

**Date:** 2021-11-15

**Subject:** OLT Appeals Status Update Report

**Contact:** Matthew Rea, Legal Counsel  
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**Report Number:** Legislative Services-2021-1175

**Recommendations:**

1. That the report from Matthew Rea, Legal Counsel, Real Property, Commercial and Development Law Division, Legislative Services dated November 15, 2021 to the City Council Meeting of December 8, 2021 re: Ontario Land Tribunal Appeals Status Update Report, be received.

**Overview:**

- This report provides a status update on Ontario Land Tribunal (formerly OMB and LPAT) appeal proceedings including updates of active and concluded appeals.
- 48 OLT proceedings (89 appeals total) have concluded through hearing, settlement or withdrawal since last reporting in October 23, 2019.
- There are 28 active OLT proceedings.

**Background:**

Council directed staff to report annually with a status update regarding Tribunal appeal activity. This report provides an update regarding active and concluded proceedings since the last report in October 2019. Due to pandemic related interruptions to court proceedings and City business, staff did not report in 2020.

The City is engaged in a variety of appeals including:

- Regional Official Plan Amendments;
- City Official Plan, City-wide and site specific Official Plan amendments;
- Secondary plans and Block plans;
- Zoning by-law amendments and minor variances;

- Interim control by-laws;
- Draft plans of subdivision and/or draft plan of subdivision conditions;
- Consents;
- Site plans;
- Development charges and planning act fees; and
- Ontario Heritage Act.

Certain appeals - such as the City wide Official Plan proceedings – involve multiple stakeholders and extensive issues whereas Committee of Adjustment appeals are normally dealt with in one or two days. All appeal files require a significant amount of staff time and resources to complete and every reasonable effort is made to evaluate the potential for settlement before a hearing is necessary. In addition to handling Court and other Tribunal matters, legal staff spend significant resources on Ontario Land Tribunal matters including file review, drafting legal opinions, negotiating with stakeholders, meeting with staff, reporting to Council and representing the City regarding procedural matters, pre-hearing conferences, mediation and hearings.

### **Current Situation:**

Since staff last reported in October 2019, 48 Tribunal proceedings (89 appeals in total) have concluded through withdrawal, negotiated settlement or hearing. There are 28 active Tribunal proceedings involving the City. Status updates are provided in this report for both concluded and active proceedings, the majority of which are handled by City staff.

The following case summaries are categorized by appealed planning instrument. The City file name, Tribunal number and status (active or concluded) is shown in the header for each matter.

The Tribunal website <https://Tribunal.gov.on.ca/Tribunals/Tribunal/about-Tribunal/> has scheduling information and decisions for all active Tribunal matters. The assigned Tribunal Case Number (Eg. PL121189), which is identified with each case summary below, may be used to search the status of a particular appeal.

### **Corporate Implications:**

#### ***Regional Official Plan Amendments***

##### Peel ROPAs 16/24/26 – Application to Amend the Official Plan - PL130110 – Active

The City is a party to the Region of Peel's transportation related Official Plan Amendments 16, 24 and 26. City Official Plan policies under appeal regarding transportation and corridor protection are expected be heard together. The proceeding has been adjourned since June 6, 2016.

#### Halton ROPA 43 – Application to Amend the Official Plan - PL140744 – Active

ROPA 43 involves appeals of Halton Region's transportation corridor protection policies. Appeals. The proceeding has been adjourned since 2018.

#### Town of Halton Hills Application to Amend the Official Plan and Zoning By-law - OP PL080424 and ZBA PL100931 – Active

The Town of Halton Hills Official Plan and Comprehensive Zoning By-law appeals involving corridor protection issues have been adjourned since 2010.

### ***City Initiated Official Plan Amendments***

#### Brampton 2006 Official Plan – Application to Amend the Official Plan - PL080248 – All Wards – Active

This proceeding was initiated in 2008 with numerous appeals and parties. Staff and external legal counsel have worked diligently to resolve outstanding issues and the City Official Plan is now largely in force. The transportation/corridor related Official Plan policies under appeal are expected to be heard with PL130110. The proceeding has been adjourned since 2016.

#### Brampton Growth Plan Conformity – Application to Amend the Official Plan - PL120151 – All Wards - Active

In July, 2013 and 2015, the Tribunal approved the majority of the City's growth plan amendment, which has been incorporated into the City's Official Plan. The policies remaining under appeal are expected to be dealt with as part of the Tribunal proceeding for Peel ROPA 26 and Brampton Official Plan.

### ***Site Specific Official Plan Amendments***

#### MCR Appeals – Employment Land Conversion re OP 2006-125, 2006-126, 2006-127, 2006-128, 2006-129, 2006-130 and 2006-133 – PL170673, PL170674, PL170675, PL170676, PL170677, PL170678 and PL170865 – Application to Amend the Official Plan – Various Wards – Concluded

Council adopted the above-noted Official Plan Amendments for employment land conversions of seven properties. The North West Brampton Land Owners Group and Brampton Areas 52 and 53 Landowners Group Inc. filed appeals of all the proposed conversions. Those appeals reference the potential for proposed conversion to non-employment uses impacting the employment land allocations for the Heritage Heights Secondary Plan. TACC Holborn Corporation, filed a protective appeal of OPA 2006-130 in support of the proposed conversion of its lands.

A motion to dismiss the appeals, initiated by TACC Holborn Corporation, and supported by the City, was held from June 20-22, 2018. The Tribunal dismissed one of the two landowner appeals. The matter has since settled and the conversion OPAs are in force.

Highway 427 Industrial Secondary Plan Area 47 – Application to Amend the Official Plan - PL141189 – Ward 10 – Active

In September 2014, Council adopted a City initiated Official Plan Amendment (OP2006-105) to establish the Highway 427 Industrial Secondary Plan Area 47 for lands generally bounded by Mayfield Road to the north, Castlemore Road to the south, Highway 50 to the east, and The Gore Road to the west.

OP2006-105 provides for residential and employment uses and protects for the GTA West Corridor. It has been appealed by the Province, the Region of Peel and a number of area land owners. On March 28, 2017, the Tribunal issued an Order on consent to bring into force much of the Secondary Plan area, save and except for lands protected for the GTA West corridor protection area and portions of appealed lands subject to area specific issues. In August, 2021, a further approval order was issued on consent. The proceeding has been adjourned pending direction from the parties.

10605 Coleraine Drive (Caveze Investments Limited) – Site Plan Appeal – PL171159 – Ward 10 – Active

A site plan appeal was filed with respect to the same Caveze lands that are subject to the Highway 427 Secondary Plan appeals. No hearing dates have been scheduled for this proceeding. The most recent Tribunal appearance scheduled for October 25, 2021 was adjourned on consent of the parties.

Orlando Corporation – Application to Amend the Official Plan and Zoning By-law – PL171478 – Ward 10 – Concluded

Site specific appeals were filed for the same Orlando lands that are subject to the Highway 427 Secondary Plan appeals. The Tribunal has approved zoning for the Orlando Phase 1 and 2 lands. The Official Plan amendment is no longer required.

Churchville Heritage Conservation District – Application to Amend the Official Plan, Zoning By-law and Draft Plan of Subdivision - PL070797 and PL170679 – Ward 6 – Active

This matter involves appeals of the City's official plan amendments and zoning by-laws for the Churchville Heritage Conservation District. The majority of appeals were resolved in 2009 but there is one outstanding site specific appeal. The land subject to site specific appeal is subject to a separate Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision seeking 6 residential lots and the continuation of an existing public road. The proceeding is adjourned to facilitate ongoing settlement discussions.

GSP Group Incorporated - Caledon JV Partnership – Application to Amend the Official Plan and Zoning By-law - PL140055 – Ward 2 – Concluded

These applications proposed a 9,290 m<sup>2</sup> (100,000 ft<sup>2</sup>) neighbourhood retail center on Hurontario Street straddling the municipal boundaries of the City of Brampton and the Town of Caledon, including 2,508 m<sup>2</sup> (27,000 ft<sup>2</sup>) of GFA on the parcel located within the City of Brampton. Council refused the Brampton applications in December 2013. The appellant withdrew the appeals by letter dated November 3, 2020. The file is now closed.

Arlington Homes - Application to Amend the Official Plan and Zoning By-law. Applications for Draft Plan of Subdivision and Plan of Condominium - PL110363 – Ward 7 – Active

The subject lands comprise approximately 0.44 hectares (1.1 acres) located at 9124 Dixie Road (west side of Dixie Road, north of Queen Street, south of North Park). Applications to permit the development of 6 townhouse units, 3 semi-detached units and 1 single detached dwellings were made in 2009. The applications were appealed to the Ontario Municipal Board in 2011 on the basis of Council non-decisions. Pre-hearing conferences were held in 2016, 2017 and in 2021. A settlement hearing was held on October 6, 2021. The Tribunal decision has not been issued.

Burnt Log Management Inc. – PL170473 – Application to Amend the Official Plan, Zoning By-law and Draft Plan of Subdivision – Ward 2 – Concluded

The subject lands comprise approximately 18.74 ha (46.32 acres) located at the southeast corner of Countryside Drive and Heart Lake Road, west of Highway 410. The Applicant, Burnt Log Management Inc. filed applications for Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision on March 29, 2010, in order to pursue development for 500 to 800 residential units. Those appeals were settled. The implementing plan of condominium application, which remained subject to appeal, was approved on consent by the Tribunal in February 2021. The file is now closed.

34 Highwood Road (Trevi Homes) – PL170522 – Application to Amend the Official Plan and Zoning By-law – Ward 2 – Active

The site, located on the southeast corner of Hurontario Street and Highwood Road, is proposed for 34 stacked townhouse units. The applicant has appealed to the Ontario Municipal Board on the basis of a Council non-decision. The hearing was held from May 7-11, 2018 and an additional hearing day on December 17, 2018. On January 18, 2019, the Tribunal issued a decision approving the zoning appeal in principle to allow 33 townhouses but withheld its order subject to modifications recommended by the City's planner being implemented in the final zoning by-law. The Order remains withheld pending those details being finalized by the applicant and City staff.

Flintshire Building Group Corp. (Castlemore Golf Course and Country Club) – PL170607, PL170608 and PL170609 – Applications to Amend the Official Plan, Zoning By-law and Draft Plan of Subdivision - Ward 10 – Active

These former golf course lands comprising approximately 19.74 ha (48.78 acres) are located on south side of Countryside Drive, East of Airport Road and are proposed to be developed for 69 single-detached lots. The applicant appealed to the Ontario Municipal Board on the basis of a Council non-decision. The hearing occurred from July 9, 2018 to July 18, 2018. A decision approving the applications subject to finalizing conditions was issued on May 8, 2019. The City filed a request for Tribunal review of the decision, which was dismissed. The applicant subsequently filed a request that the Tribunal consider an alternative draft plan of subdivision that does not rely on access through City owned blocks. The request was granted and a three day hearing is scheduled to begin on January 26, 2022.

9149 Goreway Drive (National Homes (Goreway) Inc. – Application to Amend the Official Plan, Zoning By-law, Draft Plan of Subdivision and Site Plan – PL171155 and PL171102 – Ward 8 – Concluded

The subject lands are located north of Queen Street to the east of Humberwest Parkway. Non-decision appeals were filed in connection with this residential townhouse proposal. A settlement hearing was held on May 15, 2019 and the Tribunal file is closed.

1817 & 1831 Queen Street West (Larencore Holdings Inc.) – Application to Amend the Official Plan, Zoning By-law, and Draft Plan of Subdivision – PL171304 – Ward 4 – Concluded

The lands comprising 4.84 acres are located on the south side of Queen Street, east of Mississauga Road. Non-decision appeals were filed seeking to permit a common element condominium development with 16 semi-detached dwellings and 52 townhomes. A settlement hearing was held on January 17, 2020. The Tribunal ordered that the OPA, rezoning and subdivision appeals be allowed in part. Final order was issued by the Tribunal on March 26, 2020.

1951 Queen Street West (Cesta Homes) - Application to Amend the Official Plan, Zoning By-law, and Draft Plan of Subdivision – PL171311 – Ward 4 – Concluded

These vacant lands comprising 3.7 hectares are located on the south side of Queen Street, just east of Mississauga Road. Non-decision appeals were filed seeking to permit a 33 unit single detached subdivision. A settlement hearing was held on January 17, 2020. The Tribunal ordered that the OPA, rezoning and subdivision appeals be allowed in part. Final order was issued by the Tribunal on August 18, 2020.

MCN (Heritage) Inc. – 12 Heritage Road – Application to Amend the Official Plan – PL171490 – Ward 6 – Active

These lands comprising 8.1 hectares are located near the Osmington site. A non-decision appeal has been filed of an Official Plan Amendment application to amend the City's Official Plan and Mount Pleasant Secondary Plan to implement land use designations and policies in order to guide the future development of the subject lands. No Tribunal appearances have been scheduled.

10244 Mississauga Road – Heathwood Homes (Brampton) Ltd. - Application to Amend the Official Plan – PL171491 – Ward 6 – Active

These lands comprising 19.4 hectares are located near the Osmington site. A non-decision appeal has been filed of an Official Plan Amendment application to amend the City's Official Plan and Mount Pleasant Secondary Plan to implement land use designations and policies in order to guide the future development of the subject lands. No Tribunal appearances have been scheduled.

Block 47-1 and Block 47-2 Area 47 Block Plan – Landowners Group Inc. – Application to Amend the Official Plan - PL180276 – Ward 10 – Concluded

Landowner Group Inc. has appealed the implementing Official Plan Amendments for Block Plans 47-1 and 47-2 within Area 47 bounded by The Gore Road to the west, Castelmore Road to the south, the Rainbow Creek tributary to the east and a proposed East/West Arterial Road to the north. A settlement hearing was held on October 6, 2020 and the Tribunal approved the Block Plan OPA.

9874 The Gore Road – Application to Amend the Official Plan and Zoning By-law – PL190428 – Ward 10 – Concluded

The subject property comprises a 2.05 acre rectangular lot located on the northwest corner of the The Gore Road and Fitzpatrick Drive. The appellants appealed Council's refusal to adopt an Application to Amend the Brampton Official Plan and Zoning By-law 270-2004 to permit office and commercial uses. The appellant withdrew the appeal by letter dated October 13, 2021. The file is now closed.

Marysfield Neighbourhood – Application to Amend the Official Plan and Zoning By-law – PL190543 – Ward 10 – Concluded

The Marysfield neighbourhood is located within northeast Brampton, east of the Gore Road and south of Mayfield Road. It comprises 35 lots on approximately 200 acres of land. City Council adopted Official Plan Amendment No. OP2006-171 and Zoning By-law Amendment 222-2019 which includes a new regulation for minimum lot width of 30 m. Two appellants (Bhardwaj and Ghuman) withdrew their appeals on November 7, 2019. The remaining appellant (Pagano) withdrew his appeal by letter dated June 9, 2020. The file is now closed.

Bramalea Mobility Hub – 69 Bramalea Holdings Limited (Medallion) and 75 Bramalea Road (Mac Mor of Canada Ltd.) - Application to Amend the Official Plan and Zoning By-law – PL190557 – Ward 7 – Active

On September 25, 2019, Council adopted the Bramalea Mobility Hub Secondary Plan Area 9 (OPA-173) and six associated zoning by-law amendments. Two appeals were filed with the Tribunal – 1) Medallion appealed the proposed “Mixed Use – Office & Retail” designation for 69 Bramalea Road; and 2) Mac Mor appealed OPA-173 and related zoning by-law 232-2019 on the basis that the two adopted instruments are premature pending a proposed employment lands conversion for 75 Bramalea Road. A settlement hearing was held on March 5, 2021 for the Medallion appeal. The Tribunal proceedings are adjourned pending further direction from the parties regarding the Mac Mor appeal.

17 Eddystone Drive – Partacc Gate Kennedy Developments Inc. – Application to Amend the Official Plan and Zoning By-law – PL200070 – Ward 2 – Concluded

The subject lands comprise approximately 10 hectares at the southwest corner of Mayfield Road and Kennedy Road. The appellants appealed Council’s adoption of By-laws 296-2019 and 297-2019, which approved a 360 residential single family and townhouse development proposal. A hearing was held from June 7-15, 2021. Legal Services and four City witnesses participated in the hearing to defend the Council approval. The Tribunal approved the applications and the file is now closed.

17, 19, 21, 23, 27 & 29 Clarence Street – Hayes, Yvonne – Application to Amend the Official Plan and Zoning By-law – PL200335 – Ward 3 – Concluded

The subject property is located at 17, 19, 21, 23, 25, 27 & 29 Clarence Street and has a site area of approximately 0.64 hectares (1.58 acres). Council’s adoption of By-law 137-2020 (OP2006-184) and By-law 138-2020 (amend Zoning By-law 270-2004) to permit the development of 96 dwelling units was appealed. The appeal was withdrawn by letter dated October 6, 2020. The file is now closed.

25 William Street – Szekely, Agnes – Application to Amend the Official Plan and Zoning By-law – PL200359 – Ward 1 – Concluded

The subject property is located at 25 William Street and has a site area of approximately 0.29 hectares (0.71 acres). The appellant appealed Council’s adoption of By-law 150-2020 (OP2006-187) and By-law 151-2020 (amend Zoning By-law 270-2004) to permit the development of 12 dwelling units. The appellant withdrew the appeal by a letter dated May 3, 2021. The file is now closed.



150 Don Minaker Drive - Application to Amend the Official Plan and Zoning By-law – PL200361 – Concluded

The subject property is located at 150 Don Minaker Drive, the former Pro-shop and maintenance facility for the Riverstone Golf Course and has a site area of approximately 1.37 hectares (3.41 acres). The appellant appealed Council's adoption of By-law 148-2020 (OP2006-186) and By-law 149-2020 (amend Zoning By-law 270-2004) to permit the development of 12 single detached dwellings and an Open Space Block. Legal Services supported a motion to dismiss the appeal. The motion was heard on March 24, 2021 and the Tribunal dismissed the appeal bringing the OPA and zoning into force. The file is now closed.

1965-1975 Cottrelle Boulevard - Application to Amend the Official Plan and Zoning By-law – PL210289 – Active

The subject property is located at 1965-1975 Cottrelle Blvd., west of McVean Drive and south of Cottrelle Blvd. with a site area of approximately 1.8 hectares (4.46 acres). Council's refusal to permit the development of a stepped, seven (7) storey condominium apartment building with 72 residential units, two (2) townhouse blocks comprised of twelve (12) residential units per block for a total of twenty-four (24) stacked residential townhouse units has been appealed by the applicant. A multi day hearing is scheduled to commence February 14, 2022.

***Zoning By-law Amendments***

Fieldgate Developments (1692310 Ontario Limited) – Application to Amend the Zoning By-law and Draft Plan of Subdivision - PL171032 – Ward 4 – Concluded

The applicant has filed non-decision appeals of its site specific zoning and a plan of subdivision application proposing 53 single family dwellings. The triangular shaped site is 16.5 acres and located northwest of Chinguacousy Road and Steeles Avenue West. It is bordered by a railway corridor and valley lands on either side and there is an unresolved access issue. A settlement hearing was held on October 1, 2021. The Tribunal's decision has not yet been issued.

10194 Heart Lake Road (Vandyk) - Application to Amend the Zoning By-law and Draft Plan of Subdivision – PL171333 – Ward 2 – Active

The subject lands are located on the east side of Heart Lake Road, north of Bovaird Drive East and west of Highway 410. Non-decision appeals have been filed with respect to a zoning by-law amendment and a plan of subdivision proposed for residential redevelopment of 200 units. The applicant, City, TRCA and neighbouring owner reached a settlement, which has been presented to the Tribunal in writing. The Tribunal's decision has not yet been issued.

174 Kennedy Road – PL170818 – Application to Amend the Zoning By-law and Site Plan – Ward 3 – Concluded

The appellant is seeking a zoning amendment to remove a loading door limitation in the zoning by-law and to change the maximum setback requirement for the purpose of building a new warehouse facility with 92 loading doors. The hearing for the zoning by-law amendment occurred over four days from February 21-23, 2018 and April 20, 2018. Legal Services participated in the hearing with three witnesses to defend Council's refusal. In an interim decision dated May 24, 2019, the Tribunal refused to approve the proposal largely due to concerns raised by the City's witnesses. The property has sold and the appeal has been abandoned. The appellant withdrew the appeal by letter dated August 26, 2019. The file is now closed.

7929 Mississauga Road and 1875 Steeles Avenue West (Unipetro Investments Inc.) - Application to Amend the Zoning By-law – PL171373 – Ward 6 – Concluded

The subject property is located at the south-east quadrant of Steeles Avenue West and Mississauga Road. A non-decision appeal has been filed for the applicant's zoning by-law amendment seeking to permit office, retail and hotel uses. A settlement hearing was held on July 6, 2020, to allow the proposed zoning with some modifications. The file is now closed.

South Side of Steeles Avenue West., East of Mississauga Road - 2438284 Ontario Inc. - Application to Amend the Zoning By-law – PL180140 – Ward 6 – Concluded

This parcel of land is located on Steeles Avenue West, east of its intersection with Mississauga Road. It is a vacant site, 0.76 hectare in size. In March, 2015 the Owner, 2438284 Ontario Inc., applied to amend the Zoning By-law in order to allow the development of the site for commercial and office uses. A settlement hearing was held on March 16, 2020 and the file is now closed.

Digram Developments - Lands West of Torbram Road and North of Countryside Drive - Application to Amend the Zoning By-law and Draft Plan of Subdivision – PL180292 – Ward 10 – Concluded

The appellant is seeking permission for the development of 86 single detached residential lots, 81 single detached residential part blocks, 20 townhouse lots (7 street related and 13 rear lane), 1 medium density part block, 2 park blocks, 2 walkway blocks, 5 local roads, and one road widening block. A non-decision appeal was filed on March 29, 2018. A settlement hearing was held on June 5, 2020. The Tribunal ordered that the rezoning and subdivision appeals be allowed.

Digram Developments - 11223 Torbram Road - Application to Amend the Zoning By-law and Draft Plan of Subdivision – PL180294 – Ward 10 – Concluded

The appellant is seeking permission to develop 54 single detached residential dwellings, 12 townhouse dwellings, 24 residential reserve blocks, a park block, and new roads. A non-decision appeal was filed on March 29, 2018. The property is subject to a heritage designation by-law. A settlement hearing was held on June 5, 2020. The Tribunal ordered that the rezoning and subdivision appeals be allowed.

9074 & 9084 Creditview Road – Springbrook Estates Inc. – Application to Amend the Zoning By-law and Draft Plan of Subdivision – PL180316 & PL190347 – Ward 5 – Concluded

The applicant filed a non-decision zoning appeal in relation to its proposed residential development proposal. A settlement among the applicant, City and two area owners was negotiated to allow the development proposal. The Tribunal approved the zoning and subdivision at a settlement hearing held on February 26, 2021. The file is now closed.

0 Airport Road – I.B.L. Container Refurbishing Ltd. – Application to Amend the Zoning By-law – PL200298 – Ward 10 – Concluded

The vacant lands are located on the east side of Airport Road, north of Lacoste Blvd. with a site area of approximately 1.33 hectares (3.28 acres). The appellant appealed Council's refusal to amend the zoning by-law to permit the parking of oversized motor vehicles (trailers) on vacant property for a period of 3 years. The appellant withdrew the appeal by letter dated February 22, 2021. The file is now closed.

8331 Heritage Road – Application to Amend the Zoning By-law and proposed Draft Plan of Subdivision – PL200603 – Ward 6 – Active

The subject lands are a 38-hectare parcel located on the east side of Heritage Road, approximately 600 m north of Steeles Avenue West. The applicant has filed a non-decision appeal of its site specific zoning and a plan of subdivision application to permit 232 single detached dwellings, a parkette, a school block, a stormwater management block, open space and environmental buffer blocks, future commercial blocks, and a future residential condominium block for 8 single detached units. The hearing is scheduled for 14 days beginning October 31, 2022. A procedural order and issues list have been issued with the key issue being separation distance between the proposed development and Maple Lodge Farms. The parties to the hearing are the Applicant, City and Maple Lodge Farms.

## ***Draft Plans of Subdivision/Condominiums***

### **6737 Mayfield Road – Vales of Humber – Draft Plan of Subdivision – PL180472 - Ward 10 – Active**

Council approved the applicant's proposal to develop three residential lots for single-detached dwellings and 10 residential reserve blocks that are to be developed for dwellings in conjunction with existing blocks in the adjacent registered plan of subdivision (43M-1995). A noise buffer block, a street widening block and the completion of Bansbury Circle are also proposed as part of the application. The approval of the application was appealed by a third party on April 17, 2018. A hearing was held on January 26, 2021 and the Tribunal allowed the appeal in part and approved the draft Plan of Subdivision as approved by the City on December 14, 2016.

## ***Site Plans***

### **15 Bramalea Road – ADMNS Brampton Investment Corp. Warehouse – PL171260 – Ward 7 – Concluded**

The subject lands are located on the northeast corner of Bramalea Road and Steeles Avenue East. They are approximately 8 hectares in area and include a listed heritage building. The applicant has appealed a site plan application to develop a 36,705 sq. m. warehouse building. A hearing has not been scheduled. This site is part of an area subject to an interim control by-law. A settlement hearing was held on September 4, 2019 and a decision was issued on September 13, 2019. The Tribunal withheld its final order until the parties advise that zoning to permit the development is in place and that the applicant has satisfied the conditions of site plan approval. Final order was issued by the Tribunal on December 15, 2020.

### **709 Queen Street West – PL180260 – Ward 4 - Active**

The Subject Property is located at the southeast corner of Queen Street West and Drinkwater Road in the City of Brampton. The Site Plan Application is for a proposed gas station and convenience store with a drive through. A contested hearing in respect of this matter took place during two days in December but did not finish. A settlement was reached between the parties before returning to the Tribunal and a settlement hearing was held on January 17, 2019. The Tribunal issued a decision approving the site plan in principle on June 19, 2019 and an Order on October 22, 2019 granting the City authority to administer final approval.

### **134 Kennedy Road South – PL180527 – Ward 3 – Concluded**

The owner appealed a site plan in connection with unitizing an existing industrial building. A hearing to address the issue of access concluded on November 29, 2018. The Tribunal issued an interim decision on June 18, 2019 approving the applicant's proposed accesses on the site plan subject to conditions. The Region of

Peel and the Applicant each requested that the Tribunal Chair review the decision on different grounds. The Region also sought leave to appeal to Divisional Court. The appellant withdrew the site plan referral appeal by letter dated June 22, 2020 and the file is now closed.

Interim Control By-law 306-2003 - 2774 Bovaird Drive West – PL170215 – Ward 6 – Concluded

The subject lands are located near Bovaird Drive West, west of Heritage Road and used as a place of worship. The owner sought an exemption from interim control by-law 306-2003 for the purpose of constructing an addition for a new community hall, vestibule and additional parking. Council approved the request and appeals were subsequently filed by the Province and Region of Halton. The appellant withdrew the appeal by letter dated March 6, 2018. The file is now closed.

Interim Control By-law 224-2017 – Bramalea Mobility Hub – PL180053 – Ward 7 – Concluded

On October 11, 2017, City Council passed the ICBL to protect the lands within the Bramalea Mobility Hub area from uses that are incompatible with a mobility hub designation. The ICBL was appealed by Canadian Tire and the owners of 15 Bramalea Rd. Council approved a secondary plan amendment and zoning by-laws to implement the results of the study in September 2019. An update to the Tribunal was provided by way of a telephone conference on December 6, 2019 and the Tribunal approved an amendment to the ICBL removing the lands of the appellants, and thereby allowing the appeals in part.

Interim Control By-law 15-2018 – Marysfield Neighbourhood – PL180422 and PL190109 – Ward 10 – Concluded

On February 7, 2018, an interim control by-law was passed to allow for completion of density and character studies for an area within the Toronto Gore Secondary Plan within the area defined by Countryside Drive (south), The Gore Road (east) and Mayfield Road (north). Six appeals were filed. Following the coming into force of study policies, the Tribunal dismissed the appeals as the ICBL has lapsed. The file is now closed.

Interim Control By-laws 224-2017 and 182-2018 – Bramalea Mobility Hub – PL180053 and PL180885) – Ward 7 – Concluded

On October 11, 2017, City Council passed the ICBL to protect the lands within the Bramalea Mobility Hub area from uses that are incompatible with a mobility hub designation while a land use study was completed. The ICBL was appealed by Canadian Tire and the owners of 15 Bramalea Rd. On September 12, 2018, Council extended the ICBL for one year. The extension was appealed by Canadian Tire and the owners of 15 Bramalea Rd. In September 2019, Council approved a secondary plan amendment and zoning by-laws to implement the results of the land use study. An

update to the Tribunal was provided by way of a telephone conference on December 6, 2019 and the Tribunal approved an amendment to the ICBL removing the lands of the appellants, and thereby allowing the appeals in part.

Interim Control By-law 72-2019 – 10044 Heritage Road – PL190280 – Ward 6 – Active

Council adopted an exemption to interim control by-law 306-2003 to facilitate the construction of two decks and a garage. The Province appealed the exemption by-law due to concerns with transportation corridor protection. On July 14, 2020 the Tribunal ordered approval of the portion of By-law 72-2019 permitting the deck and roofed porch but the portion of By-law 72-2019 relating to the garage remains under appeal and adjourned.

***Committee of Adjustment***

Severance and Minor Variance Applications B12-002 and A12-016 – 20 Crescent Hill - PL120202 – Ward 7 – Concluded

These applications propose a residential lot severance and minor variance for a reduced lot width for the property located at 20 Crescent Hill Drive North. The Committee of Adjustment denied the applications. The applicant appealed the decisions to the Tribunal. A Public Information Session was held on December 15, 2016 for area residents regarding the owner's proposal. On May 9, 2018, the owner's consultant team presented revised plans to the area residents. A settlement hearing was held on September 12, 2019 on consent without any objectors. A decision approving the proposed settlement was issued October 2, 2019. The file is closed.

Minor Variance Application A15-070 – 9416 Highway 50 – PL150529 – Ward 10 – Concluded

The applicant's minor variance application to allow an automotive repair use, parking of oversized vehicles and outside storage for a maximum of forty (40) trucks was refused by the Committee of Adjustment on May 26, 2015. The appellant withdrew the appeal by letter dated January 8, 2021. The file is now closed.

Minor Variance Application A15-077 – 31 Strathearn Avenue – PL150458 – Ward 7 – Concluded

This minor variance application to reduce the minimum required landscape strip from 3.0 metres to 0.7 metres to facilitate parking was refused by Committee of Adjustment. The City Clerk received an appeal on May 25, 2015. The appeal was withdrawn by the Appellant on October 4, 2019.

Minor Variance Application A17-067 – 344 Main Street N. – PL171003 – Ward 1 – Concluded

Appeal by applicant from the Committee of Adjustment's refusal of a minor variance application to permit: i) a personal service shop whereas the by-law does not permit the proposed use; ii) an office whereas the by-law does not permit the proposed use; iii) a front yard setback of 5.14m (16.86 ft.) whereas the by-law requires a minimum front yard setback of 15m (49.21 ft.); iv) a parking aisle width of 6.25m (20.50 ft.) whereas the by-law requires a minimum width of 6.6m (21.65 ft.); v) a southerly interior side yard setback of 1.5m (4.92 ft.) whereas the by-law requires a minimum interior side yard setback of 3.0m (9.84 ft.); vi) a lot width of 15.75 (51.67 ft.) whereas the by-law requires a minimum lot width of 38m (124.64 ft.); vii) nine (9) parking spaces whereas the by-law requires a minimum of ten (10) parking spaces, and; viii) a landscaped open space of 10.98% of the required front yard whereas the by-law requires a minimum landscaped open space of 20% of the required front yard. The Tribunal hearing was held on May 23, 2018. A Decision was rendered on July 17, 2018 in which all variances were granted. On August 16, 2018, the City filed a request for review of the Decision to the Tribunal. A hearing before the Tribunal was conducted on May 3, 2019 for the Tribunal to determine whether to require a new hearing. The Tribunal in its decision dated October 25, 2019 upheld their previous decision dated July 17, 2018 and granted the variances.

Minor Variance Application and Consent Application A17-045, A17-046 and B17-004 - 76 Main Street South – PL171375 – Ward 3 – Concluded

The Committee of Adjustment approved a consent application and two related minor variance applications to sever a parcel of land and create a new residential lot to accommodate a single detached dwelling. The City appealed the Committee of Adjustment's approval. A hearing was held on October 11 and 12, 2018. The decision was issued on January 18, 2019 and the appeals were dismissed.

Minor Variance Application A17180 – 131 Kennedy Road – PL171460 – Ward 3 – Concluded

The Committee of Adjustment approved (subject to conditions) a minor variance application to permit a bank, trust company and finance company whereas the by-law does not permit a non-retail use. The City appealed the Committee of Adjustment's approval. The hearing of this matter was held on July 26, 2018. In a decision dated September 10, 2019, the requested variances opposed by the City were refused.

Consent Application B17-016 - 7875 Mayfield Road – PL180076 – Ward 6 – Active

The application seeks to sever an 8.695 hectare parcel into a 1.62 ha lot occupied by an institutional building and 7.06 retained lot proposed to be developed for one single family dwelling. Staff recommended indefinite deferral as the subject lands were within the corridor protection area for the future GTA West Highway. The Committee of

Adjustment deferred the application. A hearing has not been scheduled on consent of the parties. The appellant is waiting until the end of 2022 to find out if the Environmental Assessment has been reviewed and approved.

Minor Variance Application and Consent Application A18-028, A18-029, and B18-006 – 52 Marysfield Drive – PL180206 – Ward 10 – Active

The application to permit a severed parcel with 34.49 metres of frontage, a depth of 120.40 metres and associated variances to allow for a minimum lot area 0.395 hectares and minimum lot width of 34.49 metres were refused by the Committee of Adjustment. A settlement in principle has been negotiated but a hearing has not been scheduled.

Minor Variance Application and Consent Application A18-026, A18-027 and B18-005 – 66 Marysfield Drive – PL180223 – Ward 10 – Active

The application to permit a severed parcel with 28.94 metres of frontage, a depth of 159.47 metres and associated variances to allow for a minimum lot area 0.4 hectares and minimum lot width of 28.94 metres were refused by the Committee of Adjustment. A settlement in principle has been negotiated but a hearing has not been scheduled.

Minor Variance Application A18-149 – PL180828 and Heritage Permit Application – MM180072 – 7573 Creditview Blvd. – Ward 6 – Active

Appeals of minor variance from building area limitation and heritage permit conditions for property located in Churchville conservation district. A settlement has been negotiated but the applicant is not yet ready to proceed to a hearing.

Minor Variance Application A18-151 – 11043 Heritage Road – PL190025 – Ward 6 – Concluded

The applicant sought a variance to operate a place of worship use from an existing garage, which was refused by the Committee of Adjustment. Legal Services and a City witness defended the refusal at a hearing held over 2 days in July 2019. The Tribunal ordered that the appeal dismissed and the variance refused. The file is now closed.

Minor Variance Application A19-032 – 35 Midnightsun Trail – PL190097 – Ward 10 – Concluded

This application for minor variances to permit a below grade entrance, to reduce the side yard setback to the entrance and to reduce the setbacks to a shed was refused by the Committee of Adjustment. A settlement conference by telephone was held on December 20, 2019 in which the variances were partially granted.



Minor Variance Applications A18-160 & A18-061 and Severance Application B18-024 –  
Classic Drive – Havenwood Properties (Central) Limited – PL190098 – Ward 4 –  
Concluded

Severance to add portion of a lot to another to create two building lots requiring minor variances. Conditions imposed by Committee of Adjustment and supported by staff were appealed by applicant. A hearing was held on July 23, 2019 and an interim decision issued supporting deletion of four conditions issued August 1, 2019. The required conditions have been fulfilled and the Tribunal ordered that the appeals are allowed in its order dated December 9, 2019.

Minor Variance Application A19-066 – 18 Corporation Drive – PL190243 – Ward 8 –  
Concluded

This application for a minor variance to permit a take-out restaurant was refused by the Committee of Adjustment. The property owner appealed to the Tribunal, however withdrew the appeal as he is required to apply for Zoning By-law and Official Plan Amendments and proceed with a Municipal Comprehensive Review. A memorandum of understanding was executed between the City, Appellant and Region of Peel on September 23, 2019.

Minor Variance Application and Consent Application A19-063, A19-064, and B19-009 –  
7522 Creditview Road – PL190388 – Ward 6 – Concluded

The Committee of Adjustment refused a consent application to create two lots from one and two related minor variance applications to regularize the two new lots. The applicant appealed the Committee of Adjustment's refusal on August 19, 2019. A hearing was held on March 5, 2021. The Local Planning Appeal Tribunal allowed the appeal to the consent and the two variance applications to permit one single detached dwelling on each of the two new lots. The file is now closed.

Minor Variance Application A19-045 – 187 Deerhurst Drive – PL190466 – Ward 8 –  
Concluded

Applicant owner requested temporary use for a place of worship and auxiliary private school for 5 years in addition to the permitted uses in the Industrial 3 (M3-1565) zone and relief from parking requirements. The Committee of Adjustment granted the variances for 3 years subject to conditions of approval (Sept. 10, 2019). Various neighbours appealed the decision. City Council passed resolution to direct Legal Services not to take an active role in the Tribunal appeal other than to advise that the City supports the decision of the Committee of Adjustment. A settlement was reached between the parties (excluding the City). The City did not appear at the hearing held on October 2, 2020. On October 13, 2020, the Tribunal ordered that the appeals are dismissed and granted temporary use for a place of worship, subject to conditions.

Minor Variance Application A-2020-0020 – 443 Centre Street North – PL200297 – Ward 1 – Concluded

The Committee of Adjustment refused a minor variance application for a transition from a legal non-conforming use to a compatible and similar use. The applicant appealed the Committee of Adjustment's refusal on March 23, 2020. The Ontario Land Tribunal dismissed the appeal due to the appellant's failure to pay the prescribed appeal fee.

Minor Variance Application A19-200 – 0 Ace Drive – PL200434 – Ward 9 – Concluded

The Committee of Adjustment approved (with conditions) a minor variance application to permit the use of motor vehicle sales and leasing establishments and outdoor display and storage, as well as a free-standing motor vehicle body shop/collision center. The Region of Peel appealed the Committee of Adjustment's approval on September 22, 2020 based on the fact that it does not conform with the City of Brampton Official Plan, Region of Peel Official Plan, and applicable policy legislation. On December 18, 2020, the appellant withdrew the appeal.

Minor Variance Application and Consent Application A19-121 and B19-017 – 67 Main Street South – PL200487 – Ward 3 – Concluded

The Committee of Adjustment refused a consent application and a related minor variance application to sever a parcel of land to create a single detached dwelling. The applicant appealed the Committee of Adjustment's refusal on October 19, 2020. The applicant withdrew its appeal by letter dated March 23, 2021 and the two day hearing commencing on March 25, 2021 was cancelled.

Minor Variance Application A2020-0088 – 62 Burlwood Road - PL200520 – Ward 10 – Concluded

The Committee of Adjustment approved (with conditions) a minor variance application to permit an accessory structure to include habitable space (installation of washroom). The abutting neighbor appealed the Committee of Adjustment's approval on November 6, 2020 for reasons of loss of property value and privacy concerns. On March 17, 2021, the Local Planning Appeal Tribunal dismissed the appeal and the decision of the Committee of Adjustment with four conditions are in full force and effect. The file is now closed.

Minor Variance Application A-2021-0031 – 33 Donomore Drive - PL210207 – Ward 6 – Active

This application for minor variances to permit a below grade entrance and to reduce the combined total width for both interior side yard setbacks was refused by the Committee of Adjustment. The applicant appealed the Committee of Adjustment's refusal on March 29, 2021. A hearing by video conference was scheduled for July 29, 2021, which was later adjourned. No new hearing date has been set.

## ***Cash-in-Lieu***

Application Pursuant to Subsection 42(10) and 42(12) of the Planning Act – 826 Steeles Avenue West – MM190018 – Ward 4 - Active

The Owner of the subject property disputes the land value applied by the City in calculating cash-in-lieu of parkland. The cash-in-lieu amount was paid under protest and an appeal filed to the Tribunal. No hearing dates have been set.

Application Pursuant to Subsection 42(10) and 42(12) of the Planning Act – 220-250 & 270-340 Lagerfeld Drive – Mattamy (Credit River) Ltd. – MM200014 – Ward 6 – Concluded

The Owner of the subject property disputes the land value applied by the City in calculating cash-in-lieu of parkland. The cash-in-lieu amount was paid under protest and an appeal was filed to the Tribunal. The parties have reached a resolution of the appeal.

Application Pursuant to Subsection 42(10) and 42(12) of the Planning Act – 1-55 Summer Wing Lane – Mattamy (Mount Pleasant North) Limited – Ward 6 – Active

The Owner of the subject property disputes the land value applied by the City in calculating cash-in-lieu of parkland. The cash-in-lieu amount was paid under protest and an appeal filed to the Tribunal. No hearing dates have been set.

## ***Motions to Determine Status of Applications***

City of Brampton Official Plan Amendment Application - Motion for Direction Pursuant to Subsection 22(6.2) of the *Planning Act* – Heritage Heights Secondary Planning Area – MM180015 – Ward 6 – Concluded

The North West Brampton Landowners Group filed a motion for directions in regard to completeness of a private Official Plan Amendment application. The motion was scheduled to be heard on June 28, 2018 and has been adjourned on consent. The appellant withdrew the appeal. The file is now closed.

Region of Peel Official Plan Amendment Application – Motion for Direction Pursuant to Subsection 22(6.2) of the *Planning Act* - Heritage Heights Secondary Planning Area – MM180026 – Ward 6 – Concluded

The North West Brampton Landowners Group filed a motion for directions in regard to completeness of a private Official Plan Amendment application. The motion was scheduled to be heard on June 28, 2018 and has been adjourned on consent. The appellant withdrew the appeal by letter dated February 13, 2020. The file is now closed.

## ***Development Charges***

Development Charges By-laws 129-2019, 130-2019, 131-2019, 132-2019, 133-2019, 134-2019, 135-2019 and 136-2019 – DC190031 – City Wide – Concluded

The Owner of various properties in the City of Brampton filed appeals of the eight (8) DC By-laws enacted on June 18, 2019. A settlement hearing was held on January 27, 2021. Language were added to all eight (8) DC By-laws on a site-specific basis pursuant to the settlement. The Tribunal allowed the appeals and the file is now closed.

21 Coventry Road – Dancor Construction Limited – Development Charge Complaint – Appeal municipality's decision regarding a complaint – DC200012 – Ward 7 - Active

Council dismissed a complaint with respect to the development charges that were paid under protest for the conversion of an office building into a private school use. The property owner appealed the Council decision to the Tribunal on November 5, 2020. The parties are in settlement discussions. No hearing dates have been set.

### Financial Implications:

None.

### Other Implications:

None.

### **Term of Council Priorities:**

This report fulfills the Term Council's priority for a well run City.

### **Conclusion:**

This report summarizes active and concluded Tribunal appeals since October 2019.

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