

NOTICE OF AN APPLICATION FOR CONSENT

An application for consent has been made by 10254 HURONTARIO PROPERTY INC.

Purpose and Effect

The purpose of the application is to request the consent of the Committee of Adjustment for a lease in excess of 21 years. The land to be leased has a frontage of approximately 423 metres, a depth of approximately 656 metres and an area of approximately 22.75 hectares (56.22 acres), occupied by an industrial building (Canadian Tire). The effect of the application is to facilitate a long term lease between the owner of the lands, 10254 Hurontario Property Inc. and Canadian Tire Inc.

Location of Land:

Municipal Address: 10254 Hurontario Street

Former Township: Chinguacousy

Legal Description: Part of Lot 12, Concession 1 WHS, Parts 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, Plan 43R-38924

Meeting

The Committee of Adjustment has appointed **TUESDAY, April 20, 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 PARTICIPTION PROCEDURES REQUIRED DURING THE COVID-19 PANDEMIC

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LAST DAY FOR RECEIVING COMMENTS: APRIL 15, 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: | NO | File Number: |
| Zoning By-law Amendment: | NO | File Number: |
| 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 <https://olt.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>

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 1st Day of April, 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

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, April 15, 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, April 16, 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, April 16, 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.



**WESTON
CONSULTING**

planning + urban design

Committee of Adjustment
City of Brampton
2 Wellington St. W.
Brampton, Ontario L6A 1T1

March 18, 2021
File 5559-1

B-2021-0007

Attn: Ms. Jeanie Myers, Secretary Treasurer

Dear Madam,

**RE: Planning Consent to Permit a Lease > 21 Years
10254 Hurontario St.
City of Brampton**

Weston Consulting is the Planner for 10254 Hurontario Property Inc., the legally registered land owner of the properties municipally known as 10254 Hurontario Street in the City of Brampton (herein referred to as the 'subject lands'). A consent application is being submitted to approve a lease between the landowner and Canadian Tire Inc. with a term greater than 21 years.

Description of the Subject Lands

The subject lands are legally described as Parts 13,14,15,16,17,18,19,20,21,22,23 & 24 on Plan 43R38924 (see Figure 1). They are currently being developed for a large warehouse with associated parking that is to be leased by Canadian Tire Inc.



Figure 1 - 10254 Hurontario St, Brampton Aerial Photo

The subject property has been part of various consent and minor variance applications over the past five years. A table describing each of these applications and approvals is attached to this letter for your reference. The Certificate of Official associated with consent B19-001 is the final step in the creation of the subject lands. The final transfers have been registered with the Land Registry Office.

Consent Application

Canadian Tire Inc. has entered into a lease with 10254 Hurontario Property Inc. for a period greater than 21 years. Approval of the Committee of Adjustment is required by Section 50.3(f) of the Planning Act in order for the lease to conform to the Planning Act.

The following material is being submitted in support of this application:

- Completed and commissioned application form for a Consent;
- Table of previous consent and minor variance applications;
- Site plan showing the building and associated parking;
- Parcel register showing ownership of the subject lands;
- Copy of the lease between 10254 Hurontario Property Inc. and Canadian Tire Inc.; and
- Application fee cheque for \$3,961.00

We trust that the above is in order, and request that the hearing for these applications be scheduled for the Committee of Adjustment hearing at the earliest available opportunity.

Should you have any questions, please contact the undersigned at ext. 224 or Michael Vani at ext. 252.

Yours truly,
Weston Consulting



Kurt Franklin BMath, MAES, MCIP, RPP
Vice President

cc. Alex LaCivita, Panattoni



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** 10254 Hurontario Property Inc.
(print given and family names in full)
Address 185h The West Mall, Suite 860, Toronto, ON, M9C 5L5

Phone # 416-915-1984 **Fax #** _____
Email alacivita@panattoni.com
- (b) **Name of Authorized Agent** Kurt Franklin, Weston Consulting
Address 19-201 Millway Ave, Vaughan, L4K 5K8

Phone # 905-738-8080 ext. 224 **Fax #** _____
Email kfranklin@westonconsulting.com
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: Consent to permit a lease greater than 21 years (s.50.3(f))
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.**
Canadian Tire Corporation, Limited
4. **Description of the subject land ("subject land" means the land to be severed and retained):**

| | |
|---|--|
| a) Name of Street <u>Hurontario St.</u> | Number <u>10254</u> |
| b) Concession No. <u>Concession 1</u> | Lot(s) <u>12</u> |
| c) Registered Plan No. _____ | Lot(s) _____ |
| d) Reference Plan No. <u>43R38924</u> | Lot(s) _____ |
| e) Assessment Roll No. <u>10-06-0-001-09200-0000</u> | Geographic or Former Township _____ |
5. **Are there any easements or restrictive covenants affecting the subject land?**
Yes ☒ No ☐ Please see Cover Letter
Specify: _____

6. Description of leased land: (in metric units)

a) Frontage 423m Depth 656m Area 22.75ha

b) Existing Use Industrial Proposed Use Industrial

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

(existing) One single tenant industrial building

(proposed) _____

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 leased land: (in metric units)

a) Frontage 423m Depth 656 Area 22.75 ha

b) Existing Use Industrial Proposed Use Industrial

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

(existing) One single tenant industrial building

(proposed) _____

| | | | |
|----|--------------------------------------|-------------------------------------|-------------------------------------|
| 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 checked="" type="checkbox"/> | <input checked="" 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>Industrial</u> | <u>Industrial</u> |
| Official Plans City of Brampton | <u>Industrial</u> | <u>Industrial</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 # _____ Status/Decision Please see Cover Letter

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 Please see Cover Letter

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 | | |
| Zoning By-law Amendment | | |
| Minister's Zoning Order | | |
| Minor Variance | Please see Cover Letter | |
| Validation of the Title | | |
| Approval of Power and Sale | | |
| Plan of Subdivision | | |

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 Toronto
this 24 day of February, 2021.


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

Check box if applicable:

☐ I have the authority to bind the Corporation

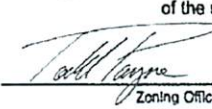
DECLARATION

I, Kurt Franklin of the City of Toronto
in the County/District/Regional Municipality of _____ 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".

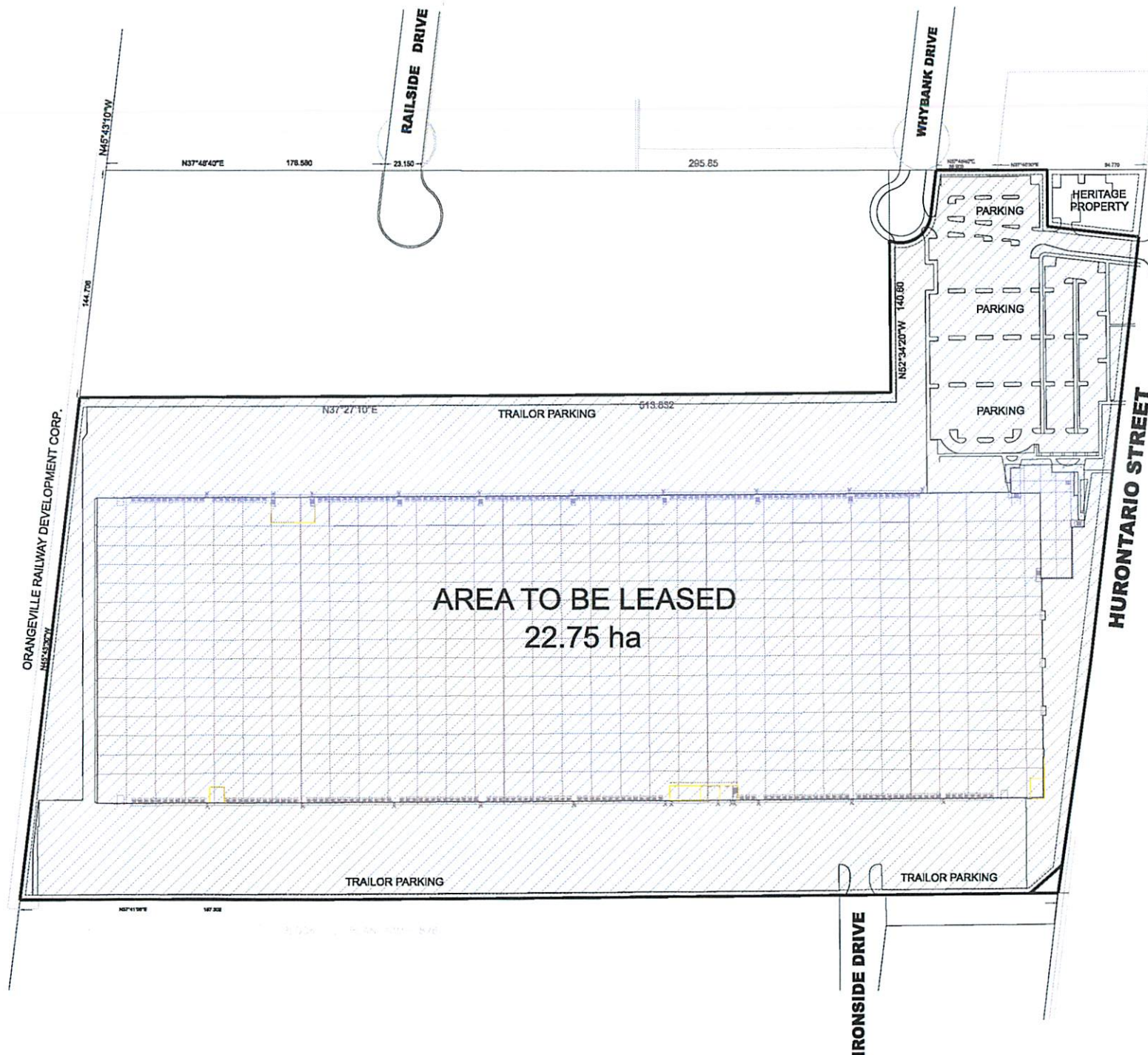
Declared before me at the City of Toronto
in the _____ of _____
this 24 day of February, 2021.


Signature of applicant/solicitor/authorized agent, etc.

Ashley Sara-Lynne Manneillo,
a Commissioner, etc.,
Province of Ontario,
for Weston Consulting.
Expires October 19, 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 | March 23, 2021 Date |

DATE RECEIVED March 19, 2021



CONSENT SKETCH 1

10254 Hurontario Street
PART OF LOT 12
CONCESSION 1
WEST OF HURONTARIO STREET
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEL



**WESTON
CONSULTING**
planning + urban design

DRAFT

FOR DISCUSSION
PURPOSES ONLY

LEGEND

AREA TO BE LEASED 22.75 ha

Notes:
Lands occupied by a single tenant
industrial building of 120,495m² GFA.

0 50m
SCALE



**WESTON
CONSULTING**
planning + urban design
1 800 363 3558 westonconsulting.com

Vancouver:
2011 Seymour Ave. Suite 10
Vancouver, Canada V6C 4P8
T 604 738-8800 F 604 738-8837
Toronto:
208 Bloor Street W.
Toronto, Ontario M5S 1A5
T 416 945-8817 F 416 738-8837

DRAWN / REVISED

| | |
|-------------|--------------------|
| 18 MAR 2021 | Revised boundaries |
| 5 DEC 2018 | First Draft |

File Number: 0009-1
Drawn By: MLI
Planner: JZ
Scale: as shown
CAD: 0009-1.dwg/0009-1.dwg/0009-1.dwg



Drawing Number

10254 Hurontario St, Brampton

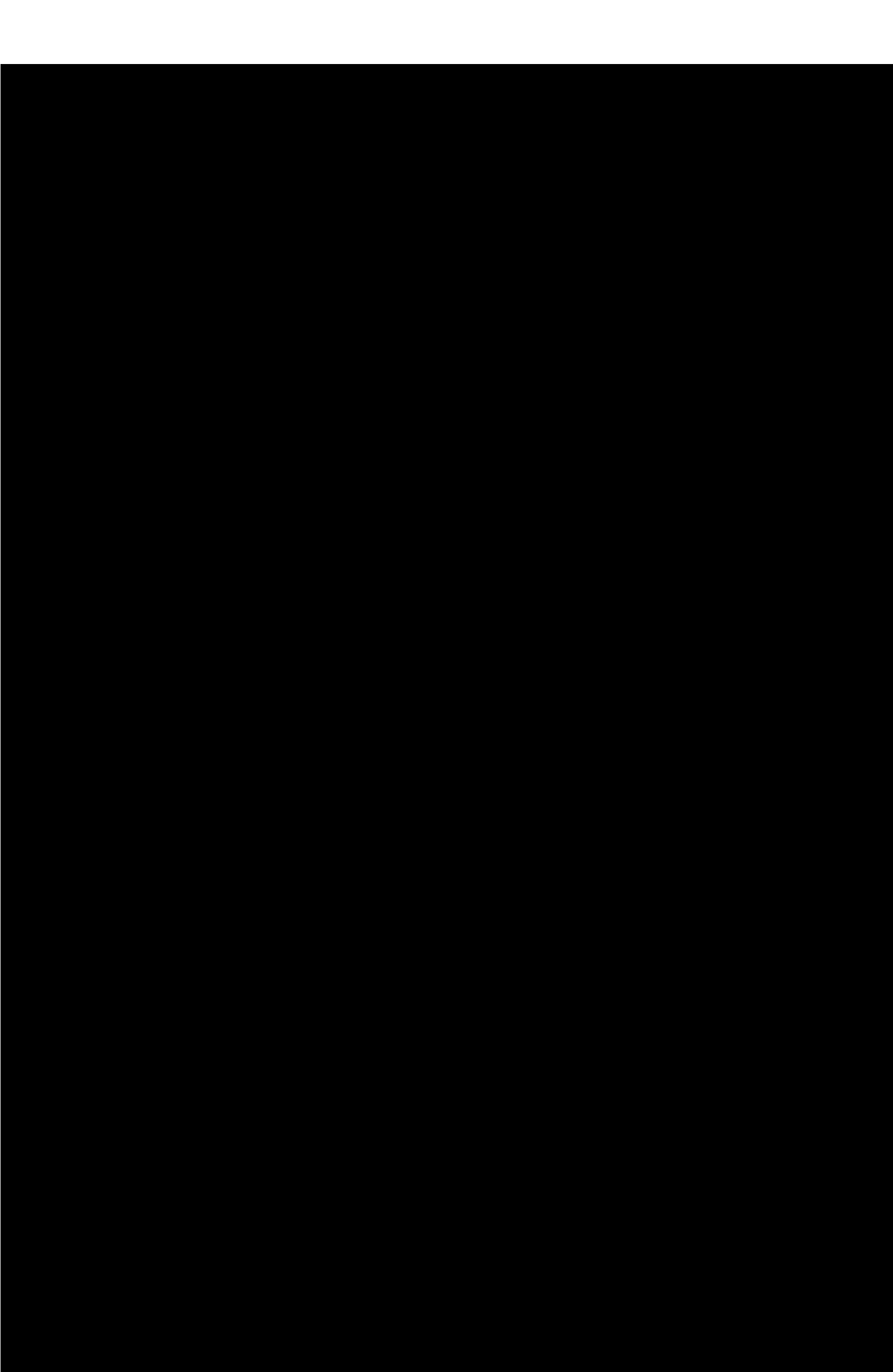
Table of Consent Applications

| Application | Date of Certificate | Purpose |
|-------------|---------------------|--|
| B16-014 | 2017.07.14 | Sever northwest parcel from Canadian Tire lands |
| B18-016 | 2019.08.14 | Transfer parts 2,4,8 Plan 43R38924 to adjacent lands |
| B18-017 | 2019.08.14 | Transfer Whybank cul-de-sac to Canadian Tire lands before dedicating lands to the City |
| B18-019 | 2019.08.21 | Sever Heritage Property from Canadian Tire Lands |
| B19-001 | 2019.09.10 | Sever northwest parcel from Canadian Tire lands (Reverse severed and retained) |
| B19-002 | 2019.08.14 | Lot Addition to complete Whybank cul-de-sac before dedicating lands to the City |

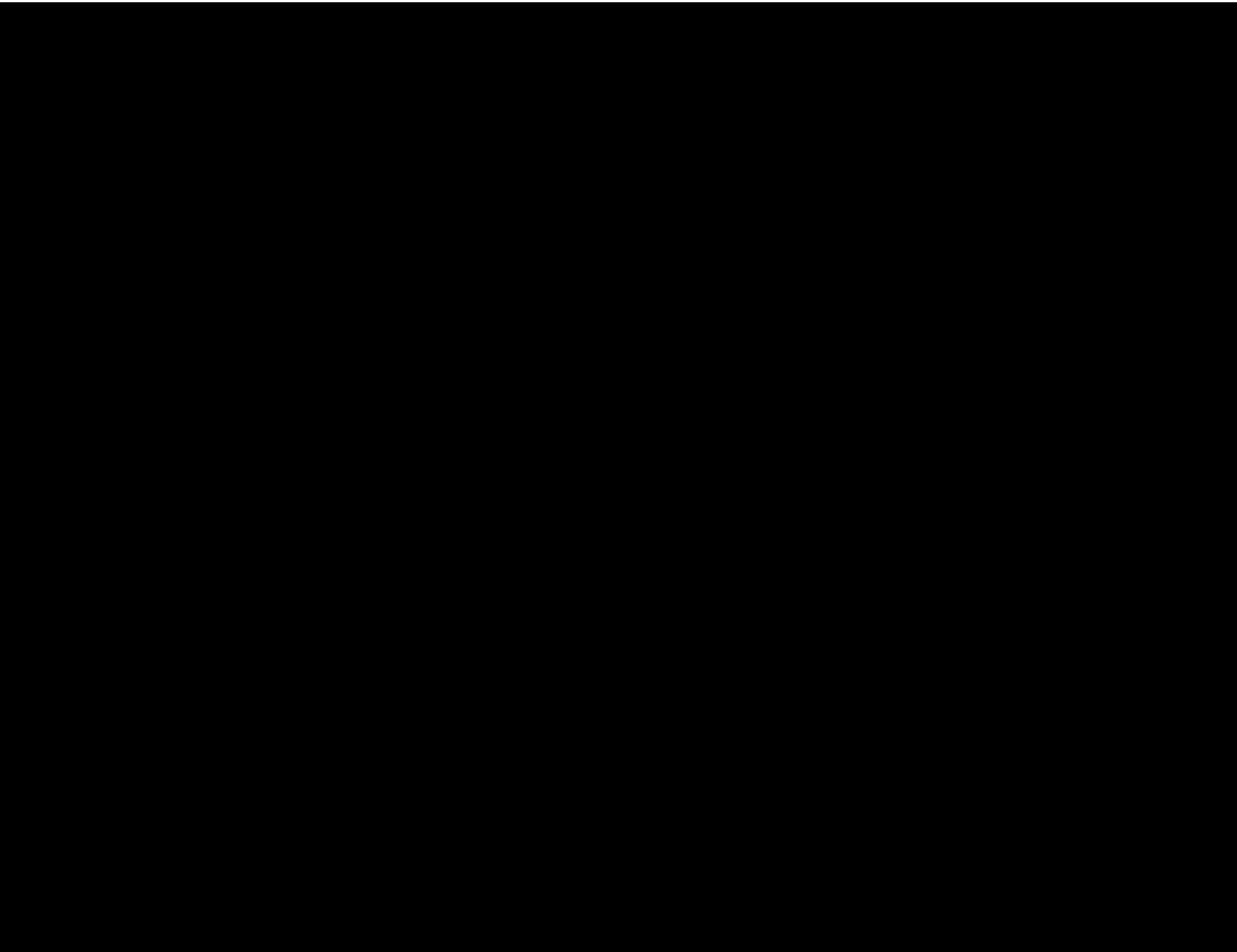
Table of Minor Variances

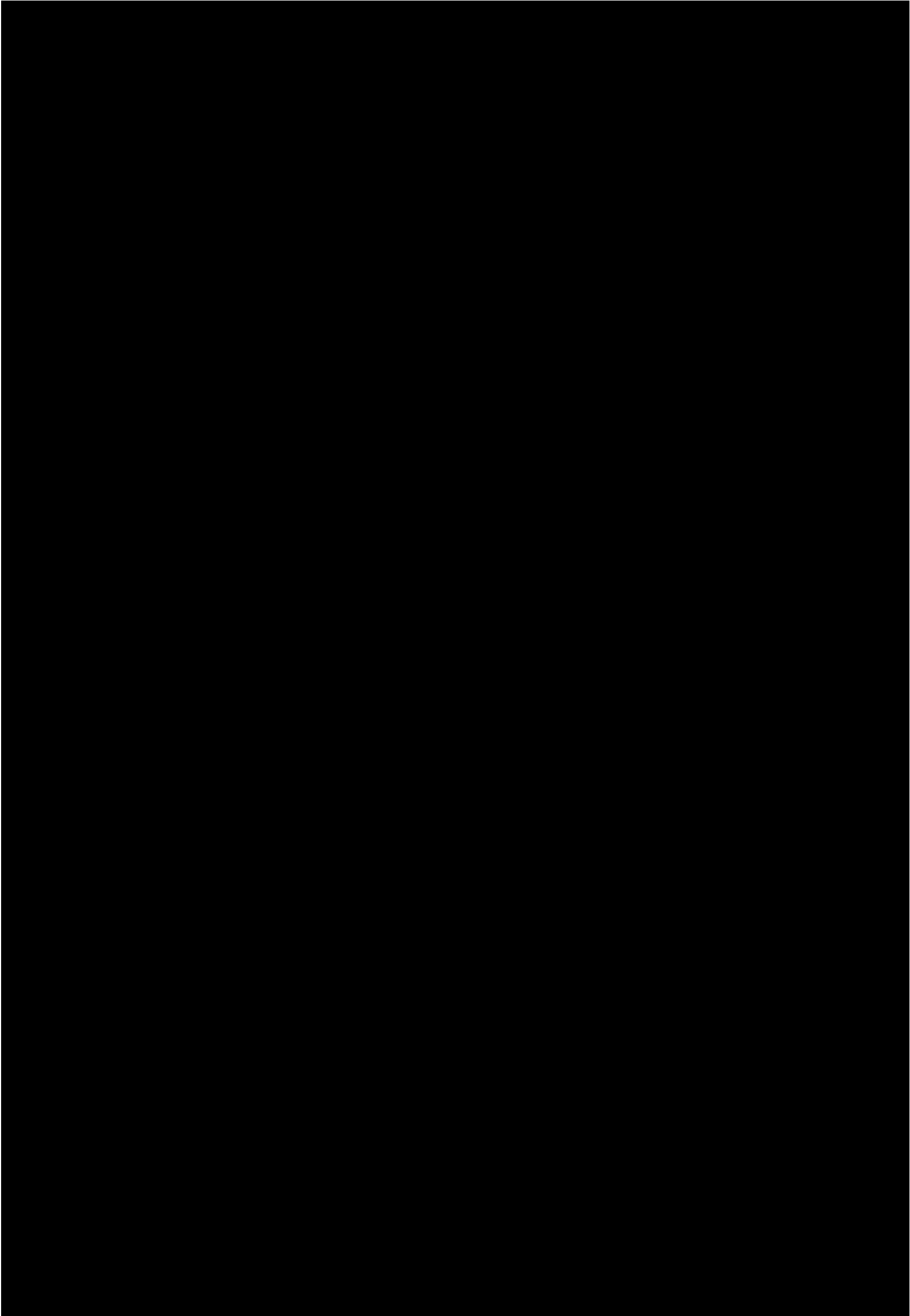
| Application | Minor Variance | Approval Date |
|-------------|---|---------------|
| A18-126 | To permit outside storage (trucks and trailers) | 2018.08.21 |

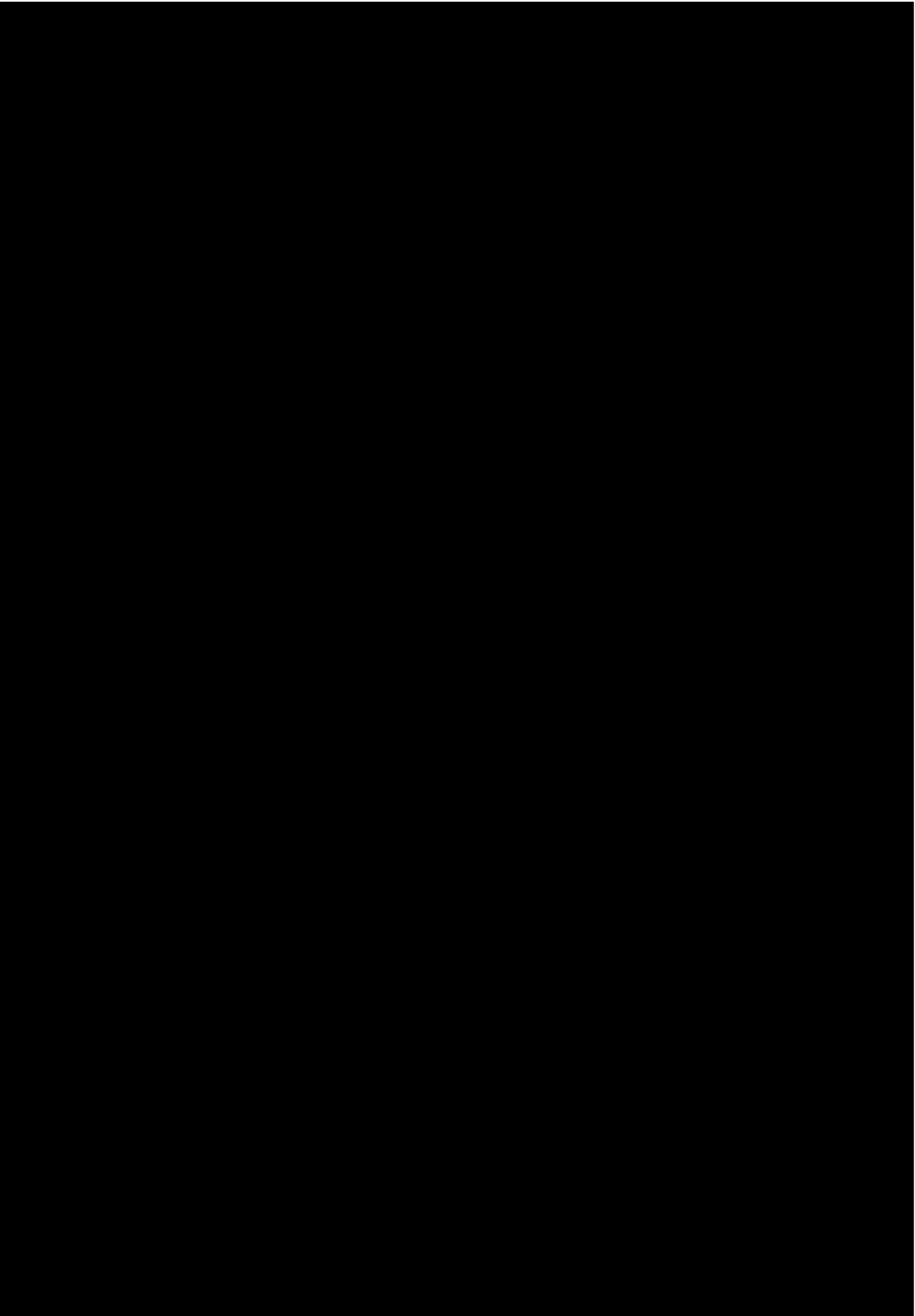
LEASE AGREEMENT
10254 Hurontario Property
CANADIAN TIRE CORPORATION, LIMITED
- and -
10254 HURONTARIO PROPERTY INC.

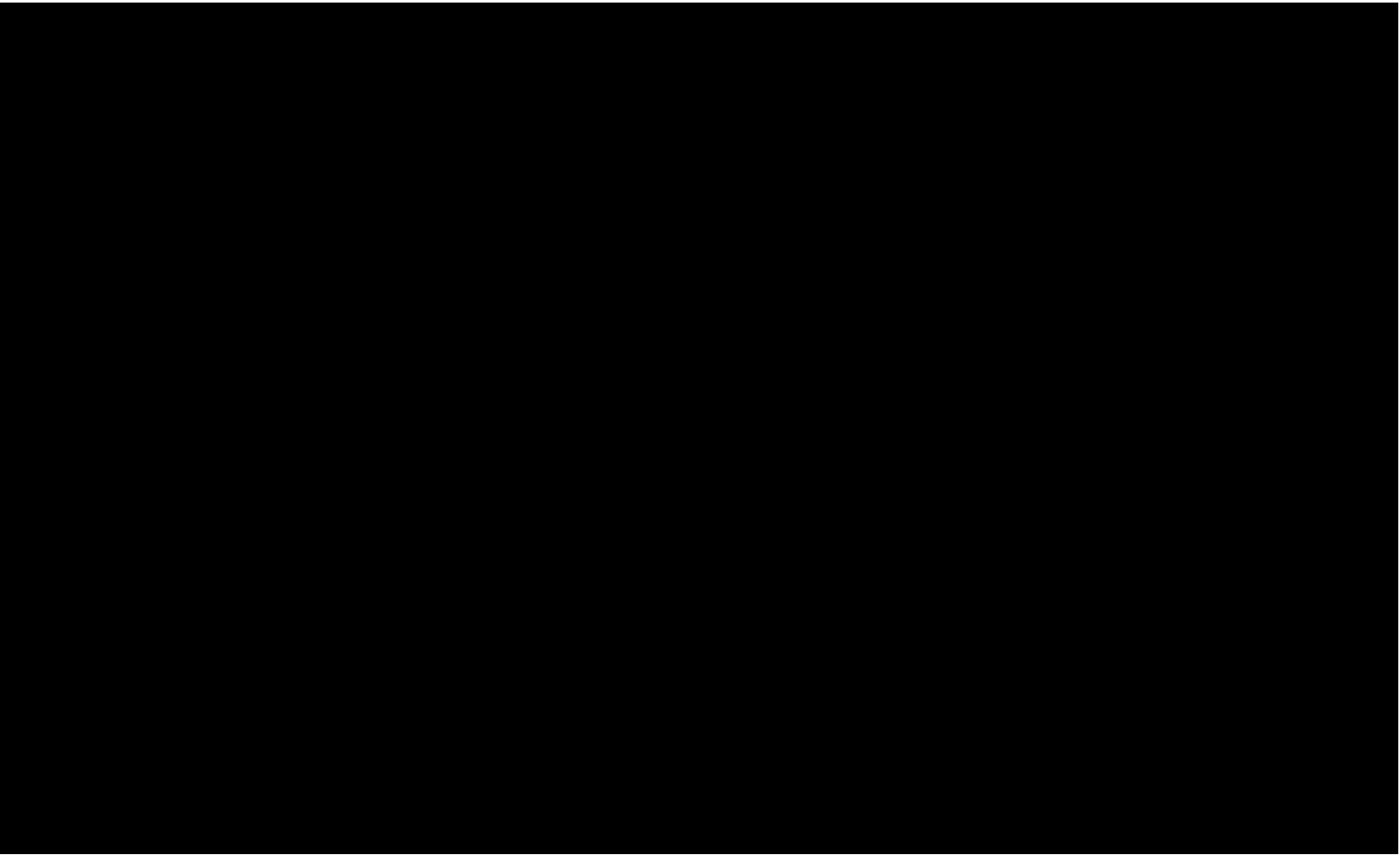


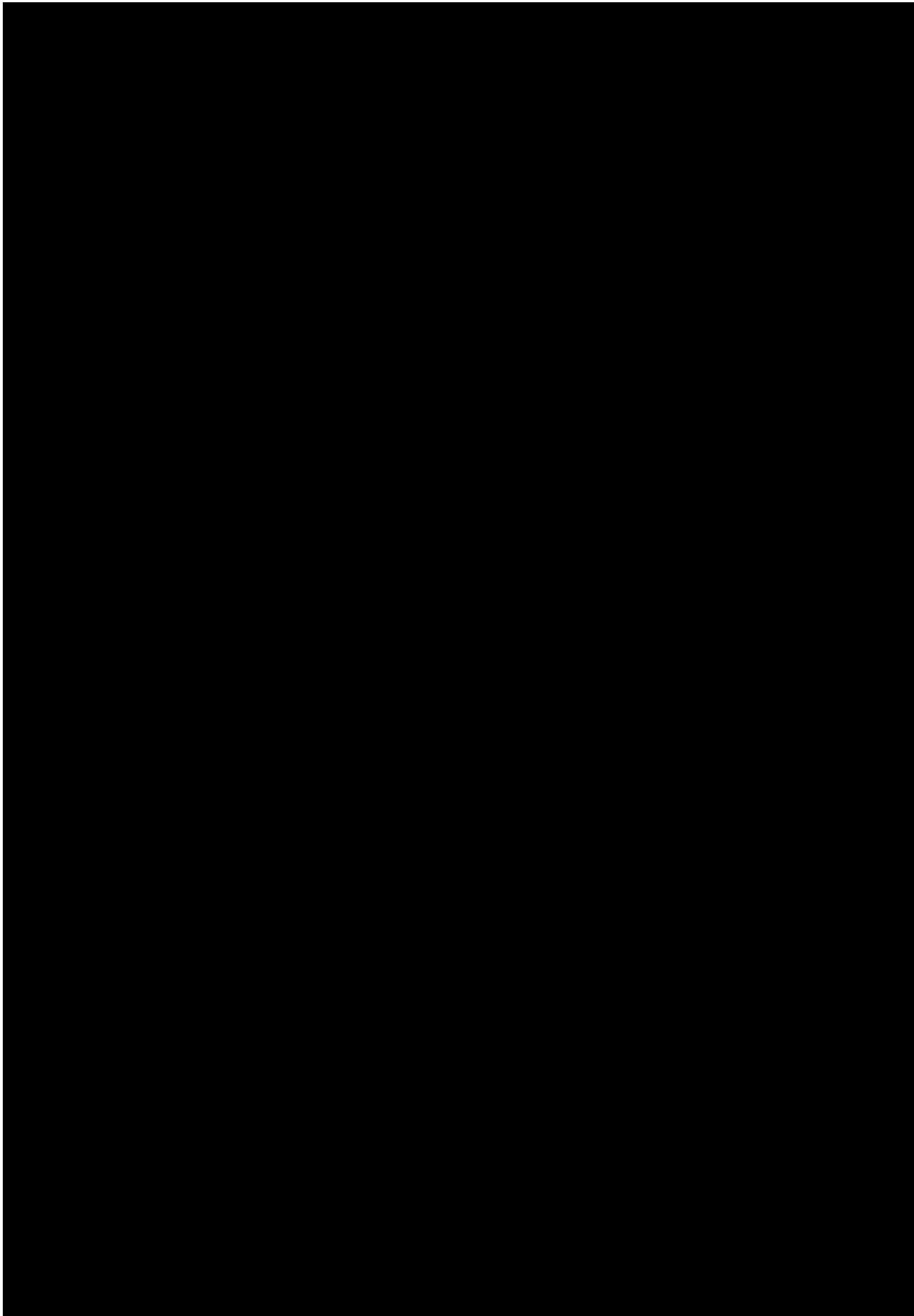








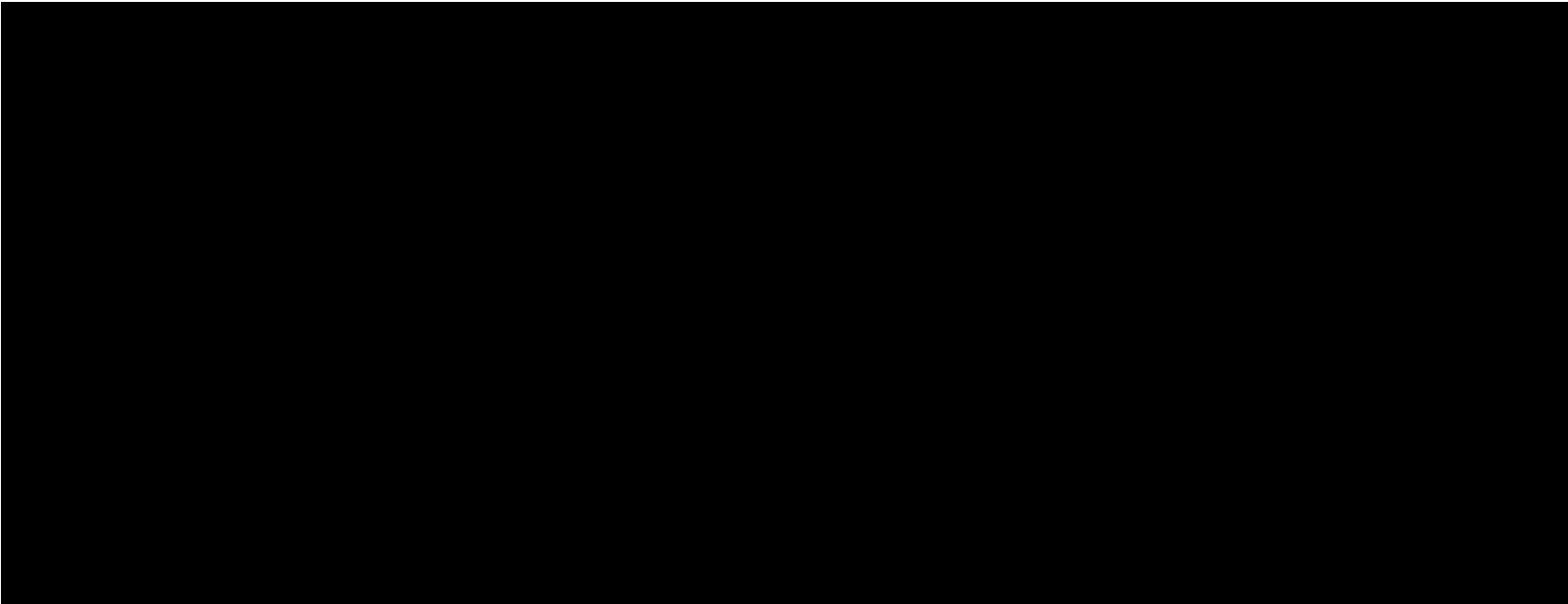


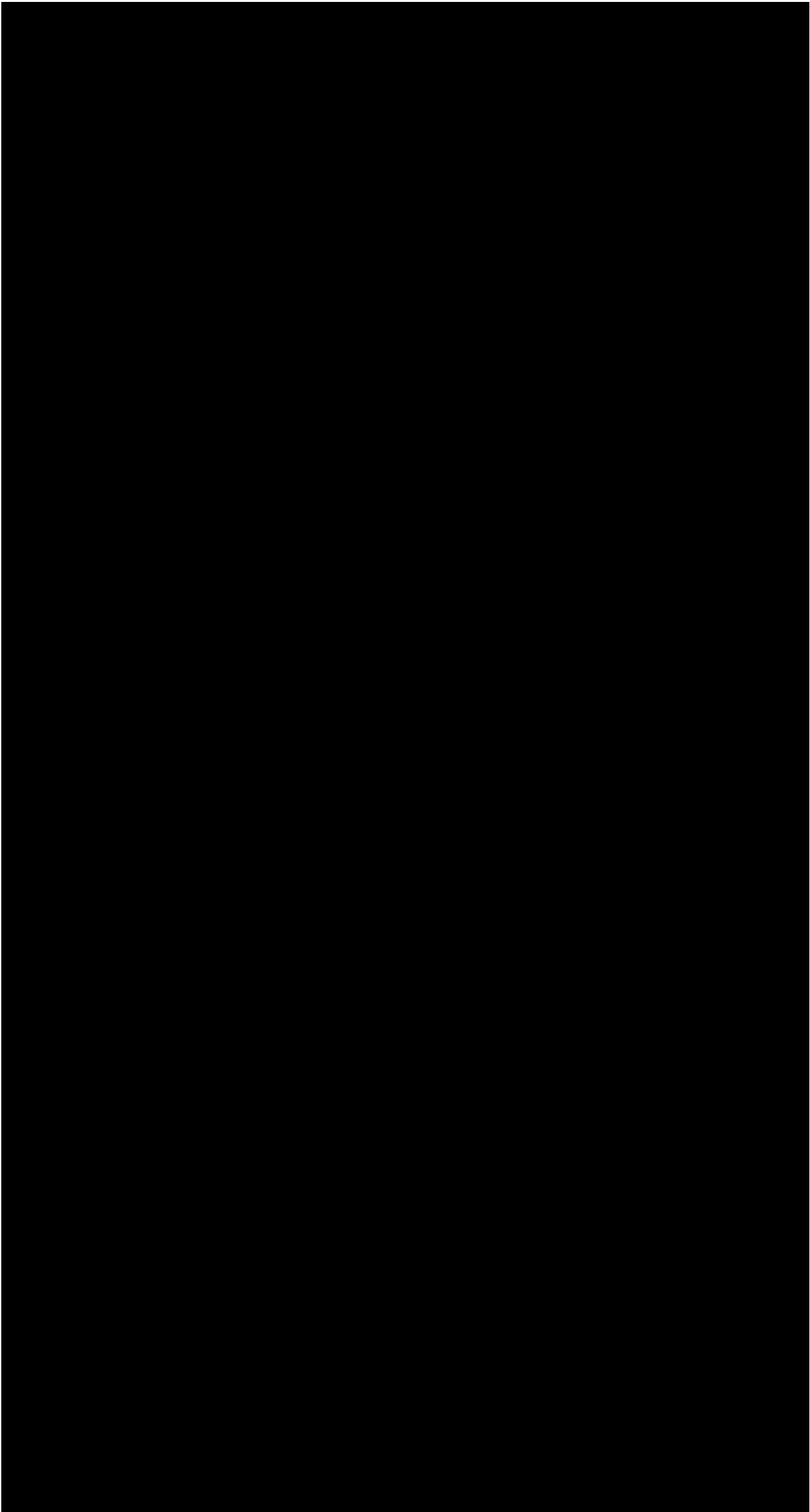


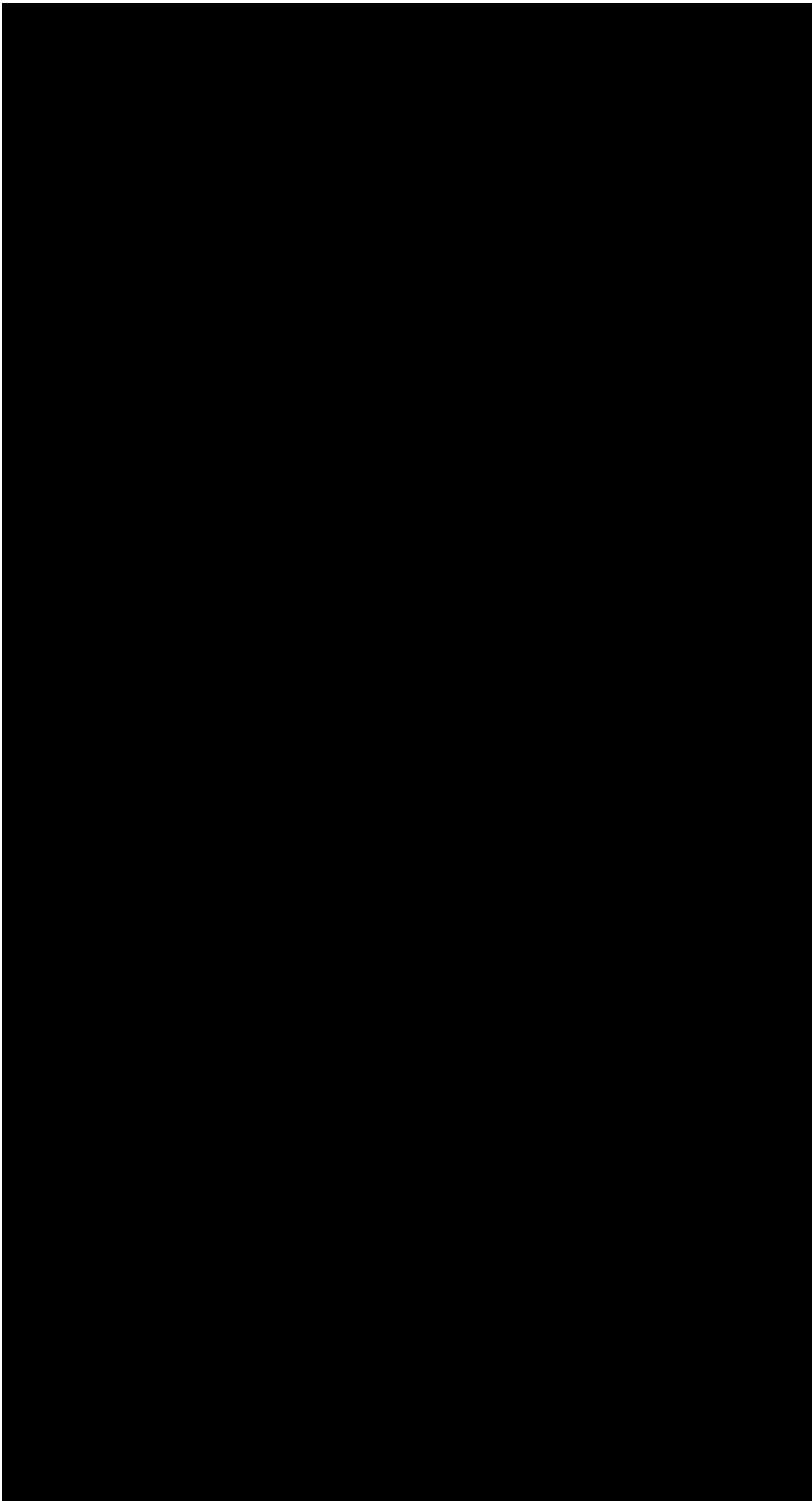
(v) Term: The Term of the Lease will be for a period of **twenty (20) years** (the “**Term**”) estimate to commence on **February 10, 2021** (the “**Lease Commencement Date**”) and shall expire: (i) **twenty (20)** years plus the number of months and days to the next occurring September 30th; or (ii) on the last day of any Extension Term, if any, Tenant shall have exercised pursuant to Exhibit H attached hereto (the “**Expiration Date**”).

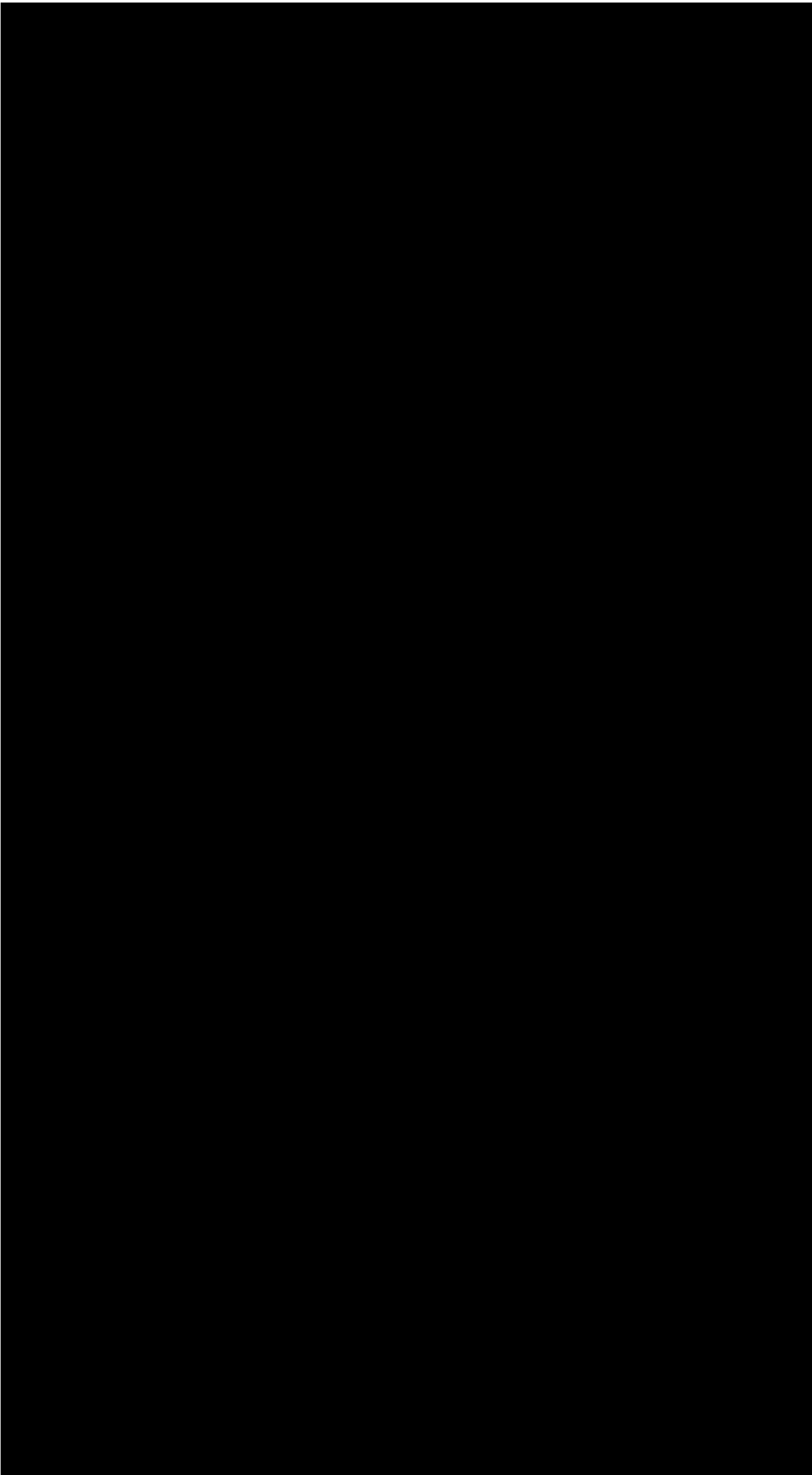
(vii) Lease Year: Each 12-month period of the Term commencing upon the first day of the first calendar month occurring after the Rent Commencement Date, or upon the Rent Commencement Date if the Rent Commencement Date is on the first day of the month.

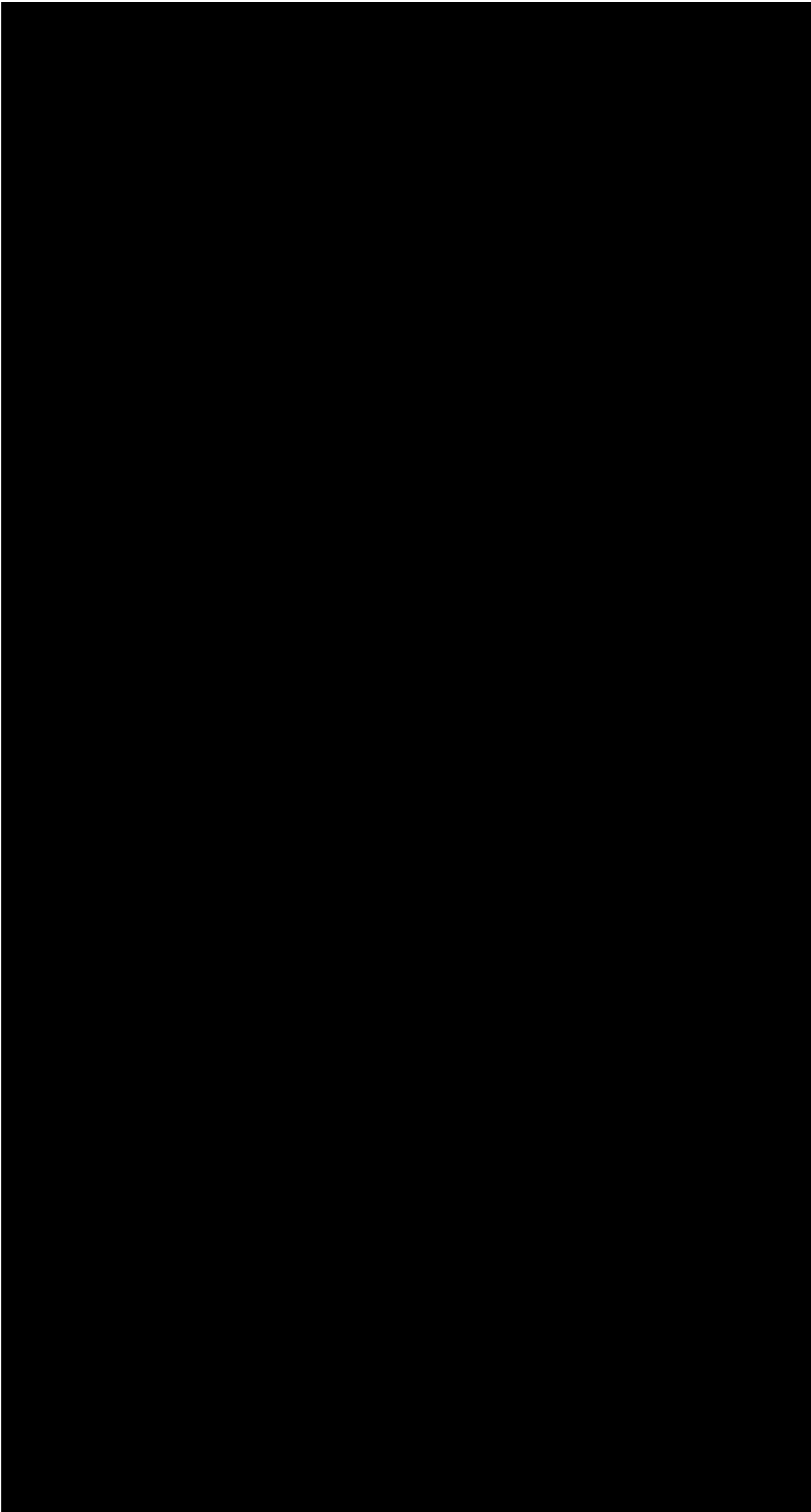
(xi) Options to Extend: Tenant shall have five (5) options to extend the Term as further provided in Exhibit H.

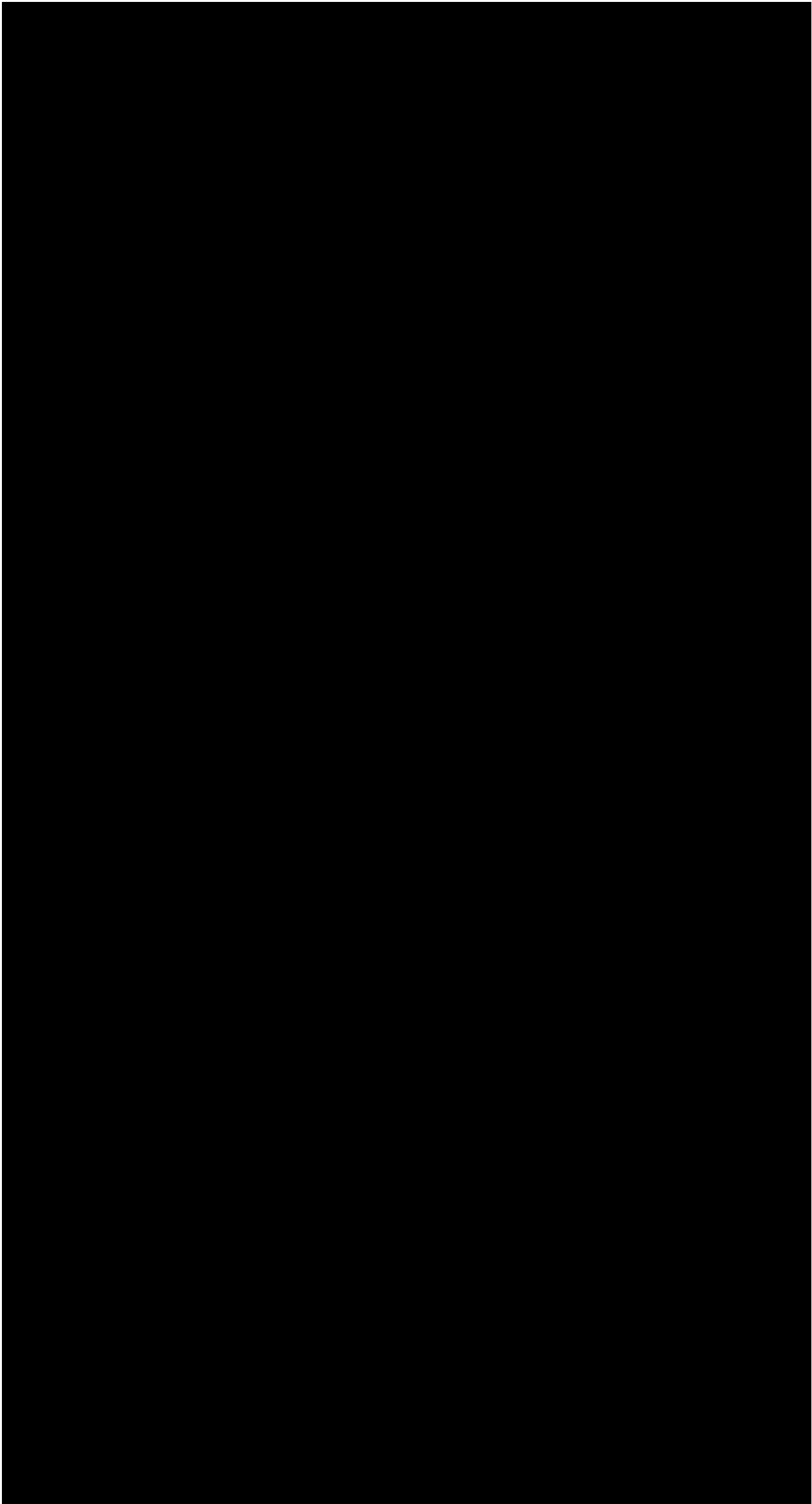


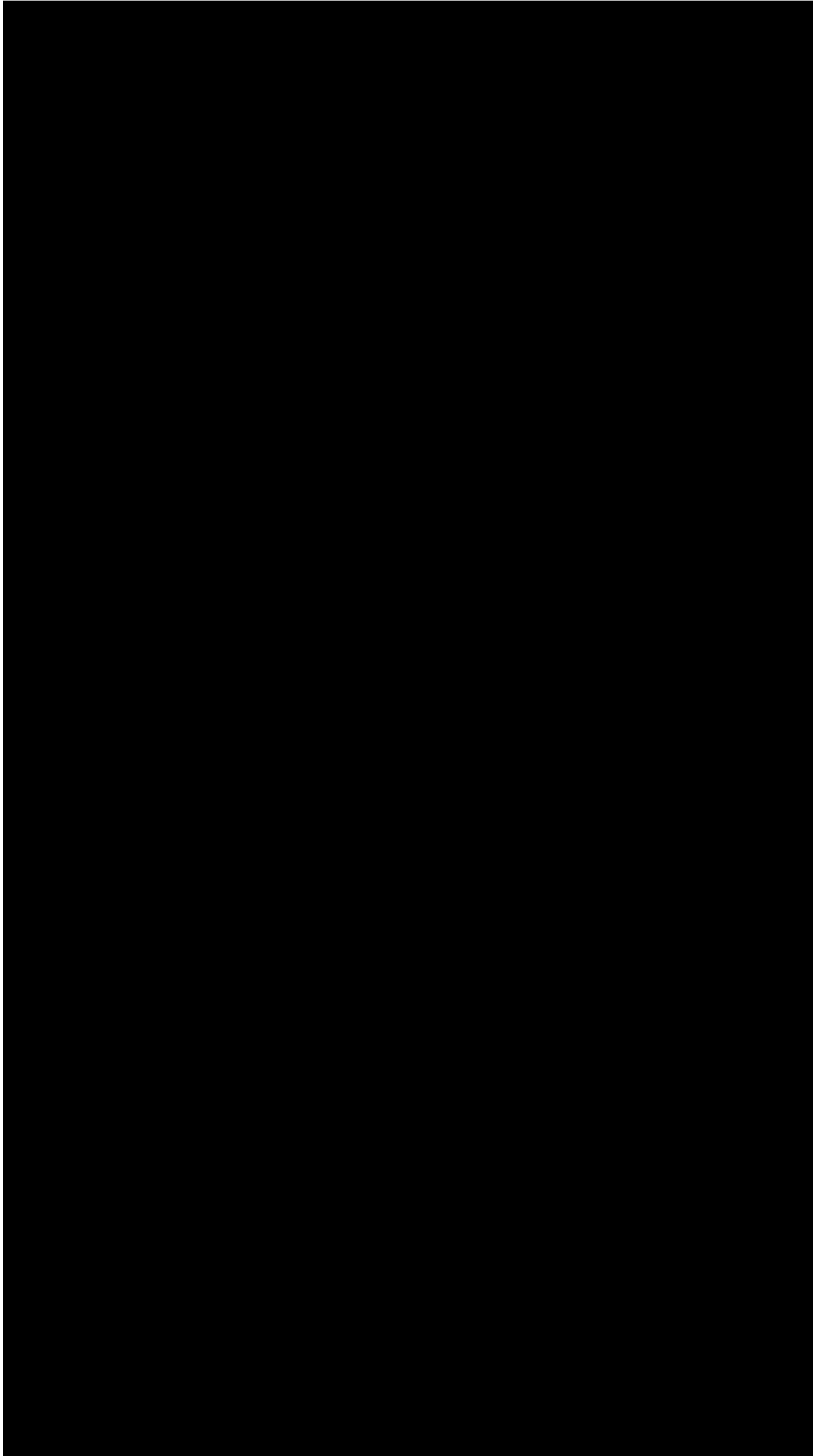


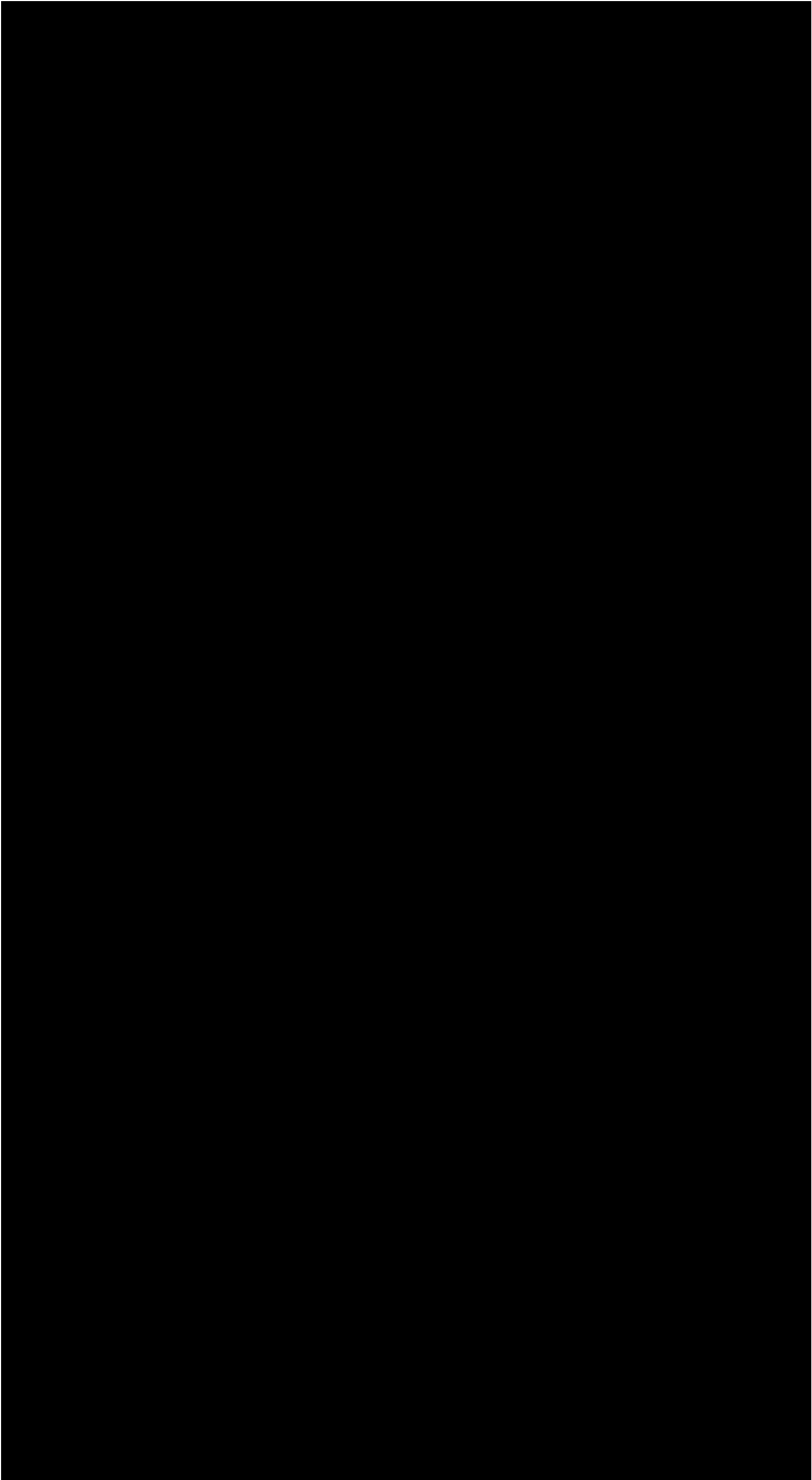


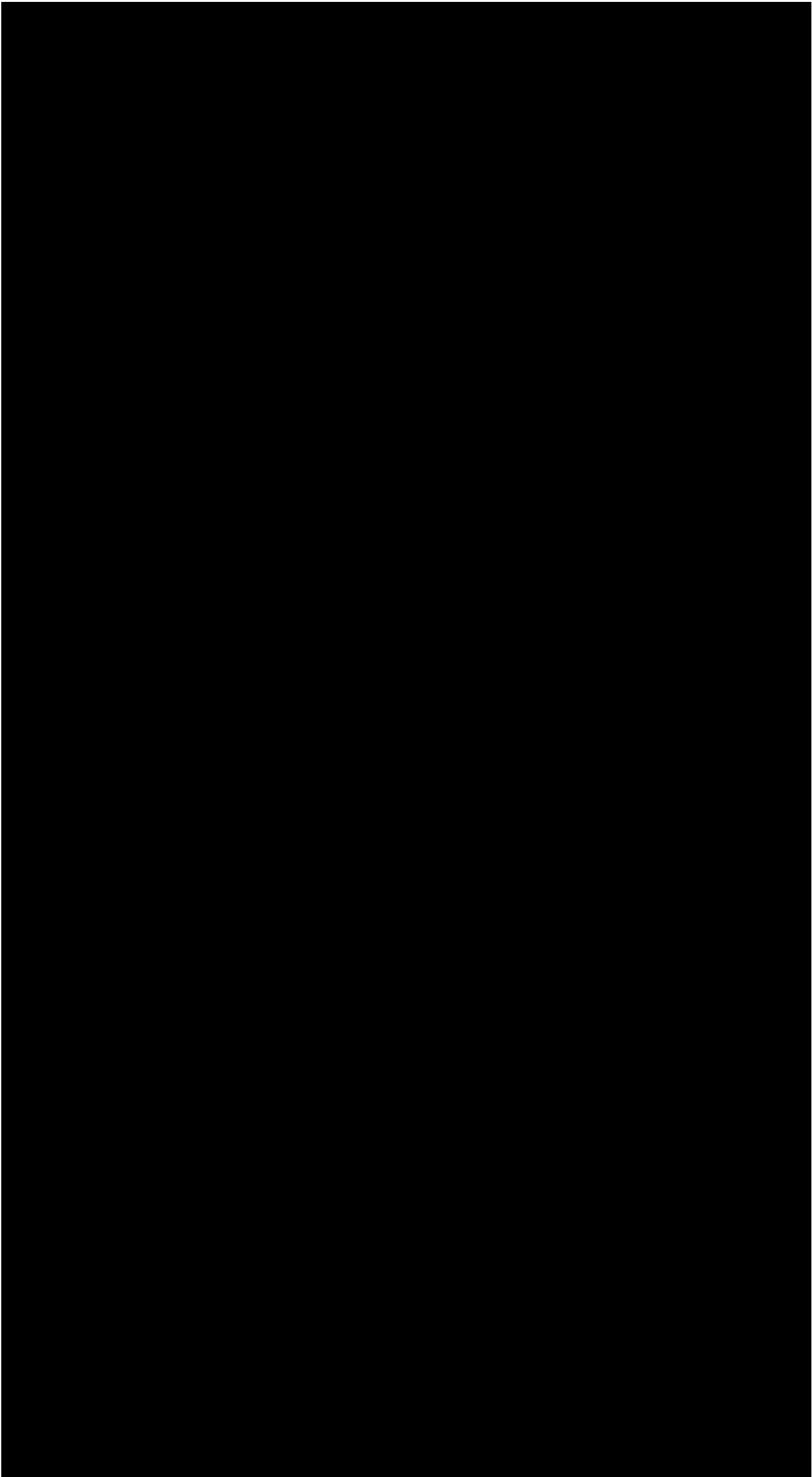


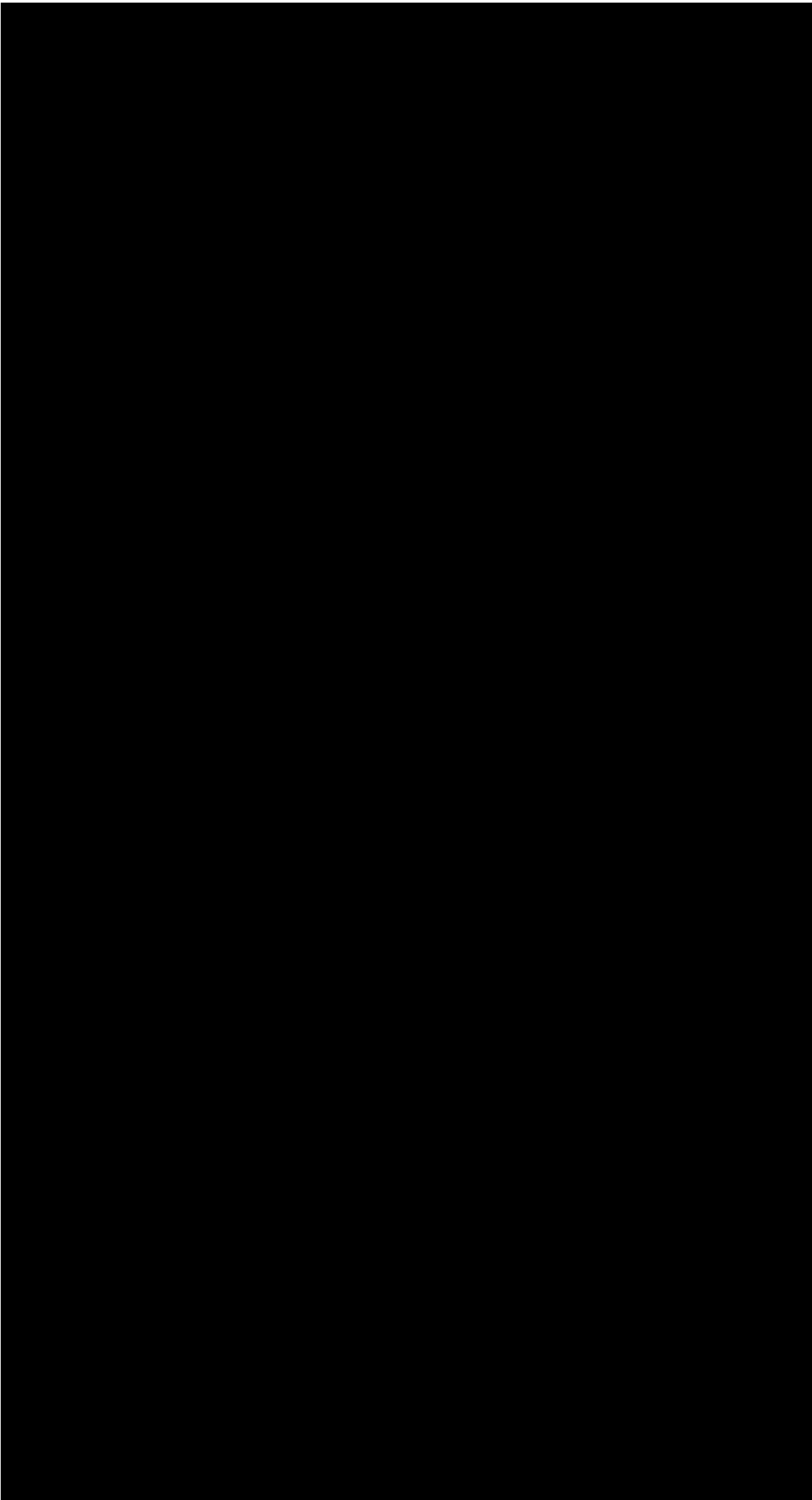


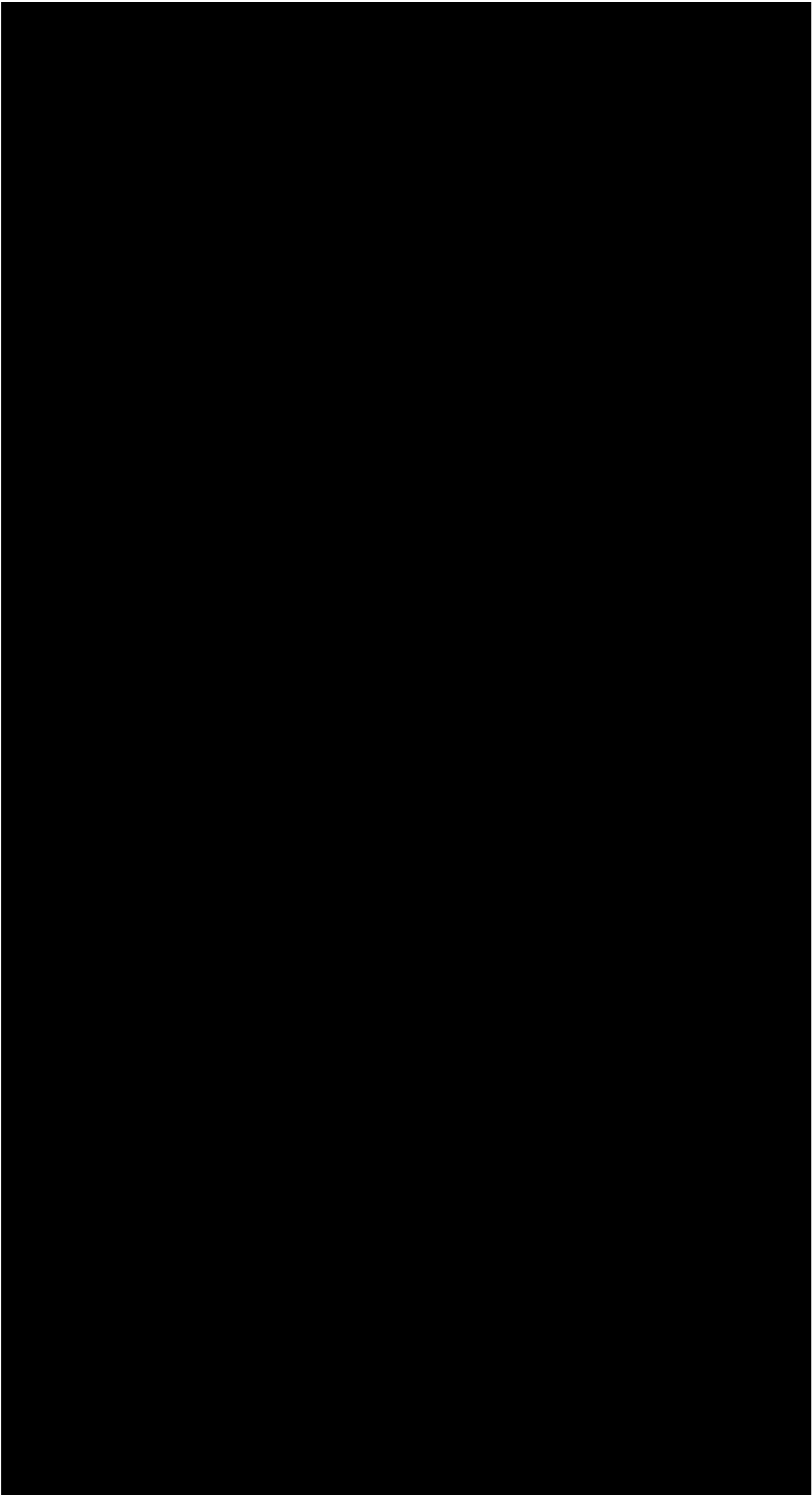


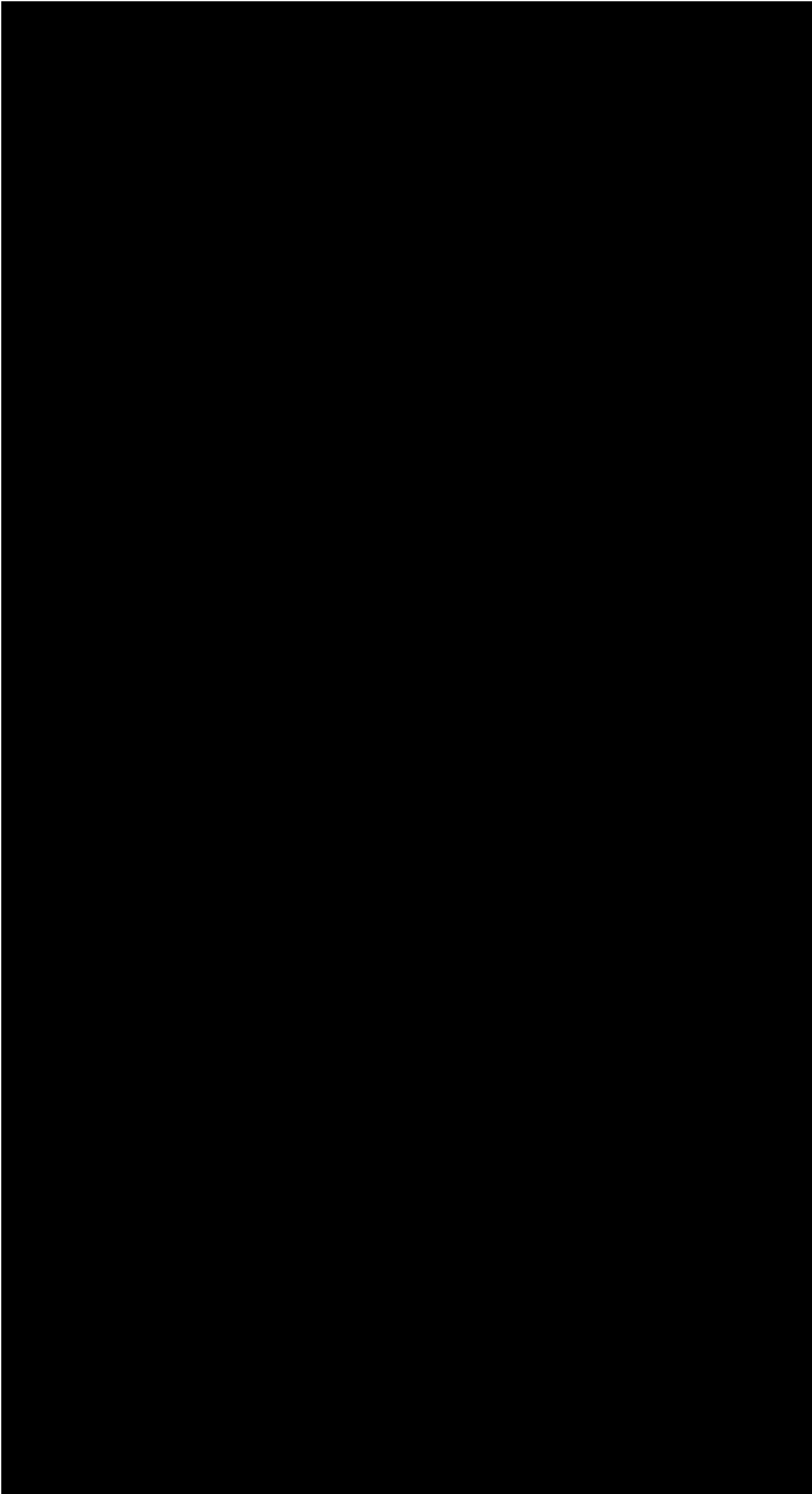


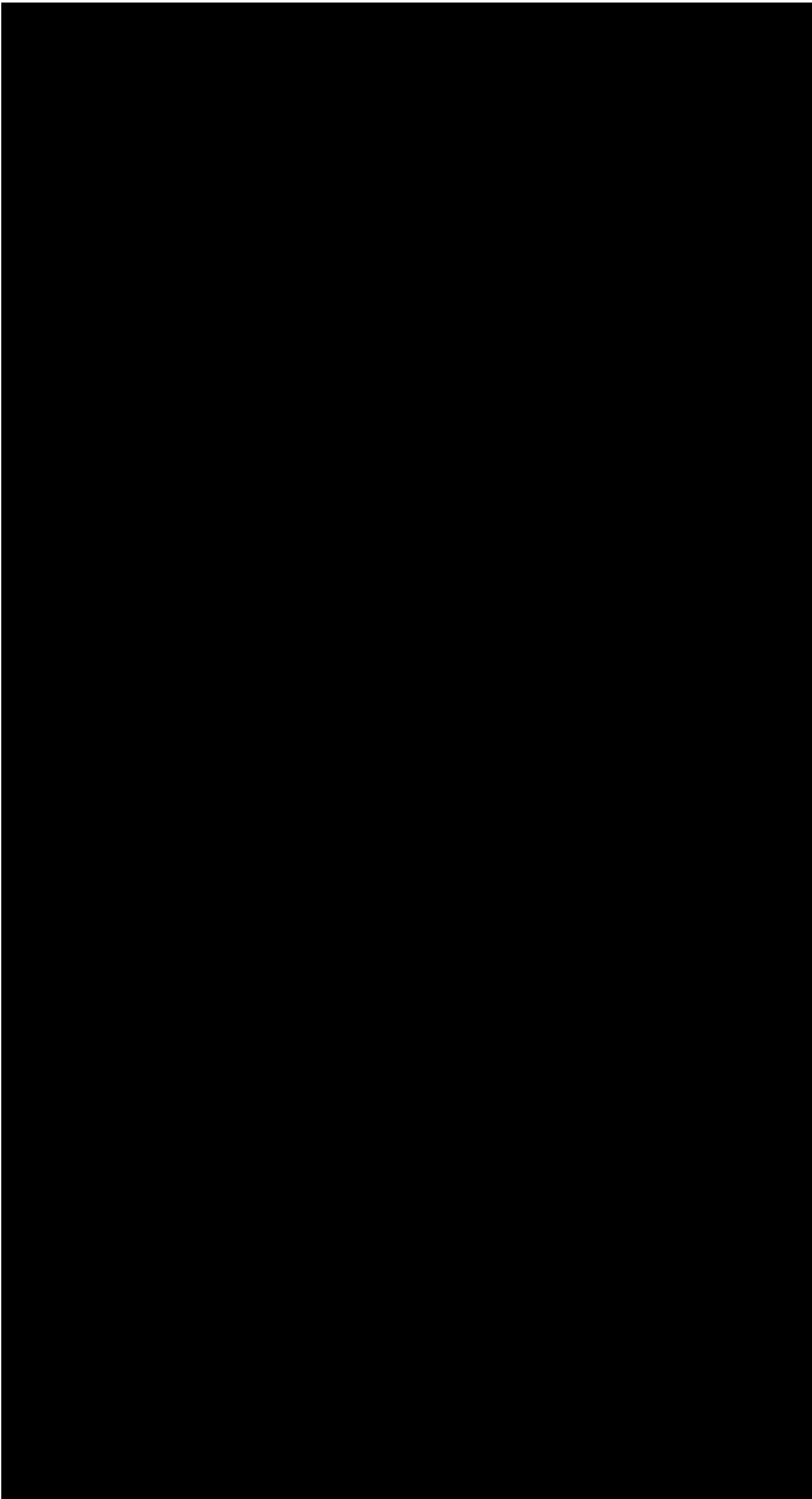


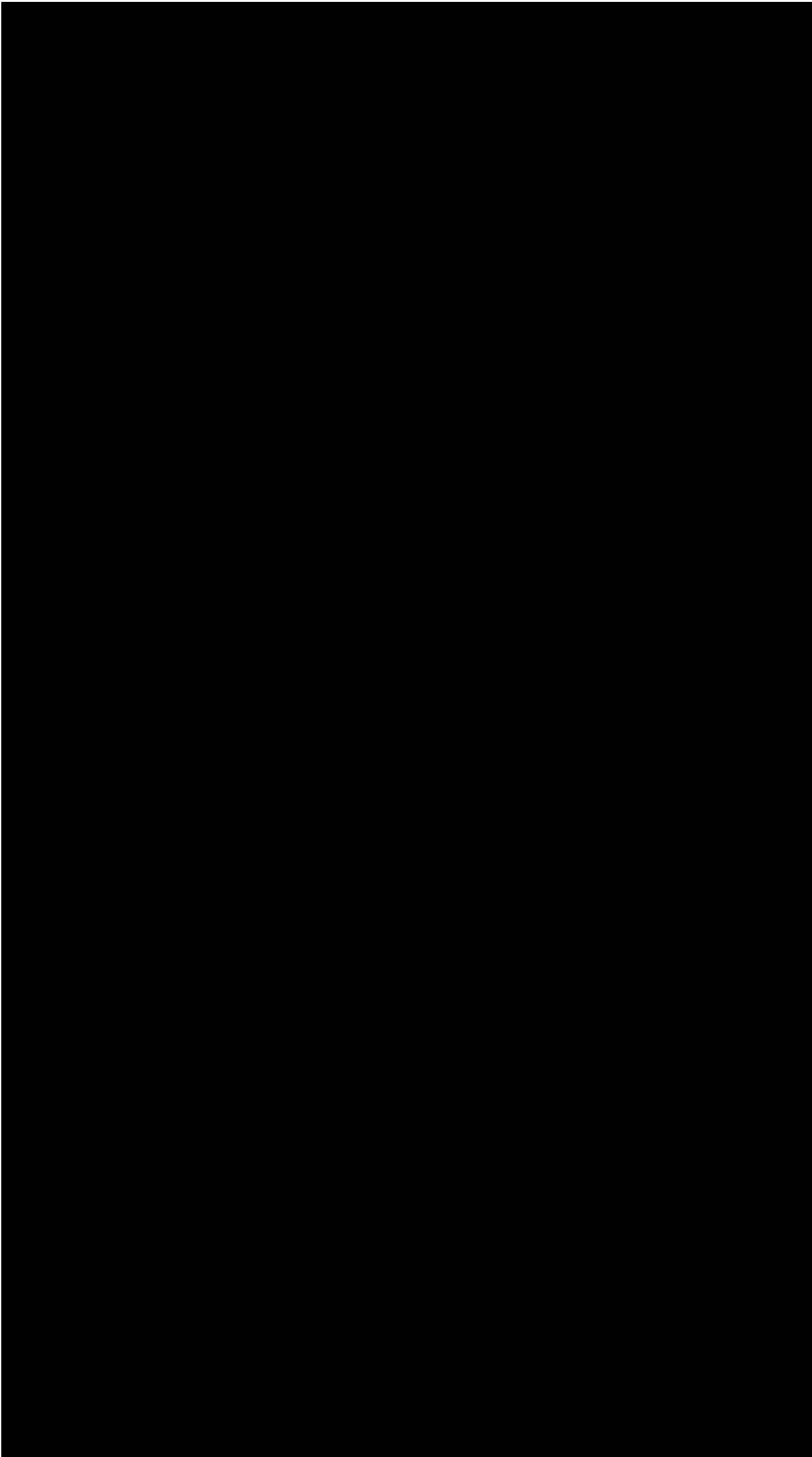


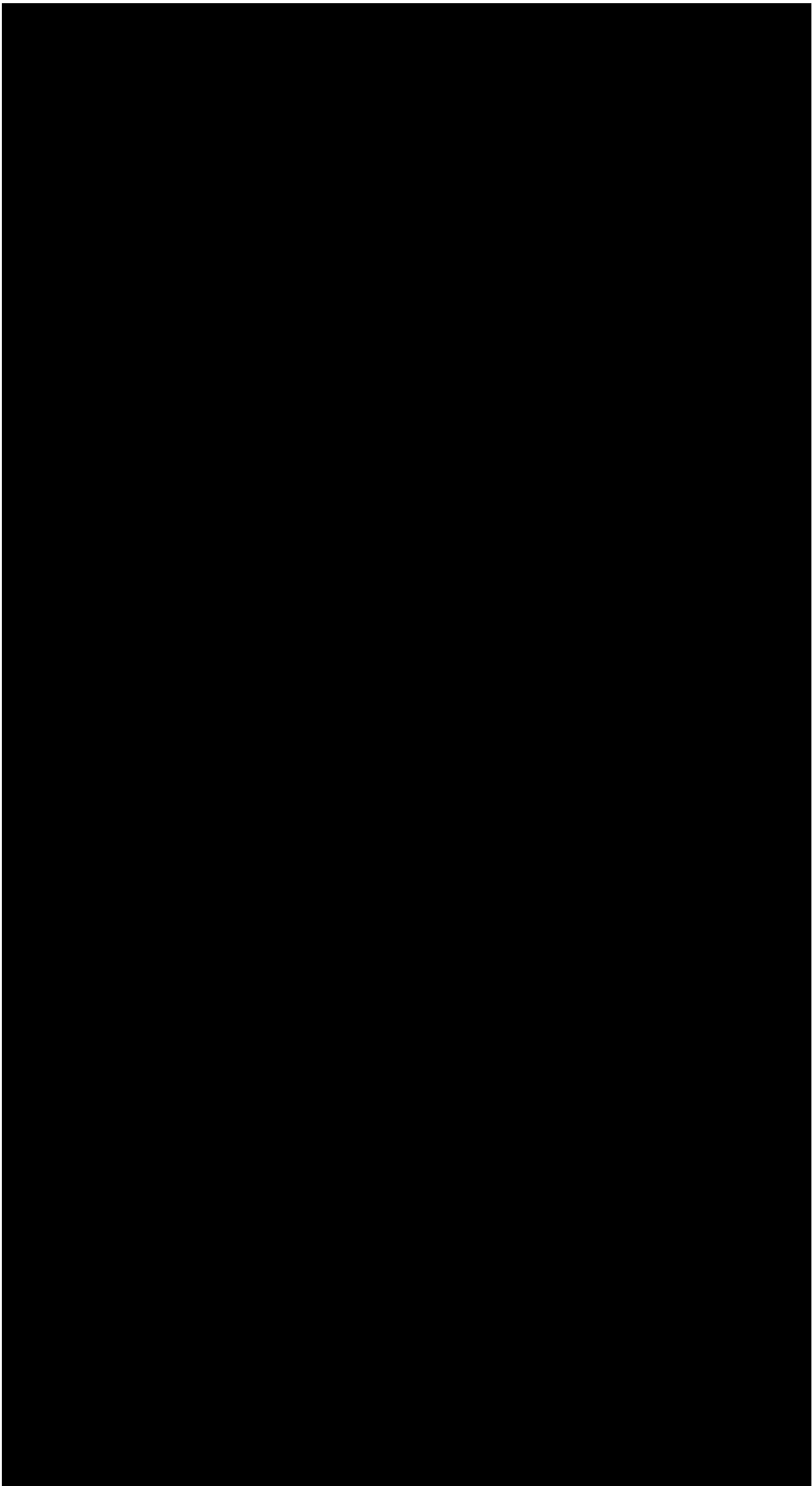


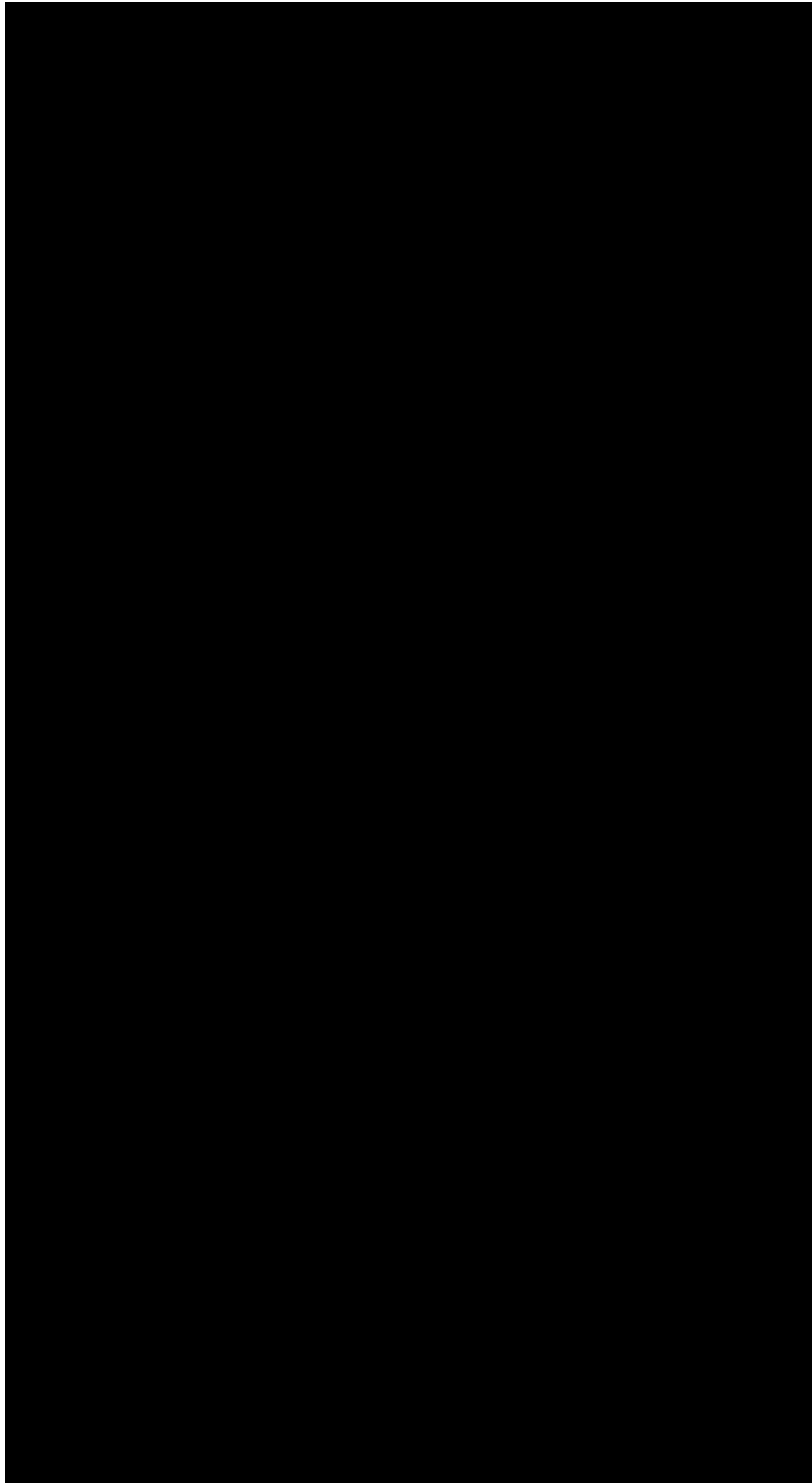


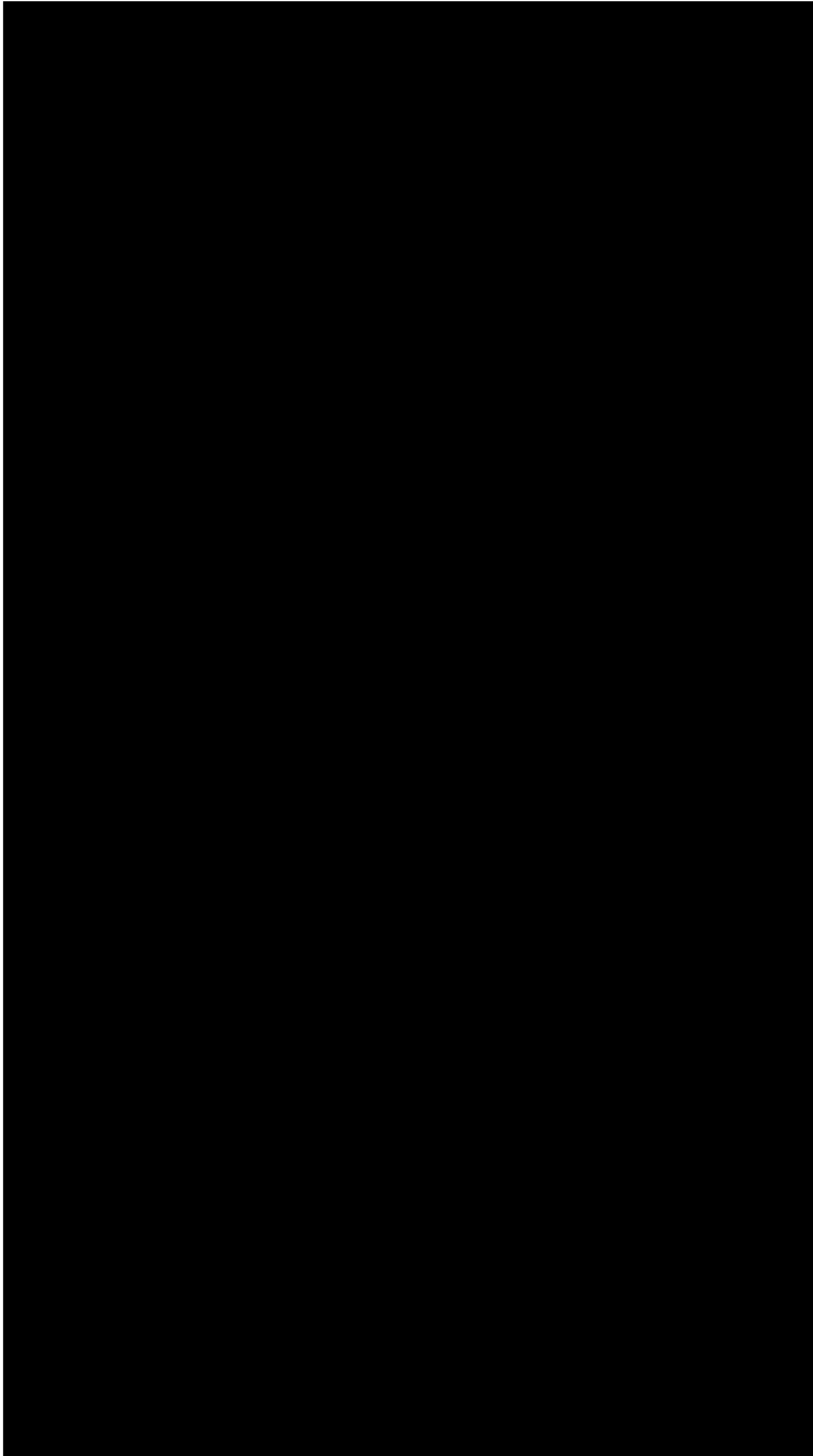


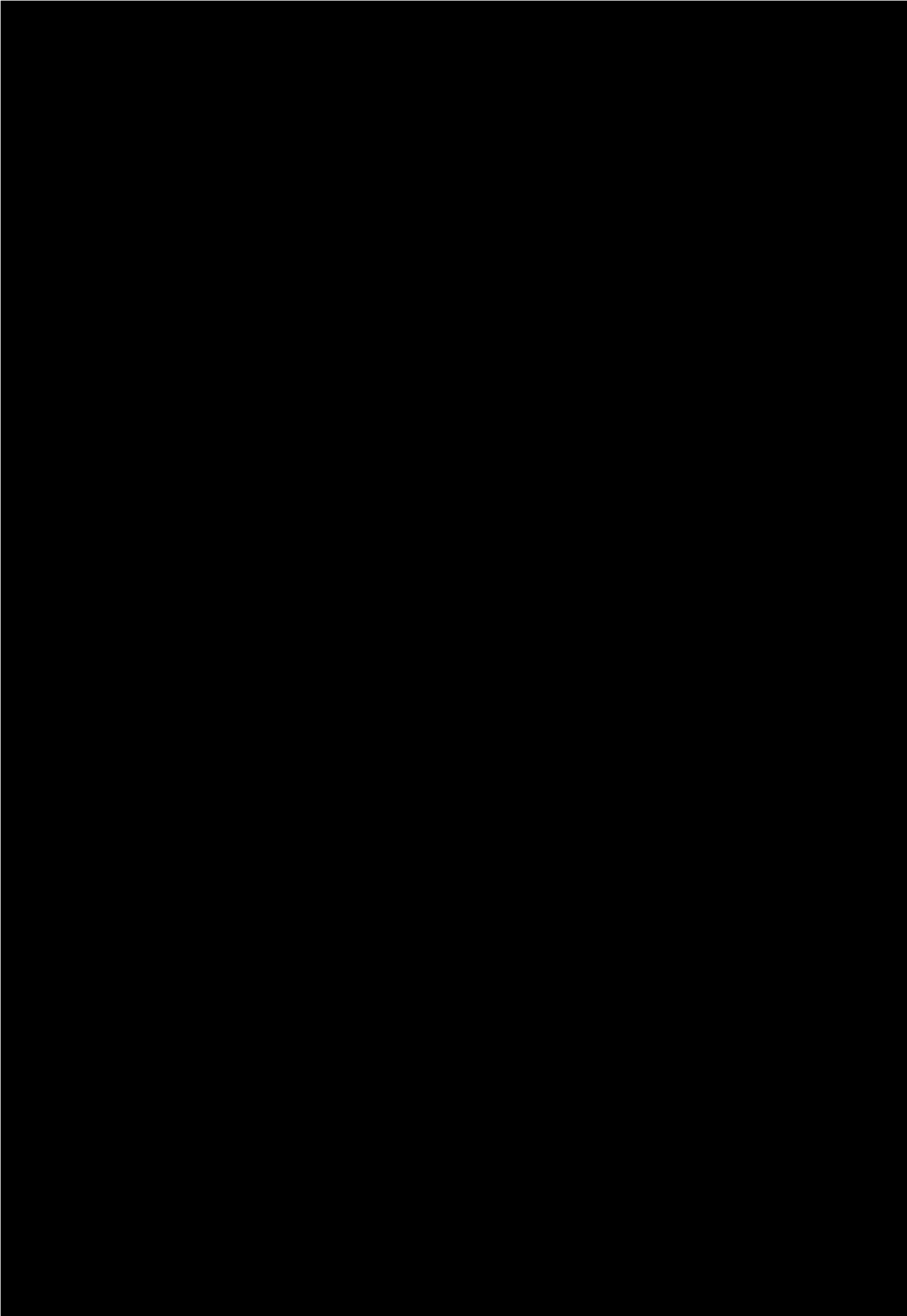


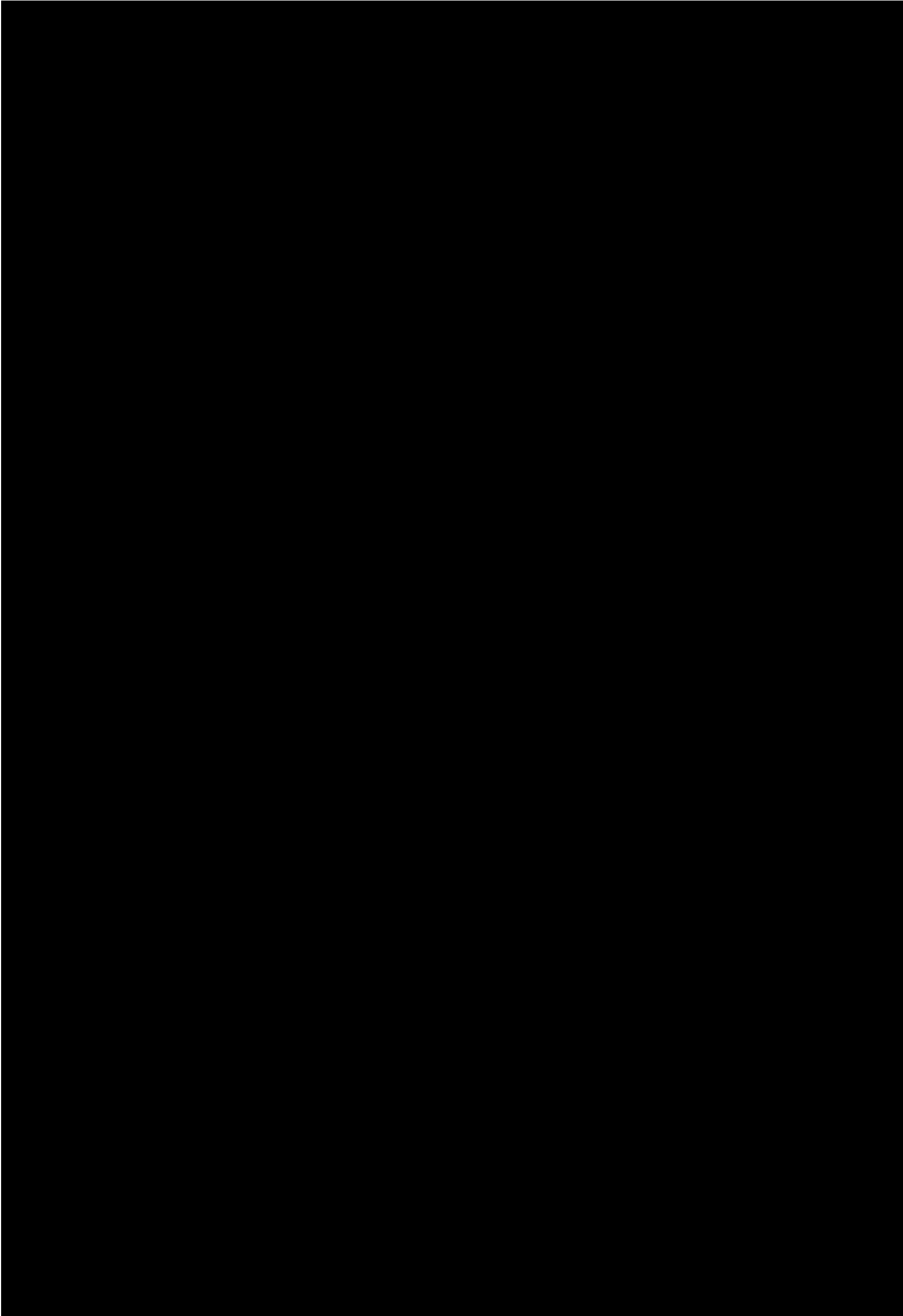


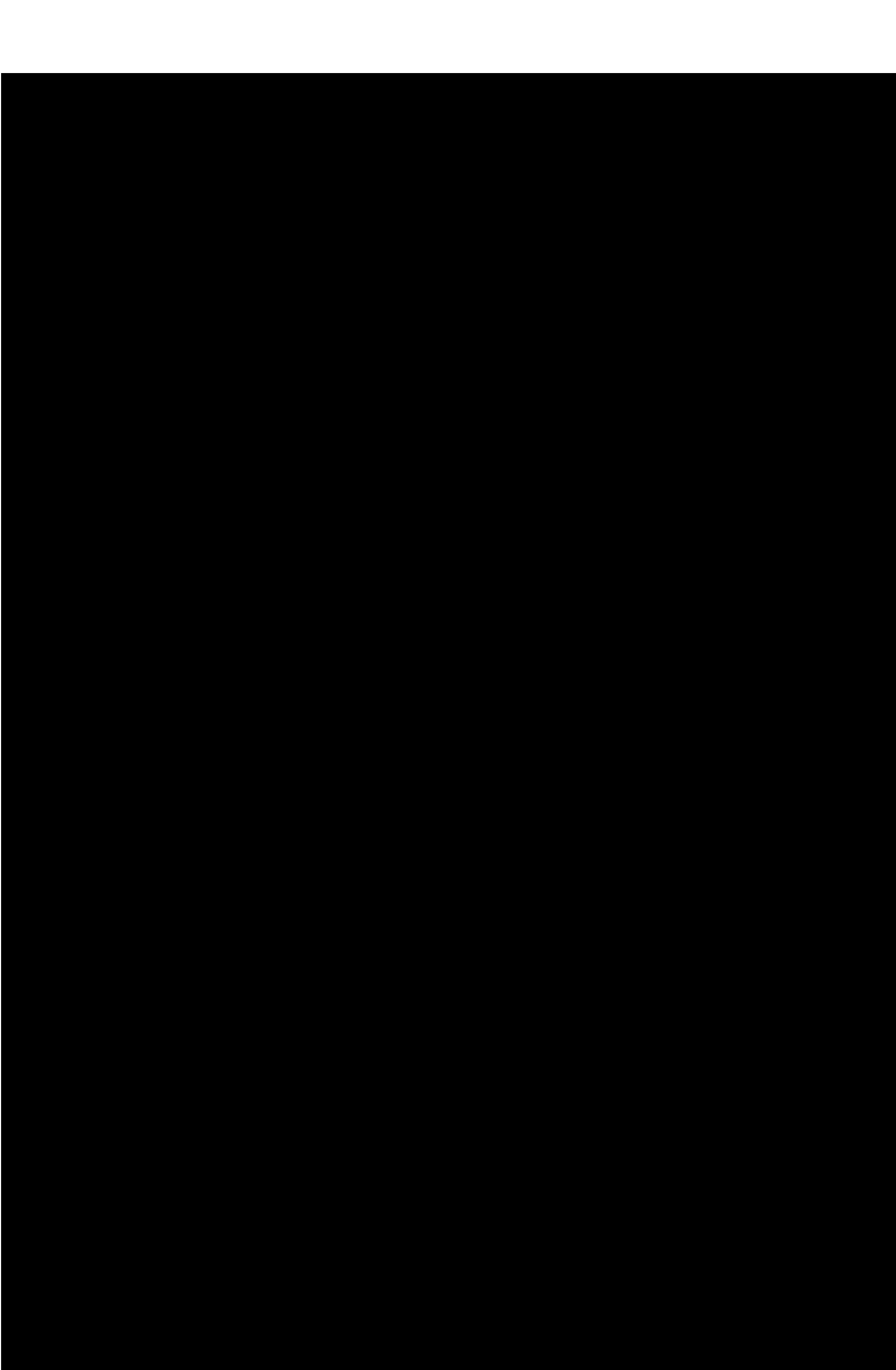


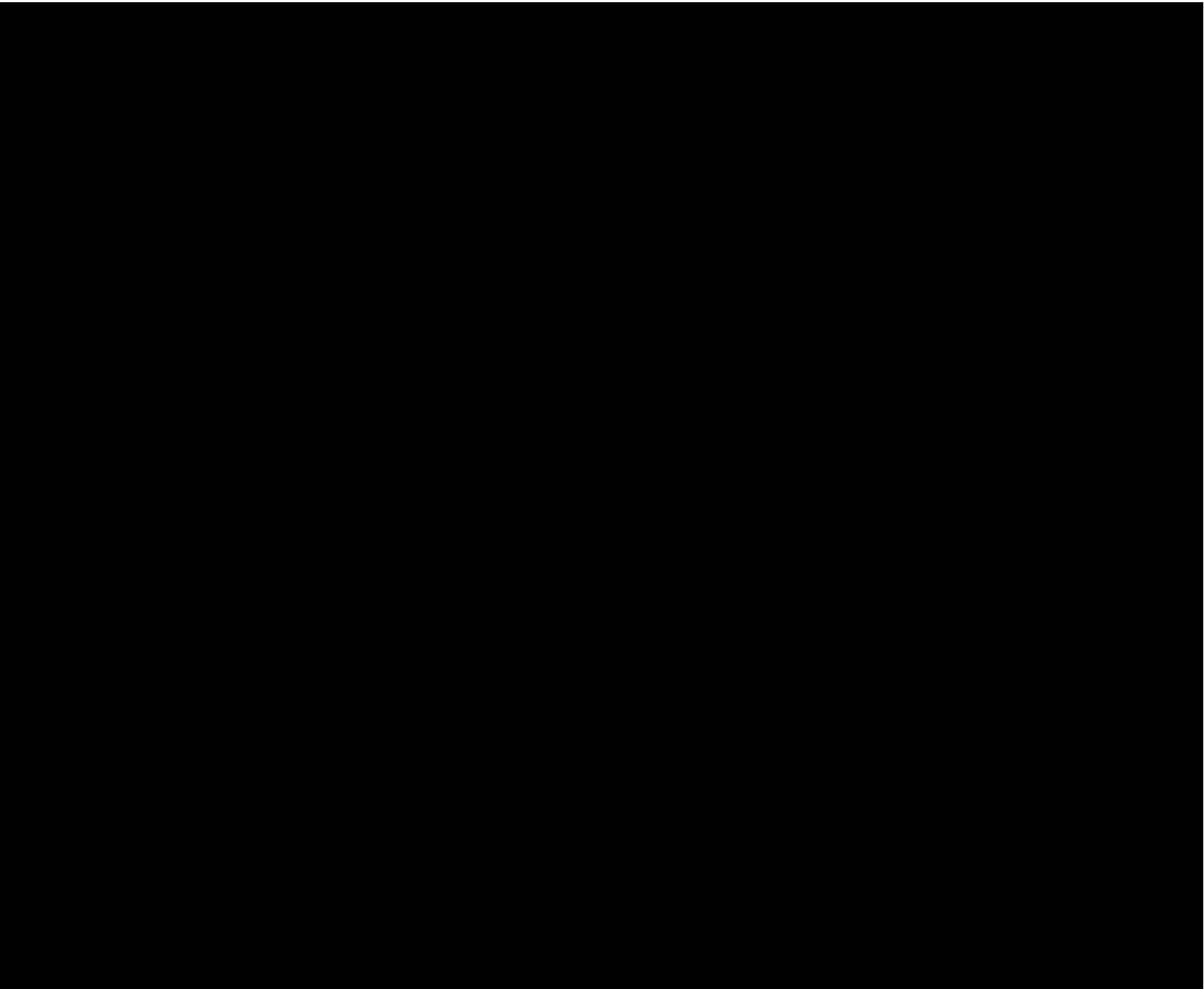




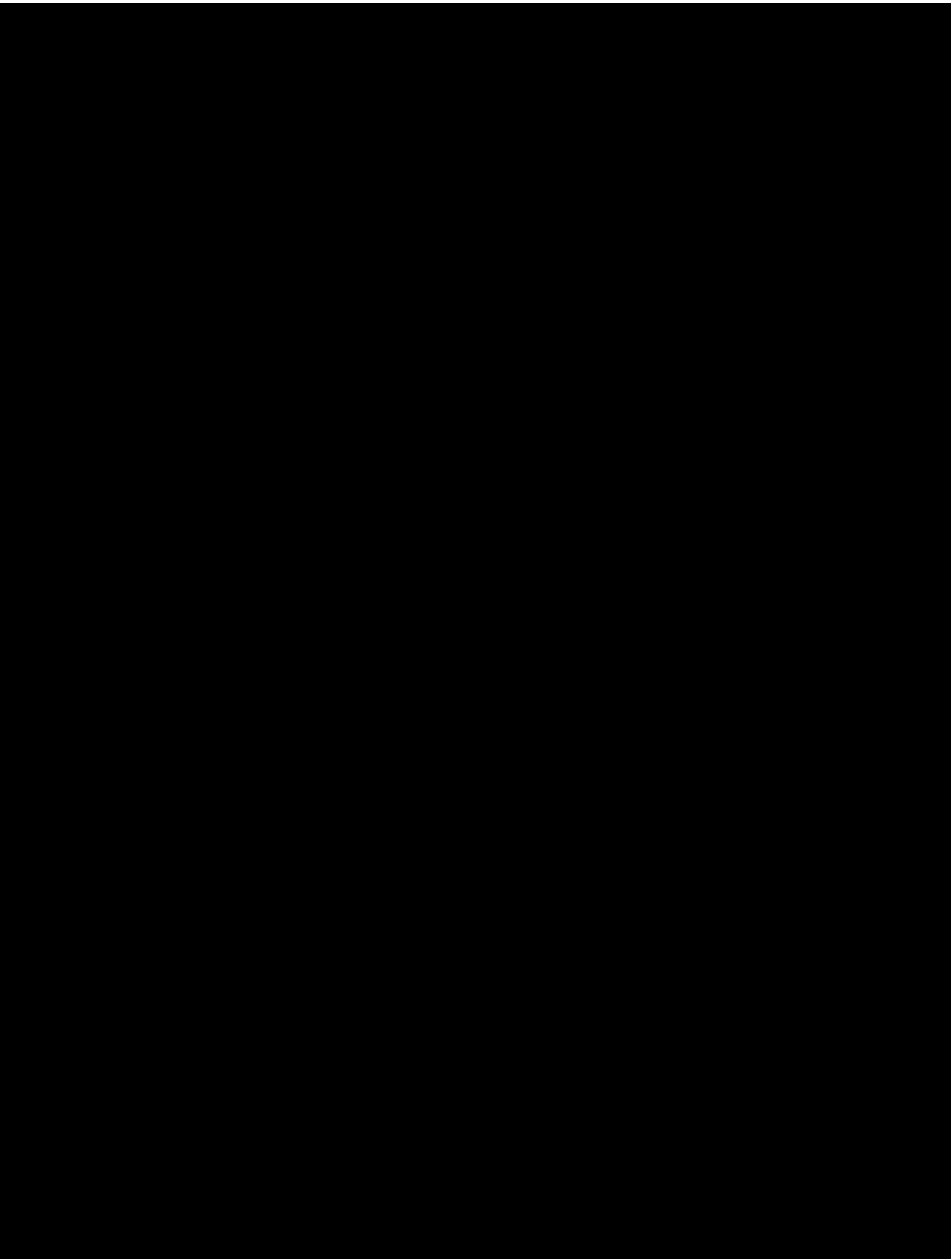


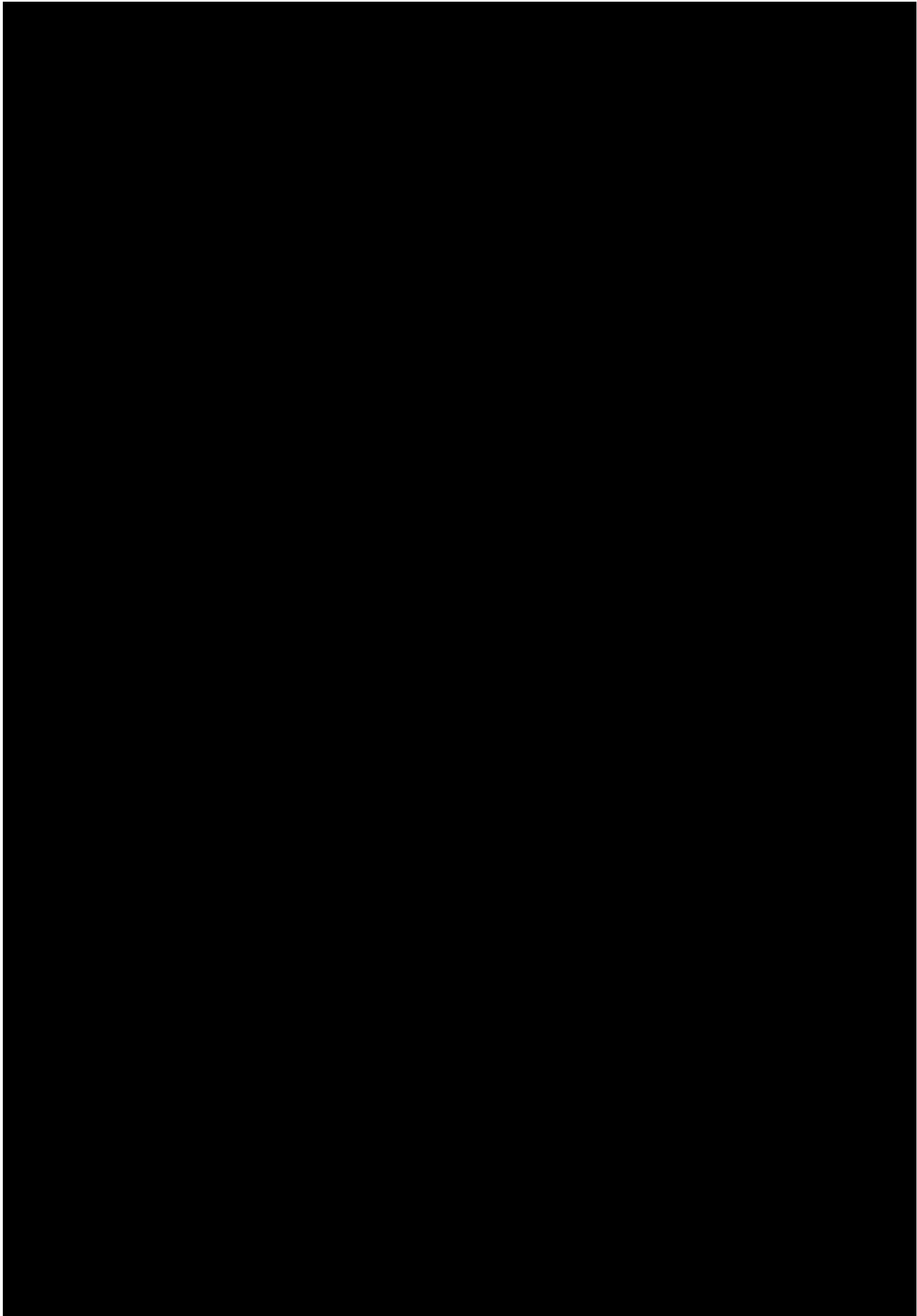




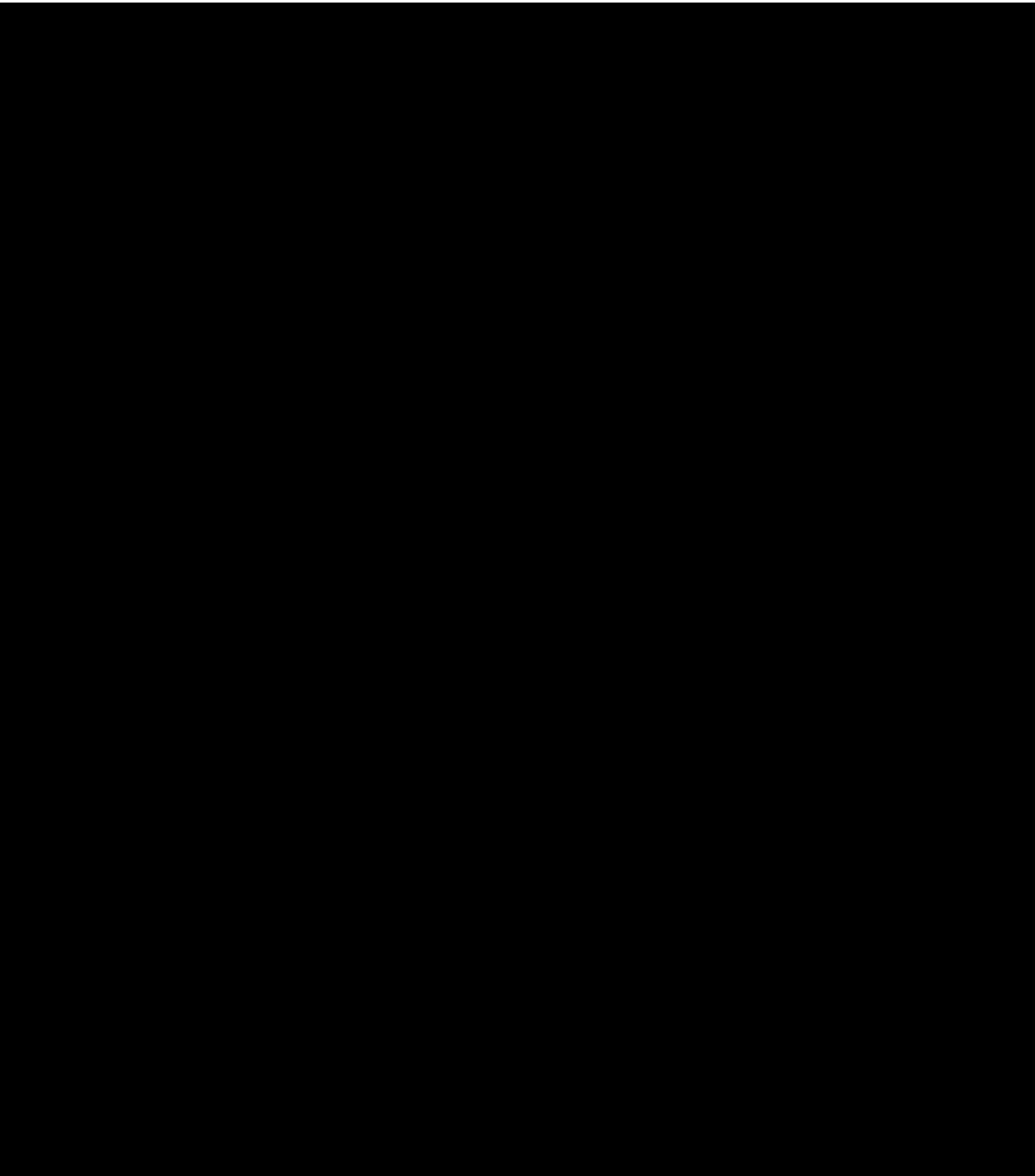




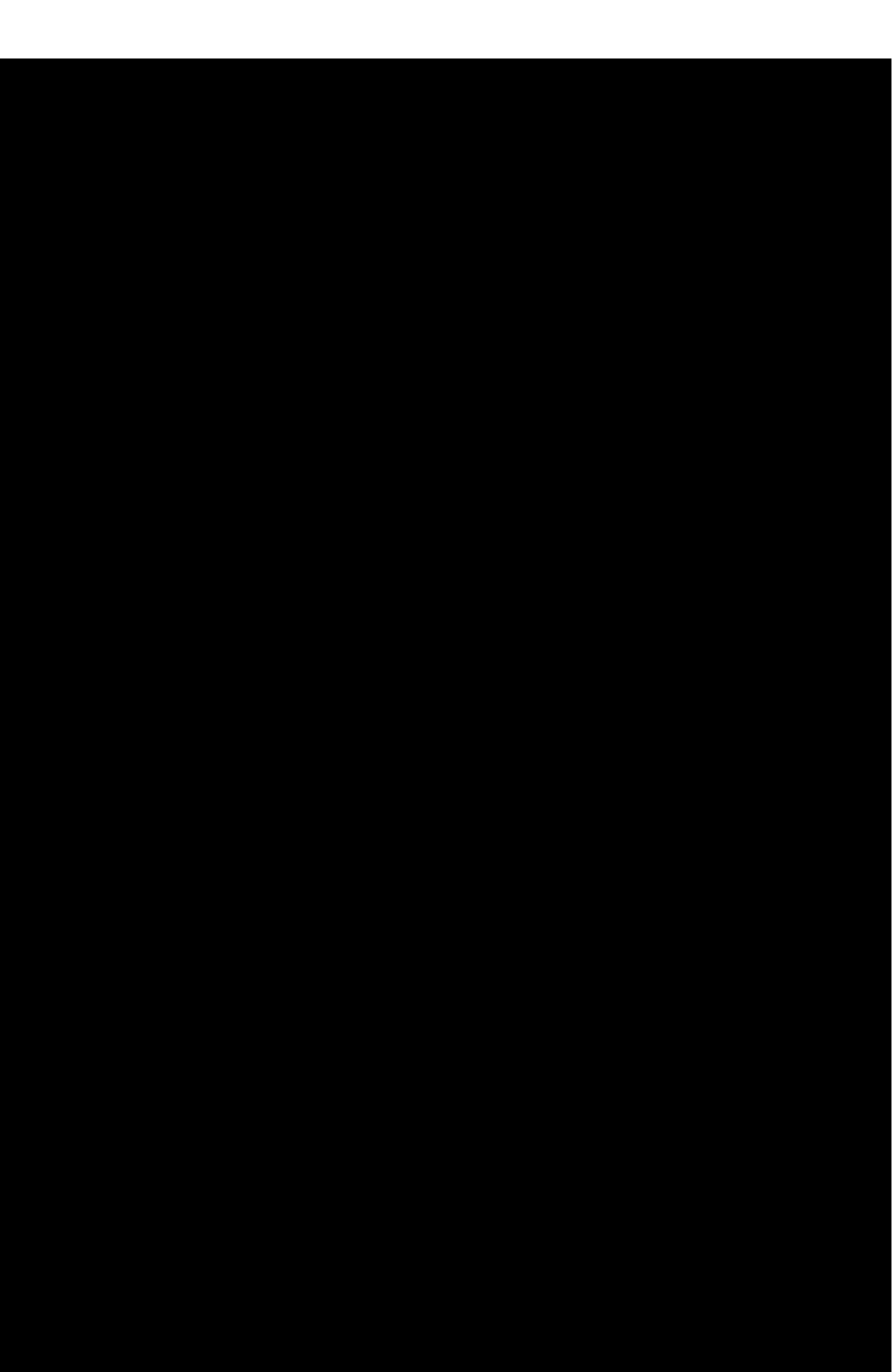


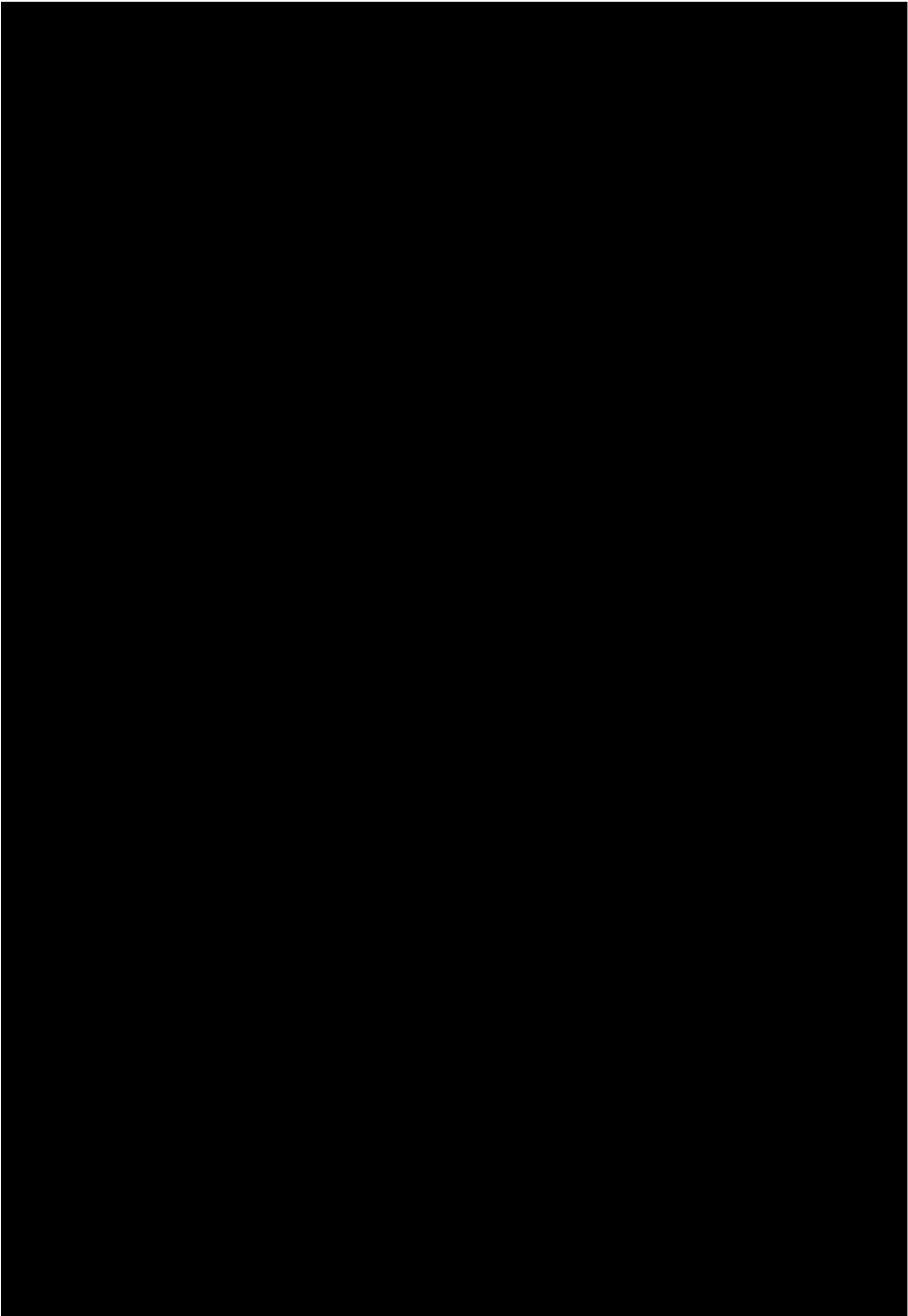




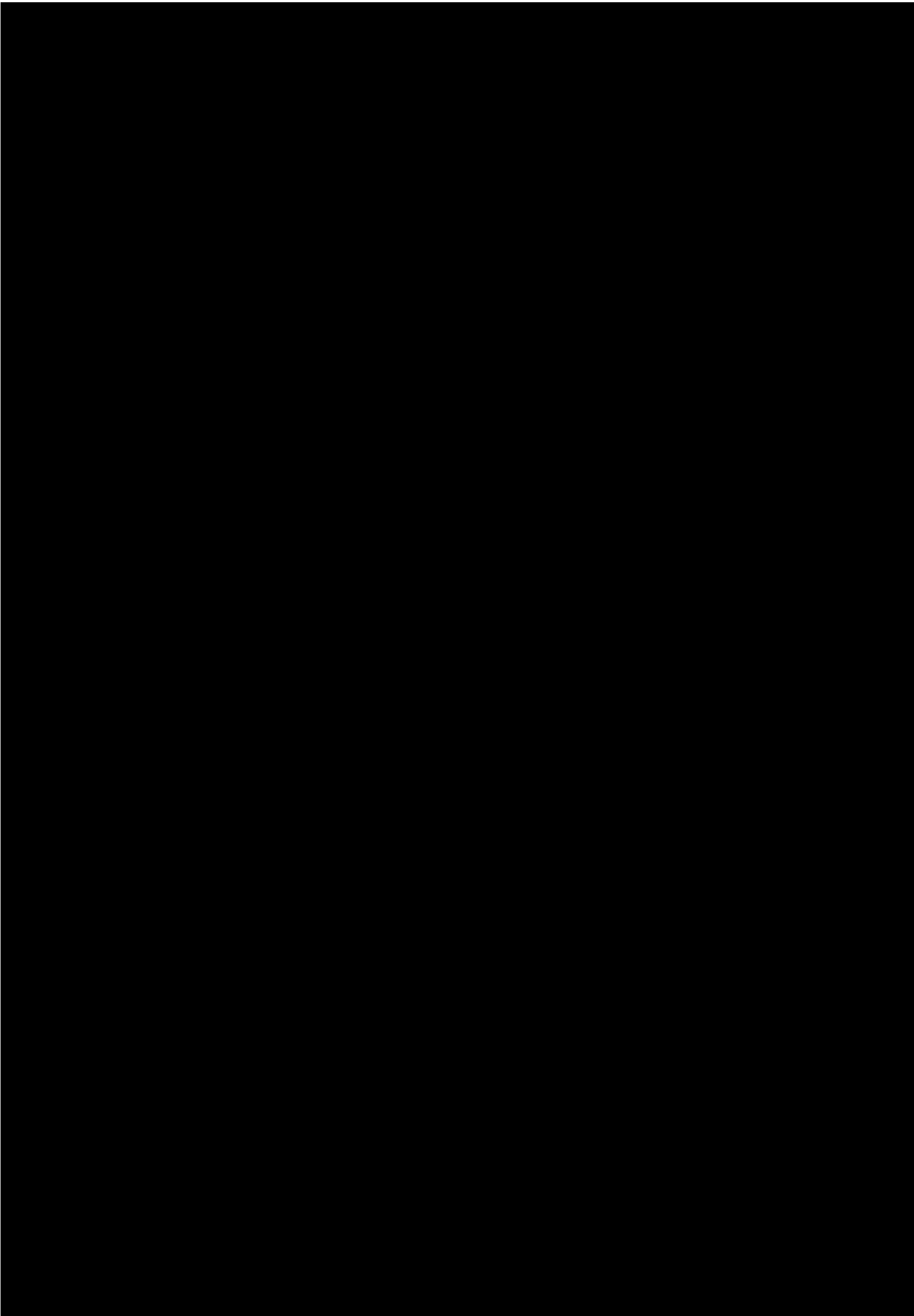


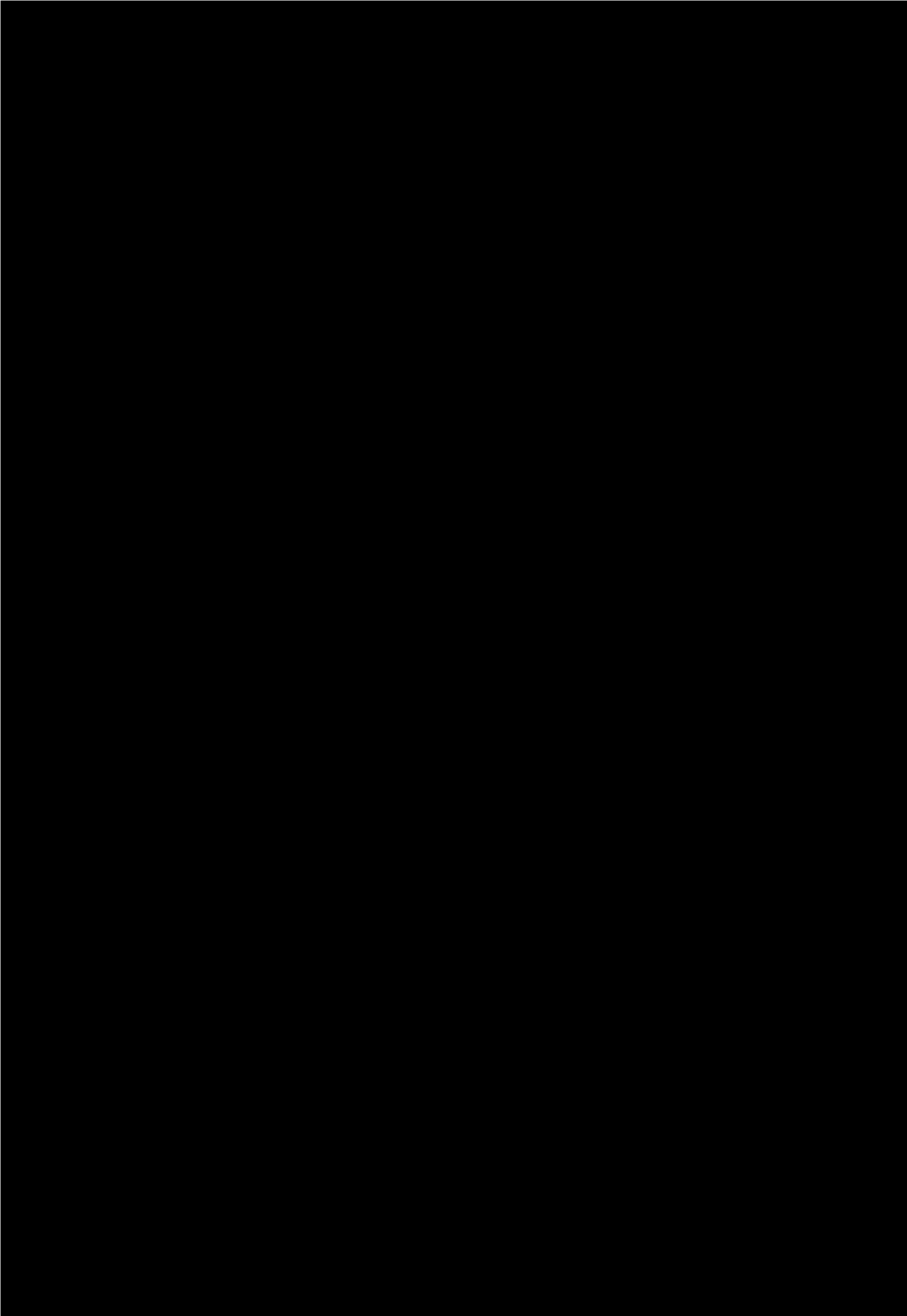


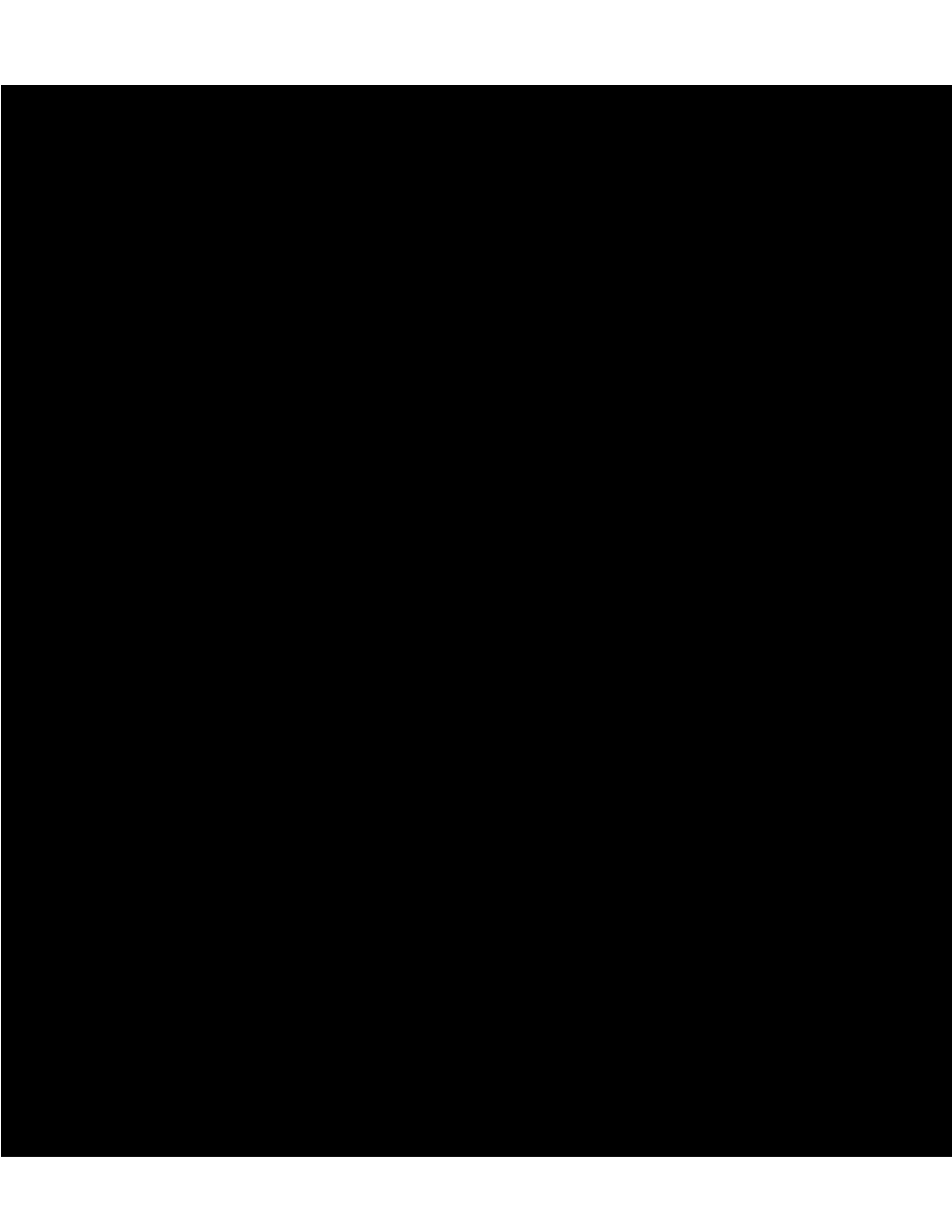


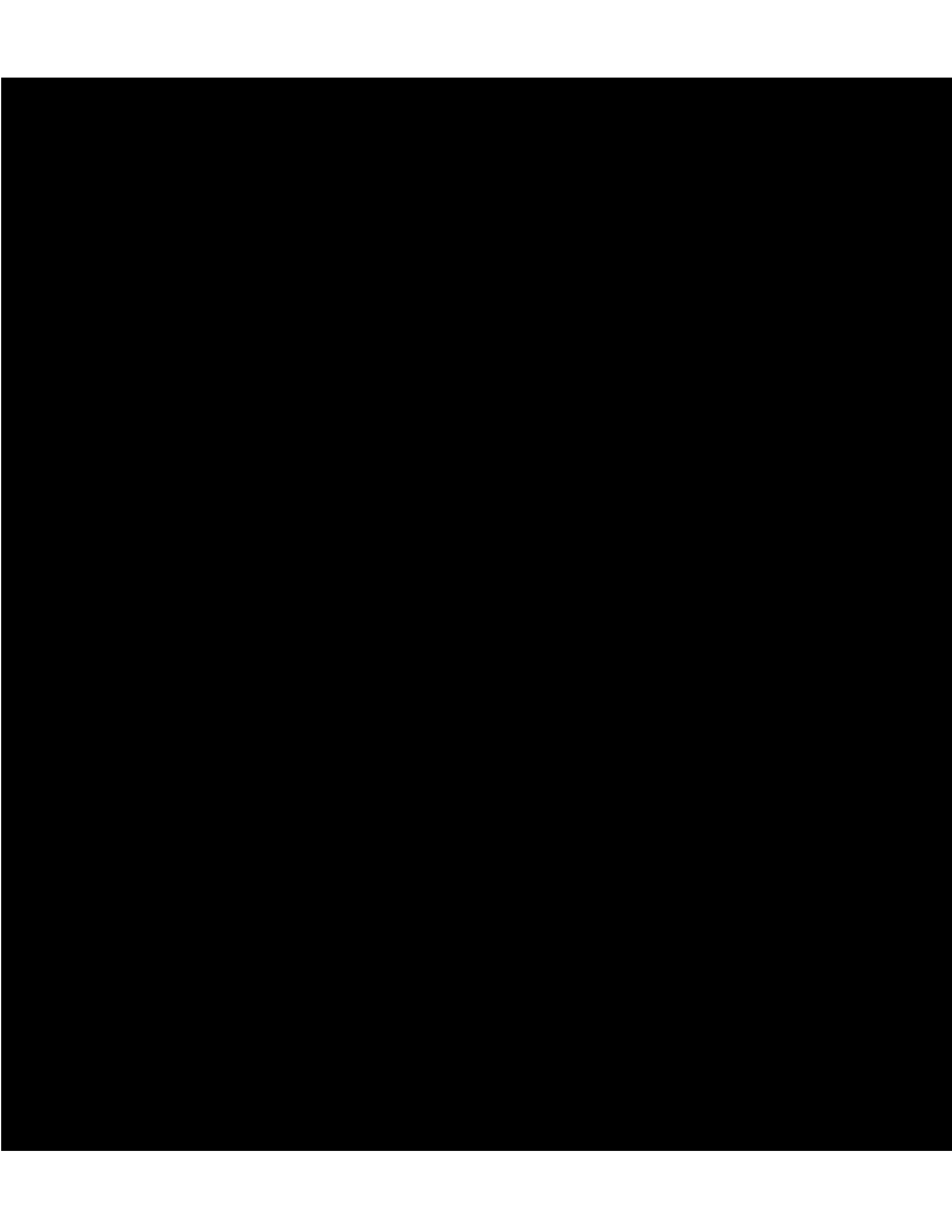


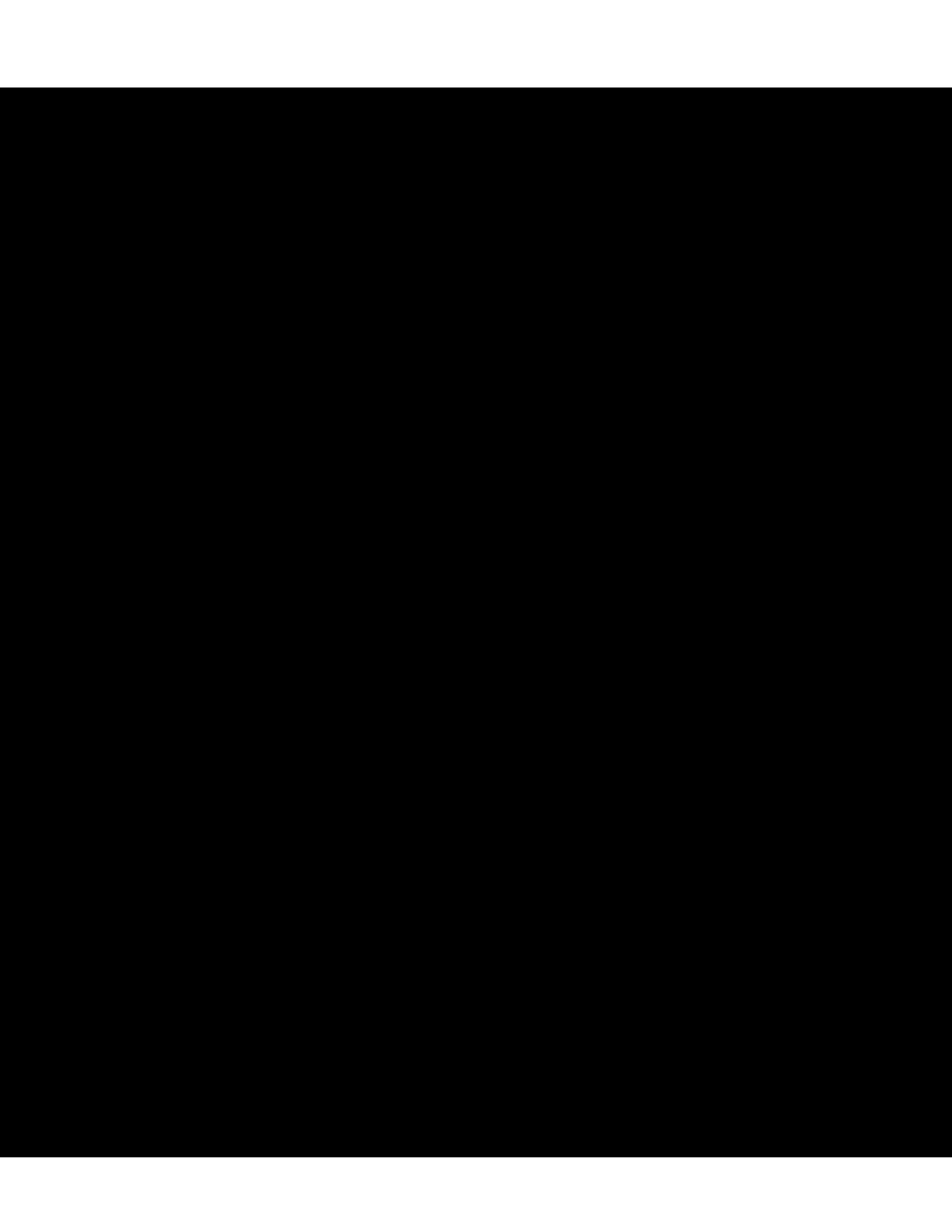


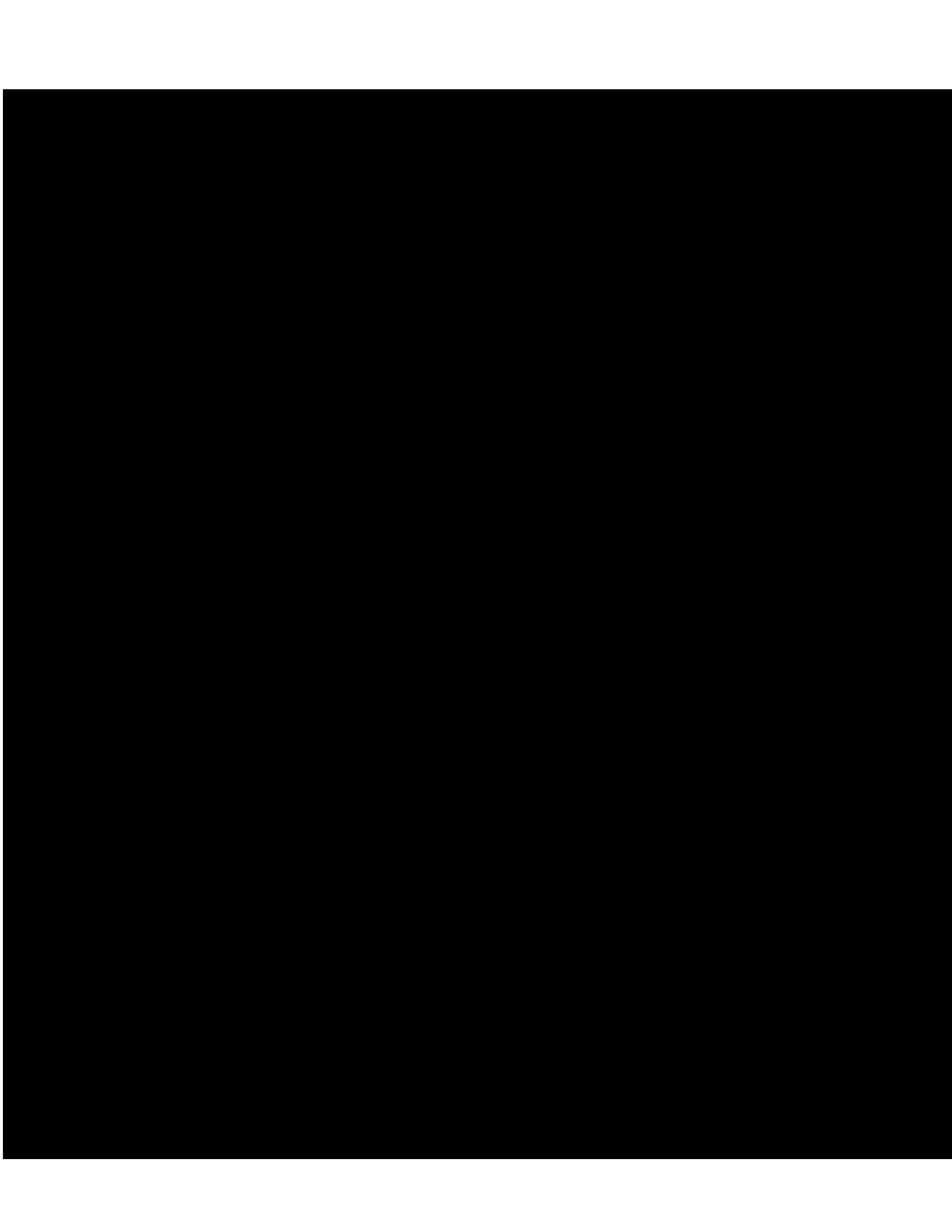


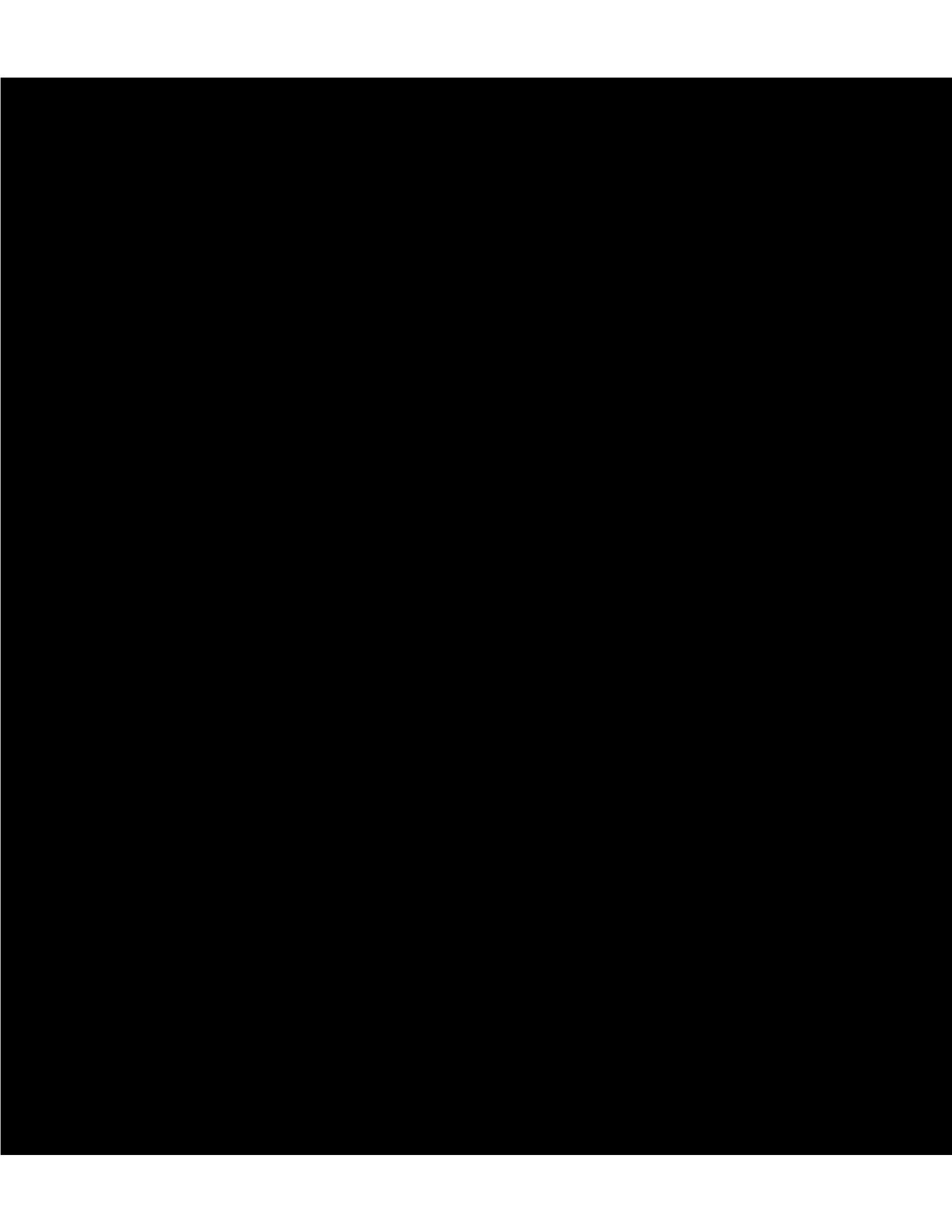


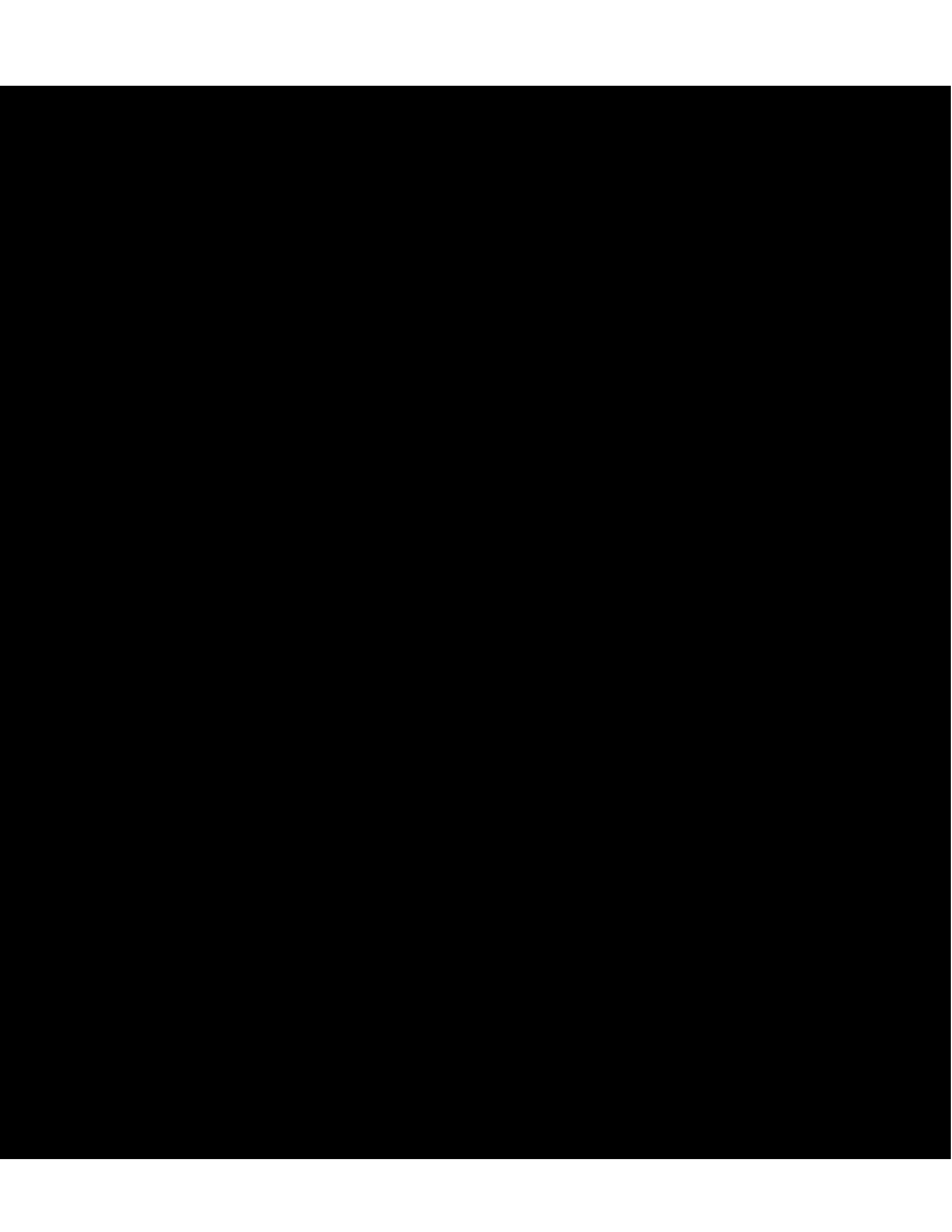


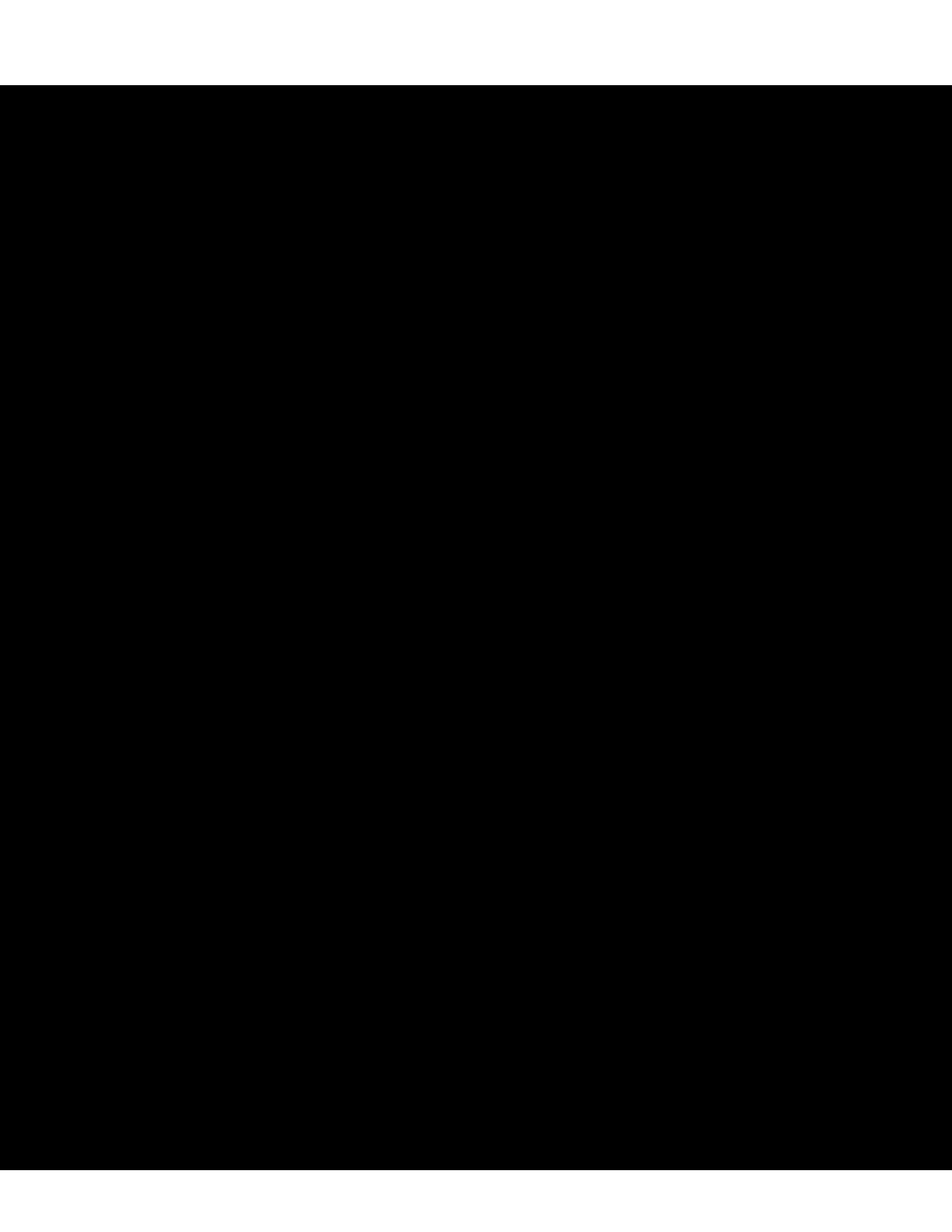


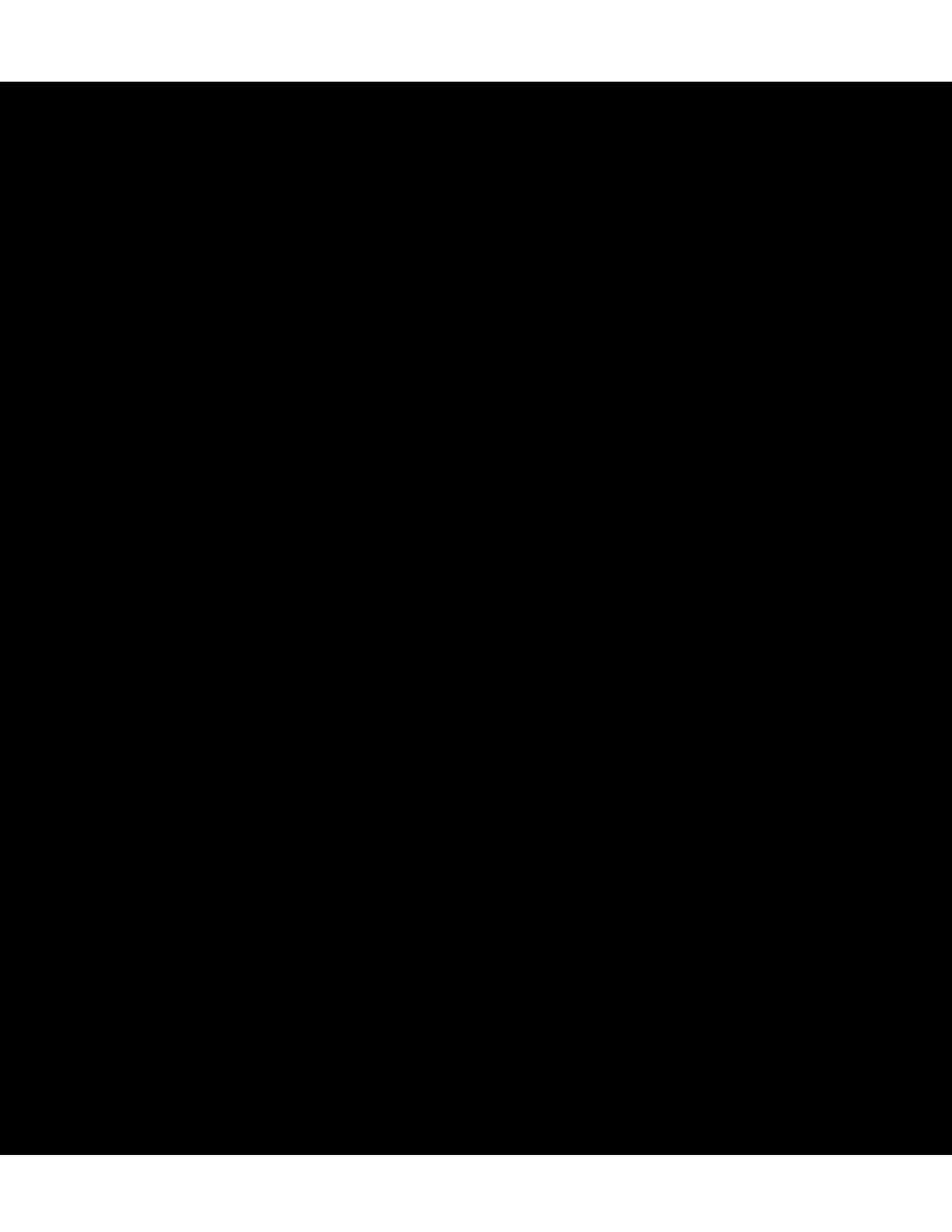


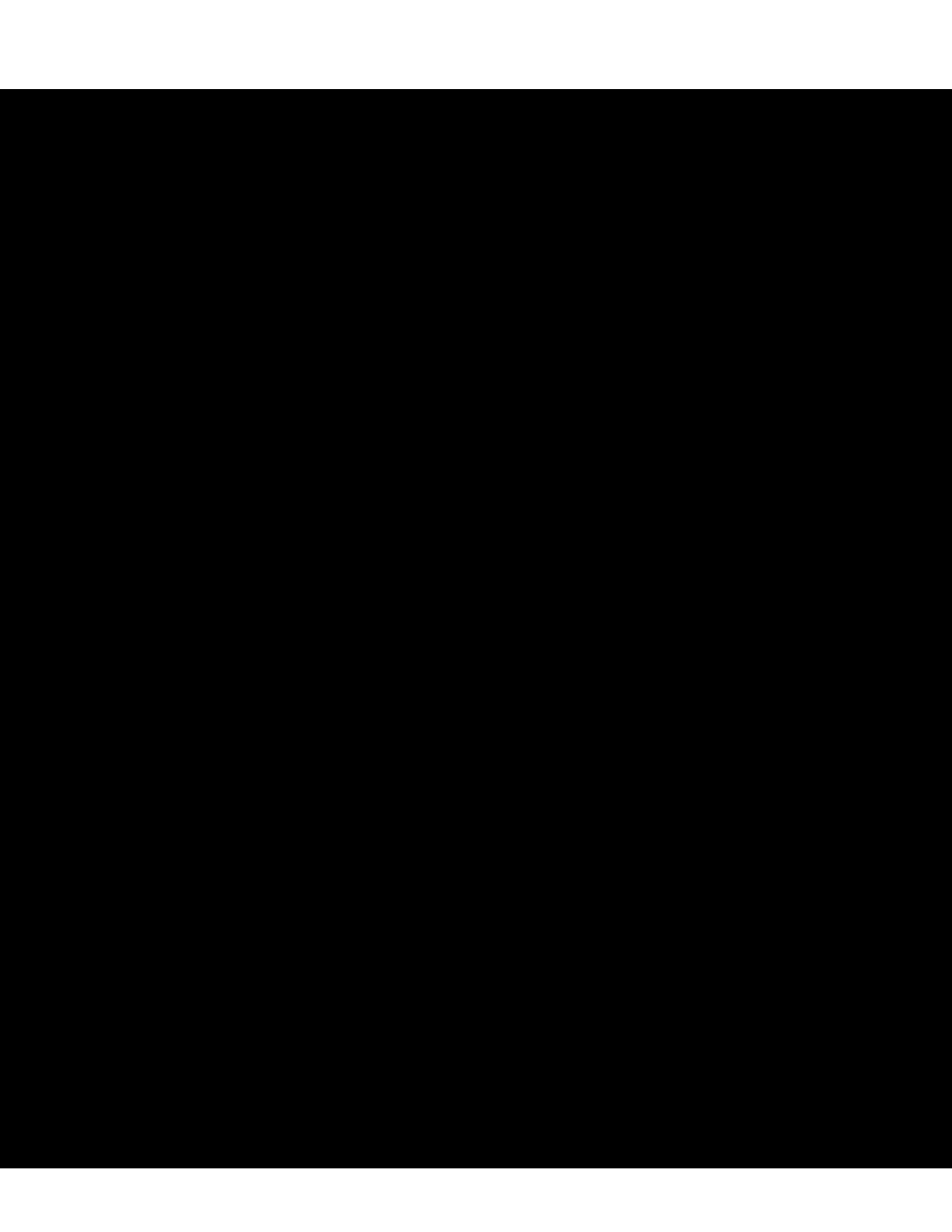


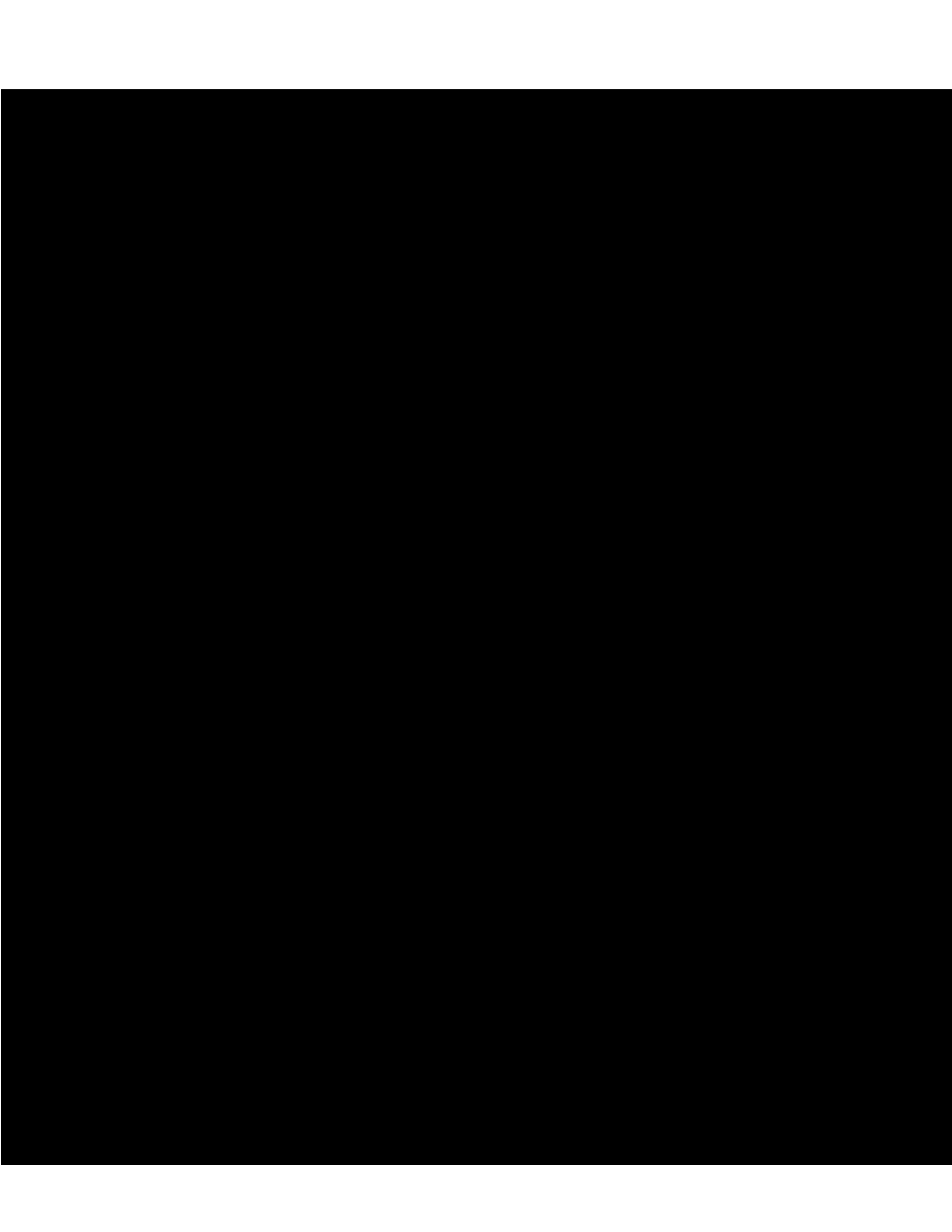












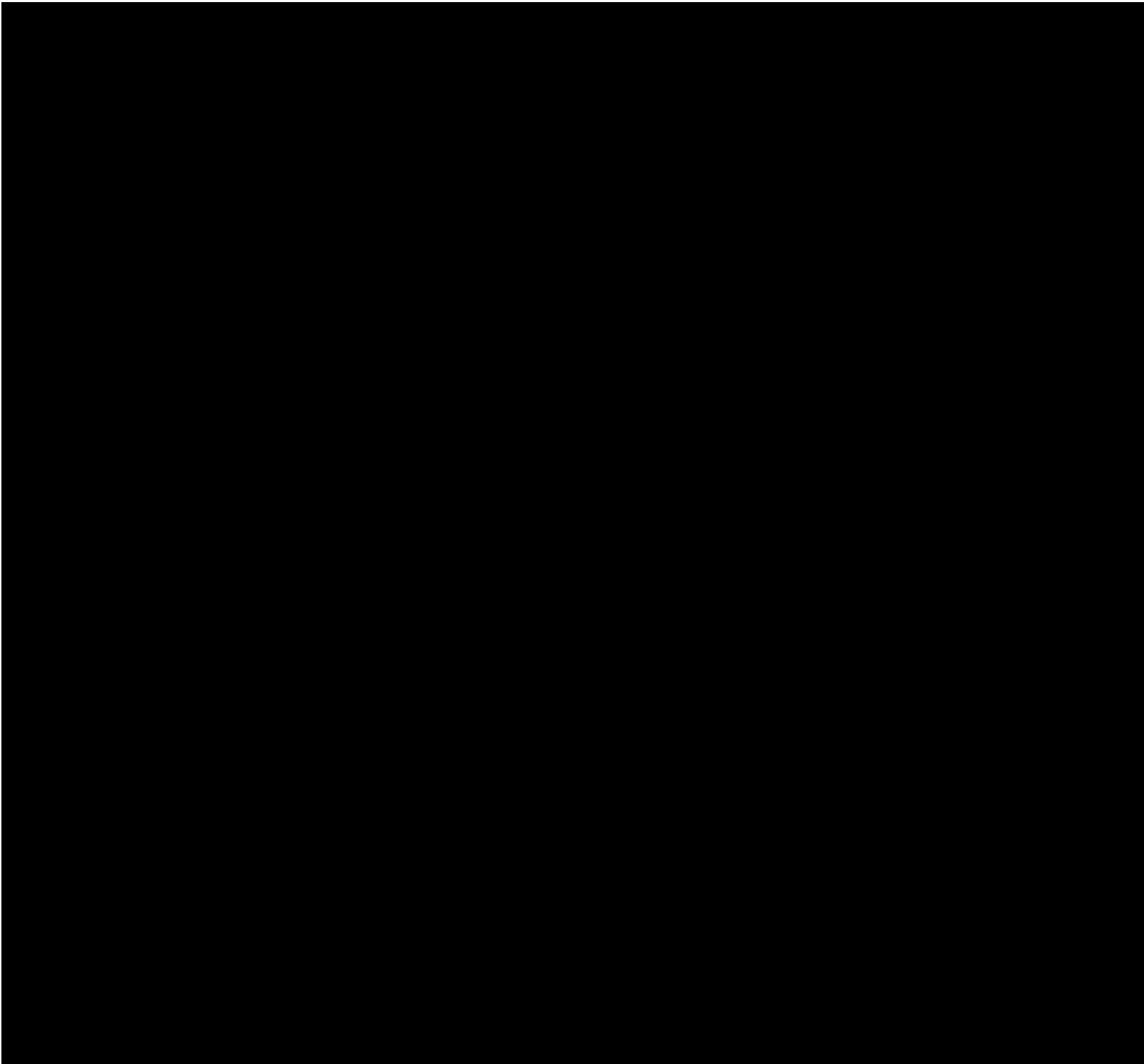
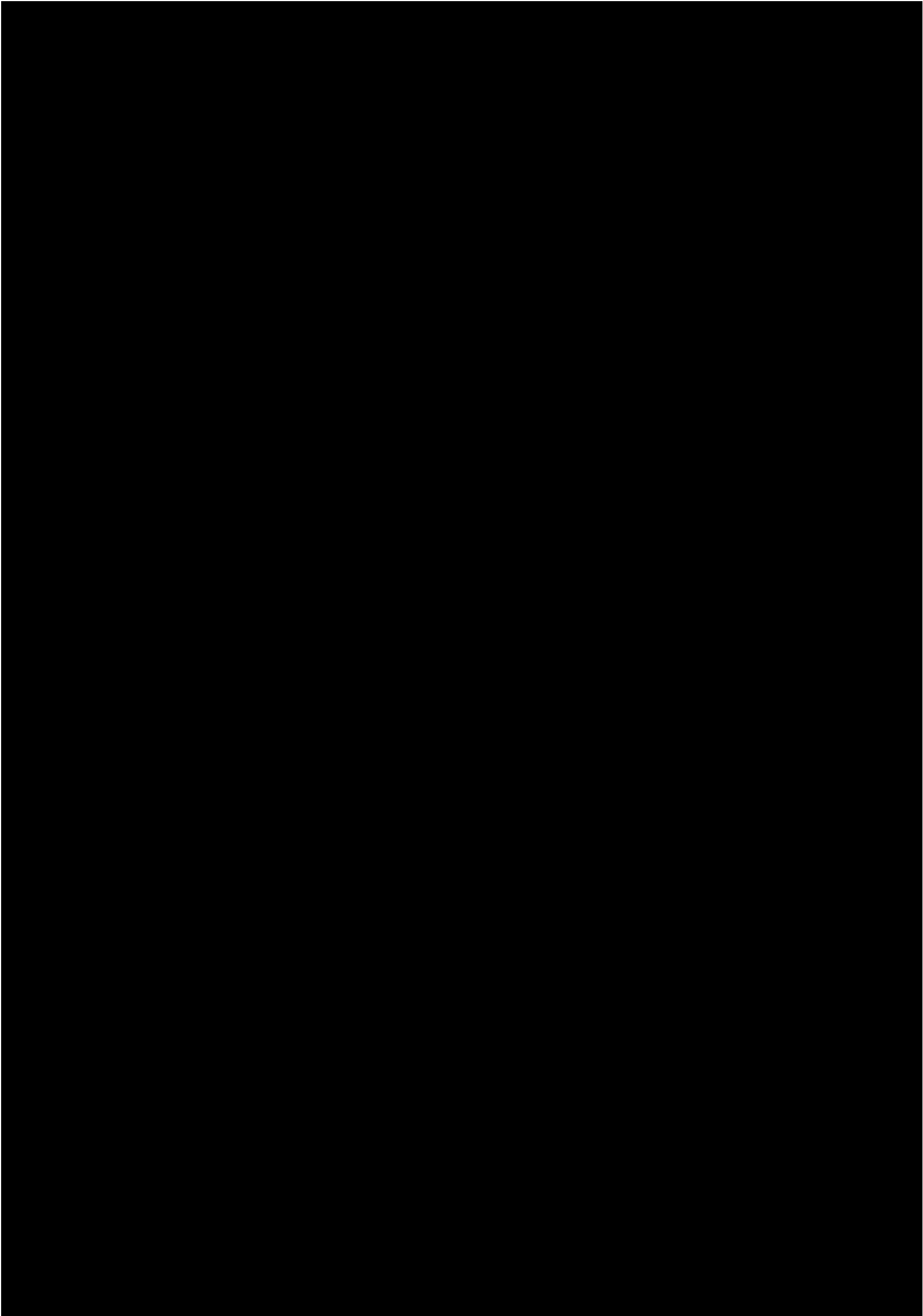
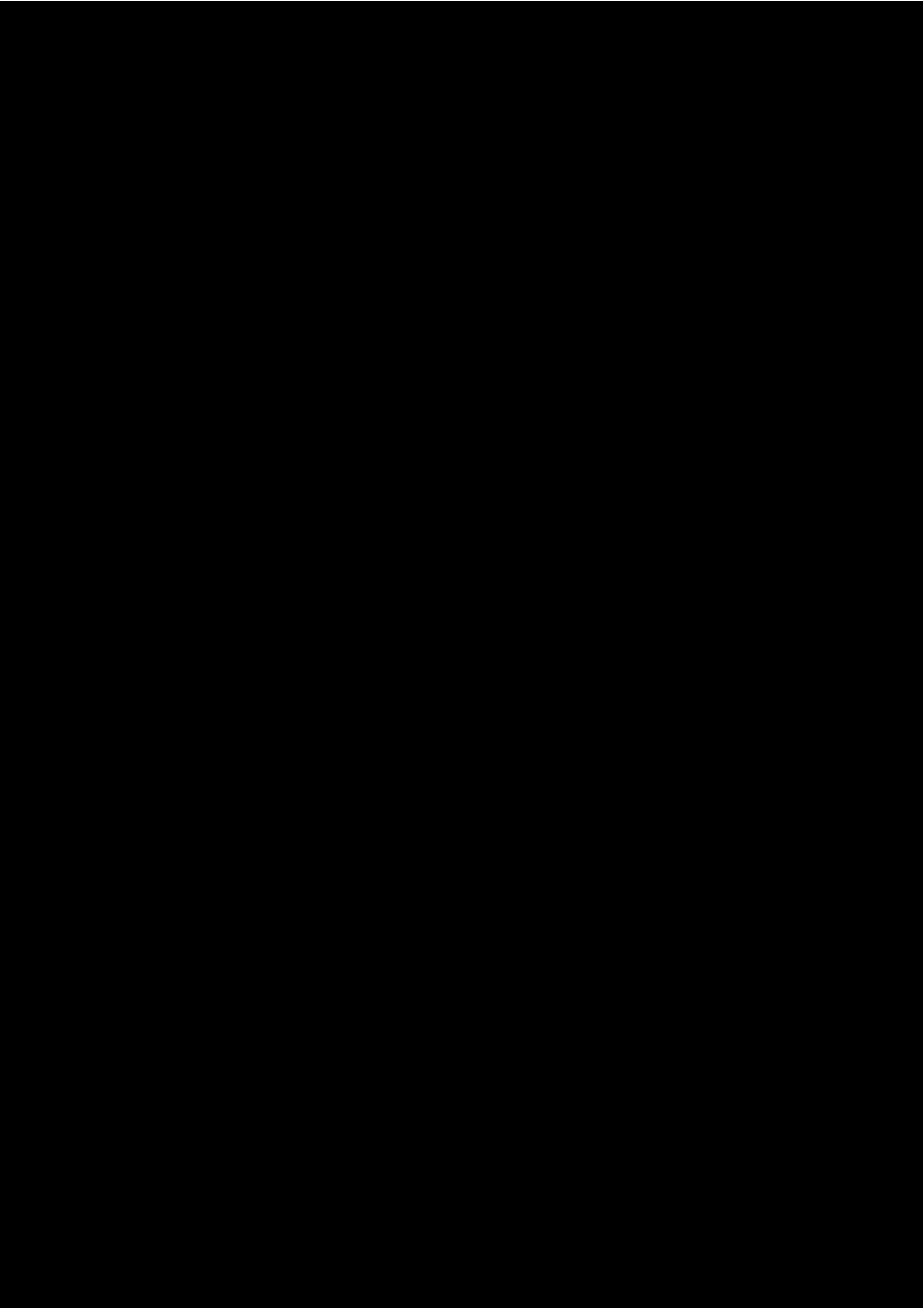
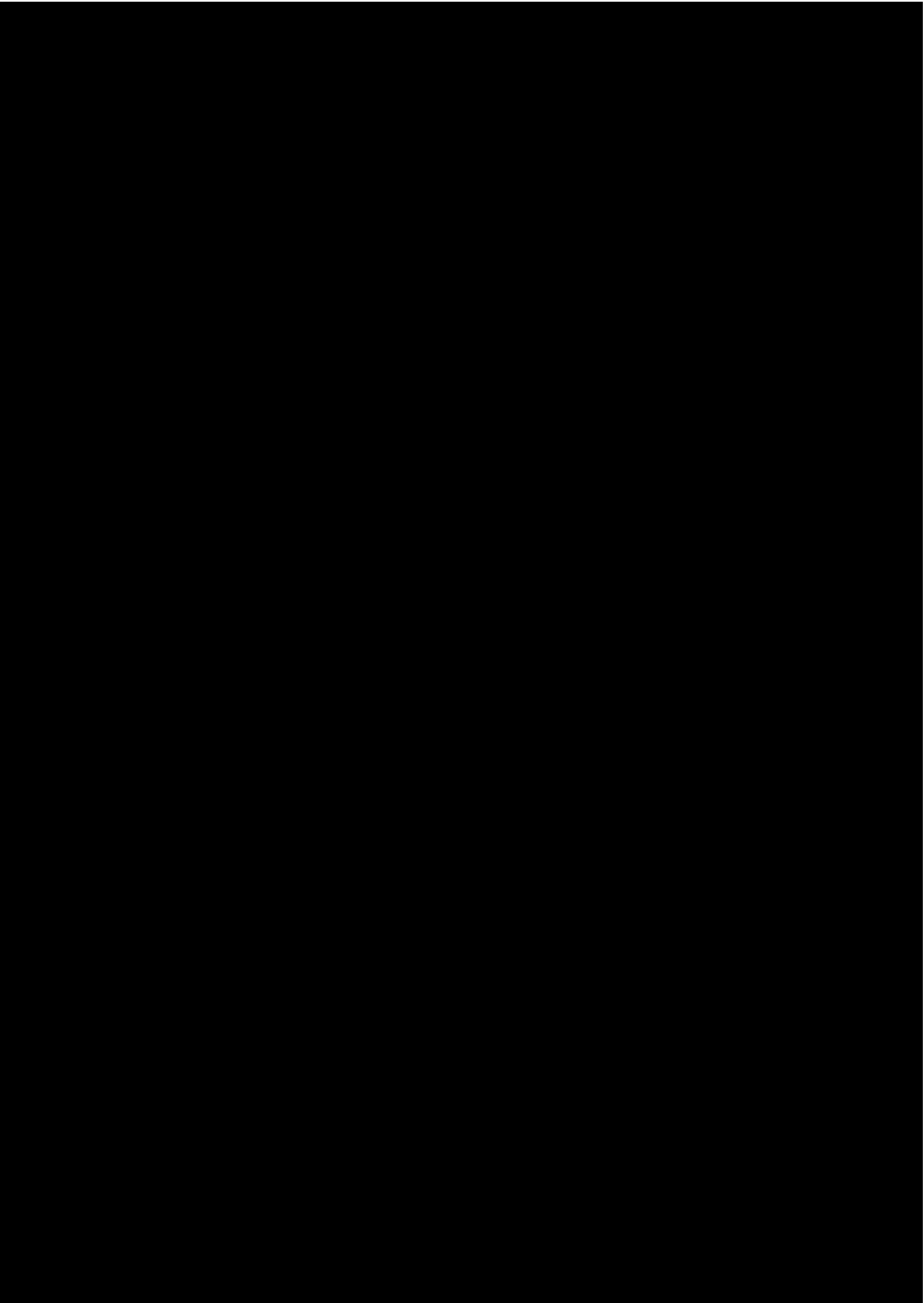


EXHIBIT H – OPTIONS TO EXTEND

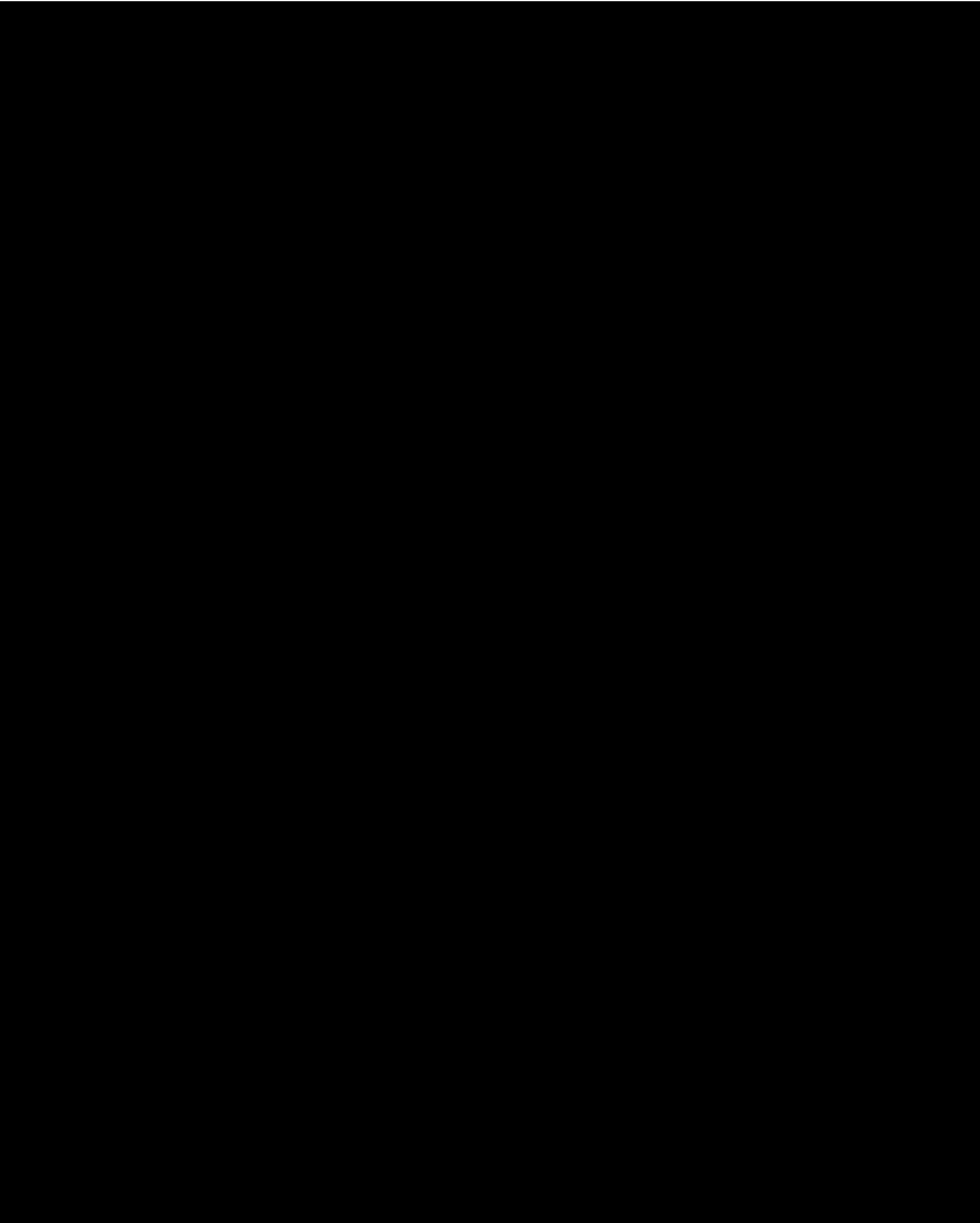
(a) Subject to the provisions of this Exhibit H and provided that Tenant has not been in default under this Lease after the expiration of any applicable Notice and cure period, Tenant shall have **five (5)** separate, successive options plus **one (1)** further option to extend for **five (5)** years less a day (collectively, the "**Options to Extend**"; individually, each an "**Option to Extend**") to extend the Term of the Lease for extended terms of **five (5)** years each plus one (1) further option to extend for **five (5)** years less a day (collectively, the "**Extension Terms**"; individually, each an "**Extension Term**"), commencing on the day following the expiration of the Term or the then current Extension Term (as the same may be). Each Extension Term shall commence on the day after the expiry of the Term or the expiration date of the Extension Term (as the case may be) and shall expire on the fifth (5th) anniversary of such then current expiration date (save and except for the last Extension Term). Each of the Options to Extend shall be exercisable (separately) by Tenant by written Notice to Landlord (the "Extension Notice") at least one hundred and eighty (180) days prior to the scheduled expiration date of the Term or the then current Extension Term (as the case may be) and no later than three hundred and sixty-five (365) days prior to the scheduled expiration date of the Term or the then current Extension Term (as the case may be).

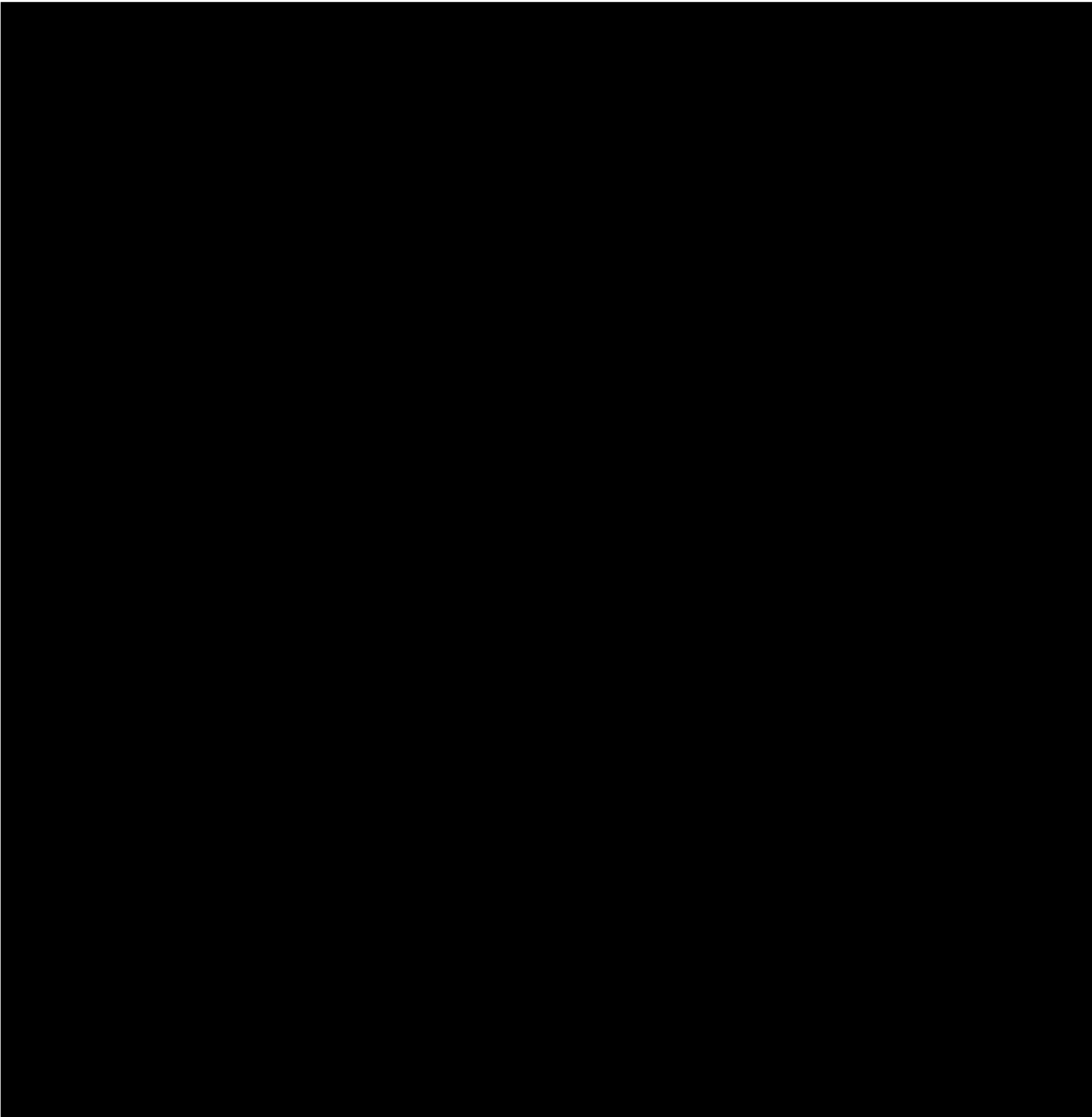




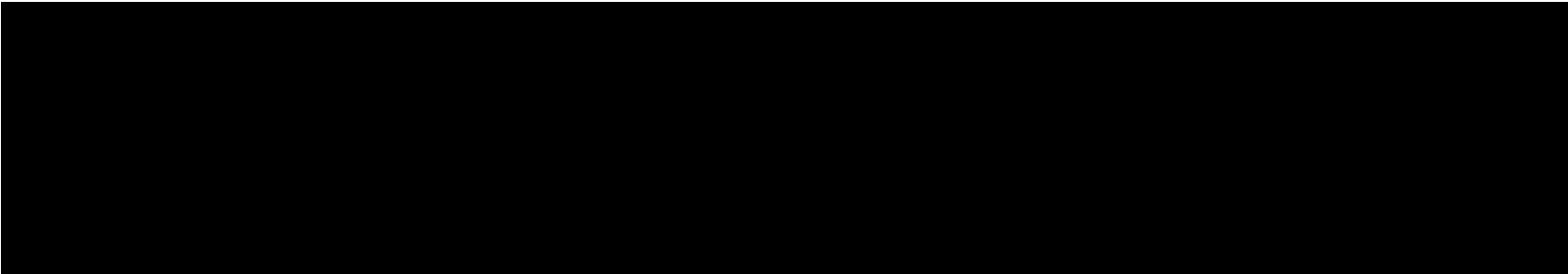


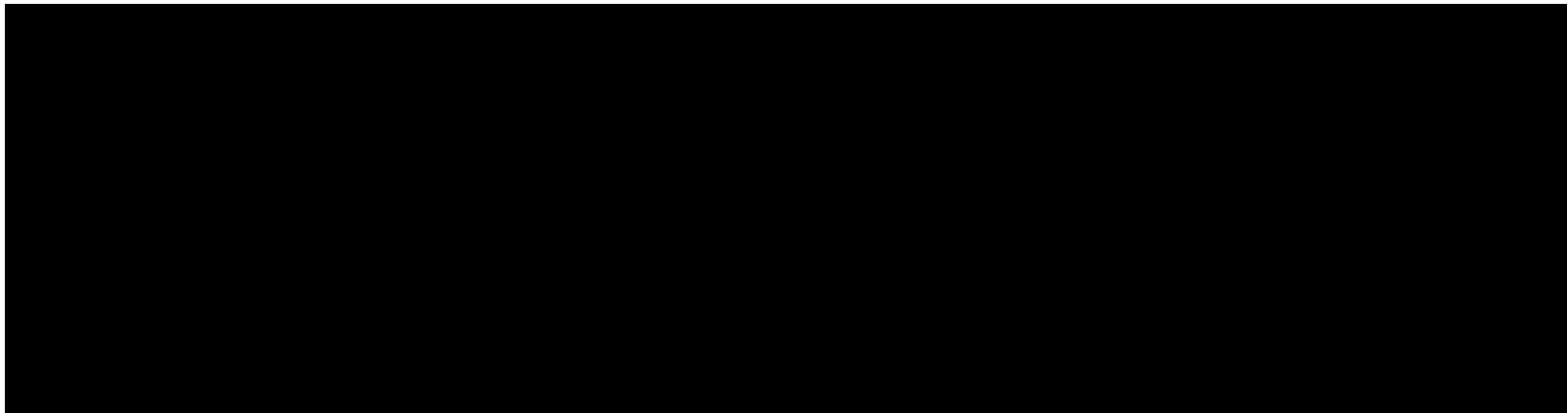




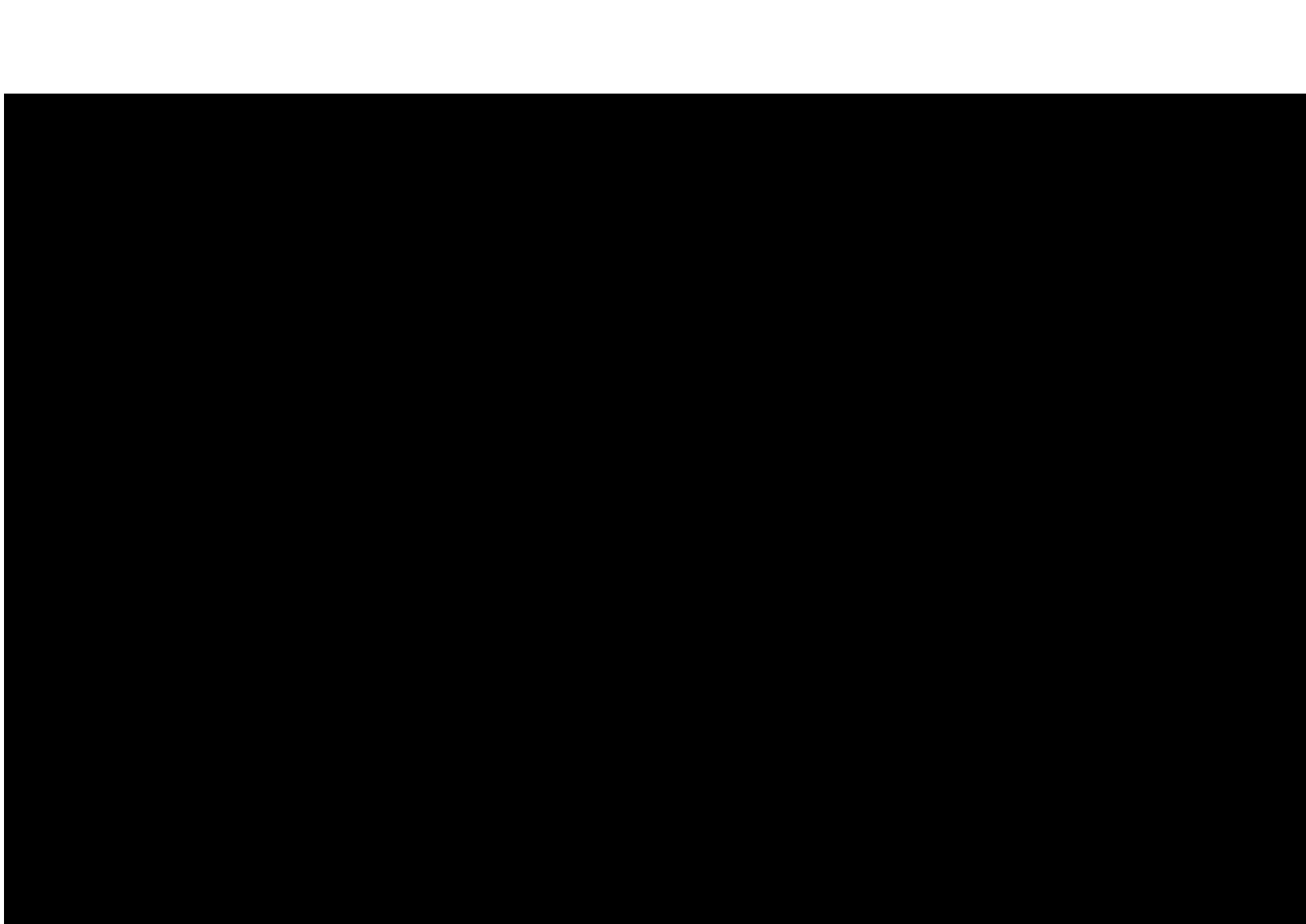


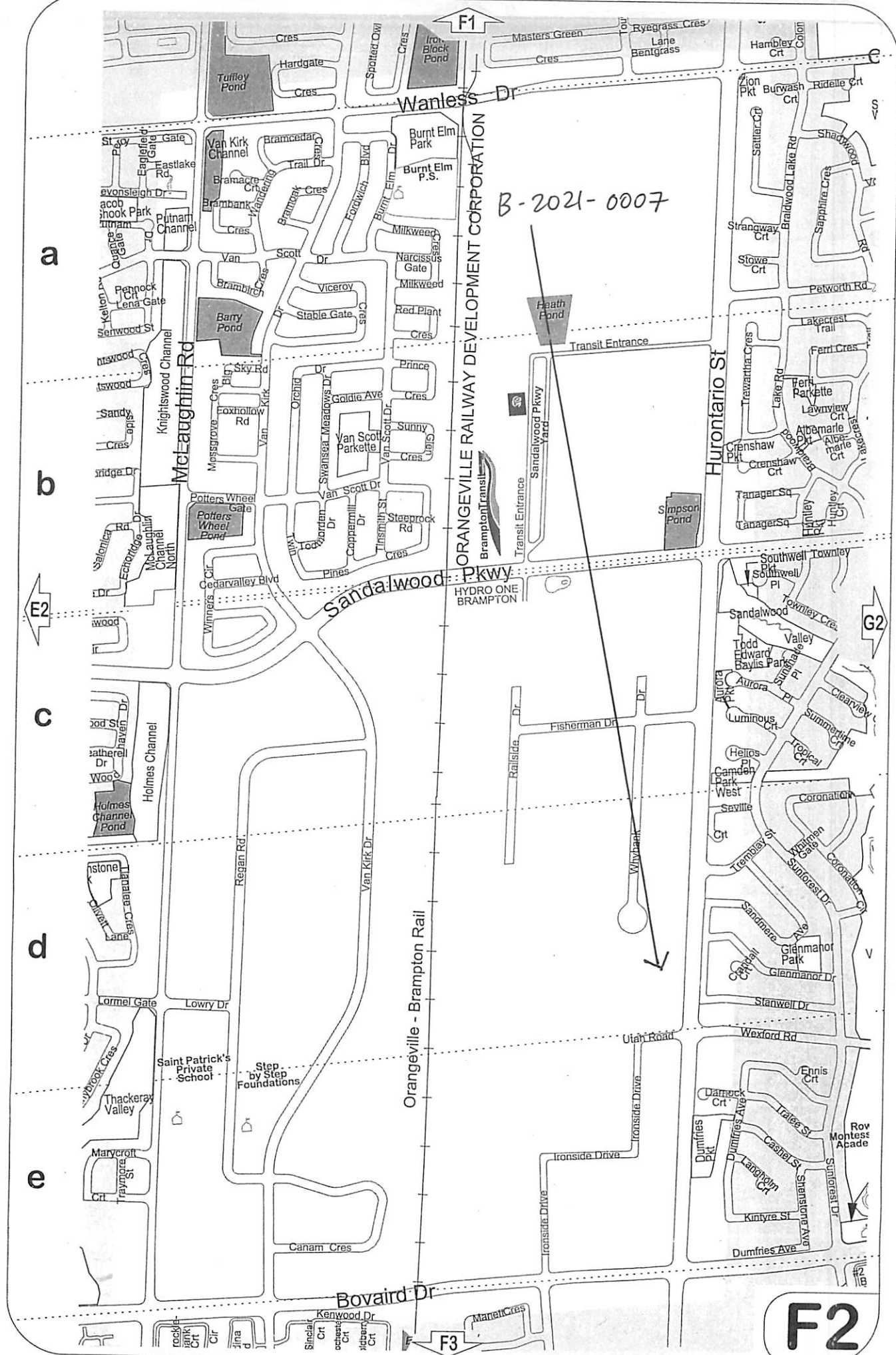












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