

Filing Date: May 24, 2023

Hearing Date: June 20, 2023

File: B-2023-0019

**Owner/
Applicant:** DANIELS MPV CORPORATION

Address: 10, 20 and 30 Lagerfeld Drive

Ward: WARD 6

Contact: Simran Sandhu, Planner I

Proposal:

The purpose of the application is to request the consent of the Committee of Adjustment for conveyance of Part of Block 4, Plan 43M-1927 to provide for a stratified lot addition of lands currently under ownership of the West Parcel (future condominium) to the East Parcel of land (rental). The effect of the application is to amend ownership boundaries by merging select Parts at grade and in the shared underground garage with the East Parcel of land municipally known as 40 Lagerfeld Drive. (Concurrent Consent Application B-2023-0018).

Recommendations:

That application B-2023-0019 is supportable, subject to the following conditions being imposed:

1. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate;
2. Subsection 50(3) and/or(5) of the Planning Act R.S.O. 1990 as amended, shall apply to any subsequent conveyance or transaction involving the parcel of land that is the subject of this consent;
3. A solicitor's undertaking shall be received indicating that the "severed" lands (being proposed part 5 on the draft reference plan approved as approved by the City) and the abutting lands (being part 28 on reference plan 43R-39900), shall be "merged" for Planning Act purposes at the time of the registration of the Transfer to which the Secretary-Treasurer's Certificate is affixed;
4. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) encumbering the "resultant" lot will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act; or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s);

5. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and the required number of prints of the resultant deposited reference plan(s) shall be received.
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Background:

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Mixed Use Node' in the Fletchers Meadow Secondary Plan (Area 44); and
- **Zoning By-law:** The subject property is zoned 'Residential Apartment A (R4A - 3527)' according to By-Law 270-2004, as amended.

Current Situation:

The subject property is currently under construction to develop a residential condominium and a rental apartment with a shared underground garage. The applicant is proposing to transfer the proposed part 5 as shown on the sketch from the future condominium entity to the rental entity. This is to be achieved through stratified part lot addition to amend the ownership boundaries on the select proposed part 5 in the underground parking lot.

In 2020 the subject property received approval from the Committee of Adjustment to sever the lands into two separate parcels under file B-2020-0018 (Appendix A). Through the design and construction process, revisions are required which conflict with the original severance. This application proposes to correct the misaligned ownership boundaries.

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,



Simran Sandhu, Planner I

SCHEDULE "A"

**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT**

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed lot addition has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed lot addition is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed lot addition does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed lot addition is suitable for the purposes for which it is to be subdivided.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed lot addition does not present any concern with regard to the adequacy of the roadwork network.
f) <i>The dimensions and shapes of the proposed lots;</i>	No new lots are proposed. The shape and dimension of the proposed lease area is appropriate for the intended use.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed lot addition present no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.

j) <i>The adequacy of school sites;</i>	The proposed lot addition presents no concerns with regard to the adequacy of school sites.
k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	There are no concerns related to conveyances for public purposes.
l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed lot addition has no impact on matters of energy conservation.
m) <i>The interrelationship between the design of the proposal 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.</i>	There are no concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act.

Appendix A: B2020-0018 Notice of DecisionAPPLICATION NO. B-2020-0018**PLANNING ACT – PROVISIONAL CONSENT**AN APPLICATION HAS BEEN MADE BY **DANIELS CHOICE MOUNT PLEASANT CORPORATION**

THIS DECISION IS SUBJECT TO THE FOLLOWING CONDITIONS: (AS AGREED TO BY THE APPLICANT(S)/AGENT(S) AT THE MEETING).

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and
 - b. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received; and
2. That the owner finalize site plan approval under City File SP18-002.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services.
3. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private easements.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at the Committee of Adjustment meeting, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee as part of its deliberations and final decision on this matter.

REASONS:

1. This decision reflects that regard has been had to those matters to be regarded under the Planning Act, in as much as the dimensions and shape of the lot are adequate for the uses proposed.
2. Subject to the imposed conditions, the consent to the conveyance will not adversely affect the existing or proposed development.

LAST DATE FOR FILING AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL: NOVEMBER 9, 2020**DATE OF MAILING OCTOBER 20, 2020**

Appendix A: B2020-0018 Staff Report**Report
Committee of Adjustment**

Filing Date: September 24, 2020
Hearing Date: October 20, 2020

File: B-2020-0018

**Owner/
Applicant:** **DANIELS CHOICE MOUNT PLEASANT CORPORATION**

Address: 10-40 Lagerfeld Drive

Ward: 6

Contact: Shelby Swinfield, . Planner I, Development

Proposal:

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 8313 square metres (2.05 acres). The effect of the application is to create a new lot having frontage of approximately 65.4 metres (214.57 feet) and an area of approximately 4478 square metres (1.11 acres), together with reciprocal easements including access, servicing, maintenance, parking and any associated easements for both the proposed severed and retained lands. A 25 storey rental apartment building is proposed for the "retained" land and one 6 storey midrise condominium plus two 3 storey blocks of back- to-back townhouses are proposed for the "severed" land.

Recommendations:

That application B-2020-0018 is supportable, subject to the following conditions being imposed:

1. The Secretary-Treasurer shall have been satisfied that the following conditions have been fulfilled within one year of the mailing date noted below and the Secretary-Treasurer's Certificate under the Planning Act shall be given:
 - a. A Secretary-Treasurer's certificate fee shall be paid, in the amount current at the time of the issuance of the Secretary-Treasurer's Certificate; and
 - b. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received; and
2. That the owner finalize site plan approval under City File SP18-002.000, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services.

Background:

The lands are currently subject to Site Plan Application SP18-002.000 to develop the lands with a combination of condo and rental units. The site plan application is in its final stages and staff consider it appropriate to move forward with the consent application to establish the required parts and easements. A condition of approval is recommended that this site plan application be completed to the satisfaction of the Director of Development services to ensure that the approved site plan and proposed easements are consistent.

- **Official Plan:** The subject property is designated 'Residential' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'Mixed Use Node' in the Fletcher's Meadow Secondary Plan (Area 44); and
- **Zoning By-law:** The subject property is zoned "Residential Apartment A – Section 3527 (R4A-3527)" according to By-Law 270-2004, as amended.

Current Situation:

Staff has undertaken a thorough review of this proposal, relative to the provisions prescribed within Section 51(24) of the Planning Act (as summarized on Schedule "A" attached to this report), and advise that the proposed consent application is considered to represent proper and orderly planning and can be supported from a land use perspective.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I, Development

SCHEDULE "A"
**CRITERIA TO BE CONSIDERED UNDER SECTION 53(12) & 51(24) OF THE
PLANNING ACT**

CRITERIA TO BE CONSIDERED	ANALYSIS
a) <i>The effect of development of the proposed subdivision on matters of provincial interest;</i>	The proposed severance has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance is neither premature nor contrary to any matters of public interest.
c) <i>Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed severance does not present any concern with regard to the Official Plan or adjacent plans of subdivision.
d) <i>The suitability of the land for the purposes for which it is to be subdivided;</i>	There is no concerns about the suitability of the land for the purposes of the severance.
e) <i>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The proposed severance does not present any concern with regard to the adequacy of the roadway network.
f) <i>The dimensions and shapes of the proposed lots;</i>	The proposed severance is appropriate in size and shape for its purpose.
g) <i>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No concerns are noted with regard to restrictions on the lands included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance presents no concerns with regard to flood control and the conservation of natural resources.
i) <i>The adequacy of utilities and municipal services;</i>	There are no concerns with regard to the adequacy of utilities and municipal services.

<p>j) <i>The adequacy of school sites;</i></p>	<p>The proposed severance presents no concerns with regard to the adequacy of school sites.</p>
<p>k) <i>The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i></p>	<p>There are no concerns related to conveyances for public purposes.</p>
<p>l) <i>The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i></p>	<p>The proposed severance has no impact on matters of energy conservation.</p>
<p>m) <i>The interrelationship between the design of the proposal 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.</i></p>	<p>There are no concerns related to the design of the proposal and matters of Site Plan Control.</p>