



September 28, 2023

**Via E-Mail**

Mayor & Members of Council  
The Corporation of the City of Brampton  
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file #: 59657-1

Attention: Peter Fay, City Clerk  
Gagandeep Jaswal, Legislative Coordinator

Dear Sirs/Madames:

**Re: Agenda Item 6.5 – September 29, 2023 Special Council Meeting  
Staff Report re: City-Initiated Zoning By-law Amendment  
5556, 5600 and 5620 Countryside Drive - Ward 10**

We are counsel to Mary Di Biase, the owner of the lands municipally known as 5620 Countryside Drive in the City of Brampton.

Our client has reviewed the City-Initiated Zoning By-law Amendment ("ZBLA") with respect to 5556, 5600 and 5620 Countryside Drive (the "Subject Properties"), which is being considered for approval by Council on September 29, 2023.

For the reasons that follow, while our client is supportive of the proposed industrial land use permissions for the Subject Properties, our client does not support the proposed development scheme put forward in staff's September 5, 2023 report (the "Report"), which includes a permanent office use to serve Darzi Holdings Inc. ("Darzi") on our client's lands. In addition, the proposed holding symbol provisions are inappropriate, do not represent good planning, and are *ultra vires* the City's zoning powers under s. 34 of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*").

Accordingly, our client strongly objects to the approval of the ZBLA and requests that this item be deferred until we have had an opportunity to discuss this matter further with the City.

**Background**

Darzi is the owner of 5556 Countryside Drive (the "Darzi Site") which is currently zoned Agricultural under City of Brampton Zoning By-law 270-2004. In December of 2021, Blackthorn Development Corp. applied on Darzi's behalf for a Temporary Use Zoning By-law Amendment to permit temporary outdoor storage, oversized vehicle parking, and vehicle parking of not more

than three years on the Darzi Site. The Temporary Use Zoning By-law Amendment was enacted in March of 2022.

The neighbouring lands at 5600 Countryside Drive and our client's property at 5620 Countryside Drive are currently zoned Residential Rural Estate Two – RE2 Zone under City of Brampton Zoning By-law 270-2004. Our client currently resides in the residential dwelling located on its property. Our client has no relationship with Darzi and has not authorized or endorsed any use of its property for the benefit of Darzi.

## **The Proposed ZBLA**

We understand that City staff are now proposing to re-zone the Subject Properties with a site-specific "Industrial One (M1)" zone in order for the lands to be developed for industrial purposes. Staff's rationale for the ZBLA is that the City of Brampton's 2006 Official Plan designates this area as "Industrial" and the Highway 427 Industrial Secondary Plan, which was adopted by City Council on September 10, 2014, designates the area as "Prestige Industrial". In staff's view, both of these designations point to the future development of this part of Brampton as an employment area.

However, in reviewing staff's Report, the ZBLA contemplates a particular development scheme which includes a permanent office use and associated outdoor storage for truck and trailer parking on the Subject Properties. In particular, the concept plan appended to staff's Report identifies the location of the "Future Rafat Head Office" on our client's property. Our client has not consented to this proposal, nor has it expressed any interest in selling its property to Darzi. We understand that our client made submissions objecting to the proposed ZBLA at the statutory public meeting held on August 28, 2023.

On behalf of our client, we also submitted a letter of objection to the Planning & Development Committee (the "Committee") in advance of its September 25, 2023 meeting. We understand that the Committee referred this matter back to staff and City legal for internal review and directed that it be considered by Council at its next regularly scheduled Council meeting. On September 26, 2023, we contacted City legal and requested a meeting to discuss this matter further. We did not receive a response. Instead, we received a notification from the City on the evening of September 28, 2023 that this matter was proceeding to a Special Council meeting the morning of September 29, 2023.

As removal of the proposed Holding (H) symbol requires the Subject Properties to be assembled under one ownership, presumably in favour of Darzi, before the Industrial uses may be exercised, the ZBLA is effectively proposing to regulate the "user" of the land and not the use, which is beyond the City's zoning powers under the *Planning Act*. It is trite law that municipalities are permitted to regulate the "use", but not "users" of the property. Accordingly, not only does the ZBLA does not represent good planning, but it is *ultra vires* the City's authority under the *Planning Act*.

Accordingly, for the foregoing reasons, our client strongly objects to the approval of the ZBLA. We reiterate our prior request that consideration of this item be deferred until we have had an opportunity to discuss this matter further with the City, particularly given that we have only recently been retained and that our request for a meeting has gone unanswered.

Please acknowledge receipt of this letter and ensure that it is circulated to Council prior to its consideration of this item on September 29, 2023.

We also ask to be provided with written notice of any and all decisions relating to this matter.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in black ink, appearing to read "Melissa Winch", is written over a light gray rectangular background.

Per:

Melissa Winch  
Partner

MW/MK