

DEFERRED NOTICE OF AN APPLICATION FOR CONSENT

An application for consent has been made by **BOVAIRD WEST HOLDINGS INC.**

Purpose and Effect

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 3.25 hectares (8.03 acres), together with reciprocal easements for access and servicing. The proposed severed lot has a frontage of approximately 108.57 metres (356.20 feet), a depth of approximately 138.28 metres (453.67 feet) and an area of approximately 1.73 hectares (4.27 acres). The effect of the application is to establish two separate lots from the existing lot to facilitate future development of the newly created (severed) lot to the east for residential/mixed use and the retained lot to the west for retail and commercial uses.

Location of Land:

Municipal Address: Lagerfeld Drive
Northeast of Bovaird Drive West and Creditview Road
Former Township: Town of Brampton

Legal Description: Block 2, Plan 43M-1927

Meeting

The Committee of Adjustment has appointed **TUESDAY, January 24, 2023 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 Ontario Land 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 Ontario Land Tribunal by the applicant, the Minister, a specified person or a public body.**

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

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LAST DAY FOR RECEIVING COMMENTS: JANUARY 19, 2023

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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 Ontario Land Tribunal by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal, accompanied by the fee prescribed under the *Ontario Land Tribunal Act, 2021*. The appeal form is available from the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/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 Ontario Land Tribunal may dismiss the appeal.


DATED AT THE CITY OF BRAMPTON THIS 5th Day of January, 2023


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

SEVERANCE SKETCH

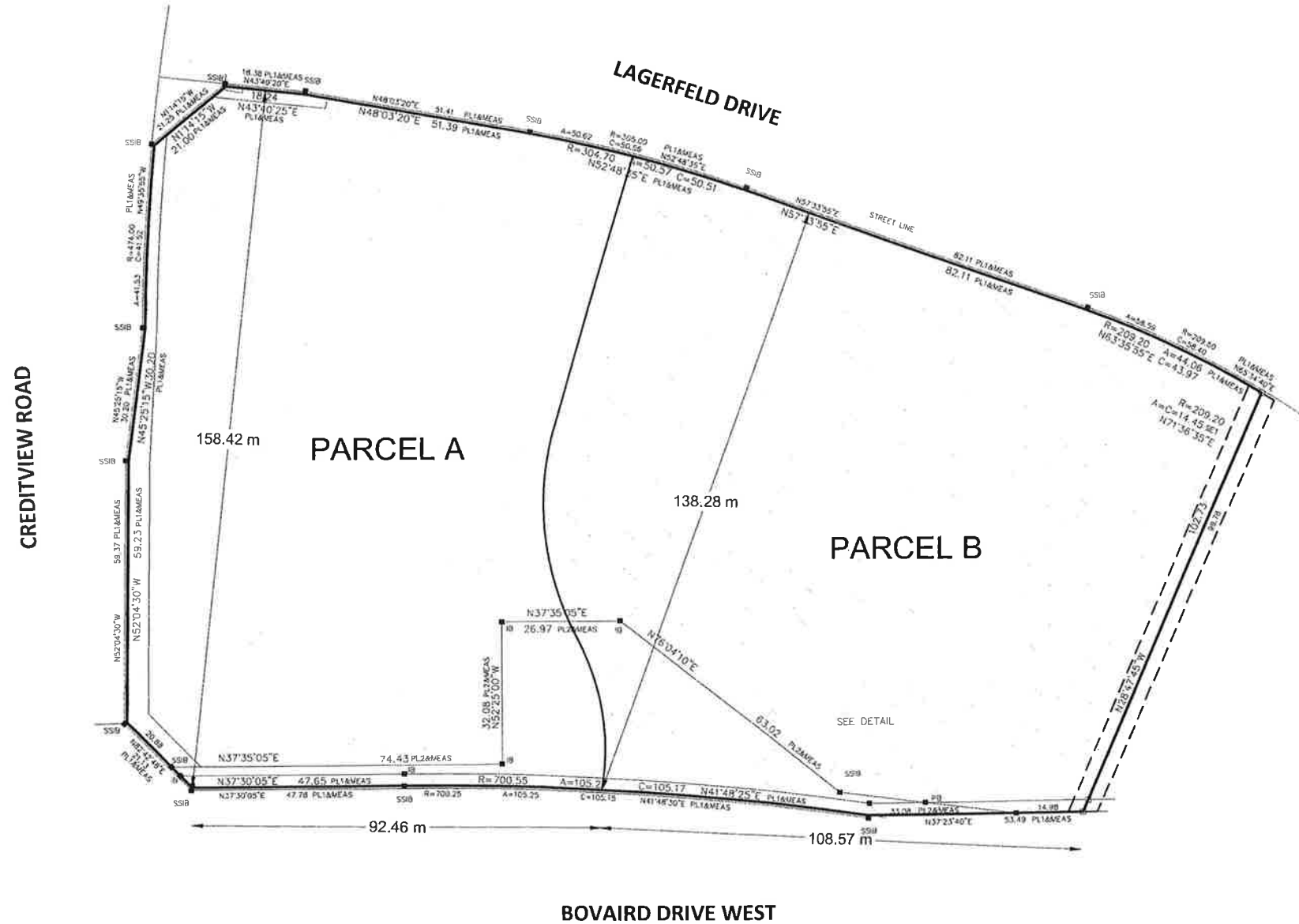
PLAN OF SURVEY OF
BLOCK 2
PLAN 43-M-1927
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEEL

 **PARCEL A (to be Retained)**
Area: 1.52 ha (3.76 ac)
Frontage: 92.46 m
Depth: 158.42 m

 **PARCEL B (to be Severed)**
Area: 1.73 ha (4.27 ac)
Frontage: 108.57 m
Depth: 138.28 m

 **Mutual Access Easement**

 **Blanket Easement for Reciprocal Access and Servicing**



Date: October 12, 2022
Scale: 1:1,000
File: Y329 - AP
Drawn: R.M.



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

MHBC

20-4-12 BRANT STREET, WARRINGTON, ON L7E 2G4
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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 and/or as a hybrid meeting (both in-person and electronically).

**Electronic/Hybrid Hearing Procedures
How to get involved in the Hybrid Hearing**

As the pandemic has waned, Brampton City Hall is currently lifting in-person attendance restrictions due to the COVID pandemic. In-person attendance at Committee of Adjustment Hearings is now available at this time, along with a virtual participation option. Brampton City Council and its Committees will continue to meet electronically and in-person. For the **January 24, 2023** hearing, the Committee of Adjustment will conduct its meeting with concurrent electronic and in-person attendance.

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, January 19, 2023.**

- Advance registration for applicants, agents and other interested persons is required by one or two options:
 1. Participate remotely 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 Thursday, January 19, 2023.**
 2. To participate in-person, please email the Secretary–Treasurer at cityclerksoffice@brampton.ca or jeanie.myers@brampton.ca by **4:30 pm Thursday, January 19, 2023.**
- Persons without access to a computer, smartphone or tablet can participate in a meeting via telephone or in-person. 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 **Thursday, January 19, 2023.** City staff will contact you and provide you with further details.

You will be contacted by the City Clerk's Office before the hearing date to confirm your attendance. Confirmation of in-person attendance will be subject to any in-person capacity limits that may be in place for Council Chambers at City Hall and prevailing public health orders and guidance.

- 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/hybrid 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.

B-2022-0019

October 18, 2022

Jeanie Myers
Legislative Coordinator
Secretary-Treasurer
Committee of Adjustment
City Clerk's Office
City of Brampton
2 Wellington Street West
Brampton, ON L6Y 4R2

Dear Ms. Myers:

**RE: APPLICATION FOR CONSENT FOR SEVERANCE
BOVAIRD AND CREDITVIEW ROAD, BRAMPTON
MHBC FILE: Y329AP**

On behalf of our client, Bovaird West Holdings Inc. (the "Owner"), please find enclosed our revised Consent for Severance application for the property generally located northeast of Creditview Road and Bovaird Drive in the City of Brampton.

In support of this application, we have enclosed the following items:

- One (1) fully completed copy of the consent application; and
- One (1) digital copy of the severance sketch.

SITE CONTEXT

The Subject Lands are generally located northeast of Creditview Road and Bovaird Drive in the City of Brampton. Immediately south of the west parking lot of Creditview GO station. The Subject Lands have approximately 129 metres of frontage on Creditview Road, 205 metres frontage along Bovaird Drive, and a total area of approximately 33,468 square metres. The Subject Lands are currently vacant, consisting of a grassed lot with no trees. The Subject Lands were part of previous City applications OPA/ZBA to zone the property to allow for commercial and mixed use development. Surrounding area land uses are as follows:

North: Immediately north of the Subject Lands, across Lagerfeld Drive, is the parking lot for Mt. Pleasant GO Station. Further north the predominant land use is low and mid-rise residential, including primarily 3 storey town house dwellings.

South: Immediately south of Bovaird Drive West, is various low density residential in the form of semi-detached dwellings.

East: To the east of the Subject Lands is another block of development that was subject to a consent application. The intent is to that the immediate east will be developed as high-density residential, further east is additional high-rise residential (currently under construction).

West: Immediately west of Creditview Road, is being developed for a mix of medium density housing.

OVERVIEW:

The purpose of this application is to allow for a severance of Block 2 so that the co-owners can develop both parcels at the same time. The west parcel will be initially developed for retail and commercial uses, while the easterly portion will be developed for high-rise residential uses. It is anticipated that the future development applications on the east side will also facilitate the new north-south roadway. The west parcel is intended to have a lot area of 15,219 m² while the east parcel is intended to have lot area of 15,217 m² in size, with frontages of approximately 92 m and 109 m respectively. The depths of the proposed parcels are 158 m and 138m. Both of the parcels will meet minimum zoning standards as displayed in the table below.

Zoning By-law 270-2004 Provision	Requirement (C3 Zone)	Parcel A	Parcel B
Min Lot Width	21 metres	92 metres	109 metres
Min Lot Depth	21 metres	158 metres	138 metres

JUSTIFICATION OF PROPOSAL

While this application is a consent under section 53 of the *Planning Act*, the determination of whether the approval of the consent should be granted is noted in Section 53(12). Section 53(12) notes that the granting of approval is based on whether there is sufficient regard for the matters under Section 51(24). In our opinion, the proposed severance does have regard for the matters set out in Section 51(24) of the *Planning Act* as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,"

- a) *The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2.*

With respect to Section 51(24)(a), the application is to sever the existing lot and create two separate parcels. The proposal includes a blanket easement for reciprocal access and servicing.

b) Whether the proposed subdivision is premature or in the public interest.

Section 51(24)(b) has been met as uses contemplated for both the retained and severed lands will be permitted in the Brampton Official Plan, Fletcher Meadows Secondary Plan, and the site specific *Zoning By-law* on both parcels.

c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any.

Section 51(24)(c) has been met as the proposal conforms to the *City of Brampton Official Plan and Fletchers Meadow Secondary Plan*. The Subject Lands are zoned 'Commercial Three' and 'Residential Apartment', both with site specific modifications and uses to allow for a mix of uses on both the retained and severed portions of the Subject Lands. The proposed severance is to facilitate appropriate sized development parcels and will maintain the intent of the site designations and zoning.

d) The suitability of the land for the purposes for which it is to be subdivided.

The proposed severance application will create two parcels that are suitable, appropriate and compatible with the existing character of the surrounding area. The subdivided lands will maintain the City standards as set forth in *Zoning By-law 270-2004*.

f) The dimensions and shapes of the proposed lots;

The proposal results in the creation of two new parcels that have shapes and sizes that comply with the *Zoning By-law* requirements. The proposed parcels will be suitable for future development as contemplated through site specific zoning for the Subject Lands.

i) The adequacy of utilities and municipal services.

Section 51(24)(i) has been fulfilled for the retained lands as the properties are intended to be fully serviced through subsequent development approvals. A master servicing study was undertaken with previous applications to determine servicing to facilitate future development on the Subject Lands. Infrastructure has been confirmed to be available for the parcels. Similarly, servicing studies will be provided in support of any future applications.

k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

There are no land dedications anticipated to be conveyed through this process. The Subject Lands are also to be subject to future site plan applications which will allow additional review before approval.

m) *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.*

A site plan application will be required to facilitate the development on both parcels. Ultimate development scenarios will be subject to the site specific provisions of the Zoning By-law. The lot configurations of both the retained and severed parcels meet the City standards in terms of lot width and depth. The severance and lot addition will ensure that appropriately sized development parcels are created to allow for development that will have appropriate minimum setbacks.

Based on the above analysis, the proposed severance meets the tests under section 51(24), specifically, (a), (b), (c), (d), (f), (i), (k) and (m). Given the context and scope of the proposal, the criteria of 51(24) (e), (g), (h), (j), and (l) are not applicable. Therefore, the proposed severance is in the public interest, represents good planning and has sufficient regard for the matters under Section 51(24) of the *Planning Act*.

CONCLUSION

It is in our opinion that the requested consent for severance meets the requirements of Section 51(24) of the Planning Act and conforms to the applicable Official Plan policies and Zoning provisions. We request that this application be circulated for staff review and be scheduled for the next available Committee of Adjustment hearing.

If you require further information please do not hesitate to contact us. We look forward to this matter being scheduled on the next available hearing date.

Yours truly,

MHBC



Oz Kemal, BES, MCIP, RPP
Partner



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** Bovaird West Holdings Inc.
(print given and family names in full)
Address 2851 John Street, Suite 1, Markham, ON, L3R 5R7

Phone # 905-477-9200 **Fax #** _____
Email sbishop@nadg.com & erica.govan@choicereit.ca

(b) **Name of Authorized Agent** MHBC Planning c/o Oz Kemal
Address 442 Brant Street, Suite 204, Burlington, ON, L7R 2G4

Phone # 905-639-8686 x225 **Fax #** _____
Email okemal@mhbcplan.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: Block 2 on Plan 43M-1927 to be split to create two separate lots with a blanket easement for reciprocal access and servicing.

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.**
Unknown at this time

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

a) **Name of Street** Lagerfeld Drive/Creditview Road/Bovaird Drive West **Number** _____

b) **Concession No.** _____ **Lot(s)** _____

c) **Registered Plan No.** 43M-1927 **Lot(s)** 2

d) **Reference Plan No.** _____ **Lot(s)** _____

e) **Assessment Roll No.** 211006000300326 **Geographic or Former Township** Brampton

5. **Are there any easements or restrictive covenants affecting the subject land?**
Yes No
Specify: The Subject Lands are subject to an easement in favour of Hydro One which is located along the Bovaird Frontage

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

a) Frontage ~108m Depth ~138m Area ~1.73ha

b) Existing Use Vacant Proposed Use Residential / Mixed-Use

c) Number and use of buildings and structures (both existing and proposed) on the land to be severed:
(existing) None
(proposed) None

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 type="checkbox"/>
Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>
Regional Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>
Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>

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

f) Water supply will be by:	Existing	Proposed
Publicly owned and operated water system	<input checked="" type="checkbox"/>	<input 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 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):	_____	

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

a) Frontage ~92m Depth ~158m Area ~1.52ha

b) Existing Use Vacant Proposed Use Residential / Mixed-Use

c) Number and use of buildings and structures (both existing and proposed) on the land to be retained:
(existing) Vacant
(proposed) No applications on the retained lands at this time

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 type="checkbox"/>
	Other Public Road	<input type="checkbox"/>	<input type="checkbox"/>
	Regional Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Seasonal Road	<input type="checkbox"/>	<input type="checkbox"/>
	Private Right of Way	<input type="checkbox"/>	<input type="checkbox"/>

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

f)	Water supply will be by:	Existing	Proposed
	Publicly owned and operated water system	<input checked="" type="checkbox"/>	<input 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):	<hr/>	

g)	Sewage disposal will be by:	Existing	Proposed
	Publicly owned and operated sanitary sewer system	<input checked="" type="checkbox"/>	<input 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):	<hr/>	

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>Commercial Three (C3-5326)</u>	<u>Commercial Three (C3-5326)</u>
Official Plans		
City of Brampton	<u>Mixed Use Node (Fletcher's Meadow)</u>	<u>Mixed Use Node (Fletcher's Meadow)</u>
Region of Peel	<u>Urban System</u>	<u>Urban System</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 # B-2021-0034 Status/Decision Approved

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

Yes No

Date of Transfer 2022 Land Use High-Rise Residential (Block 3)

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	C04W11010	OMB Approved (PL 160478)
Minister's Zoning Order	_____	_____
Minor Variance	_____	_____
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 Burlington _____
this 18th day of October _____, 2022.



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, Oz Kemal _____ of the City _____ of Cambridge _____

in the County/District/Regional Municipality of Waterloo _____ 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 Burlington _____

In the Region _____ of Halton _____
this 18th day of October _____, 2022.

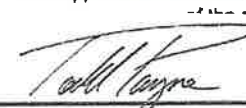


Signature of applicant/solicitor/authorized agent, etc



Signature of a Commissioner, etc

Submit by Email
Doris Ann Ainsworth, a
Commissioner, etc., Province of
Ontario, for MHBC Planning
Limited. Expires August 2, 2025.


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	Oct 18, 2022 _____ Date

DATE RECEIVED October 18, 2022
Date Application Deemed Complete by the Municipality _____

SEVERANCE SKETCH

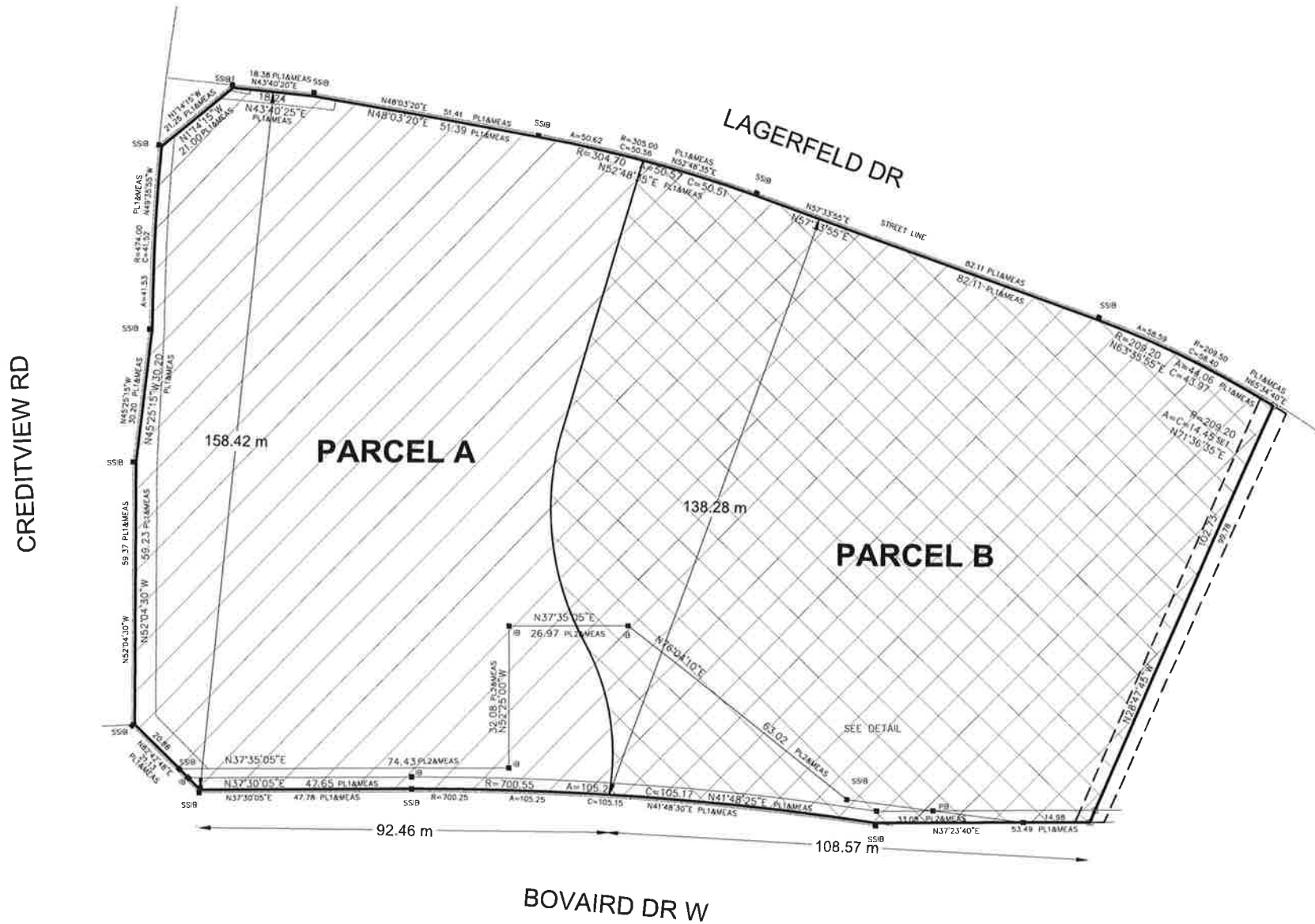
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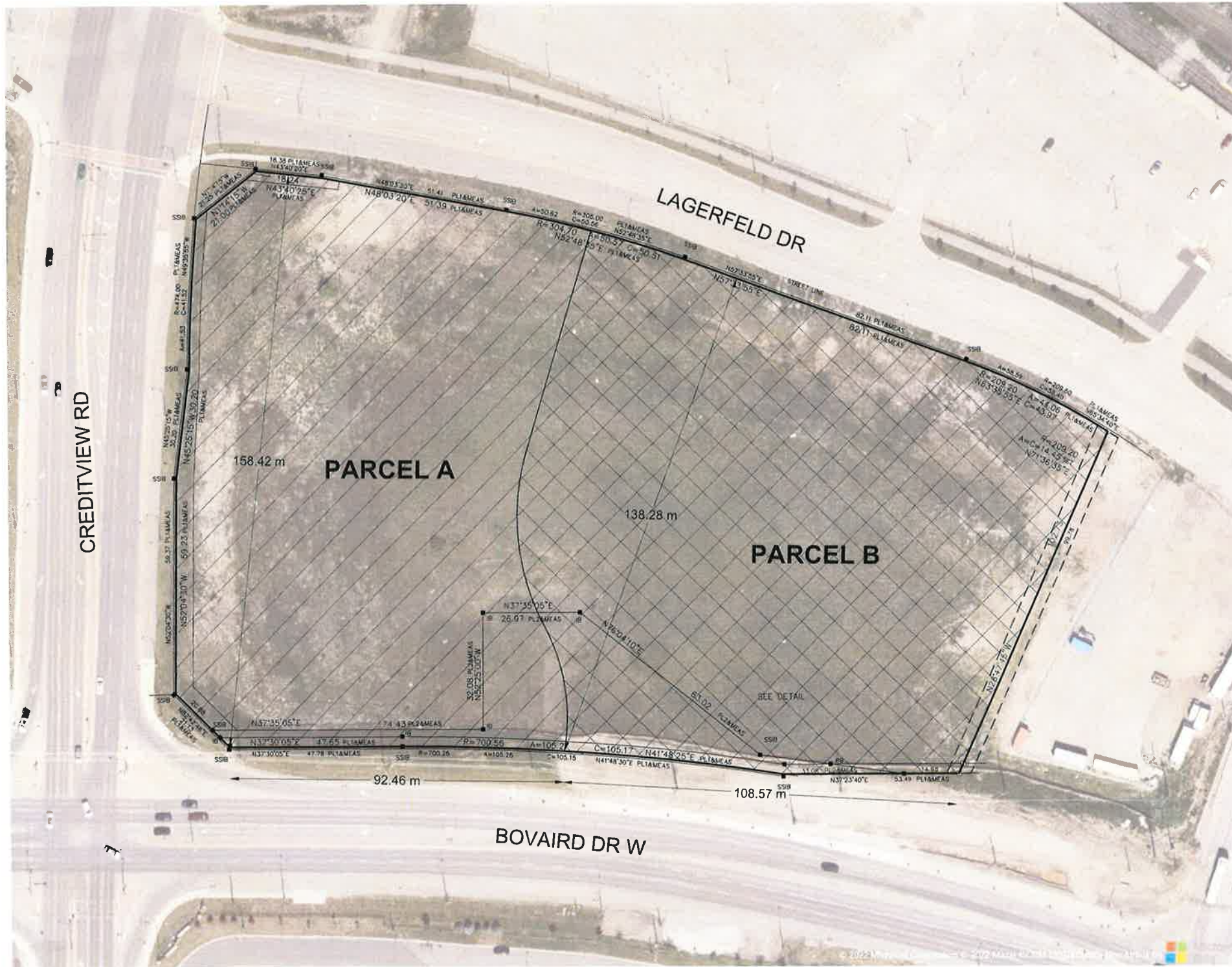
Drawn: R.M.



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MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

404-466-4411 STREET, BURLINGTON, ON L7R 3G7
P: 905-639-5644 F: 905-761-3362 | WWW.MHBCPLAN.COM



SEVERANCE SKETCH

PLAN OF SURVEY OF
 BLOCK 2
 PLAN 43-M-1927
 CITY OF BRAMPTON
 REGIONAL MUNICIPALITY OF PEEL

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M1328AP - BOVAIRD AND CREDITVIEW BRAMPTON1 - 686C
 DOCUMENTS/SEVERANCE/SEVERANCE SKETCH (2022-09-29)DWG

**PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE**

224-442 BRANT STREET BRAMPTON, ON L6Y 3Z4
 P: 905.876.8888 F: 905.876.1258 | WWW.MHBC.AUCTION

