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VIA ELECTRONIC MAIL

DELIVERED

City of Brampton
2 Wellington St. W.
Brampton, ON
L6Y 4R2

Attention: Peter Fay – City Clerk

Dear Sirs / Mesdames:

**Re: 10124 and 10244 Mississauga Road (the "Argo TFP Lands")
Application by Argo TFP Brampton Limited and Argue TFP Brampton II Limited
("Argo TFP") to amend the Official Plan and Zoning By-law and for Draft Plan of
Subdivision (the "Applications")
City of Brampton File: OZS-2021-0052**

We act on behalf of Mattamy (Credit River) Limited ("Mattamy") the owner of lands known as 10201 Mississauga Road and 0 Mississauga Road (the "Mattamy Lands") which are located to the east of the Argo TFP Lands. We are writing to provide the City with some preliminary comments with respect to the Applications.

The Mattamy Lands are located within the same Mount Pleasant Secondary Plan as the Argo TFP Lands, being located just on the opposite side of Mississauga Road from them. As the City is aware, the Argo TFP Lands were, in part, previously approved as a special policy area for retail and service commercial development as Phase 1, with a hotel and residential component to follow in Phase 2. In 2021 a new application was filed with respect to the Argo TFP Lands that would essentially remove the previous retail and service commercial uses and replace them with a primarily residential development. The zoning for this revised development was put in place through a Minister's Zoning Order.

As it relates to the relationship between the Argo TFP Lands and the Mattamy Lands, it is important to note that some of the key access points to development sites on the Argo TFP Lands run through the Mattamy Lands or are to be secured and constructed as part of the development of

the Mattamy Lands. This includes a private access road to run from the North/West part of the Argo TFP Lands (where a medium density residential development is proposed) under Mississauga Road, and then through the Mattamy Lands to ultimately connect that medium density development to an extension to Lagerfeld to be constructed by Mattamy. This private access road is to be primarily located on the Mattamy Lands and both constructed and maintained by Mattamy. Mattamy is willing to cooperate in this regard so long as the cost sharing of both the capital and ongoing maintenance costs of the private access road are fairly shared between itself and Argo TFP.

A second key access point is an extension to Lagerfeld itself, which is to be partially built on Mattamy Lands (but also on lands abutting the Mattamy Lands) and would, as noted by the solicitor for Argo TFP in their letter to the City of May 18, 2022, form an “important infrastructure improvement within the Mount Pleasant Secondary Plan” that is not only for the benefit of the interconnectivity between development sites, but also for the broader connections between the development sites in the area and the Mount Pleasant Go Station. It is clear that this important piece of infrastructure is to be built for the benefit of much more than the Mattamy Lands and, as such, this infrastructure needs to be appropriately cost shared.

As noted above, we are aware of the Minister’s Zoning Order that has been put in place to approve the underlying zoning for the property and it is our understanding that the City continues to process the associated Official Plan Amendment and implementing subdivision applications. Our client agrees with the need for the same as the existing Official Plan designations do not conform with the proposed draft plan of subdivision and, as such, there is a need for the Official Plan to be amended prior to the approval of the draft plan of subdivision pursuant to the tests set out in the *Planning Act*, even though the zoning for Argo TFP’s proposal is already in place.

Mattamy can confirm that they are, in general, supportive of the proposed OPA that will reflect the current development proposal for the site. However, Mattamy does have a concern with the timing of the proposed OPA, specifically that it is not approved prior to appropriate cost sharing arrangements being put in place. Such cost sharing arrangements should ensure that Argo TFP fairly contributes to both the capital costs of the infrastructure to be constructed by Mattamy that will benefit the development of the Argo TFP Lands (being both the Lagerfeld extension and the private access roads through the Mattamy lands) as well as the ongoing maintenance of the proposed private roads through the Mattamy Lands. In addition, cost sharing arrangements should be made to fund infrastructure within the Heritage Heights Secondary Plan that benefits more than one precinct plan area such as the proposed CN Rail crossing between area 51-3 and 52-2. Mattamy therefore requests that the City not approve either the Argo TFP OPA or draft plan of subdivision until such cost sharing arrangements are put in place. This request is consistent not only with general principles of good planning but also the underlying intent of Policy 4.14.3.17.3(x) of OPA 101.

We can confirm that discussions are on-going between Mattamy and Argo TFP relating to coming to satisfactory cost sharing obligations as it relates to both the Lagerfeld extension and the Access Road, although no agreement has been made to date. Mattamy will continue to make itself available to resolve any such matters with Argo TFP so that its Applications can proceed in a timely manner.



Should the City have any questions or concerns, Mattamy is readily available to discuss this matter further at any time which is convenient for the City.

Thank you for your consideration of this matter and please include the undersigned in any future notice with respect to further meetings or decisions with respect to the Applications.

Yours truly,

BENNETT JONES LLP

Per:



Andrew Jeanrie

ALJ/cmt

