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URBAN DESIGN
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Authorized commenting Agency for



June 15, 2023

Jeanie Myers, Secretary-Treasurer
Committee of Adjustment, City Clerk's Office

City of Brampton
2 Wellington Street West
Brampton, ON
L6Y 4R2

Via email: Jeanie.myers@brampton.ca

Dear Jeanie Myers:

RE: Application for Minor Variance
38 Tianalee Crescent, City of Brampton
Antony Maxin & Teresa Francis c/o Shivang Tarika
Municipal File: A-2023-0159
MHBC File: PAR 50207

MacNaughton Hermsen Britton Clarkson (MHBC) are the planning consultants for TransCanada PipeLines Limited (TCPL). This letter is in response to a notification and request for comments for the minor variance application outlined above. We understand that the variance seeks to permit reduced setbacks from the TCPL right-of-way to facilitate the construction of below grade stairs (7.45m) and to recognize an existing deck (6.66m) on the lands identified as 38 Tianalee Crescent in the City of Brampton (the "Subject Lands"). TCPL has one (1) high-pressure natural gas pipeline contained within a right-of-way ("easement") abutting the rear lot line of the Subject Lands.

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board (NEB). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

As outlined in Zoning By-law 270-2004, the following setbacks apply to the Subject Lands:
Lands designated R3B – Section 943:

943.2 (14) Setback From TransCanada Pipeline: no permanent structures shall be located within 10 metres of the limit of the TransCanada Pipeline right-of-way.

The zoning regulations that provide minimum setbacks to TCPL's right-of-way are established as a public safety requirement and to ensure that access to the pipelines for maintenance and emergency service is maintained.

Upon review of the proposed reduced setbacks, due to the location of the pipeline within the right-of-way and the nature of the proposed development, **TCPL is in support of both variances.** The Applicant shall apply

for Written Consent from TCPL for the below-grade entrance (see instructions below) and adhere to the following regulatory requirements for any work within 30 metres of TCPL's pipelines:

1. Written consent from TCPL must be obtained before any of the following:
 - a. Constructing or installing a facility across, on, along or under a TCPL pipeline right-of-way (easement). A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
 - b. Conducting ground disturbance (excavation or digging) on TCPL's right-of-way or within 30 metres of the centreline of TCPL's pipeline (the "Prescribed Area");
 - c. Driving a vehicle, mobile equipment or machinery across a TCPL right-of-way outside the travelled portion of a highway or public road;
 - d. Using any explosives within 300 metres of TCPL's right-of-way; and
 - e. Use of TCPL's Prescribed Area for storage purposes.

How to apply for written consent:

- Determine the location of your work relative to TCPL's facilities.
 - When planning, and before any of the work or activities, listed above, can begin, a request for written consent must be submitted to TCPL through our online application form
 - We no longer accept applications through email
 - Location of the work is required, along with the proximity to TCPL's right-of-way
 - This information can be obtained through survey plans, or through a locate request
 - Make a locate request either online (ClickBeforeYouDig.com) or by calling your local One-Call Centre.
 - The One-Call Centre will notify owners of buried utilities in your area, who will send representatives to mark these facilities with flags, paint or other marks, helping you avoid damaging them. Often written consent for minor activities can be obtained directly from a regional TCPL representative through a locate request.
 - Apply for written consent using TCPL's [online application form](#) or call 1-877-872-5177.
 - Application assessment and consent. Once your information has been assessed and potential impacts have been evaluated, TCPL may:
 - Grant consent without any conditions
 - Grant consent that requires certain conditions to be met to assure safety, or
 - Not grant consent
2. During any construction activities in proximity of the right-of-way, the owner must install and maintain temporary fencing along the limits of TCPL's right-of-way to prevent unauthorized access onto the pipeline right-of-way with heavy equipment. The fence must meet TCPL's specifications concerning type, height and location and must be maintained by the owner for the duration of construction.
 3. Storage of materials and/or equipment on TCPL's right-of-way is not permitted.
 4. If TCPL's pipelines suffer contact damage or other damage as a result of an Owner's operations, stop work immediately and notify TCPL at once.
 5. The Owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

Enclosed is a copy of TC Energy's Work Safely Handbook for additional information on constructing near TCPL's pipelines. Additional information can be found on TC Energy's [website](#).

Thank you for the opportunity to provide comments. Kindly forward a copy of Notice of Decision to TCEnergy@mhbcplan.com. If you have any questions, please do not hesitate to contact our office.

Sincerely,

MHBC

A handwritten signature in black ink that reads "K. Webber". The signature is written in a cursive, flowing style.

Kaitlin Webber, MA
Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited