



Principals

Michael Gagnon
Lena Gagnon
Andrew Walker
Richard Domes

June 3, 2022

GWD File: 13.1950.00
'New' BOP 2022

The Corporation of the City of Brampton
2 Wellington Street West
City of Brampton, Ontario
L6Y 4R2

Attention: Mayor and Members of Council
Peter Fay, City Clerk
Jason Schmidt-Shoukri Commissioner, Planning, Building &
Economic Development

Subject: FORMAL PUBLIC INPUT
Maebrook Scott Inc.
Draft Brampton Plan (Official Plan)

Gagnon Walker Domes Ltd. (GWD) acts as Planning Consultant to JTS Properties Inc., now operating as Maebrook Scott Inc. (Maebrook), the Registered Owner of 80 Scott Street in the City of Brampton (hereinafter referred to as the "subject site"). We have been asked to review and provide the City of Brampton with our comments, observations and recommendations on the 'new' Draft Brampton Plan (Official Plan).

By way of background a formal Amendment Application (City File C01E06.054) was filed on June 2, 2017 and deemed 'Complete' on October 5, 2018. The Application was circulated to City Departments and external agencies, and a Statutory Public Meeting was held on November 19, 2019. On July 6, 2020 a Report was considered by the Planning & Development Committee recommending approval of amendments to the area Secondary Plan and City Zoning By-law to permit high density residential. By-laws 139-2020 and 140-2020 were subsequently passed by Council on July 8, 2020 (**Appendix "1"**)

With the appropriate land use policies and zoning regulations now in effect Maebrook is proceeding with the re-development of the subject site for a new 17-storey, 385-unit, 'open market' oriented condominium apartment building. To do so the existing 60 year old apartment will need to be demolished.

On May 7, 2022 a formal Site Plan Approval Application was filed with the City Planning Department (City File SPA-2022-0088). The Application has undergone its completeness review and has been circulated to City Departments and external agencies.

GAGNON WALKER DOMES LTD.

21 Queen Street East, Suite 500 • Brampton ON Canada L6W 3P1 • P: 905-796-5790
3601 Highway 7 East, Suite 310 • Markham ON Canada L3R 0M3 • P: 905-477-6556
www.gwdplanners.com • Toll Free: 1-855-771-7266

**CONFIDENTIALITY
CAUTION**

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Draft Brampton Plan (Official Plan)

We have reviewed the Draft Official Plan which was released on April 26, 2022.

1. The following is an overview of the designations and overlays that apply to the subject site within that Draft Official Plan:

Schedule 1 – City Structure

- *'Neighbourhoods'*
- *'Urban Centres'*

Schedule 2 – City-Wide Growth Management

- *'Urban Centres'*
- *'Primary Major Transit Station Area' (Centre Street)*

Schedule 5 – Designations

- *'Mixed-Use Districts'*

2. **Section 1.1.7.b.** states that policies of the Plan are general in nature and are intended to be supplemented by Secondary-Level Plans. Land uses and designations approved prior to the implementation of this Plan, and legally in existence prior to the implementation of this Plan, will be permitted to be established and continue without an amendment to the Plan.
3. **Section 2.1.2.a** defines Centres as being those areas of Brampton where the highest concentration of growth and mix of uses is planned to occur.
4. **Section 2.1.2.d** states that Neighbourhoods reflect new and existing lower-scale residential, commercial, and institutional areas in the City.
5. **Sections 2.1.3 and 2.1.4** states that the tallest buildings will be directed to Urban Centres. Within Boulevards and within Major Transit Station Areas, taller buildings may be permitted subject to the applicable built form, design, and implementation policies of this Plan. A mix of transit supportive uses will be provided within the Neighbourhoods designation, with higher densities permitted within Major Transit Station Areas.
6. **Section 2.1.33.a** states that where a Major Transit Station Area is also within a Centre, the density and height policies governing Centres will prevail.
7. **Section 2.1.33.c** states that where a City-initiated study of a Major Transit Station Area has not been initiated or approved by way of an amendment to the Plan, the City may require the coordination of development applications between applicants, by way of a Secondary Plan and/or Precinct Plan at the cost of the applicant.
8. **Section 2.1.49** states that where a Secondary Plan does not yet identify the location of Precincts, Precinct Plan will be required with the submission of any Draft Plan of Subdivision and/or significant Zoning By-law Amendment Application within Centres.



9. **Section 2.2.2.a** states that that Mixed-Use Districts designation concentrates a diversity of functions, a higher density of development, a greater degree of mixed-uses, and higher level of transit connectivity within a Major Transit Station Area.
10. According to **Table 4** lands designated Mixed-Use District on **Schedule 5** will comprise of a Low-Rise building typology. Major Transit Station Studies may identify appropriate locations for Low Rise Plus, Mid-Rise, and Tall Buildings. Lands which are located within Town Centres on **Schedule 2** will comprise of a Low-Rise Plus, and Mid-Rise building typology. Tall buildings may be permitted subject to a Precinct Plan and other applicable policies in this Plan, and where located within a MTSA.

Prior to Council approving the 'new' Official Plan, we respectfully request confirmation of the following:

1. That there is no land use policy conflicts between the local Secondary Plan and Draft Official Plan (*Refer to Official Plan Amendment OP2006-185, Section 8.6 of the Brampton Flower Town Secondary Plan*);
2. That the subject site may be re-developed in accordance with the in-force Zoning By-law (i.e. 17-storey apartment, 385 Units, 4.0 FSI); and
3. That the Site Plan Approval Application that is currently in process is exempt from having to prepare a Precinct Plan and/or Area Plan.

Policy Modification

1. **Section 2.3.263** speaks to the inclusionary zoning in Major Transit Station Areas to support the development of affordable housing units through a subsequent amendment to the Brampton Plan. Chapter 3, **Sections 3.1.76 to 3.1.76** address its implementation. We recommend that the future amendment specify scenarios where exemptions are permitted including:
 - Site Plan Approval or Building Permit Applications received on or before the date of the passing of the Inclusionary Zoning By-law;
 - Rezoning Applications and associated Plans of Subdivision or Condominiums received on or before the date of adoption of the Inclusionary Zoning Official Plan Amendment; and
 - Student/Staff residences, retirement buildings, hospices, long-term care buildings, and group homes.
2. **Section 2.3.277 to 2.3.281** addresses conversion and/or demolition of a residential rental building with six (6) or more dwellings units if the City's average rental vacancy rate is below 3%.

On June 22, 2020 Council directed City Staff to undertake the development of a rental protection policy to address residential rental conversions and demolitions. On



October 18, 2021 a Statutory Public Meeting was held. Our Client, through their Legal Counsel submitted a Public Input Letter on November 1, 2021 (**Appendix “2”**).

Pursuant to consultation with Senior Planning Staff in early February 2022 a transition policy was to be included exempting projects that are already in process. It is our understanding that as of March 2022 the exercise was put on hold in order to assess options prior to advancing a Recommendation Report.

The Draft Official Plan includes rental conversion and demolition policy that does not speak to exemptions. Introducing this new policy prior to the completion of the City exercise is not appropriate. The consultation process with interested stakeholders is ongoing. We recommend that policy be removed from the Draft Official Plan and deferred to a future amendment. We also recommend that the policy specify scenarios where exemptions are permitted including:

- Site Plan Approval, Plan of Subdivision, Plan of Condominium, or Building Permit Applications received on or before the date of adoption of the amendment to the Brampton Plan.

Closing Remarks

Thank you for the opportunity to provide comments on the Draft Brampton Plan (Official Plan). Our Client reserves the right to provide further comments as necessary prior to Council approval of the 'new' Official Plan.

Kindly accept this letter as our formal request to be notified of all future Open Houses, Public Meetings, Planning Committee and Council meetings to be held in connection with the Draft Brampton Plan (Official Plan). Lastly, we request notification of the passage of any and all By-laws and/or Notices in connection with the Draft Brampton Plan (Official Plan).

Should you have any questions, please contact the undersigned.

Yours truly,

Marc De Nardis, B.U.R.Pl., M.C.I.P., R.P.P.
Planning Associate
mdenardis@gwdplanners.com

Michael Gagnon, B.E.S., M.C.I.P., R.P.P.
Managing Principal Planner
mgagnon@gwdplanners.com

c.c. **Adrian Smith, Region of Peel**
Andrew McNeil, City Brampton
Maebrook Scott Inc.
Andrew Walker, Gagnon Walker Domes Ltd.
Richard Domes, Gagnon Walker Domes Ltd.



APPENDIX 1



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 139 - 2020

To Adopt Amendment Number OP2006- ~~185~~
to the Official Plan of the
City of Brampton Planning Area

The Council of the Corporation of the City of Brampton, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P. 13, hereby ENACTS as follows:

1. Amendment Number OP2006- 185 to the Official of the City of Brampton Planning Area is hereby adopted and made part of this Official Plan.

ENACTED and PASSED this ^{8th} ~~24th~~ day of ^{July,} ~~June,~~ 2020.

Approved as to
form.

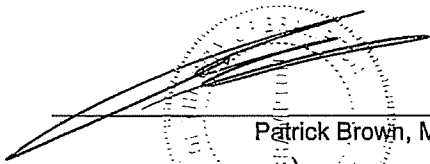
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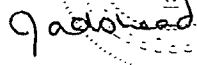
AWP

Approved as to
content.

2020/06/01

AAP


Patrick Brown, Mayor


Janice Aschero, Deputy Clerk
for Peter Fay, City Clerk

(file: C01E06.054)

AMENDMENT NUMBER OP 2006 – **185**
to the Official Plan of the
City of Brampton Planning Area

AMENDMENT NUMBER OP 2006 – ~~185~~
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA

1.0 Purpose:

The purpose of this amendment is to add site specific policies to the lands shown on Schedule 'A' to this amendment to guide the development of the subject lands for high density residential purposes.

2.0 Location:

The lands subject to this amendment are known municipally as 80 Scott Street. The lands are located approximately 100 metres (328 feet) north of Church Street and have a frontage of approximately 101 metres (331 feet) on the east side of Scott Street and are located in Part of Lot 6, Concession 1, E.H.S., in the City of Brampton and identified as Part Lots 1, 2, and 3 Block H, Registered Plan BR 26.

3.0 Amendments and Policies Relative Thereto:

3.1 The document known as the Official Plan of the City of Brampton Planning Area is hereby amended:

- (1) by adding to the list of amendments pertaining to Secondary Plan Area Number 6: Brampton Flowertown Secondary Plan as set out in Part II: Secondary Plans, Amendment Number OP 2006-~~185~~

3.2 The portions of the document known as the 1993 Official Plan of the City of Brampton Planning Area which remain in force, as they relate to the BramptonFlowertown Secondary Plan (being Part Two: Secondary Plans, as amended) are hereby further amended:

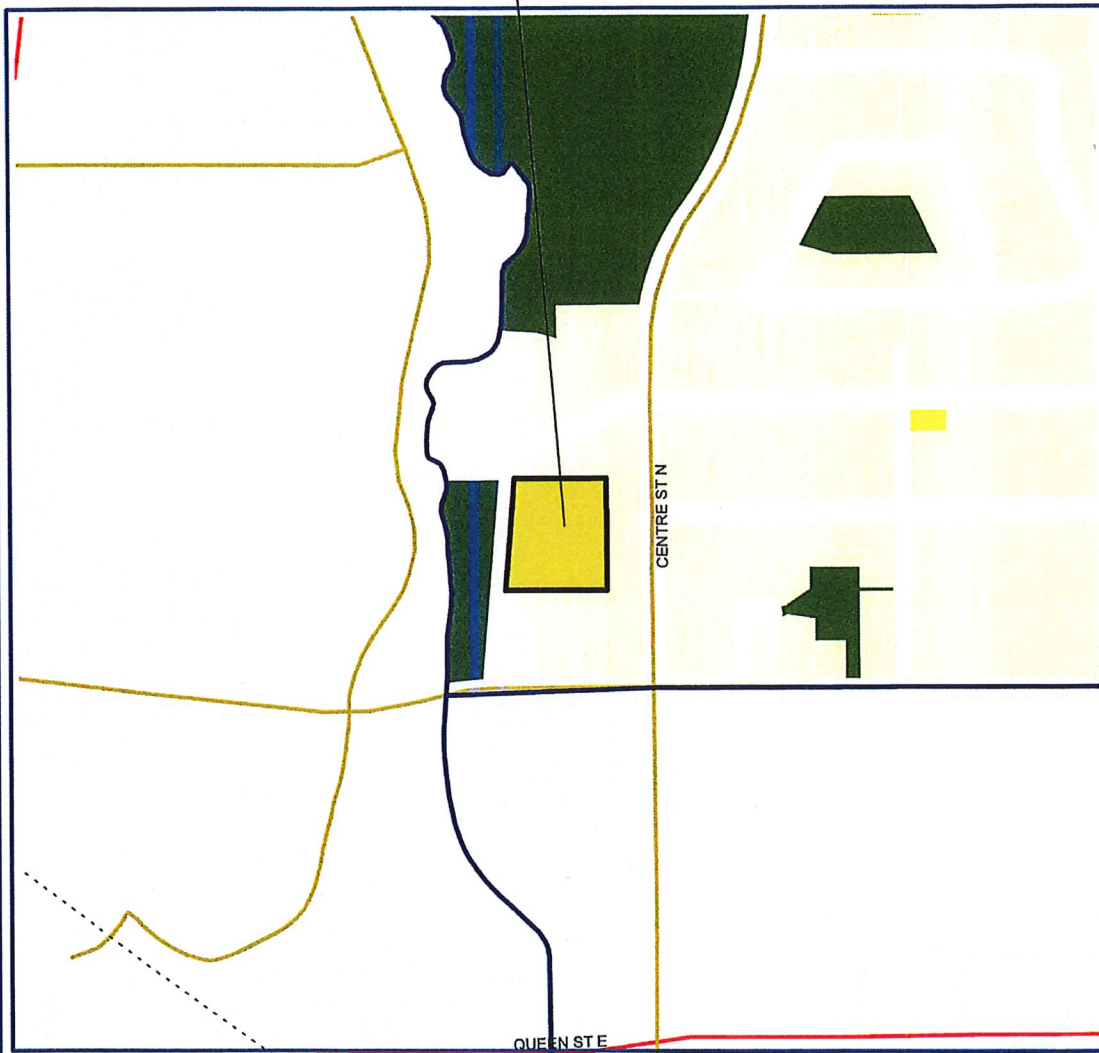
- (1) by adding on Schedule 6 of Chapter 6: Brampton Flowertown Secondary Plan, Special Site Area 6 as outlined on Schedule A to this amendment.
- (2) by adding the following as Section 8.6 to Section 8 of Chapter 6: Brampton Flowertown Secondary Plan:

8.6 The lands designated "High Density Residential" in Special Site Area 6 shall be developed for an apartment building,

and shall be developed in accordance with the following principles:

- i) a maximum floor space index of 4.0 (exclusive of the parking garage);
- ii) to minimize the impact upon abutting residential uses, appropriate property line setbacks shall be established in the zoning by-law relative to the height of the building. For clarity, rear and side yard setbacks shall increase as the height of the building increases;
- iii) Building facades are to have a high degree of architectural articulation to break up the massing of the façade;
- iv) Buildings are to be constructed with high life-cycle and aesthetic quality materials. Extensive use of EIFS (i.e. stucco) finish is strongly discouraged and the use of EIFS should be limited for architectural features and accents.
- v) development shall demonstrate a high level of design, high quality building materials, well-articulated façades, and the incorporation of a building and site elements that contribute to a strong pedestrian streetscape."

LANDS TO BE DESIGNATED SPECIAL SITE AREA 6



EXTRACT FROM SCHEDULE A(LAND USE) OF THE DOCUMENT KNOWN AS THE BRAMPTON OFFICIAL PLAN

COMMERCIAL

- PERMITS/RETAIL
- EXISTENCE RETAIL
- CONVENIENCE RETAIL
- PROFESSOR COMMERCIAL
- RECREATION COMMERCIAL

RESIDENTIAL

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL

UTILITY

- UTILITY

INSTITUTIONAL

- ELEMENTARY SCHOOL
- MIDDLE SCHOOL
- SECONDARY SCHOOL
- GENERAL EMPLOYMENT 1
- PLACE OF WORSHIP
- INSTITUTIONAL

OPEN SPACE

- NATURAL HERITAGE SYSTEM
- RECREATION OPEN SPACE
- CEMETERY

- RAILWAY
- SPECIAL SITE AREA
- SPECIAL POLICY AREA
- SECONDARY PLAN BOUNDARY

ROADS

- COLLECTOR ROAD
- MINOR ARTERIAL ROAD
- MAJOR ARTERIAL ROAD
- PROVINCIAL HIGHWAY



BRAMPTON
Flower City
brampton.ca
PLANNING AND DEVELOPMENT SERVICES



SCHEDULE A TO OFFICIAL PLAN AMENDMENT
OP2006# 185

File: C01E06.054_OPA_A

Date: 2020/05/21

Author: ckovac

IN THE MATTER OF the *Planning Act*, R.S.O.
1990, as amended, sections 17 and 34;

AND IN THE MATTER OF the City of Brampton By-law 139-2020 being a by-law to adopt
Official Plan Amendment OP2006-185, and By-law 140-2020 to amend Zoning By-law
270-2004, as amended – Gagnon Walker Domes Ltd. – JTS Properties Inc.
C01E06.054

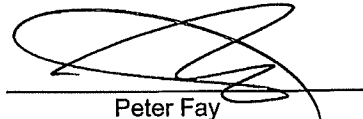
DECLARATION

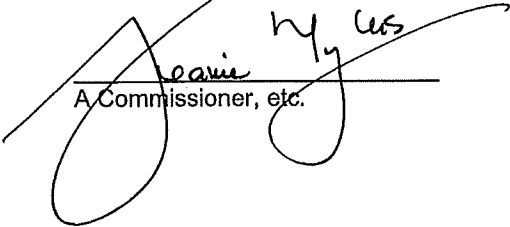
I, Peter Fay, City Clerk, City of Brampton, in the Region of Peel, hereby make oath and
say as follows:


1. I am the City Clerk of The Corporation of the City of Brampton and as such have
knowledge of the matters herein declared.
2. By-law 139-2020 was passed by the Council of The Corporation of the City of
Brampton at its meeting on the 8th day of July, 2020, to adopt Amendment Number
OP2006-185 to the 2006 Official Plan.
3. By-law 140-2020 was passed by the Council of The Corporation of the City of Brampton
at its meeting held on the 8th day of July, 2020, to amend Zoning By-law 270-2004, as
amended.
4. Written notice of By-law 139-2020 as required by section 17(23) of the *Planning Act*
was given on the 23rd day of July, 2020, in the manner and in the form and to the
persons and agencies prescribed by the *Planning Act*, R.S.O. 1990 as amended.
5. Written notice of By-law 140-2020 as required by section 34(18) of the *Planning Act*
was given on the 23rd day of July, 2020, in the manner and in the form and to the
persons and agencies prescribed by the *Planning Act*, R.S.O. 1990 as amended.
6. No notice of appeal was filed under section 17(24) and section 34(19) of the *Planning
Act* on or before the final date for filing objections.
7. In all other respects, the Official Plan Amendment and Zoning By-law have been
processed in accordance with all of the *Planning Act* requirements including
regulations for notice.
8. OP2006-185, adopted by By-law 139-2020, is deemed to have come into effect on the
8th day of July, 2020, in accordance with Section 17(27) of the *Planning Act*, R.S.O.
1990, as amended.
9. Zoning By-law 140-2020, is deemed to have come into effect on the 8th day of July,
2020, in accordance with Section 34(21) of the *Planning Act*, R.S.O. 1990, as
amended.

And I make this solemn declaration conscientiously believing it to be true and knowing
that it is of the same force and effect as if made under oath.

DECLARED before me at the)
City of Brampton in the)
Region of Peel this)
27th day of August, 2020)


Peter Fay


A Commissioner, etc.

Jeanie Cecilia Myers,
a Commissioner, etc.,
Province of Ontario,
for the Corporation of the
City of Brampton.
Expires April 8, 2021. 



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 140 - 2020

To Amend Comprehensive Zoning By-law 270-2004

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

1. By-law 270-2004, as amended, is hereby further amended:
 - (1) By changing Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
Residential Apartment A (R4A)	Residential Apartment A – Section 2998 (R4A-2998)

(2) By adding the following Sections:

"2998 The lands designated R4A – 2998 on Schedule A to this by-law:

2998.1 Shall only be used for the purposes permitted in the R4A zone.

2298.2 Shall be subject to the following requirements and restrictions:

- 1) Minimum Lot Area: 0.7 hectares
- 2) Maximum Number of Units: 385
- 3) Minimum Interior Side Yard Width:
 - a. For any portion of a building 3 storeys in height or less: 7.5 metres
 - b. For any portion of a building 4 to 7 storeys in height: 10.0 metres
 - c. For any portion of a building 8 to 11 storeys in height: 16.0 metres
 - d. For any portion of the building 12 to 15 storeys in height: 21.0 metres
 - e. For any portion of the building 16 to 17 storeys in height: 26.0 metres
- 4) Minimum Rear Yard Depth:
 - a. For any portion of a building 5 storeys in height or less: 7.5 metres
 - b. For any portion of a building 6 to 7 storeys in height: 10.0 metres
 - c. For any portion of a building 8 to 11 storeys in height: 16.0 metres

- d. For any portion of the building
12 to 17 storeys in height: 33.0 metres
- 5) Any portion of a below grade parking garage that projects less than 3.0 metres above ground level, may encroach into the required rear yard provided that it is no closer than 3.0 metres to the lot line.
- 6) Maximum Building Height: 17 storeys
- 7) Maximum Floor Space Index (FSI): 4.0
- 8) Maximum Lot Coverage: 50%
- 9) Minimum Landscaped Open Space: 30% of the lot area
- 10) For the purpose of this section, a retaining wall shall be permitted within required landscaped open space.
- 11) Minimum Ground Floor Height: 4.5 metres
- 12) Minimum Setback to a Hydro Transformer in any yard: 1.5 metres
- 13) Windows and Doors at Grade:
 - a. On the wall facing the front lot line, a minimum of 60% of the gross area of the portion of the wall that is less than 4.0 metres above grade shall have windows and/or doors.
 - b. On the side walls of the building within 6.0 metres of the wall facing the front lot line, a minimum of 60% of the portion of the wall that is less than 4.0 metres above grade shall have windows and/or doors.
- 14) Motor Vehicle Parking shall be provided in accordance with the following:
 - a. one-bedroom dwelling unit: 0.9 spaces/unit;
 - b. two-bedroom dwelling unit: 1.0 spaces/unit;
 - c. three-bedroom dwelling unit: 1.20 spaces/unit;
 - d. visitor parking: 0.15 spaces/unit.
- 15) Minimum Number of Loading Spaces: 1 space
- 16) Notwithstanding Section 6.17.2 (d)(3) of the By-law, the minimum width of an aisle leading to an at grade visitor parking space with an angle of 70 degrees up to an including 90 degrees shall be 6.0 metres.
- 17) Bicycle parking:
 - a. Bicycle parking must be located on the same lot as the use or building for which it is required.
 - b. A minimum 0.50 spaces per dwelling unit shall be provided.
 - c. A maximum of 50% of the required bicycle parking may be vertical spaces, the remainder shall be horizontal spaces..
 - d. Where the number of bicycle spaces exceeds fifty spaces, a minimum of 25% of the total required must be located within:
 - i. A building or structure;
 - ii. A secure area such as a supervised parking lot or enclosure; or
 - iii. Within bicycle lockers.
 - e. Where four or more bicycle parking spaces are provided in a common parking area, each space must contain a

bicycle rack that is securely anchored to the ground/wall and attached to a heavy base such as concrete.

f. Dimensions:

- i. If located in a horizontal position (on the ground): a minimum length of 1.8 metres and a minimum width of 0.6 metres.
- ii. If located in a vertical position (on the wall): a minimum length of 1.5 metres and a minimum width of 0.5m.

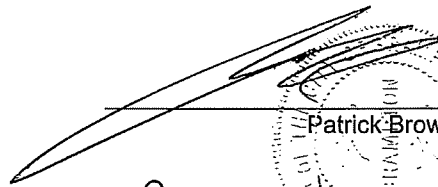
18) All garbage and refuse storage, including any containers for storage of recyclable materials, shall be located within a main building."

ENACTED and PASSED this ^{8th} ~~24th~~ day of ^{July,} ~~June,~~ 2020.


Approved as to
form.
2020/06/03
AWP

Approved as to
content.
2020/06/01
AAP

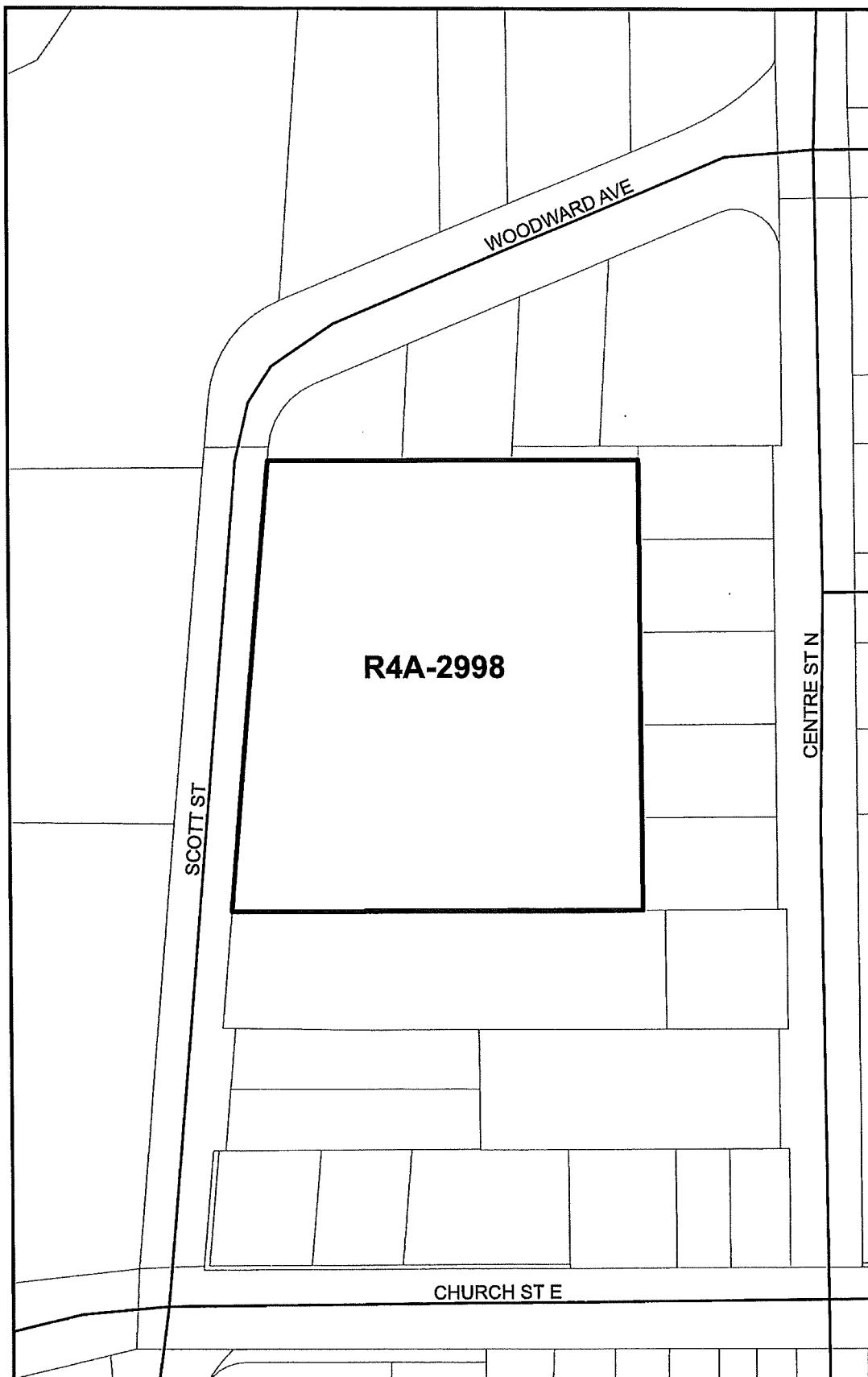
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Patrick Brown, Mayor



Janice Adshead, Deputy Clerk
for Peter Fay, City Clerk



 ZONE BOUNDARY  PARCEL FABRIC

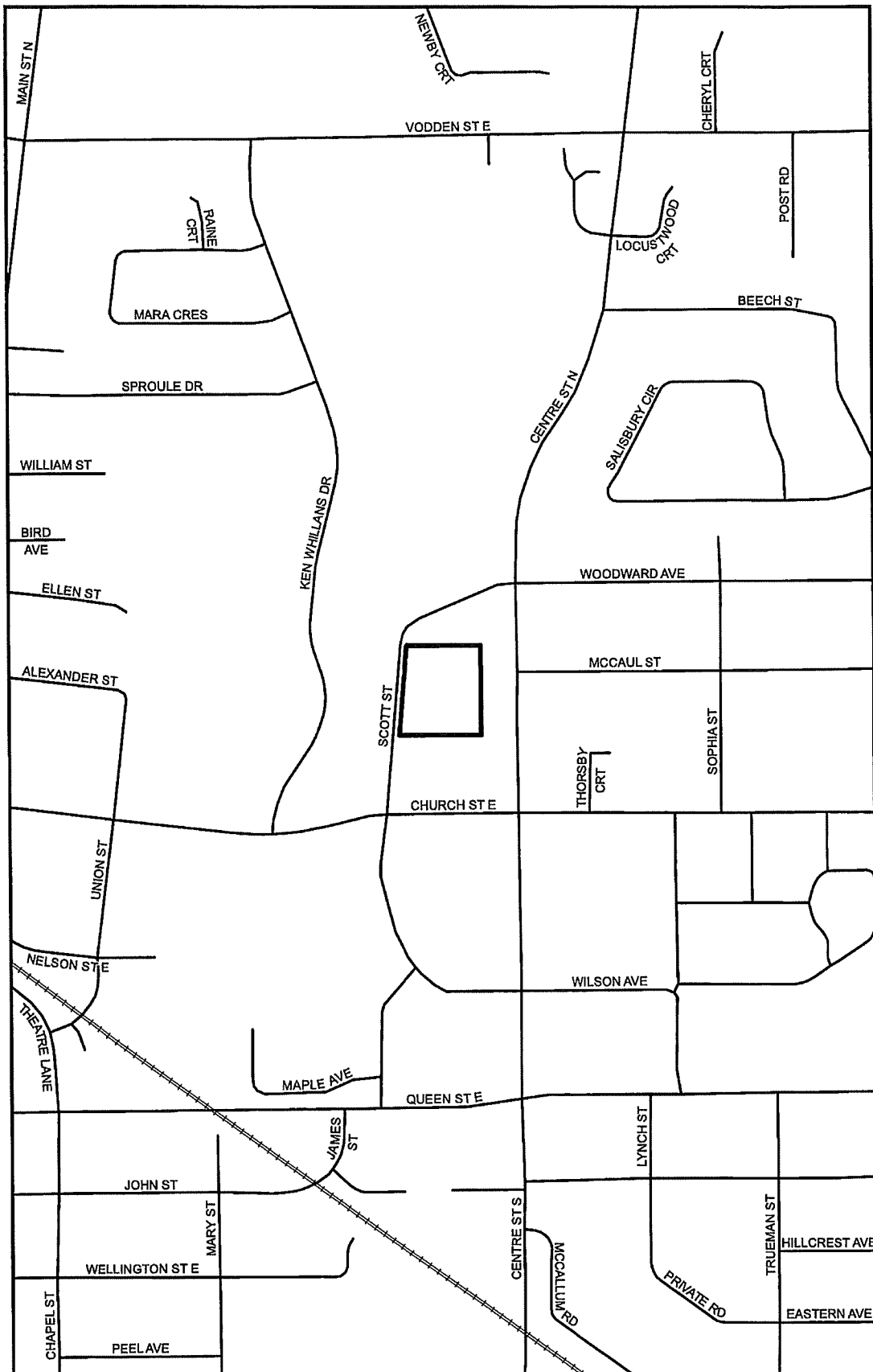



PART LOT 6, CONCESSION 1 E.H.S.

File: C01E06.054 ZBLA
Date: 2020/05/20 Drawn by: ckovac

BY-LAW 140-2020

SCHEDULE A



 SUBJECT LANDS



BRAMPTON
Flower City

PLANNING AND DEVELOPMENT SERVICES

File: C01E06.054_ZKM

Date: 2020/05/20

Drawn by: ckovac



KEY MAP

BY-LAW 140-2020

IN THE MATTER OF the *Planning Act*, R.S.O.
1990, as amended, sections 17 and 34;

AND IN THE MATTER OF the City of Brampton By-law 139-2020 being a by-law to adopt
Official Plan Amendment OP2006-185, and By-law 140-2020 to amend Zoning By-law
270-2004, as amended – Gagnon Walker Domes Ltd. – JTS Properties Inc.
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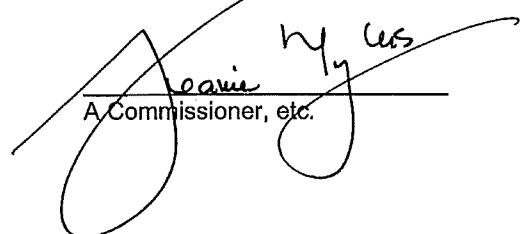
DECLARATION

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say as follows:

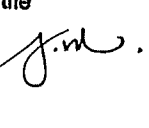
1. I am the City Clerk of The Corporation of the City of Brampton and as such have
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at its meeting held on the 8th day of July, 2020, to amend Zoning By-law 270-2004, as
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4. Written notice of By-law 139-2020 as required by section 17(23) of the *Planning Act*
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6. No notice of appeal was filed under section 17(24) and section 34(19) of the *Planning*
Act on or before the final date for filing objections.
7. In all other respects, the Official Plan Amendment and Zoning By-law have been
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And I make this solemn declaration conscientiously believing it to be true and knowing
that it is of the same force and effect as if made under oath.

DECLARED before me at the)
City of Brampton in the)
Region of Peel this)
27th day of August, 2020)


A Commissioner, etc.


Peter Fay

Jeanie Cecilia Myers,
a Commissioner, etc.,
Province of Ontario,
for the Corporation of the
City of Brampton.
Expires April 8, 2021. 



APPENDIX 2

Cassels

November 1, 2021

Via E-Mail (Melinda.Yogendran@brampton.ca)

City of Brampton
Planning, Building and Economic Development
Department
2 Wellington Street West, 3rd Floor
Brampton, ON L6Y 4R2

Attention: Melinda Yogendran
Assistant Policy Planner

sleisk@cassels.com
Tel: +1 416 869 5411
Fax: +1 416 640 3218
File 56604-1

Dear Ms. Yogendran:

Re: City-Initiated, City-wide Official Plan Amendment for Regulating Rental Conversion and Demolition

We are the solicitors for Maebrook Scott Inc (“**Owner**”), the owner of 80 Scott Street (the “**Subject Site**”) in the City of Brampton (the “**City**”). In July 2020, the Owner received approval for an Official Plan Amendment and a Zoning By-law Amendment to permit the development of a 17-storey 385 unit residential apartment on the subject site (City File: C01 E06.054). To facilitate the Subject Site’s redevelopment, the existing 6-storey, 79-unit rental apartment, which was built in 1962, will need to be removed.

The Owner recently received notice that the City is considering a City-wide Official Plan Amendment to regulate rental conversions and demolitions (the “**OPA**”). Our client is generally supportive of the OPA and understands that the City is trying to respond to the shortage of purpose-built rental housing.

Notwithstanding our client’s support of this OPA in principle, we strongly urge the City to include transition policies to ensure that this OPA only applies to applications for *future* conversions and demolitions. To require otherwise would cause undue hardship for applications already under review. Moreover, application to the Subject Site would not account for the context within which the Owner’s proposal was advanced and unanimously approved. Requiring rental replacement for complete or approved applications would result in unforeseen implications which may very well result in projects being no longer feasible and then abandoned, serving no one’s intentions.

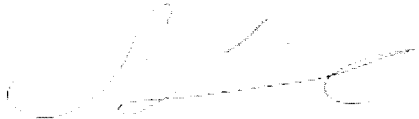
The Ontario Land Tribunal’s long standing practice based upon significant common law and principles of fairness, as set out in *Clergy Properties Ltd v Mississauga (City)*, is to evaluate *Planning Act* applications under the planning policies in force at the time the application was made. Therefore, the City should develop clear transition policies to exempt complete applications submitted prior to the date of adoption of the OPA.

If you require any additional information with respect to this request, please do not hesitate to contact the undersigned. We thank you in advance for your consideration of our request.

Please provide the undersigned with written notice of all further steps and decisions in relation to this matter.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in black ink, appearing to read 'Signe Leisk', written over a horizontal line.

Signe Leisk
Partner

SL/cm

cc: Bindu Shah Bindu.Shah@Brampton.ca
Carmen Caruso Carmen.Caruso@brampton.ca