

APPLICATION # B-2021-0021
Ward # 4

NOTICE OF AN APPLICATION FOR CONSENT

An application for consent has been made by **BRANTHAVEN QUEEN STREET WEST INC.**

Purpose and Effect

The purpose of the application is to request consent of the Committee of Adjustment to the grant of an easement having a width of approximately 8.2 metres (26.90 ft.), a depth of approximately 49.02 metres (160.82 feet) and an area of approximately 0.066 hectares (0.014 acres). The effect of the application is to create an easement for access purposes in favour of the adjacent property (Rotary Club of Brampton Glen Community Centre) municipally known as 1857 Queen Street West.

Location of Land:

Municipal Address: 1817 and 1831 Queen Street West

Former Township: Brampton

Legal Description: Part of Lot 5, Concession 4 W.H.S, Parts 1, 2, 3 and 4, Plan 43R-38582

Meeting

The Committee of Adjustment has appointed **TUESDAY, October 5, 2021 at 9:00 A.M. by electronic meeting broadcast from the Council Chambers, 4th Floor, City Hall, 2 Wellington Street West, Brampton**, for considering the application.

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.** You may attend the meeting in person to express your views about this application or you may be represented by an agent or counsel for that purpose. If you do not attend the meeting, a signed written submission shall be accepted by the Secretary-Treasurer prior to or during the meeting and such submission shall be available for inspection at the meeting by any interested person. If you do not attend the meeting, the Committee may proceed and make a decision with respect to this application in your absence. **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 possible 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.**

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

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LAST DAY FOR RECEIVING COMMENTS: OCTOBER 1, 2021

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NOTE: IT IS LIKELY THAT COMMITTEE MEMBER(S) WILL CONDUCT A SITE INSPECTION RELATED TO THE APPLICATION PRIOR TO THE MEETING.

Other Planning Act Applications

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

Official Plan Amendment:	YES	File Number: C04W05.011
Zoning By-law Amendment:	YES	File Number: C04W05.011
Minor Variance:	NO	File Number:

Decision and Appeal

Any person or public body may, not later than **20 days after the giving of the notice of decision**, appeal the decision or any condition imposed by the Committee of Adjustment or appeal both the decision and any condition to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal, accompanied by the fee prescribed under the *Local Planning Appeal Tribunal Act*. The appeal form is available from the Environment and Land Tribunals Ontario website at www.eto.gov.on.ca

If a person or public body, that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent, does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, then the Local Planning Appeal Tribunal may dismiss the appeal.

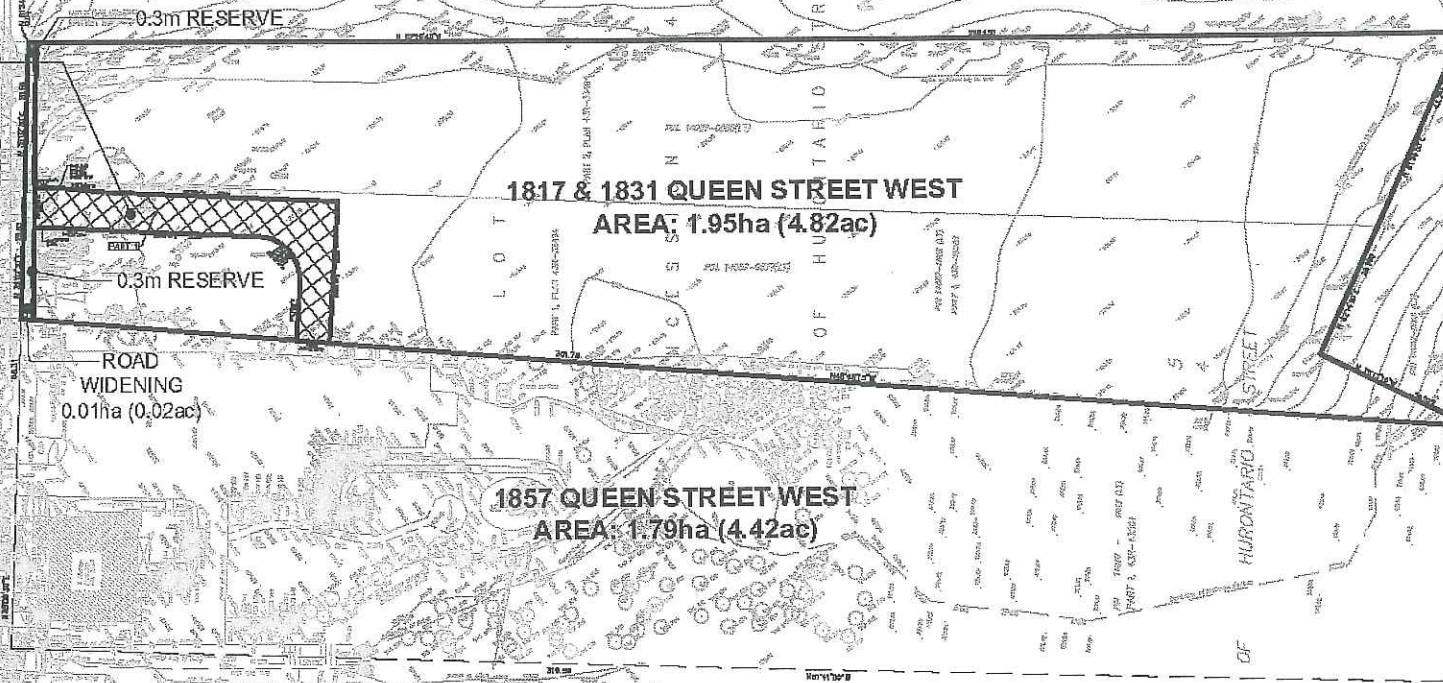
DATED AT THE CITY OF BRAMPTON THIS 17th Day of September, 2021.

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

Jeanie Myers, Secretary-Treasurer
City of Brampton 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

**CONSENT TO
CREATE AN
ACCESS EASEMENT ON
1817 & 1831
QUEEN STREET WEST
IN FAVOUR OF
1817, 1831 & 1857 QUEEN
STREET WEST
0.066ha (0.16ac)**

**QUEEN STREET WEST
(50.5m ROW)**



CONSENT SKETCH ROTARY CLUB OF BRAMPTON GLEN COMMUNITY CENTRE & BRANTHAVEN QUEEN WEST INC.

1817, 1831 & 1857 QUEEN STREET WEST,
PART OF LOT 5,
CONCESSION 4, W.H.S.
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEL

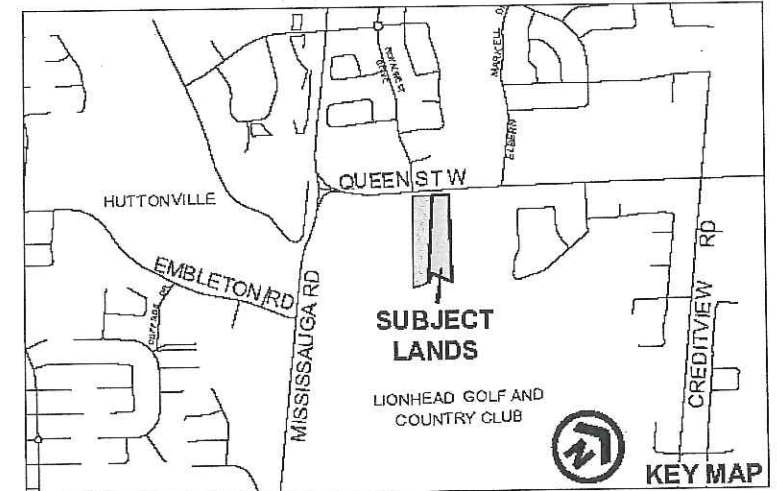
CONSENT STATISTICS

 PROPOSED ACCESS EASEMENT: 0.066ha (0.16ac)



SCALE 1:1500
AUGUST 26, 2021

GSAI



KEY MAP

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, Friday, October 1, 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, October 1, 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, October 1, 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.



September 3, 2021

GSAI File No. 656-012

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

B-2021-0021

Attention: Ms. Jeanie Myers
Secretary – Treasurer of the Committee of Adjustment

RE: Consent Application (Easement)
Access Easement between “Branthaven Lands” and “Rotary Lands”
Related City File Nos. SPA 2020-036 and 21T-16004B (Branthaven)
OZS-2021-0018 (Rotary)
City of Brampton

Glen Schnarr & Associates Inc. (GSAI) is pleased to submit the enclosed Consent Application for the purpose of establishing an access easement on lands owned by Branthaven Queen West Inc. (Branthaven), owner of the properties municipally addressed as 1817 and 1831 Queen Street West (the “**Branthaven Lands**”), in favour of the Rotary Club of Brampton Glen Community Centre (Rotary), owners of the property municipally addressed as 1857 Queen Street West (the “**Rotary Lands**”). This application has been submitted concurrently with another Consent Application submitted by the Rotary in favour of Branthaven for the purpose of establishing a stormwater outfall easement.

For context, a Site Plan Application (City File No. SPA 2020-036) for the Branthaven Lands have been submitted and is being reviewed to facilitate the proposed development of 70 townhouse units. The Site Plan Application is being processed concurrently with a Draft Plan of Subdivision Application (City File No. 21T-16004B). Branthaven and its project team have been working with the Region, City and Credit Valley Conservation Authority in clearing conditions of approval. Rotary has also submitted an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to redevelop its lands for two (2) multi-storey residential apartment buildings (City File No. OZS-2021-0018).

10 KINGSBRIDGE GARDEN CIRCLE
SUITE 700
MISSISSAUGA, ONTARIO
L5R 3K6
TEL (905) 568-8888
FAX (905) 568-8894
www.gsai.ca



The determination of the mutual access through a condominium road was provided through the Queen Street West Special Policy Area 2 Tertiary Plan Area (Non-statutory) which was adopted in the Fall of 2019 by Brampton City Council and the Local Appeal Planning Tribunal (LPAT). The details and location of the access to the Rotary Lands has been reviewed and confirmed through the 'Branthaven' Site Plan application. As part of the Site Plan review, Development Engineering and Transportation staff have identified no further comments. Through the Site Plan approval process for the Branthaven Lands, City staff provided the following condition:

"Prior to the release of the approved site plan drawings, the owner shall cause to be prepared a reference plan showing, as separate parts, all parcels for which conveyances are required under the agreement to the satisfaction of the commissioner, Public Works and Engineering and the City Solicitor, to convey a private access easement for the purpose of a right-of-way for ingress and egress in favor of the owners of the adjacent lands to the west (1857 Queen Street west)."

The enclosed Consent Application, if approved, will fulfill City staff's requirement of conveying a private access easement for the purpose of a right-of-way for ingress and egress in favour of the owners of the adjacent lands (1857 Queen Street West). A Consent Sketch prepared by Glen Schnarr & Associates Inc., demonstrates the extent and location of the access easement.

Submission Materials

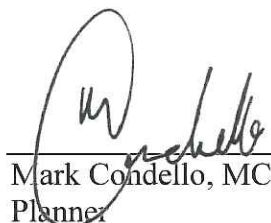
In support of the Consent Application, please find enclosed the following materials:

- Signed Consent Application Form;
- Consent Sketch, prepared by Glen Schnarr & Associates Inc., dated September 2, 2021;
- Assess Easement Demonstration Sketch, prepared by Glen Schnarr & Associates Inc., dated September 2, 2021; and,
- Consent Application Fee payable to the Treasurer, City of Brampton (\$3,961.00).

Please contact the undersigned at markc@gsai.ca or 905-568-8888 ext. 265 if you require additional information or wish to clarify anything contained in this application.

Respectfully submitted,

GLEN SCHNARR & ASSOCIATES INC.



Mark Condello, MCIP, RPP
Planner



Cc. Branthaven Queen West Inc.
Rotary Club of Brampton Glen Community Centre

The personal information collected on this form is collected pursuant to subsection 53(2) 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

Consent

(Please read Instructions)

NOTE: Pursuant to subsection 53(2) of the *PLANNING ACT*, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.

1. (a) **Name of Owner/Applicant** Branthaven Queen West Inc.
(print given and family names in full)

Address 720 Oval Court, Brampton ON L7L 6A9

Phone # 905-333-8364 ext. 224 **Fax #** _____

Email tkastelic@branthaven.com

(b) **Name of Authorized Agent** Glen Schnarr & Associates Inc. (c/o Mark Condello)

Address 700 - 10 Kingsbridge Garden Circle, Mississauga ON L5R 3K6

Phone # 905-568-8888 ext. 265 **Fax #** _____

Email marko@gsai.ca

2. **The type and the purpose of the proposed transaction, such as transfer for a creation of a new lot, lot addition, an easement, a charge, a lease or a correction of title.**

Specify: Creation of an access easement in between neighbouring properties (1857 Queen Street (Rotary Lands))
as reviewed through SPA-2020-036.

3. **If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.**
N/A

4. **Description of the subject land ("subject land" means the land to be severed and retained):**

a) **Name of Street** Queen Street West **Number** 1817 and 1831

b) **Concession No.** 4 **Lot(s)** Part Lot 5

c) **Registered Plan No.** _____ **Lot(s)** _____

d) **Reference Plan No.** 43R38582 **Lot(s)** Parts 1, 2, 3 and 4

e) **Assessment Roll No.** 211008001221500/ 211008001221400 **Geographic or Former Township** _____

5. **Are there any easements or restrictive covenants affecting the subject land?**

Yes ☐ **No** ☒
Specify: _____

6. Description of severed land: (in metric units) Description of easement.

a) Frontage 6.8 - 8.2 metres Depth 49.02 metres Area 0.066 hectares

b) Existing Use Vacant/under development for Townhouses (SPA-2020-0036) Proposed Use Access easement

c) Number and use of buildings and structures (both existing and proposed) on the land to be severed:

(existing) N/A

(proposed) Access easement in favour of neighbouring lands (1857 Queen Street West)

d) Access will be by: Existing Proposed

Provincial Highway ☐ ☐

Municipal Road - Maintained all year ☐ ☐

Other Public Road ☐ ☐

Regional Road ☐ ☐

Seasonal Road ☐ ☐

Private Right of Way ☐ ☒

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

f) Water supply will be by: Existing Proposed

Publicly owned and operated water system ☒ ☒

Lake or other body of water ☐ ☐

Privately owned and operated individual or communal well ☐ ☐

Other (specify): _____

g) Sewage disposal will be by: Existing Proposed

Publicly owned and operated sanitary sewer system ☒ ☒

Privy ☐ ☐

Privately owned and operated individual or communal septic system ☐ ☐

Other (specify): _____

7. Description of retained land: (in metric units)

a) Frontage 58 Depth 300 Area 19,416 m2

b) Existing Use Vacant Proposed Use Residential - Townhouse development

c) Number and use of buildings and structures (both existing and proposed) on the land to be retained:

(existing) Vacant

(proposed) Townhouse development, reviewed through SPA-2020-0036

d)	Access will be by:	Existing	Proposed
	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal Road - Maintained all year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>
	Regional Road	<input type="checkbox"/>	<input type="checkbox"/>
	Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>
	Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>

e) If access is by water only, what parking and docking facilities will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

f)	Water supply will be by:	Existing	Proposed
	Publicly owned and operated water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Lake or other body of water	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal well	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

g)	Sewage disposal will be by:	Existing	Proposed
	Publicly owned and operated sanitary sewer system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Privy	<input type="checkbox"/>	<input type="checkbox"/>
	Privately owned and operated individual or communal septic system	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify):		

8. What is the current designation of the land in any applicable zoning by-law and official plan?

	Land to be Severed	Land to be Retained
Zoning By-Law	<u>R3C-2976/R3C-2940</u>	<u>R3C-2976/R3C-2940</u>
Official Plans		
City of Brampton	<u>Residential</u>	<u>Residential/Open Space</u>
Region of Peel	<u>Urban Area</u>	<u>Urban Area</u>

9. Has the subject land ever been the subject of an application for approval of a plan of subdivision under section 51 of the Planning Act or a consent under section 53 of the Act and if the answer is yes and if known, the file number of the application and the decision on the application?

Yes ☒ No ☐

File # 21T-16004B Status/Decision Draft Plan Approved

10. Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes ☐ No ☒

Date of Transfer _____ Land Use _____

11. If known, is/was the subject land the subject of any other application under the Planning Act, such as:

	File Number	Status
Official Plan Amendment	C04W05.011	LPAT Approved
Zoning By-law Amendment	C04W05.011	LPAT Approved
Minister's Zoning Order		
Minor Variance		
Validation of the Title		
Approval of Power and Sale		
Plan of Subdivision	21T-16004B	Draft Approved

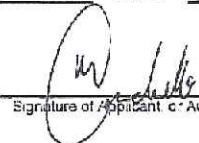
12. Is the proposal consistent with Policy Statements issued under subsection 3(1) of the *Planning Act*?
Yes ☒ No ☐

13. Is the subject land within an area of land designated under any Provincial Plan?
Yes ☒ No ☐

14. If the answer is yes, does the application conform to the applicable Provincial Plan?
Yes ☒ No ☐

15. If the applicant is not the owner of the subject land, the written authorization, of the owner that the applicant is authorized to make the application, shall be attached. (See "APPOINTMENT AND AUTHORIZATION OF AGENTS" form attached).

Dated at the City of Burlington
this 2nd day of September, 2021.


Signature of Applicant or Authorized Agent, see note on next page

Check box if applicable:


☒ I have the authority to bind the Corporation

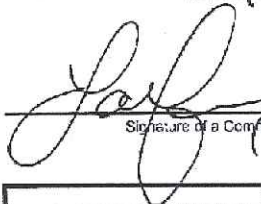
DECLARATION

I, Mark Condello of the City of Burlington

in the County/District/Regional Municipality of Halton solemnly declare that all the statements contained in this application are true and I make this as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me at the City of Mississauga
in the Region of Peel
this 2nd day of September, 2021



Signature of applicant/solicitor/authorized agent, etc.


Signature of a Commissioner, etc.

Laura Kim Amorim, a Commissioner, etc.,
Province of Ontario, for
Glen Schnarr & Associates Inc.
Expires March 3, 2023.

FOR OFFICE USE ONLY - To Be Completed By the Zoning Division

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


Zoning Officer

Sept 7, 2021.
Date

DATE RECEIVED

September 3, 2021

1817, 1831 & 1857 QUEEN STREET WEST.
PART OF LOT 5,
CONCESSION 4, W.H.S.
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEL

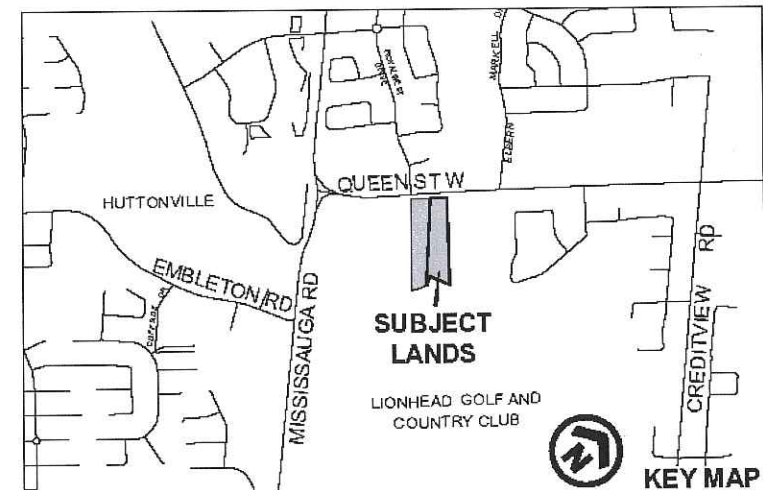
CONSENT STATISTICS

 PROPOSED ACCESS EASEMENT: 0.066ha (0.16ac)

SCALE 1:1500
AUGUST 26, 2021



GSAI



KEY MAP

