously been approved by the City of Brampton;
5. The commercial activities and the comings and goings caused by the customers and employees will be controlled by the Ontario Government established direction on the Covid-19 pandemic situation;
6. The City holds already holds security deposit (Letter of Credit) in the amount of \$30,000.
7. The building will be demolished as soon as all the units are sold.

Therefore, WSP believes that the proposed minor variance is desirable for the appropriate use of the lands.

3.4 The variance is minor in nature.

The requested variance is site-specific and is not a significant planning matter. There is adequate parking on site for employees and visitors and given the circumstances of the Covid-19 pandemic, visitors must enter the site on an appointment-basis only which will alleviate traffic concerns for neighbouring residents. Furthermore, it requires no new construction as the building exists, and the sale activities are intended to be temporary, existing only for a period of up to 18 months after the date of approval. As such, the variance is minor in nature. Therefore, WSP believes that the proposed variance is minor in nature.

In summary, the proposed minor variance has for purpose to allow a temporary commercial use onto a residential property to facilitate a temporary sales office. The proposed use has already been approved in the past on the subject lands. The intent of the Official Plan and Zoning By-Law are satisfied as shown above in **Section 3.0**. The activities and automobile circulation will be controlled through provincially-enforced Covid-19 rules and regulations mandating visits by appointment only. Therefore, the use is appropriate for the neighbourhood. In addition, since the building is pre-existing, and its use is to be temporary, the proposed variance is minor in nature.

4.0 Letter of Credit

With this Minor Variance application, we would like to note that there is an existing Letter of Credit from the previous tenant issued in 2014 to the amount of \$30,000.00, and is still on file with the city. We will work with staff to re-issue the Letter of Credit once the City is in agreement to release the current Letter of Credit our client.

5.0 Application Submission Materials

The following materials are enclosed to support this application of Minor Variance:

- Application Fees – Credit Card payment to the **Treasurer, City of Brampton**;
 - Commercial, Industrial, & Other properties: **\$2,560.00**
 - Applicant necessitated re-circulation of Notice of an Application: **\$231.00 + \$4.60/notice**
- A copy of the Minor Variance application form;
- An Authorization Letter signed by the property owner;
- A Permission to Enter for Committee Members & City Staff to conduct inspections on the site;
- A copy of the Site Plan (dated February 8th, 2016);
- A copy of the previous Staff Report associated with the previous Minor Variance Application on the site (Application No. A14-033, dated April 11th, 2014); and
- A copy of the LPAT decision for the land's zoning (dated: January 18th, 2019).



We look forward to working with staff to expedite the above-noted applications. Please advise as to when the applications will be brought forward for consideration at the Committee of Adjustment. Should you wish to discuss please contact the undersigned at Chad.John-Baptiste@wsp.com, or at (289) 982-4013.

Yours sincerely,

C.B. John-Baptiste

Chad B. John-Baptiste, MCIP, RPP
Director, Planning – Ontario
Planning, Landscape Architecture and Urban Design



The Personal Information collected on this form is collected pursuant to section 45 of the Planning Act and will be used in the processing of this application. Applicants are advised that the Committee of Adjustment is a public process and the information contained in the Committee of Adjustment files is considered public information and is available to anyone upon request and will be published on the City's website. Questions about the collection of personal information should be directed to the Secretary-Treasurer, Committee of Adjustment, City of Brampton.

APPLICATION

Minor Variance or Special Permission

(Please read Instructions)

NOTE: It is required that this application be filed with the Secretary-Treasurer of the Committee of Adjustment and be accompanied by the applicable fee.

The undersigned hereby applies to the Committee of Adjustment for the City of Brampton under section 45 of the Planning Act, 1990, for relief as described in this application from By-Law **270-2004**.

1. **Name of Owner(s)** 2042843 Ontario Inc. (Trevi Homes)
Address 8 Glenbrook Blvd., Brampton, ON, L6P 0N8

Attn. Fiorella Boiago
Phone # (905) 794 - 0103 **Fax #** _____
Email fboiago@rogers.com

2. **Name of Agent** Chad B. John-Baptiste (WSP Canada Inc.)
Address 100 Commerce Valley Drive West, Thornhill, ON, L3T 7Z3

Phone # (289) 982 - 4013 **Fax #** _____
Email Chad.John-Baptiste@wsp.com

3. **Nature and extent of relief applied for (variances requested):**
To permit the temporary use of a sales building on the lands to facilitate the sale of
units within a proposed townhouse development to be constructed on the same lands.

Please see Planning Opinion Letter enclosed within this submission for further details.

4. **Why is it not possible to comply with the provisions of the by-law?**
The Agricultural zone of the property does not permit the proposed use.

Please see Planning Opinion Letter enclosed within this submission for further details.

5. **Legal Description of the subject land:**
Lot Number Lot 18
Plan Number/Concession Number Concession 1
Municipal Address 34 Highwood Road, Brampton, ON, L6Z 4T7

6. **Dimension of subject land (in metric units)**
Frontage Approximately 115.83m on Hurontario St., 55.36m on Highwood Rd., & 115.52m on
Depth Hillpath Cres.
Area Approximately 6,192 sq.m.

7. **Access to the subject land is by:**
Provincial Highway ☐ **Seasonal Road** ☐
Municipal Road Maintained All Year ☒ **Other Public Road** ☐
Private Right-of-Way ☐ **Water** ☐

8. Particulars of all buildings and structures on or proposed for the subject land: (specify in metric units ground floor area, gross floor area, number of storeys, width, length, height, etc., where possible)

EXISTING BUILDINGS/STRUCTURES on the subject land: List all structures (dwelling, shed, gazebo, etc.)

Existing 1-storey structure. 173.85 sq.m. of ground/gross floor area. Structure is 14.17m wide, and 14.43m long. Please refer to Site Plan A1 enclosed within this submission for further details.

PROPOSED BUILDINGS/STRUCTURES on the subject land:

N/A

9. Location of all buildings and structures on or proposed for the subject lands: (specify distance from side, rear and front lot lines in metric units)

EXISTING

Front yard setback Approximately 31m

Rear yard setback Approximately 70m

Side yard setback Approximately 31m

Side yard setback Approximately 15m

PROPOSED

Front yard setback Same as above.

Rear yard setback Same as above.

Side yard setback Same as above.

Side yard setback Same as above.

10. Date of Acquisition of subject land: < 2014
11. Existing uses of subject property: Existing Temporary Sales Centre
12. Proposed uses of subject property: Existing Temporary Sales Centre
13. Existing uses of abutting properties: Single-detached dwellings, small commercial building
14. Date of construction of all buildings & structures on subject land: May 21st, 2015
15. Length of time the existing uses of the subject property have been continued: May 21st, 2015

16. (a) What water supply is existing/proposed?

Municipal ☐

Well ☐

Other (specify) Site has municipal services available. Building not connected as it is temporary.

- (b) What sewage disposal is/will be provided?

Municipal ☐

Septic ☐

Other (specify) Site has municipal services available. Building not connected as it is temporary.

- (c) What storm drainage system is existing/proposed?

Sewers ☐

Ditches ☐

Swales ☐

Other (specify) Site has municipal services available. Building not connected as it is temporary.

17. Is the subject property the subject of an application under the Planning Act, for approval of a plan of subdivision or consent?

Yes ☒ No ☐

If answer is yes, provide details: File # C01E18.017

Status LPAT decision issued,
order pending.

18. Has a pre-consultation application been filed?

Yes ☐ No ☒

19. Has the subject property ever been the subject of an application for minor variance?

Yes ☒ No ☐ Unknown ☐

If answer is yes, provide details:

File # <u>A14-033</u>	Decision <u>Conditional Approval</u>	Relief <u>Temporary Use Variance</u>
File # _____	Decision _____	Relief _____
File # _____	Decision _____	Relief _____

C.B. John-Baptiste

Signature of Applicant(s) or Authorized Agent

DATED AT THE City OF Vaughan

THIS 14 DAY OF April, 20 21.

IF THIS APPLICATION IS SIGNED BY AN AGENT, SOLICITOR OR ANY PERSON OTHER THAN THE OWNER OF THE SUBJECT LANDS, WRITTEN AUTHORIZATION OF THE OWNER MUST ACCOMPANY THE APPLICATION. IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL BE SIGNED BY AN OFFICER OF THE CORPORATION AND THE CORPORATION'S SEAL SHALL BE AFFIXED.

I, Chad John-Baptiste, OF THE City OF Vaughan

IN THE City OF Vaughan SOLEMNLY DECLARE THAT:

ALL OF THE ABOVE STATEMENTS ARE TRUE AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.

DECLARED BEFORE ME AT THE

Town OF Whitby

IN THE Province OF

ON THIS 14 DAY OF
April, 20 21.

C.B. John-Baptiste

Signature of Applicant or Authorized Agent

Noreen P. Murphy-Ristoff
A Commissioner, etc.

Noreen Patricia Murphy-Ristoff,
a Commissioner, etc.,
Province of Ontario, for
WSP Canada Inc. and WSP Canada Group Limited.
Expires September 18, 2022.

FOR OFFICE USE ONLY

Present Official Plan Designation:

Present Zoning By-law Classification:

(A) Agricultural

This application has been reviewed with respect to the variances required and the results of the said review are outlined on the attached checklist.

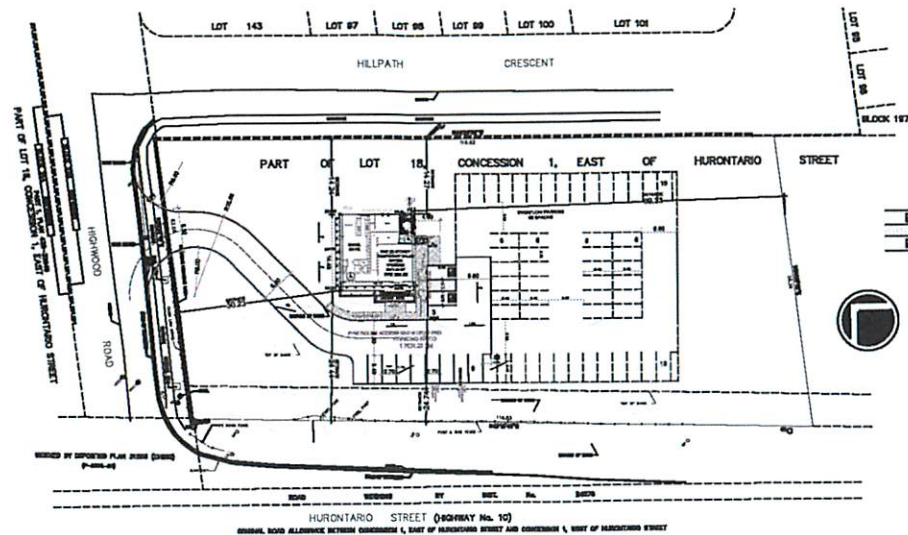
HOTHU S.

Zoning Officer

April 16 2021

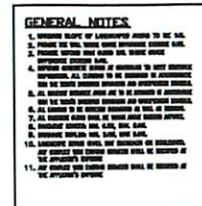
Date

DATE RECEIVED April 14, 2021

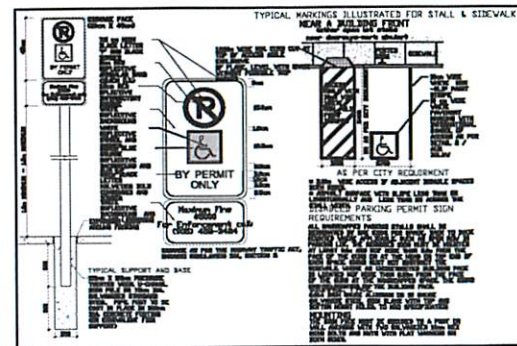


1
A-1

GENERAL SITE PLAN
SCALE= 1:2000



SITE DEVELOPMENT DATA		
BUILDING AREA	SQ M	SQ F
GROUND FLOOR AREA	173.85	1871.35
TOTAL GROUND FLOOR (FOOTPRINT)	173.85	1871.35
PARKING		PROVIDED
DN SURFACE	14 SPACES (INCLUDES 2%VC)	

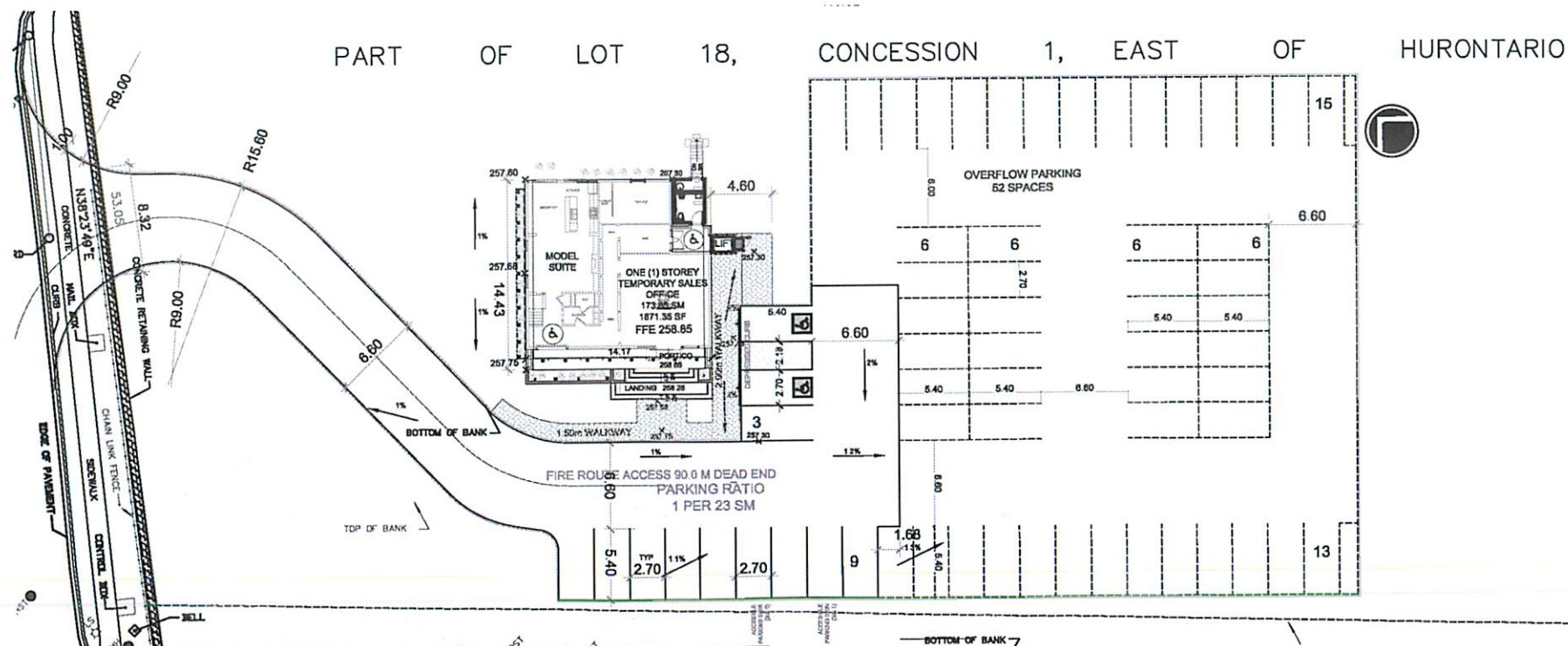


3 ACCESSIBLE PARKING SPACE AS PER BY-LAW 93-93, SECTION 48
A-1 Scale: N.T.S

2008-2009 REGIONAL DATA REVIEW TABLE 2.0.0				2008-2009 REGIONAL DATA REVIEW TABLE 2.0.0	
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4	4.1	4.1.1	4.1.1.1	4.1.1.2	4.1.1.3
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33	33.1	33.1.1	33.1.1.1	33.1.1.2	33.1.1.3
34	34.1	34.1.1	34.1.1.1	34.1.1.2	34.1.1.3
35	35.1	35.1.1	35.1.1.1	35.1.1.2	35.1.1.3
36	36.1	36.1.1	36.1.1.1	36.1.1.2	36.1.1.3
37	37.1	37.1.1	37.1.1.1	37.1.1.2	37.1.1.3
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49	49.1	49.1.1	49.1.1.1	49.1.1.2	49.1.1.3
50	50.1	50.1.1	50.1.1.1	50.1.1.2	50.1.1.3
51	51.1	51.1.1	51.1.1.1	51.1.1.2	51.1.1.



LEGEND



2 PARTIAL SITE PLAN
A-1 SCALE = 1/8" = 1'-0"

REVISIONS		
NO.	REVISION	DATE



CIVIL CONSULTANT:

nexTrans
ENGINEERING

Suite 400, 4281-154 Highway 7 East Markham, ON L3R 9W5
Tel: 416-374-7030, Fax: 877-957-2629
Web: www.noxtrans.ca

PROJECT NAME:

1000

HURONTARIO SALES PAVAILLIO
BRAMPTON, ONTARIO

DRAWING TITLE:
PARKING AREA EXPANSION

DESIGN BY: K.P.	DATE: February 8, 2018
CHECKED BY: B.M.	PROJECT NO:
DRAWN BY: K.P.	16-01
SCALE: SEE PLAN	DRAWING NO:

CHECKED BY: B.M.	PROJECT NO.
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CLASSIFIED BY: K.P.	16-016
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SCALE: SEE PLAN DRAWING NO. B-4

34 HIGHWOOD ROAD

PREVIOUS DECISION(S)



FILE NUMBER A14-033

HEARING DATE APRIL 15, 2014

APPLICATION MADE BY 2042843 ONTARIO INC.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCE:

1. To allow two (2) temporary new homes sales pavilions.

(0 HURONTARIO STREET - PART LOT 18, CONCESSION 1 EHS)

**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.

MOVED BY: P.S. CHAHAL

SECONDED BY: F. TURNER

SIGNATURE OF CHAIR OF MEETING:

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

DATED THIS 15TH DAY OF APRIL, 2014

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE MAY 5, 2014.

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.

**SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT**

Flower City



brampton.ca

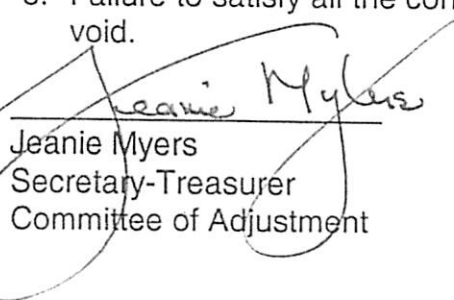
THIS IS SCHEDULE "A" REFERRED TO ON THE NOTICE OF DECISION

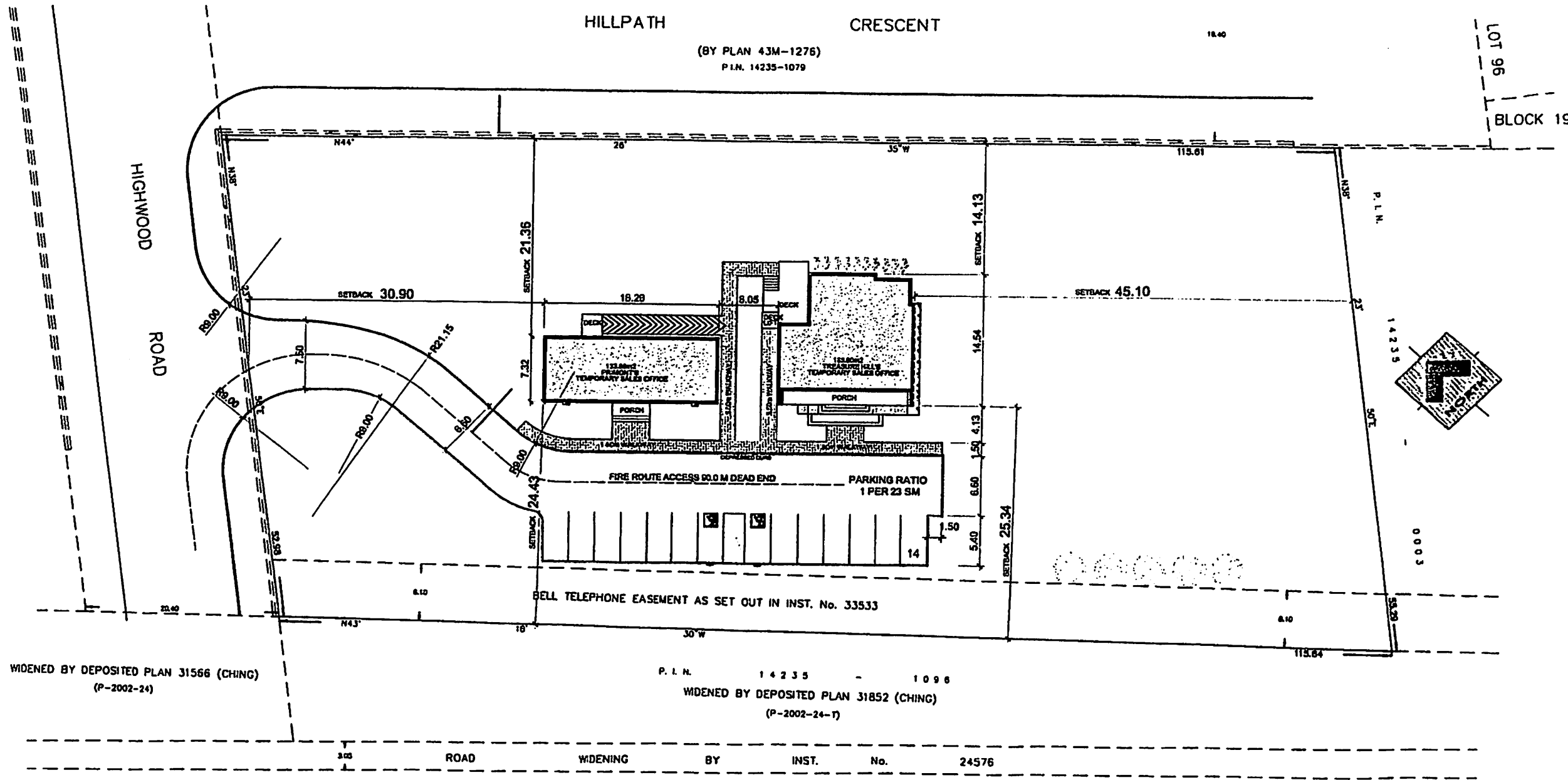
APPLICATION NO: A14-033

DATED: APRIL 15, 2014

Conditions:

1. That the owner shall obtain site plan approval for the Temporary Sales Office prior to the issuance of a building permit for the temporary sales trailers. The Temporary Sales Office application shall address access and grading. No grading works shall be permitted until the applicant has secured a building permit from the Building Division;
2. That a grading and stormwater management report must be approved by the City of Brampton Planning and Infrastructure Services Department prior to construction;
3. That the owner and builder shall enter into a temporary sales office agreement with the City, and shall post securities in the amount of \$30,000 to ensure the removal of the sales offices;
4. That the sales trailers shall be removed from the site after two (2) years from the date of Committee of Adjustment approval or not more than sixty (60) days after the lots have been sold, whichever occurs first. A demolition permit shall be obtained prior to the removal of the temporary structure from the site;
5. That the owner agrees to sell lots (to a maximum of 200) for Treasure Hill Homes and Primont Homes pertaining to draft plan 21T-12009B and shall not conduct sales for other subdivisions from the temporary sales office;
6. That all signage associated with the temporary sales offices and sale of homes within the above plan of subdivision shall be in compliance with the City's Sign By-law, and shall not be installed until such time as permits for signage have been issued;
7. That the variance shall be conditional upon the City being advised by a trustee appointed by the Owner and West Mayfield Developments Ltd. that a Landowners Cost Share Agreement has been entered into that may be registered on title, that will provide for equitable sharing of reasonable land and construction costs for services that have been installed by West Mayfield Developments Ltd. that may benefit the future development of the subject lands. Payment of such obligations by the Owner to West Mayfield Developments Ltd. shall be prior to registration of a plan of subdivision or as may be agreed to through the agreement by the parties;
8. Failure to satisfy all the conditions of approval shall render the variance null and void.


Jeanie Myers
Secretary-Treasurer
Committee of Adjustment



HURONTARIO STREET (HIGHWAY No. 10)
ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSION 1, EAST OF HURONTARIO STREET AND CONCESSION 1, WEST OF HURONTARIO STREET



FILE NUMBER A15-150

HEARING DATE AUGUST 25, 2015

APPLICATION MADE BY 2042843 ONTARIO INC.

IN THE MATTER OF SECTION 45 OF THE PLANNING ACT; ZONING BY-LAW 270-2004 AND AN APPLICATION FOR MINOR VARIANCE OR SPECIAL PERMISSION FOR THE FOLLOWING VARIANCE:

1. To permit a temporary new homes sales pavilion;

(34 HIGHWOOD ROAD - PART OF LOT 18, CONCESSION 1 EHS)

THE REQUEST IS HEREBY REFUSED

REASONS:

This decision reflects that in the opinion of the Committee:

1. The variance is not desirable for the appropriate development or use of the land, building, or structure referred to in the application, and
2. The variance is not minor.

MOVED BY: R. Crouch

SECONDED BY: R. Nurse

SIGNATURE OF CHAIR OF MEETING: 

WE THE UNDERSIGNED HEREBY CONCUR IN THE DECISION

MEMBER 

MEMBER

MEMBER 

MEMBER H Nurse

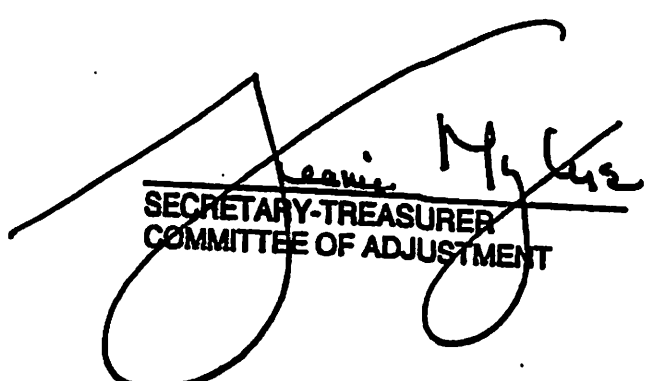
MEMBER 

NOTE: MEMBER M. RUSSO DISSENTED

DATED THIS 25TH DAY OF AUGUST, 2015

NOTICE IS HEREBY GIVEN THAT THE LAST DAY FOR APPEALING THIS DECISION TO THE ONTARIO MUNICIPAL BOARD WILL BE SEPTEMBER 14, 2015

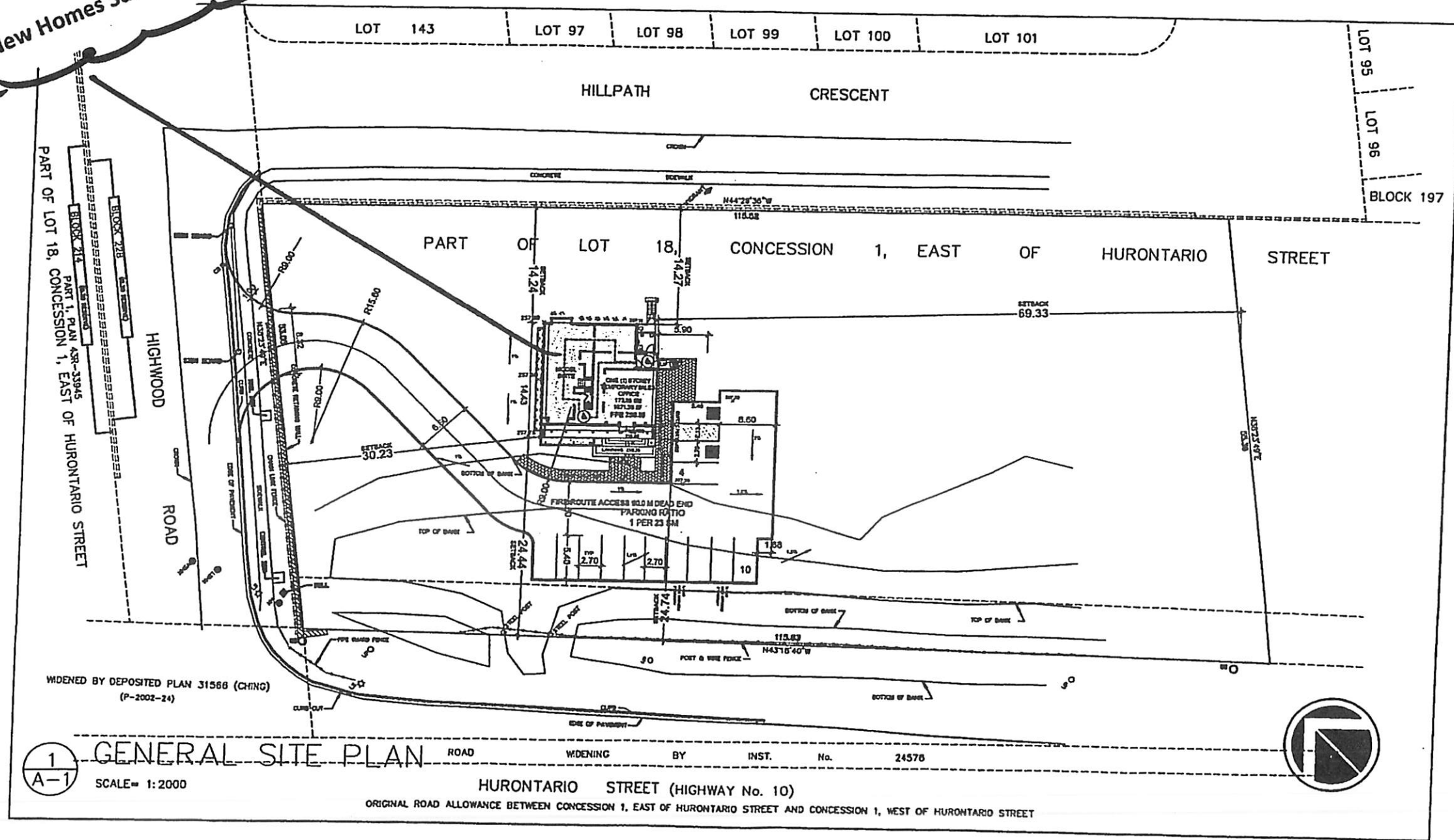
I, JEANIE MYERS, SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE DECISION OF THE COMMITTEE WITH RESPECT TO THE ABOVE APPLICATION.


SECRETARY-TREASURER
COMMITTEE OF ADJUSTMENT

Temporary New Homes Sales Pavilion

New Homes Sales Pavilion

New Homes Sales Pavilion



Date: April 15, 2014

File: A14-033

Subject: 2042843 ONTARIO INC.
Lot 18, ,Concession 1 EHS
0 HURONTARIO STREET
WARD: 2

Contact: Dana Jenkins, Development Planner

Recommendation:

That application A14-033 is supportable, subject to the following conditions being imposed:

- (1) That the owner shall obtain site plan approval for the Temporary Sales Office prior to the issuance of a building permit for the temporary sales trailers. The Temporary Sales Office application shall address access and grading. No grading works shall be permitted until the applicant has secured a building permit from the Building Division;
- (2) That a grading and stormwater management report must be approved by the City of Brampton Planning and Infrastructure Services Department prior to construction;
- (3) That the owner and builder shall enter into a temporary sales office agreement with the City, and shall post securities in the amount of \$30,000 to ensure the removal of the sales offices;
- (4) That the sales trailers shall be removed from the site after three years from the date of Committee of Adjustment approval or not more than 60 days after the lots have been sold, whichever occurs first. A demolition permit shall be obtained prior to the removal of the temporary structure from the site;
- (5) That the owner agrees to sell lots pertaining to draft plan 21T-12009B and shall not conduct sales for other subdivisions from the temporary sales office; and
- (6) That all signage associated with the temporary sales offices and sale of homes within the above plan of subdivision shall be in compliance with the City's Sign By-law, and shall not be installed until such time as permits for signage have been issued.

Background:

This request to allow two new home sales offices was originally heard by Committee on March 4, 2014. At that hearing, Committee noted the letters of objection received on the request, including two from residents opposing the proposed access on Hillpath Crescent, the commercial nature of the use, and potential noise, dust and safety concerns. A third letter was submitted on behalf of the original developer of the surrounding lands, who questioned the applicant's right of access to the subject property and noted that there had been no commitment from the owners on cost-sharing obligations.

The Committee asked that the item be deferred to allow additional input from the Transportation Planning Division, specifically with the goal of finding a viable alternative to the Hillpath Crescent access. The applicant has since submitted an access feasibility study and worked with Transportation Planning staff to relocate the proposed access point from Hillpath Crescent to Highwood Road.

The concerns raised about the commercial nature of the use, and potential noise, dust and safety are addressed in part, through the removal from Hillpath Crescent of the proposed access. The proposed sales pavilions are to be operated on an appointment basis and will not result in the levels of vehicle trip generation involved in a traditional commercial use. Subsequent to the initial installation of the sales pavilions, the proposed use will not generate any significant levels of noise or dust.

With regard to the letter submitted on behalf of the original developer of the surrounding lands, it should be noted that the cost-sharing obligation for the development of the subject lands has been imposed as a condition 'prior to registration' when the lands are developed for the intended residential uses (File C01E18.014). This cost-sharing obligation was not intended to be imposed for temporary use of the lands, and the requested condition for cost-sharing has therefore not been included in this report to Committee. With regard to the suggestion that the applicant does not have legal access to the site, staff have researched the background on the 0.3 metres reserves and confirmed that the owners rights to the reserves have expired and that the City is the party to grant access to the subject property.

Existing Zoning:

The subject lands are zoned Agricultural (A), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

- 1. To allow two (2) temporary new homes sales pavilions whereas the Agricultural zone of the property does not permit the proposed use.*

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject lands are designated 'Residential' in the Official Plan and 'Low Density Residential – Snelgrove North & West' in the Snelgrove Secondary Plan (Area 1). The requested variance is not in conflict with the policies of the Official Plan and the Snelgrove Secondary Plan. The general intent of the Official Plan is maintained.

2. Conforms to the Intent of the Zoning By-law

The property is currently zoned 'Agricultural' and has been draft approved to permit the development of the lands for residential use. The owner has requested approval to sell homes located on a different draft approved plan (File 21T-12009B). Given the temporary nature of the requested variance and the fact that no significant impacts to the surrounding properties are anticipated, the requested variance is considered by staff to conform to the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance requested for the proposed temporary sales offices will not adversely affect the development of the surrounding lands and is considered by staff to be desirable for the appropriate development of the land.

4. Minor in Nature

Subject to the recommended approval conditions, the proposed variance for the temporary sales offices is considered by staff to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Dana Jenkins', is written over a horizontal line.

Dana Jenkins MCIP, RPP
Development Planner

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 18, 2019

CASE NO(S):

PL170522

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	2042843 Ontario Inc.
Subject:	Request to amend the Official Plan - Failure of City of Brampton to adopt the requested amendment
Existing Designation:	Low Residential Density
Proposed Designated:	Medium Density with site specific policies
Purpose:	To permit the development of residential townhouses
Property Address/Description:	34 Highwood Road
Municipality:	City of Brampton
Approval Authority File No.:	C01E18.017
OMB Case No.:	PL170522
OMB File No.:	PL170522
OMB Case Name:	2042843 Ontario Inc. v. Brampton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	2042843 Ontario Inc.
Subject:	Application to amend Zoning By-law No.270-2004 - Refusal or neglect of City of Brampton to make a decision
Existing Zoning:	Agricultural (A)
Proposed Zoning:	Site Specific - Residential Townhouse Zone
Purpose:	To permit the development of residential townhouses
Property Address/Description:	34 Highwood Road
Municipality:	City of Brampton

Municipality File No.: C01E18.017
OMB Case No.: PL170522
OMB File No.: PL170523

Heard: May 7 – 10, 2018 and December 17 – 18,
2018 in Brampton, Ontario

APPEARANCES:

Parties

2042843 Ontario Inc.
("Applicant"/"Appellant")

City of Brampton ("City")

Counsel

Paul DeMelo and Kristie Jennings

Brian Duxbury

**DECISION DELIVERED BY S. TOUSAW AND INTERIM ORDER OF THE
TRIBUNAL**

INTRODUCTION

[1] The Applicant proposes to construct 34 townhouse units at 34 Highwood Road, a 0.62 hectare vacant lot at the southeast corner of Hurontario Street and Highwood Road (the "property" or "site").

[2] The Applicant's applications for Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") were deemed complete by the City in January 2015. Following the statutory public meeting, additional community meetings, and various revisions to the proposed development, City staff recommended in favour of the development. The City did not make a decision on the OPA and ZBA within the statutory period and the Applicant appealed the applications to this Tribunal in April 2017.

[3] Three primary matters are at issue: density, built form and amenity space.

[4] Two land use Planners were qualified by the Tribunal to provide opinion evidence in the area of land use planning. Chad John-Baptiste, Registered Professional Planner

("RPP"), is a consulting Planner retained by the Applicant who testified in support of the applications. Edward Davidson, RPP, is a consulting Planner retained by the City who testified against the applications.

[5] A third professional witness was qualified by the Tribunal to provide opinion evidence in the area of transportation planning. Richard Pernicky is a consulting transportation planner retained by the Applicant who provided transportation, traffic and parking testimony in support of the applications.

[6] In addition, the Tribunal heard from Shirley Fisher, a neighbouring resident and Participant, who provided a joint statement in opposition to the development on behalf of numerous area residents identified as Participants at the Pre-hearing for these appeals.

[7] For the reasons outlined below, the Tribunal will allow the appeal in part and approve the ZBA with certain revisions and subject to the City's satisfaction of its final form and the fulfillment of related conditions. The Parties agree that the OPA is no longer required given a recent update to the relevant Secondary Plan. By requiring one unit to be replaced with an outdoor amenity space, this Decision responds, in part, to the density and built form concerns of the City and neighbours.

THE SETTING AND PROPOSAL

[8] Brampton's main street, Hurontario Street ("Hurontario"), runs northwest – southeast, but is considered to run north – south for the purpose of this Decision.

[9] With streets on three of four sides, the property takes the form of a small city block. The property fronts on Hurontario to the west, Highwood Road ("Highwood") to the north, and Hillpath Crescent ("Hillpath") to the east.

[10] Thirty-four rear lane townhouses are proposed, consisting of 20 units in three blocks fronting Hurontario, and 14 units in three blocks facing Hillpath. The units

fronting Hillpath, at 2.5 storeys high and 6 metres (“m”) wide, would be lower and wider than the units fronting Hurontario at 3.5 storeys high and 4.5 m wide. A rear lane with two connections to Hillpath would provide access to each unit’s rear garage.

[11] Hurontario is a four-lane road identified as a “Major Arterial” on Schedule B to the City’s Official Plan (“OP”). Hurontario connects with Provincial Highway 410 less than half a kilometre (“km”) to the north of the site. Highwood and Hillpath are identified as “Local Roads” in the OP.

[12] Of most significance to this hearing are the six detached dwellings on the east side of Hillpath that form the edge of the low density neighbourhood to the east of the site. The front yards of the four middle dwellings face the site and the side yards of the two corner dwellings face the site, although the north corner dwelling’s front door is on Hillpath.

[13] To the north of the site across Highwood is an undeveloped property that extends across the municipal boundary into the Town of Caledon and for which a commercial development is proposed.

[14] To the south of the site is a former detached dwelling now used as an office. Like this site, that property also has frontage on both Hurontario and Hillpath.

[15] Across Hurontario to the west of the site are older dwellings on relatively large lots fronting Hurontario.

[16] The proposed OPA would amend the Snelgrove Secondary Plan (“former SP”) for this site to permit rear lane townhouses at a maximum density of 60 units per gross hectare (“u/gh”).

[17] The proposed ZBA would amend Zoning By-law No. 270-2004 to permit rear lane townhouses and to establish regulations for the number of units, width and height of units, yards, setbacks, amenity area and parking, etc.

LEGISLATIVE REQUIREMENTS

[18] In making a decision under the *Planning Act* (“Act”) with respect to these appeals, the Tribunal must have regard to matters of provincial interest as set out in s. 2 of the Act, and must have regard to the decision of the approval authority and the information considered by the approval authority under s. 2.1(1) of the Act. The decision must be consistent with the Provincial Policy Statement (the “PPS”) and must conform with the Growth Plan for the Greater Golden Horseshoe (the “GP”) under s. 3(5) of the Act.

[19] In addition, the OPA and ZBA must conform with the Regional Municipality of Peel Official Plan (“ROP”) and the ZBA must also conform with the OP under s. 24(1) of the Act.

ISSUES AND FINDINGS

[20] Both Planners testified that the development proposal is consistent with the PPS, conforms with the GP and conforms with the ROP. They agreed that townhouses on this site are a suitable form of intensification, represent compact form, provide for a mix of housing, use land and infrastructure efficiently, support existing and planned transit, encourage active transportation, and have convenient access to shopping and community facilities.

[21] The Planners’ testimony differed on the interpretation of the OP policies with respect to density, built form and amenity space.

Density

[22] The Applicant argues that the proposed density of 57 units per net ha (“u/nh”) conforms with and is permitted by the OP. The City argues that the density is too high given the limit of 50 u/nh in the OP and the site’s adjacency to a low density neighbourhood of detached dwellings.

[23] The density of the site has direct implications for built form, discussed later in this Decision. Here, density is reviewed in isolation as a number only, with respect to its conformity with the OP.

[24] During the course of this hearing, the City adopted a new policy of relevance to this OPA. Between the commencement of the hearing in May and its conclusion in December (a delay on consent owing to the availability of the Parties), the City passed a new Secondary Plan known as the Snelgrove – Heart Lake Secondary Plan (“new SP”) to replace the former SP, among others. No appeals were lodged against the new SP. It is in full force and effect.

[25] The former SP designated the site as Low Density Residential and thus required an OPA to permit the townhouses and a higher density. The new SP designates the site as Medium Density Residential and refers to s. 4.2.1.2 of the OP for permitted uses and densities. That section permits detached, semi-detached and townhouse dwellings up to 50 u/nh.

[26] Given the new SP, the Parties agree that the OPA is no longer required because the site is now designated as Medium Density Residential which permits townhouses. Although these applications predate the new SP, the Parties submit that the new designation is in force and sets the policy basis for this site.

[27] Despite the Parties' acknowledgement of the new designation, the conformity of the proposed density, in excess of 50 u/nh, continues to be at issue. The Applicant requests that, if found to be necessary out of an abundance of caution, the Tribunal could approve the OPA to provide an exemption to the density cap. The City maintains that the OP density of 50 u/nh should not be exceeded.

[28] The Tribunal finds that an OPA for density is not required for this development.

[29] In the OP, “minor variations to the housing density ... which do not alter the intent of this Plan, shall be considered without an Official Plan Amendment” (s. 4.2.1.4).

Similarly, the Interpretation policies of the OP direct that “numbers and quantities shown in the Plan shall be considered to be approximate only and not absolute, and that minor changes may be permitted without amendments to this Plan, provided that they do not affect the intent of this Plan” (s. 5.1.3).

[30] The intent of the OP is established in the policies for the City’s structure. “Intensification represents an essential component of the City’s growth management strategy,” that results in “an increase in built densities and the creation of more compact urban form” (s. 3.2) to reduce greenfield expansion and to make more efficient use of infrastructure, transit and community facilities. Hurontario is designated as a Primary Intensification Corridor (“PIC”) on Schedule 1 to the OP as an area for “intensive, transit-supportive land uses” (*ibid*) and among the areas where “development of the greatest mass and highest densities” is directed (s. 3.2.1.1).

[31] Tempering these broad statements is that permitted uses will vary depending on the underlying land use designation (s. 3.2.6), being Medium Density Residential for this site. However, “to accomplish the intended vision for the City’s intensification corridors, higher order uses which enhance the use of transit and encourage walkability shall be promoted” (*ibid*). The policies aim for a floor space index of 1.5 over the entire corridor and permit buildings up to 10 storeys high (s. 3.2.6.2) in the appropriate designation.

[32] In the new SP, a new ‘Medium High Density Residential’ category is created between the Medium and High density categories. The Medium High category permits up to 75 u/nh.

[33] The Tribunal finds that the proposed density of 57 u/nh meets the intent of the OP and does not require an OPA. The City intends for intensification to occur in designated locations across the City including along a PIC. Hurontario, as a PIC, is planned for higher order transit in the form of Bus Rapid Transit. The OP calls for higher densities and compact form along Hurontario to support transit, among the other objectives noted above.

[34] Under the new SP designation for up to 50 u/nh, this 0.62 ha site is permitted 31 units. The proposed density of 57 u/nh results in three additional units above the enunciated density. These additional units and density are considered to be minor and to not alter the intent of the OP. The additional requested density represents a minor intrusion into the density range permitted by the new SP category of Medium High Density Residential which would apply to developments between 51 and 75 u/nh.

[35] The OPA application seeks a density of 60 u/gh which the City argues is unnecessarily permissive given the proposal's actual density of 57 u/nh (being 55 u/gh). With the OPA no longer required and with the Tribunal's finding that the proposed density maintains the intent of the OP, the ZBA will establish and limit the permitted density by specifying a maximum number of units.

[36] For reasons related to the provision of amenity space, discussed later in this Decision, the ZBA will permit a maximum of 33 units (a reduction of one unit), equating to a density of 55 u/nh. This limit, allowing for two additional units above that permitted by the stated OP density, is found to conform with the OP for the same reasons noted earlier, although now for a lesser "minor variation."

[37] A further ruling is required by the Tribunal resulting from the Planners' opposite interpretations of s. 3.2.8.3 and s. 3.2.8.5 of the OP. The Tribunal adopts the interpretation of Mr. John-Baptiste over that of Mr. Davidson. However, in fairness to Mr. Davidson, and acknowledged by both Parties, these sections contain cumbersome wording.

[38] These policies affect permitted densities in various defined areas of the City. The intent of these sections, as accepted by the Tribunal, is that "areas outside" designated locations means properties not in the central area, not in a transit station area and not in an intensification corridor, etc. Outside of these areas for intensification, development "shall generally be limited to 50 u/nh" and may be considered for higher density by amendment in accordance with several criteria.

[39] The Tribunal finds that these policies do not apply to constrain density on this site and that no OPA is required. This site is not “outside” but is within an identified intensification area, being a PIC, and while the context and compatibility policies apply as discussed later, this development does not require an OPA for a density slightly above 50 u/nh. The Tribunal finds Mr. Davidson’s reading of these sections to be inconsistent with other policies in the OP and inconsistent with the City staff’s approach to these applications.

[40] The neighbours, as ably represented by Ms. Fisher, stated that this development intensifies Hillpath, not Hurontario. For valid transportation reasons, as explained by Mr. Pernicky, access should be provided via Hillpath and can occur without negative effects on traffic and parking. This arrangement is supported by City staff and not opposed by the City in this hearing. The form of the development, however, is to be guided by the OP.

[41] With the proposed density found in conformity with the OP, the resulting built form is reviewed next.

Built Form

[42] Both Planners agree that townhouses are suitable for this site. The issue of built form centres around whether the form of the proposed townhouses is compatible with the detached dwellings across Hillpath.

[43] The Applicant argues that the proposed built form satisfies the OP requirements for context, transition and compatibility, as opined by Mr. John-Baptiste and supported by the reports of City staff.

[44] The City argues that the built form constitutes over-development of the site that is not in keeping with the detached dwellings to the east, as opined by Mr. Davidson.

[45] The Tribunal will allow the proposed built form subject to certain revisions and the various conditions set out in the City Staff Report. The Tribunal's finding later in this Decision, that an amenity space is to be required in the initial development, will affect built form and will respond, in part, to the concerns of the City and neighbours. For the purpose of this section, built form will be addressed separately from the required amenity space.

[46] The OP objectives for residential development include enhancing the characteristics of neighbourhoods, promoting public safety, encouraging intensification and creating attractive streetscapes (s. 4.2(b)). The residential policies recognize several key elements of design including a variety of housing types and architectural styles, setbacks, garage placement, façade details along streets and at corners, and landscaping (s. 4.2.1.14).

[47] The OP's introductory section under Community Revitalization (s. 4.11.3.2) identifies compatibility with existing built-up areas as the key consideration for new development. "Compatibility does not mean uniformity or even consistency but should relate to the context of the site and surrounding neighbourhood" (*ibid*). Consideration is to be given to the "massing, scale and height" of development in relation to that permitted by the zoning of neighbouring properties (*ibid*).

[48] The policies call for "harmonious integration" with the surrounding area in terms of "use, scale, form and character" and list such factors as height, massing, setbacks, building separation, architectural form and materials (s. 4.11.3.2.3). These detailed policies help round out the requirement for "contextual planning and design" within Intensification Corridors (s. 3.2.6).

[49] The Tribunal finds the form of development to satisfy the OP requirements for compatibility and built form.

[50] Both Planners agree that the proposed form of development does not give rise to negative impacts, such as shadow or overlook, on the adjacent dwellings. When asked

about the impact of parking, Mr. Davidson acknowledged that the transportation evidence identified no negative effects from the on-site parking and the availability of on-street parking. However, Mr. Davidson maintains that the Hillpath front yards, building heights and building separations should be more in keeping with the corresponding conditions across the street. The Tribunal disagrees with Mr. Davidson and accepts the conclusions of Mr. John-Baptiste related to built form.

[51] The housing form of townhouses is not at issue. Townhouse blocks, by design, create a more continuous street wall than do detached dwellings. The Planners agree that there is nothing inherently incompatible with townhouses across a street from detached dwellings in a front-to-front relationship. The proposed street wall created by three blocks on Hillpath will be separated and reduced by the driveway between Blocks 1 and 2, and by the driveway to the south of Block 3. A further reduction in the street wall will result from the requirement to provide amenity space as addressed later in this Decision.

[52] The design transitions from taller and narrower units on Hurontario to lower and wider units on Hillpath in consideration of the two-storey detached dwellings to the east. Although the proposed front yards, at 3 m, will be shallower than across the street, the townhouses will create a pedestrian and residential presence along Hillpath, with their porches, front doors and principal room windows. In contrast to the dominance of front-facing garages of the existing dwellings, the townhouse design places all garages at the rear of the units away from the street. Pedestrian safety is enhanced by the “eyes on the street” orientation of the townhouses and by the drive-in, drive-out entrances that eliminate cars backing out of driveways.

[53] Mr. John-Baptiste testified that the units on Hillpath will be 2.5 storeys and constructed within the same 10.6 m height limit that applies across the street. However, Mr. Davidson points out that it is possible to construct three storeys within a height limit of 10.6 m. Because the Tribunal has no site plan application before it, the City will be

instructed to incorporate appropriate provisions in the ZBA to effect a maximum building façade of 2.5 storeys for the units on Hillpath.

[54] The development is considered to enhance the characteristics of the neighbourhood. It represents a significant investment in an otherwise vacant and unsightly property. Its residents will support the viability of existing and planned transit and area shopping and community facilities. Perhaps the most immediate benefit to the neighbourhood will be the noise and visual barrier to the four-lane thoroughfare of Hurontario.

[55] The City Staff Report calls for an urban design brief to be submitted in support of the final design. The urban design brief produced for this hearing relates to a previous iteration of the site plan and building design. The completion of an urban design brief for the final design and the additional requirements from this Decision, prior to the final form of the ZBA being approved, addresses the City's concern that the ZBA should be more prescriptive.

Amenity Space

[56] The OP requires "developers of ... block townhouses ... to provide on-site recreational facilities to supplement the public parkland system" (s. 4.7.2.5).

[57] The Applicant proposes to address this requirement in two ways. Each unit will include an outdoor terrace or deck of approximately 6 square metres ("sq m"). In addition, an outdoor amenity space (children's play area) would be provided at such time as the property to the south is redeveloped.

[58] The rationale for the later amenity space stems from a future relocation of the southerly access. When the property to the south is redeveloped, its access will be required to align with Hillpath, immediately south of this development's southerly access. The City will permit only one access in this location and such access must align with Hillpath. Thus, the southerly access of this site would be closed and the rear

lane would connect with a new access to Hillpath over the property to the south. Reciprocal easements are proposed to effect these future changes.

[59] The City posits that a common amenity space is required as part of the development plan and should not be dependent on the development of an abutting property that cannot be guaranteed to occur. The City cites the Staff Report with its preference for a 72 sq m amenity space to be provided along Hillpath to the south of Block 3 and that such space is to be enlarged if the southerly access is relocated in future.

[60] The City's preference necessitates a reduction in the number of units in Block 3 from five units to four, and an overall reduction from 34 units to 33 across the entire site. The removal of the southerly unit provides sufficient space for the outdoor amenity area as shown on the Applicant's previous "option 6" which received support from City staff.

[61] On this point, the Tribunal prefers the evidence of Mr. Davidson that a common outdoor amenity space is required by the OP and that such space should not be deferred to a future set of circumstances which may never materialize.

[62] The Tribunal finds that an on-site recreational facility is required to "supplement the public parkland system" (s. 4.7.2.5). The proposed townhouses are family units and the closest public park is a small parkette several minutes' walk to the east. The Tribunal does not accept that a private deck is sufficient as the only outdoor play area for children and that decks supplement public parkland. Decks are neither public nor parks. Moreover, while it is likely that the abutting property will be redeveloped one day, no one can guarantee its occurrence or foresee when. To satisfy the OP, the Tribunal finds that the development plan must provide for the amenity space now and include requirements for its enlargement should the southerly access ever be relocated.

[63] As noted earlier, this finding results in changes to density, greenspace, massing and street wall length, all of concern to the City and the neighbours. With 33 units, density is reduced to 55 u/nh. More greenspace will front on Hillpath in place of the

proposed unit's massing and street wall. In addition, if desired by the City, a slight increase to the width of the walkway between Blocks 2 and 3 may be possible, while still providing enough room to the south of Block 3 for the required common amenity space.

Conclusion

[64] The City's OP directs that intensification occur along PICs such as Hurontario, among other locations. The City structure and policies implement regional and provincial policies related to growth, housing, transit and urban form. As the City noted in this hearing, this property sits amidst "a sea of single detached dwellings." The north part of the City has a remarkable absence of other forms of housing. The nearest townhouses along Hurontario are some 5 km to the south.

[65] Townhouses are a permitted use on the property. The Tribunal finds that a density of 55 u/nh conforms with the OP. The Tribunal finds that the built form, with its gradation in unit density, width and height from Hillpath to Hurontario, conforms with the OP. The Tribunal finds that an outdoor amenity space planned and constructed with the initial development, and not deferred to an unknown future scenario, conforms with the OP.

[66] As referenced earlier and agreed by both Planners, the proposed development, with the changes and conditions set out in the Order below, is found to satisfy s. 2 of the Act, be consistent with the PPS, conform with the GP and conform with the ROP. Subject to the changes and conditions set out in the Order below, the ZBA will be approved.

[67] The Parties agree that no Decision is required on the OPA given the now in-force new Secondary Plan for the area.

INTERIM ORDER

[68] The Tribunal orders that the appeal is allowed in part.

[69] No order is made on the OPA. Its necessity is superseded by the City's Snelgrove – Heart Lake Secondary Plan.

[70] Zoning By-law No. 270-2004 is amended substantially in the form of Attachment 1 to give effect to the development plan substantially in the form of Attachment 2 (Exhibit 2, p. 592), subject to the following changes and requirements:

- a minimum 72 sq m outdoor amenity space along Hillpath Crescent;
- a maximum of 33 dwelling units;
- a maximum building height of 2.5 storeys along Hillpath Crescent;
- completion of the City staff's requirements set out in Attachment 3 (Exhibit 1, p. 161 – 168, being items 5.1 through 6.30); and
- the final form of the ZBA is satisfactory to the City in accordance with this Decision.

[71] The Tribunal's final order is withheld pending confirmation from the City that the above requirements (in para. 70) are satisfied.

[72] The Tribunal may be spoken to if issues arise in the implementation of this order.

"S. Tousaw"

S. TOUSAW
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____

To amend By-law 270-2004, as amended

The Council of the Corporation of the City of Brampton ENACTS as follows:

1. By-law 270-2004, as amended, is hereby further amended:

(1) by changing Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
Agricultural (A)	Residential Townhouse E-4.5 (R3E-4.5-XXXX)

(2) by adding thereto the following sections:

"XXXX The lands designated R3E-4.5-XXXX on Schedule A to this by-law:

XXXX.1 Shall only be used for the purposes permitted in a R3E zone and the following permitted purposes:

1) Rear Lane Townhouse Dwellings.

XXXX.2 Rear Lane Townhouse dwellings shall be subject to the following requirements and restrictions:

- 1) For the purpose of this amendment the front lot line shall be Hurontario Street.
- 2) For the purpose of this amendment the flankage lot line shall be Highwood Road.
- 3) Notwithstanding any other provision of City of Brampton Zoning By-law 270-2004, and/or this amending by-law to the contrary, any severance or division of the lands, the regulations of this amending By-law shall continue to apply to the whole of the lands comprising Section XXXX.
- 4) The minimum lot area shall be equal to the whole of the land comprising Section XXXX.
- 5) Minimum lot area per dwelling unit: no requirement

- 6) Minimum lot depth: no requirement.
- 7) Minimum rear wall facing distance between dwelling units 11m
- 8) Minimum dwelling unit width:
 - a. Rear Lane Townhouse (fronting Hillpath Cres.): 6.0 m
 - b. Rear Lane Townhouse (fronting Hurontaio St.): 4.5 m
- 9) Minimum front yard, unless the front yard abuts a daylight triangle: 3.0m
- 10) A balcony or porch with steps, with or without a cold cellar, may project into the front yard by a maximum of 5.0m or into the rear yard by a maximum of 3.0m provided the balcony or porch, with or without a cold cellar, is located no closer than 1.0m from a daylighting triangle/ corner rounding. Eaves and cornices may project an additional 0.6m.
- 11) Minimum exterior side yard: 0.5m
- 12) Minimum interior side yard: 1.2m and 0.0m when abutting side lot line coincides with a common wall between two dwellings
- 13) Minimum rear yard: 3.0m
- 14) Maximum building height:
 - a. Along Hillpath Cres.: 10.6m
 - b. Along Hurontario St.: 13m
- 15) Maximum FSI: 1.0, excluding garages
- 16) Maximum dwelling units: 34
- 17) Minimum landscape open space: no requirement
- 18) Garage control: garages shall be accessed and located abutting a laneway.
- 19) Driveway width: the driveway shall not exceed the width of the garage.
- 20) Minimum building setback to a daylighting triangle/rounding: 1.5 m
- 21) Bay windows, bow windows and box-out windows with or without foundations, to a maximum width of 4m, may encroach a maximum of 0.75m into the minimum front and rear yards and may encroach a maximum of 0.75m into the minimum side yard.
- 22) Visitor parking and drive aisle setback from Hurontario Street: 3.5m
- 23) Minimum drive aisle width to access visitor parking: 6.0 metres
- 24) A minimum of one outdoor amenity area of at least 6.0 sq. m shall be provided for each residential dwelling unit and may include patios, porches, decks, balconies, landscaped open space in the rear yard and roof terraces.
- 25) Minimum parking requirements for:

- a. Rear Lane Townhouse – 2 spaces per unit
- b. Visitor – 0.25 spaces per unit
- 26) Section 10.5(b) is not applicable.
- 27) Section 10.9.1.B.4 is not applicable.
- 28) Section 10.9.4 is not applicable.
- 29) Section 10.13.2 is not applicable.
- 30) No roof top amenity is permitted on units along Hillpath Cres.
- 31) No balcony on or above the second story facing Hillpath Cres.
- 32) A minimum 1.6m unobstructed area must be provided between the side wall of buildings facing Hurontario and Hillpath.

READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL,

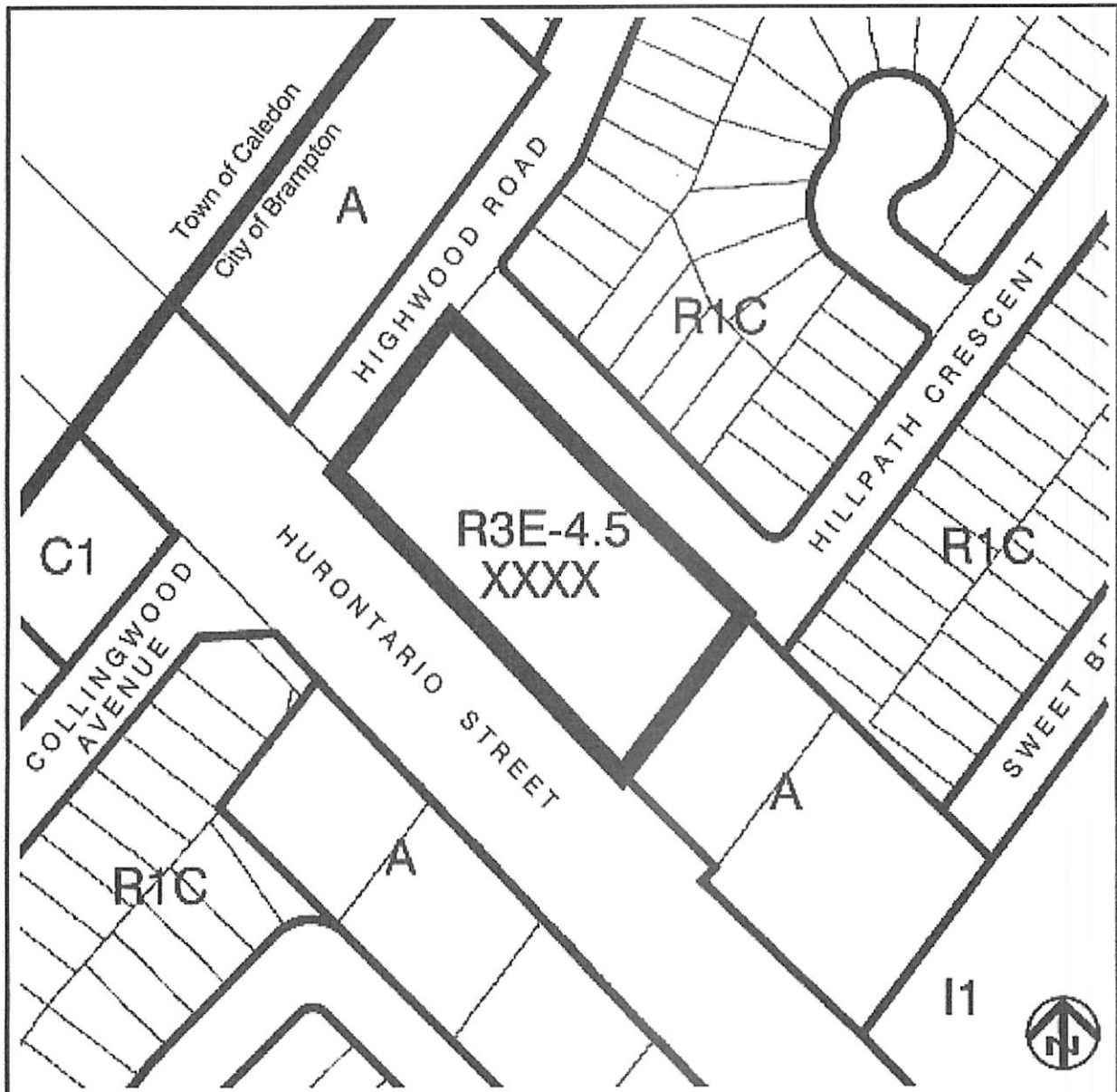
this day of 2018.

MAYOR

CITY CLERK

Approved as to Content:

Director, Development Services



R3E-4.5-XXXX

Change from "A" - Agricultural
to "R3E-4.5-XXXX" - Residential Townhouse E-4.5 Section 'XXXX'

PROPOSED ZONING SCHEDULE A

PART OF LOT 18, CONCESSION 1
EAST OF HURONTARIO STREET
(GEOGRAPHIC TOWNSHIP OF CHINGUACOUSY)
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEL

Date:
August 16, 2017

ATTACHMENT 2

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NO PART OF THIS DRAWING, SPECIFICATION OR ANY OTHER DOCUMENT IS TO BE CHECKED AND REVIEWED BY CONSTRUCTION OF THIS.

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REVISED
18 APRIL 2018

OA APPROPRIATE TO SITE
IN ACCORDANCE WITH THE CITY OF BRAMPTON

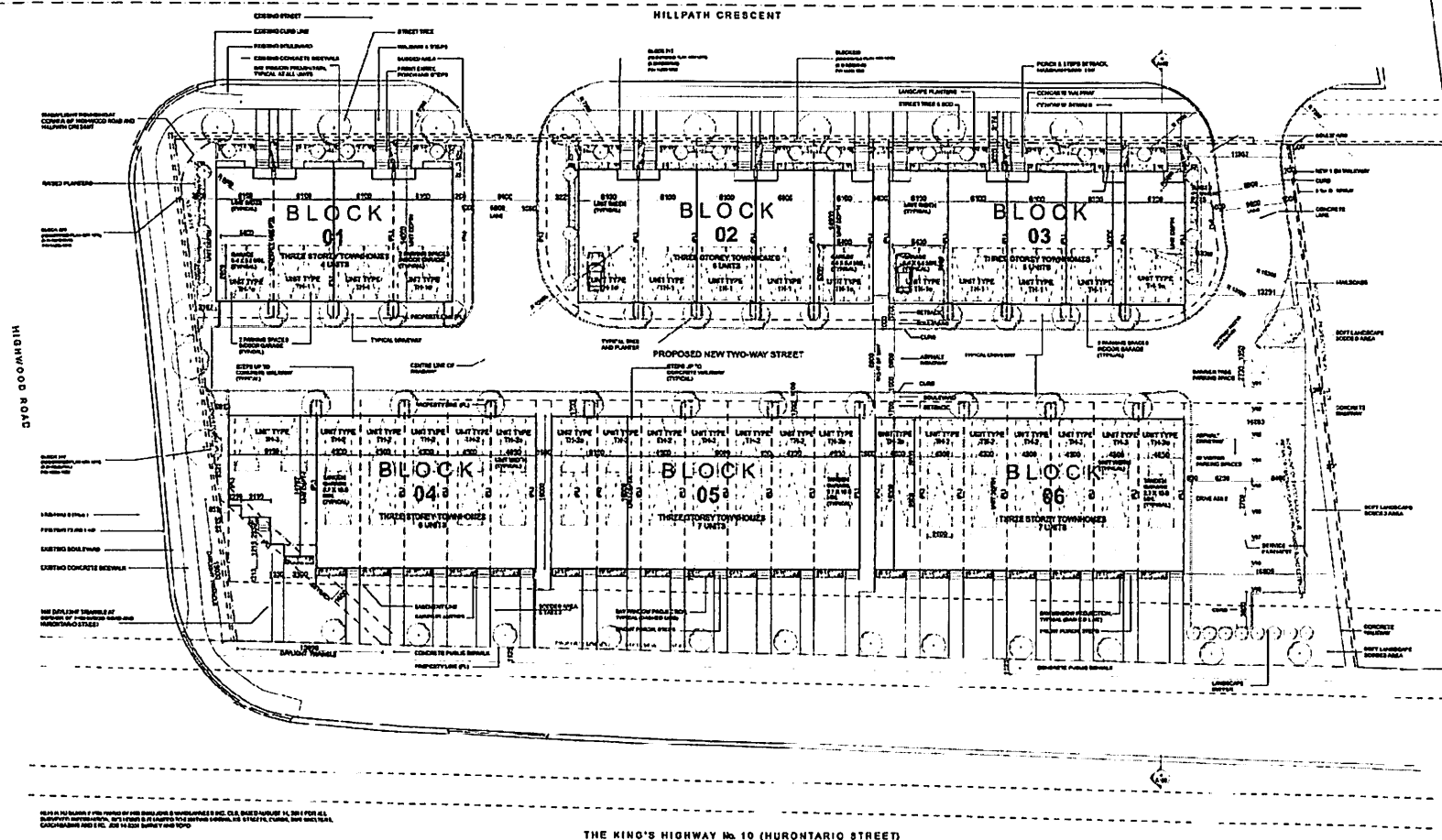
TREVI HOMES LTD

RESIDENTIAL DEVELOPMENT
PART OF LOT 16 CONVEYANCE 1
EAST OF HURONTARIO STREET
CITY OF BRAMPTON
NORTH YORK MUNICIPALITY OF PEEL
ONTARIO

1:1000 25 MARCH 2018

SITE PLAN

A100



THIS IS THE PLANNING AND DESIGN OF THE DEVELOPMENT OF THE SITE, AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE DEVELOPER IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE DEVELOPER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.

THE KING'S HIGHWAY No. 10 (HURONTARIO STREET)

ATTACHMENT 3

a) Permitted uses:

- i. Townhouses, but not including stacked or back-to-back townhouse;

b) Requirements and Restrictions:

- i. maximum number of units: 33
- ii. maximum building height within 30 metres of the Hurontario Street property line: 13 metres;
- iii. maximum building height within 30 metres of the property line abutting Hillpath Crescent: 11.1 metres;
- iv. for the purpose of this section, building height shall be measured from established grade to the highest point of the roof surface;
- v. minimum dwelling unit width for Townhouses within 30 metres of the Hillpath Crescent property line: 6.1 metres;
- vi. minimum dwelling unit width for Townhouses within 30 metres of the Hurontario Street property line: 4.5 metres;
- vii. maximum length of townhouse block within 30 metres of the Hillpath Crescent property line: 31 metres;
- viii. minimum landscape width along Hurontario Street: 4 metres;
- ix. amenity space shall be provided along the Hillpath Crescent frontage;
- x. minimum area for amenity space: 72 square metres;
- xi. minimum visitor parking requirement: 0.3 spaces per unit;
- xii. minimum width of aisle leading to 70-90 degree parking spaces: 6 metres;
- xiii. For any building facing Hillpath Crescent, the by-law shall include a building stepback requirement for portions of the building above the 2nd floor;
- xiv. That no rooftop amenity space be permitted facing Hillpath Crescent; and,
- xv. No tandem parking spaces be permitted in conjunction with any dwelling fronting onto Hillpath Crescent.

5. THAT prior to the adoption of the Official Plan Amendment and the enactment of the Zoning By-law:

5.1) the Urban Design Brief, prepared by NAK Design Strategies, shall be approved to the satisfaction of the Director of Land Development Services.

- a) This Brief shall include a concept plan and development principles that will ensure:
 - i) that the amenity space is located along the Hillpath Crescent frontage;
 - ii) that one of the access points along Hillpath Crescent is situated between townhouse blocks to provide for some enlarged building separation along Hillpath Crescent;

- iii) that there be an appropriate landscape strip between the southerly parking area and Hurontario Street;
 - iv) that there are maximum building heights and block lengths;
 - v) that for the townhouses along Hillpath Crescent, a building stepback for the roof parapet be provided to reduce the impression of building height;
 - vi) that no rooftop amenity space be provided facing Hillpath Crescent;
 - vii) that any rooftop amenity space be integrated into the rooftop building design; and,
 - viii) an area for the storage of waste collection bins be identified in the dwelling unit design.
 - b) The Brief shall include guidelines to ensure the building design and use of materials be of a high quality, and provide for attractive, articulated building facades. The Brief shall also include guidelines to ensure that the architectural design treatment, including colours, along Hillpath Crescent will help reduce the impression of building height, break up the overall building mass and help integrate the development into the surrounding neighbourhood.
 - c) The Brief shall also include guidelines related to site landscaping to ensure it is of high quality and complements the building design including the use of decorative paving (e.g. impressed asphalt) in key locations such as the access points to the development) and provide entry features at the access locations.
- 5.2) the Functional Servicing Report, prepared by Rand Engineering Corporation, shall be approved to the satisfaction of the City's Engineering and Development Services Division;
- 5.3) a Phase 1, and Phase 2 Environmental Site Assessment (if required), in compliance with the most current regulations be submitted to the satisfaction of the City of Brampton, and that the following items also be satisfied:
- i) a decommissioning report if contaminated material has been identified and is removed or, alternatively, a copy of the Certificate of Property Use approved by the Ministry of the Environment be submitted to the satisfaction of the City of Brampton; and,
 - ii) confirmation of the filing of the Record of Site Condition in the Environmental Site Registry in compliance with the most current regulations be provided to the Chief Building Official.

- 5.4) the Traffic Brief and Parking Justification Study, prepared by Cole Engineering, shall be approved to the satisfaction of the City's Engineering and Development Services Division;
 - 5.5) the Owner shall agree in writing to the form and content of the implementing Official Plan and Zoning By-law; and,
 - 5.6) The Owner shall obtain the necessary development allocation for this development to the satisfaction of the Commissioner, Planning and Development Services.
- 6. THAT** prior to the enactment of the Zoning By-law, the Owner shall enter into a Rezoning Agreement with the City of Brampton ("City of Brampton" or the "City"). This agreement shall generally include, but not be limited to, the following clauses:
- 6.1) Prior to site plan approval, access easements are to be provided over the site in favour of the adjacent lands to the south and/or arrangements for the relocation of the southerly access to the abutting lands to the south are to be completed, to the satisfaction of the Director of Engineering and Development Services. The owner further acknowledges and agrees to make financial arrangements with the southerly abutting owner for the purposes of sharing costs associated with the shared access.
 - 6.2) Prior to site plan approval, the applicant shall make satisfactory arrangements for the extension of the amenity area over the portion of the site that will not be used for the southerly access when and if it is relocated to the southerly abutting site. This shall include the provision of funds to cover the costs of the enlargement of the amenity space;
 - 6.3) Prior to site plan approval, a Construction Management Plan be provided to the satisfaction of the Director, Engineering and Development Services;
 - 6.4) Prior to site plan approval, arrangements are to be made for the construction of a municipal sidewalk in the right-of-way or private pedestrian pathway situated on the subject lands along the Hurontario Street frontage of the subject property, to the satisfaction of the Director, Engineering and Development Services;
 - 6.5) That if a common elements condominium ownership is proposed, any lands between street line and building face as well as any other landscaped areas as determined by the Commissioner of Planning and Development Services, shall be included as part of the common elements.

- 6.6) Prior to the issuance of a building permit, a site development plan, landscaping, grading and storm drainage plan, elevation and cross section drawings, a fire protection plan, and engineering and servicing plans shall be in accordance with the approved Urban Design Brief and shall be approved by the City, and appropriate securities shall be deposited with the City, to ensure implementation of these plans in accordance with the City's site plan review process.
- 6.7) Prior to site plan approval, or the sale of any Parcels of Tied Land (POTLs), the Owner agrees to submit for approval, a Homebuyers Information Map to the satisfaction of the Planning and Development Services Department. The Homebuyers Information Map shall include all warning clauses and notes required by the City and shall be displayed in accordance with City policy and procedures.
- 6.8) (a) The Owner acknowledges and agrees to include warning clauses, in bold type, in all Agreements of Purchase and Sale, to the satisfaction of the Commissioner, Planning and Development Services, including but not limited to, those clauses contained in the approved Final Homebuyer's Information Map.
- (b) The Owner acknowledges and agrees to prominently display the Final Homebuyer's Information Map, approved by the Corporation of the City of Brampton, in all sales offices where POTLs denoted on the Draft Plan of Condominium are being sold.
- 6.9) The Owner acknowledges and agrees to include the following statements in all Agreements of Purchase and Sale entered into with respect to any POTLs denoted on the Draft Plan of Condominium:
- a) a statement advising purchasers that Brampton Transit will not provide direct transit service within the Condominium along internal condominium roadways.
- b) a statement advising purchasers that residents close to private amenity/open space areas (i.e. parkettes, gazebos, community mail boxes) may be disturbed by noise lighting, and pedestrian traffic.
- c) the following statements, to the satisfaction of the Dufferin-Peel Catholic District School Board:
- (i) "Despite the best efforts of the Dufferin-Peel Catholic District School Board sufficient accommodation may not be available for all anticipated students from the area. You are hereby notified that some students may be accommodated in temporary facilities and/or bussed to schools outside of the neighbourhood, and further, that

students may later be transferred to the neighbourhood school."

- (ii) "The purchasers agree that for the purpose of transportation to school, the residents of the condominium shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board."
- d) a statement to the satisfaction of the Peel District School Board for a period of five years from the date of registration of the condominium as follows:
 - i) "Whereas despite the best efforts of the Peel District School Board, sufficient accommodation may not be available for all anticipated students in neighborhoods schools, you are hereby notified that some students may be accommodated in temporary facilities or bussed to schools outside of the area, according to the Board's Transportation Policy. You are advised to contact the School Accommodation Department of the Peel District School Board to determine the exact schools."
 - ii) "The purchaser agrees that for the purposes of transportation to school the residents of the development shall agree that the children will meet the school bus on roads presently in existence or at another designated place convenient to the Board."
- e) a statement in advising purchasers that the Agreement of Purchase and Sale for their POTL may contain itemized charges for features covered in the City's approved landscape plans for the Condominium. These features may include street trees, driveway paving, sodding, fencing, noise barriers, or gateway features, etc. They may also be described in general terms, such as "community aesthetics enhancements". Despite paying these charges, a POTL may be left without a feature or community aesthetic enhancement due to specific site conditions. Purchasers are advised that the Corporation of the City of Brampton will not reimburse purchasers or owners in this circumstance, nor will it assist in the recovery of monies paid, under any circumstance. Purchasers and owners with questions may call (905) 874-2050.
- f) a statement advising purchasers of any required noise warning statements.
- g) a statement advising purchasers that in accordance with Council's direction (via resolution AF028-2002) concerning

requests made of the City of Brampton to assume private roads, purchasers are advised that the City assumes no responsibility for the future maintenance of proposed internal roadways. In addition, a number of common services (i.e. snow clearing or private roads) will be the responsibility of the Condominium Corporation and the Corporation of the City of Brampton assumes no responsibility for the maintenance of common elements such as parking spaces, play areas, landscaping and acoustical fences. Purchasers are advised that this is a condominium development. Requirements on how the lands denoted in the Draft Plan of Condominium are used, serviced and maintained will be governed by the Condominium Declaration.

- h) a statement advising purchasers that the lands between the building faces and the public streets are part of the common elements of the condominium.
- 6.10) The Owner shall agree to implement the approved Urban Design Brief.
 - 6.11) Prior to the initiation of any site grading or servicing, the applicant shall provide a report identifying all existing water wells and private sewage disposal systems on the lands. The applicant shall provide verification to the satisfaction of the City's Chief Building Official that all wells and septic systems identified have been decommissioned in accordance with all applicable laws and regulations.
 - 6.12) Where a building style incorporating an exposed basement is proposed, the external treatment of the exposed basement shall be consistent with the exterior treatment of the balance of the structure.
 - 6.13) For those lots designated as fire break lots by the Building Division the erection of the superstructure shall be permitted only upon the approval of the Chief Building Official.
 - 6.14) Prior to the issuance of any building permit, the applicant shall provide an engineering report, to the satisfaction of the Chief Building Official, indicating special foundation requirements, if any, to support structures that may be erected on disturbed ground or lots where filling has occurred.
 - 6.15) Prior to site plan approval and prior to the applicant entering into any Agreements of Purchase and Sale, the applicant shall engage the services of a qualified acoustical consultant to complete a noise study recommending noise control measures satisfactory to the City (and Region of Peel when requested by the Region). A copy of this report shall be provided to the City's Chief Building Official.

- 6.16) The noise control measures and noise warnings recommended by the acoustical report shall be implemented to the satisfaction of the City of Brampton.
- 6.17) Prior to site plan approval, the applicant shall prepare a Noise Attenuation Statement, a copy of which shall be provided to the City's Chief Building Official.
- 6.18) Prior to the issuance of any building permits, the applicant shall provide the City's Chief Building Official with a certificate certifying that the builder's plans for each dwelling unit to be constructed on the plan shows all of the noise attenuation works required by the approved acoustical report and the approved plans.
- 6.19) Written approval must be obtained from Hydro One Brampton indicating acceptance of meter locations prior to their installation. Any relocations required will be at the Owner's expense.
- 6.20) The Owner/developer shall consult with Canada Post and the City of Brampton to determine suitable locations for the placement of Community Mailboxes and indicate these locations on appropriate servicing plans.
- 6.21) The Owner/developer agrees, prior to offering any of the POTLs for sale to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the City of Brampton.
- 6.22) The Owner/developer agrees to include in all Agreements of Purchase and Sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
- 6.23) The Owner/developer agrees to provide the following for each Community Mailbox site and include these requirements on appropriate servicing plans:
- i) A Community Mailbox concrete base pad per Canada Post specifications,
 - ii) Any required walkway across the boulevard, as per municipal standards, and
 - iii) Any required curb depressions for wheelchair access
- 6.24) The Owner/developer further agrees to determine, provide and maintain a suitable and safe temporary Community Mailbox location(s) to be "fit up" prior to first occupancy.

- 6.25) The Owner shall agree to grant Bell Canada any easement that may required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner/developer shall be responsible for the relocation of such facilities or easements.
 - 6.26) Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.
 - 6.27) The Owner shall pay all applicable Regional, City and educational development charges in accordance with respective development charges by-laws.
 - 6.28) The Owner shall grant easements to the appropriate authorities as may be required for the installation of utilities and municipal services to service the lands.
 - 6.29) The Owner shall pay cash-in-lieu of parkland dedication in accordance with the Planning Act and City Policy or make other arrangements to the satisfaction of the City for this payment.
 - 6.30) That within any future plan of condominium, all visitor parking spaces including any accessible visitor parking spaces shall be part of the common elements, shall be available for all visitors and shall not be assigned to a particular unit or group of units.
 - 6.30) That the owner agrees and acknowledges that separate sewer, water and sanitary services would be required to each separate condominium corporation on the property.
7. **THAT** any and all written submissions relating to this application that were made to Council and the Planning and Development Committee before its decision and any and all oral submission related to this application that were made at a public meeting, held under the Planning Act, have been, on balance, taken into consideration by Council as part of its deliberations and final decision this matter, including one or more of the following issues raised in those submission: traffic impacts and access, parking, general impact on character of neighbourhood, transition to existing dwellings along Hillpath, building/site design, provision of amenity space, density and tenure of development.
8. **THAT** the decision of approval for the subject application be considered null and void and a new development application be required, unless an Official Plan amendment and Zoning By-law are passed within 60 months of the Council approval of this decision.

A-2021-0099

