

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 16, 2022

CASE NO(S): OLT-22-001935
(Formerly PL170607)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Flintshire Building Group Corp.
Subject: Request to amend the Official Plan - Failure of the City of Brampton to adopt the requested amendment

Existing Designation: "Low Density", "Low Density 1", "Upscale Executive Housing Policy Area" and "Private Commercial Recreation"

Proposed Designated: "Executive Residential" and "Low Density 2"
Purpose: To permit 67 single-detached dwellings and the conveyance of the balance of the site to the City for the protection of natural heritage features

Property Address/Description: South Side of Country Dr. East of Airport Rd
Municipality: City of Brampton
Approval Authority File No.: C07E15.015
OLT Case No.: OLT-22-001935
Legacy Case No.: PL170607
OLT File No.: OLT-22-001935
Legacy File No.: PL170607
OLT Case Name: Flintshire Building Group Corp. v. Brampton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Flintshire Building Group Corp.
Subject: Application to amend Zoning By-law No. 270-2004 - Refusal or neglect of the City of Brampton to make a decision

Existing Zoning: Recreational Commercial "RC" Zone
Proposed Zoning: Site Specific Residential Single Detached Zones "R1A", R1B" and "R1C, modified , Open Space zone "OS" and Flood plain zone "F"

Purpose: To permit 67 single-detached dwellings and the

Property Address/Description:	conveyance of the balance of the site to the City for the protection of natural heritage features South Side of Country Dr. East of Airport Rd
Municipality:	City of Brampton
Municipality File No.:	C07E15.015
OLT Case No.:	OLT-22-001935
Legacy Case No.:	PL170607
OLT File No.:	OLT-22-001935
Legacy File No.:	PL170608

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Flintshire Building Group Corp.
Subject:	Proposed Plan of Subdivision - Failure of City of Brampton to make a decision
Purpose:	To permit 67 single-detached dwellings and the conveyance of the balance of the site to the City for the protection of natural heritage features
Property Address/Description:	South Side of Country Drive East of Airport Rd
Municipality:	City of Brampton
Municipality File No.:	21T-16005B
OLT Case No.:	OLT-22-001935
Legacy Case No.:	PL170607
OLT File No.:	OLT-22-001935
Legacy File No.:	PL170609

Heard: January 27, 2022 by video hearing ("VH")

APPEARANCES:

Parties

Counsel

Flintshire Building Group Corporation ("Flintshire")

Paul DeMelo

City of Brampton ("City")

Steven Ross

2585426 Ontario Inc. ("Residents Association")

Steven Kirby

**MEMORANDUM OF ORAL DECISION DELIVERED BY K.R. ANDREWS ON
JANUARY 27, 2022 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] Flintshire owns lands that were operated by the previous owner as the Castlemore Golf and Country Club (“Club”). The Club ceased operation in 2014, prior to Flintshire acquiring the lands in 2015. The lands are located south of Countryside Drive and east of Airport Road. Over the years, single family residential subdivisions have been developed in and around the former Club property.

[2] The Flintshire lands are 19.74 hectares (“ha”) and include the West Humber River and valley lands (collectively the “Valleylands”). The Valleylands formed part of the former Club property and cut diagonally on an approximate southeast course from north of Countryside Drive.

[3] Flintshire wishes to develop three irregularly shaped parcels, known as Parcels A, B and C, for single family residential development. These three residential parcels total 6.1 ha. The remaining 13.64 ha, being the Valleylands, are made up of a valley block, associated buffer blocks, compensation blocks and a walkway block. The intended result of these blocks is to have the Valleylands appropriately buffered from development while providing a walking trail access to the Valleylands that was previously inaccessible for the public.

[4] Parcel A is located on the east side of the Valleylands and is 2.20 ha. Parcels B and C are on the west side of the Valleylands. Parcel B is located within and is surrounded by an earlier subdivision development. South of Parcel B is Parcel C. Parcel C has existing subdivision development to the north, west and south. It overlooks the Valleylands to the east.

[5] In support of its wish to develop these three parcels, Flintshire applied for an Official Plan Amendment (“OPA”), an associated Zoning By-law Amendment (“ZBA”)

and a draft Plan of subdivision (“Plan”). The City failed to make a decision on these applications and Flintshire appealed the matters to the Tribunal.

[6] In a decision issued May 8, 2019, the Tribunal allowed the appeals (the “2019 Decision”).

[7] The present hearing arises from Flintshire’s request to vary the Plan pursuant to s. 35 of the *Local Planning Appeal Tribunal Act*. The request includes bringing a revised Plan before the Tribunal for adjudication, and that the Order clause of the 2019 Decision be varied to reference a revised Plan. The request for consideration was granted by correspondence dated April 26, 2021. A revised ZBA is also required to implement the revised Plan.

[8] Leading up to the present hearing, Flintshire and the City had discussions regarding the provision of additional parkland and examined options that would provide for that, which resulted in a further updated Plan. All three parties have indicated that they endorse the resulting Plan, which is now before the Tribunal for consideration.

EVIDENCE AND DESCRIPTION OF THE PROPOSED CHANGES

[9] A summary of the proposed changes to the Plan are as follows:

- The revised Plan eliminates the cul-de-sac at the south end of Street ‘B’ and adds the connection of Street B to the Block 109 “road stub”;
- The use of Block 109 as a road connection results in the land (otherwise used for pavement of the cul-de-sac) now being used as open space for the community. This results in the introduction of a 0.17-hectare Parkette (Block 81);
- Introduction of Block 83 (Future Development Block) which is intended to be added to Block 99 (Road stub block);

- In comparison to Version 1, the lotting pattern is exactly the same with the exception of Lot 25 in which the southerly side lot line was straightened as a result of removing the cul-de-sac and introducing the Parkette;
- When combining Park Block 80 and 81, there is now a total of 0.37 hectares of Parkland, which is an over-contribution of 0.074 hectares (about 25% extra) pursuant to the City's Parkland Dedication By-law.

[10] Richard Pernicky was duly qualified on consent as an expert in transportation engineering. He provided opinion evidence in support of the proposed revised Plan.

[11] Jason Afonso was duly qualified on consent as an expert in land use planning. He also provided opinion evidence in support of the proposed revised Plan.

Configuration of the Plan

[12] Mr. Pernicky opined that the elimination of the cul-de-sac at the south end of Street 'B' and connection of Street B to the Block 109 "road stub" provides for a better road configuration by eliminating the need for a cul-de-sac and improving connectivity more generally. He further opined that the road configuration, including the intersection points between Streets B and Donwoods Court and Street C and Donwoods Court meet all required sightlines and provide for an appropriate and functioning road connection. He further confirmed that it was his opinion that no changes are required to provide any additional daylight roundings at these intersection points because of the nature of the local roads, including the new Streets B and C, and the expected volumes on these roads.

[13] Mr. Afonso opined that the revised Plan represents an improvement to the community over that which was previously approved by the Tribunal, by increasing the physical parkland provided and improved connectivity.

[14] The Tribunal accepts Mr. Pernicky's and Mr. Afonso's evidence associated with

the proposed configuration of the roads and general layout of the Plan and similarly finds that the new Plan is an improvement over the previously approved Plan.

Conformity with the OPA approved pursuant to the 2019 Decision

[15] Regarding conformity with the OP, Mr. Afonso opined that no changes are required to the OPA approved pursuant to the 2019 Decision, which designates the lands as “Executive Residential” and “Low Density 2”, to implement the new Plan.

[16] He testified that the “Executive Residential” designation which applies to the lands on east side of the valley (Parcel A) allows for detached dwellings with a minimum lot width of 15 metres (“m”) and lot depth of 30 m, and the proposed lots of the Plan conform to this requirement.

[17] Mr. Afonso also testified that the “Low Density 2 Residential” designation which applies to the lands on the west side of the valley (Parcels B and C) allows for minimum 13.7-m lot widths, which the proposed lots of the Plan conform to as well.

[18] In summary, Mr. Afonso opined that the proposed Plan conforms to the approved OPA and allows for the creation of appropriate residential lots. The Tribunal accepts Mr. Afonso’s evidence and finds the same.

Conformity with the ZBA approved pursuant to the 2019 Decision

[19] Mr. Afonso testified that the revised Plan requires a revision to the ZBA approved pursuant to the 2019 Decision.

[20] He testified that, previously, to implement the prior approved Plan, five different residential zone categories were required in the ZBA to provide for site-specific lot provisions arising from the configuration of the parcels which has now been eliminated by the revised road pattern. Now, given the improved configuration of new Plan, it can be implemented with a ZBA featuring two existing residential zone categories (the R1A-

1758 and R1B-2038 Zones), plus Future Development, Open Space and Floodplain Zones.

[21] Mr. Afonso noted that:

- R1A-1758 Zone applies to the 13.7 and 15.24-m lots and represents an existing zone that is used in the neighbourhood
- R1B-2038 Zone applies to the 17.38-m lots east of the valley and also represents an existing zone that is used in the neighbourhood
- Future Development zoning is proposed for “Future Development Block 83”.
- Open Space zoning is proposed for the open space areas and buffers; and
- Floodplain zoning is proposed for the Stormwater Management Pond and the Valleylands.

[22] In summary, Mr. Afonso opined that the proposed revised ZBA both implements the Plan and provides zoning regulations that are more consistent with existing zoning in the area. The Tribunal accepts Mr. Afonso’s evidence and finds the same.

Planning Act Section 51(24)

[23] Regarding adherence to s. 51(24) of the *Planning Act* (“Act”), Mr. Afonso identified the following subsections and testified as follows:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

- The proposed plan of subdivision protects the existing valley system and features an efficient development pattern which makes efficient use of

infrastructure.

(b) whether the proposed subdivision is premature or in the public interest;

- This matter was addressed through the original Tribunal hearing and the Tribunal has already made a decision to approve the development of the subject lands. The updated instruments simply allow for development to now proceed in an improved manner.
- The development is in the public interest as it makes use of urban lands and avoids uneconomical expansion and consumption of land beyond the urban boundary.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

- The proposed development conforms to the approved OPA and represents a development form that is compatible with the surrounding neighbourhood.

(d) the suitability of the land for the purposes for which it is to be subdivided;

- The proposed plan of subdivision is for generally low-density residential uses which are compatible with the existing surrounding neighbourhood.

(e) 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;

- The proposed roads within the Plan are local roads which are low volume and adequate for the number of dwelling units. Street “B” has been reconfigured to make use of the existing road stub at Block 109. Street “A” continues to have a cul-de-sac but with an appropriate connection to Donwoods Court that Mr. Pernicky advised will work appropriately.

(f) the dimensions and shapes of the proposed lots;

- The proposed lots are generally consistent with the rest of the neighbourhood and are sized for large detached dwellings and are intended to be regulated with zoning that is consistent with what already exists in the neighbourhood.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

- There are no restrictions. The Valleylands are placed in their own development block and compensation lands have also been provided and will be maintained in an Open Space Zone and will be transferred to public ownership. The configuration of the Valleylands and compensation blocks have not changed.

(h) conservation of natural resources and flood control;

- The Valleylands have been identified and placed in a block to be conveyed to the City. Flood control is achieved through stormwater management and protection of the Valleylands.

- (i) the adequacy of utilities and municipal services;
- Services are available to the site from the streets and there are no limits or constraints arising from any servicing matters.
- (j) the adequacy of school sites;
- Schools exist within the neighbourhood and the school boards have reviewed and commented on the Plan and have not indicated a need for additional school sites. The conditions of draft plan approval contain specific provisions from the school boards that have not been changed since the original proposal.
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- The Valleylands are to be conveyed to the municipality at subdivision registration and the proposed public parkland areas exceed the parkland dedication requirement.
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy;
- The plan optimizes the use urban lands, which helps to mitigate expansion of settlement areas, which in turn reduces energy use for public transportation and commuters.
- (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;

- This is not applicable as the subject lands are not subject to site plan control.

[24] In summary, Mr. Afonso opined that the revised Plan has sufficient regard and consideration for the elements enumerated at s. 51 (24) of the Act. The Tribunal accepts Mr. Afonso's evidence and finds the same.

CONDITIONS OF DRAFT PLAN APPROVAL

[25] Mr. Afonso opined that the Conditions of the revised Plan's approval are appropriate to implement the proposed Draft Plan, given that it stipulates:

- Requirement to enter into a Subdivision Agreement which will stipulate requirements for securities, other financial obligations, meeting various engineering and design standards, as well as the use of Block 109 as a road connection with the consent of the City;
- Requirement associated with lands that are to be conveyed to the municipality, which includes the expansion of Block 99 with a dedication by the owner of Block 83 to the City;
- Requirement associated with parkland dedication and specifically the provision of an over dedication by the owner;
- Requirement associated with studies and plans as part of the subsequent detailed design stage;
- Warning clause requirements for home purchasers;
- School Board Notice signage requirements;
- Requirements associated with various Public Agencies and Utility

Companies.

[26] The Tribunal accepts Mr. Afonso's evidence and opinions regarding the proposed conditions, and similarly finds it appropriate to implement the proposed Draft Plan.

COSTS

[27] The parties jointly submitted a request that the Tribunal order the parties to bear their own costs. The Tribunal will include such an Order to reflect this consensus.

ORDER

[28] **THE TRIBUNAL ORDERS** that:

1. The appeal is allowed in part and the instruments, as agreed to by the parties, are approved as follows:
 - a) The Draft Plan of Subdivision prepared by Glen Schnarr and Associates Inc. dated January 27, 2022 attached to this Order as Attachment 1, is approved subject to fulfillment of the conditions attached to this Order as Attachment 2. Pursuant to subsection 51(56.1) of the *Planning Act*, the City of Brampton shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the Act;
 - b) The modifications to Zoning By-law No. 2020.432, being a by-law to amend Zoning By-law No. 2020 as amended, attached to this Order as Attachment 3, are approved. The Tribunal authorizes the municipal clerk of the City of Burlington to assign a number to this by-law for record keeping purposes.

2. The Tribunal may continue to be spoken to if: any issues arise in order to allow the Appellant to seek minor modifications to the previously approved zoning as the details of the site plan and construction development are finalized; in the event that there are any difficulties implementing any of the conditions of draft plan approval; or if any changes are required to be made to the draft plan as a result of any issues arising in the implementation of the conditions to approval.

3. The parties shall bear their own costs of this matter.

“K.R. Andrews”

K.R. ANDREWS
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.



DRAFT PLAN OF SUBDIVISION
FILE # 21T-16005B & C07E16.015
FLINTSHIRE BUILDING GROUP CORP.
 PARTS OF BLOCKS 63 & 71 & ALL OF BLOCKS 64 & 70.
 REGISTERED PLAN 43M-1611 &
 PART OF LOT 15, CONCESSION 7, N.D.
 CITY OF BRAMPTON
 REGIONAL MUNICIPALITY OF PEELE

OWNERS CERTIFICATE
 I HEREBY AUTHORIZE GLEN SCHNARR & ASSOCIATES INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF BRAMPTON FOR APPROVAL.

SIGNED: *[Signature]* DATE: January 28, 2018
 JAMES MORTON, VICE PRESIDENT
 FLINTSHIRE BUILDING GROUP CORP.

SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN.

SIGNED: *[Signature]* DATE: January 20, 2018
 TAMARA MILA, P.L.L.C.
 401 WILSON AVENUE, SUITE 4
 MISSISSAUGA, ONT. L4X 1L7
 PHONE: 905.875.0496
 EMAIL: info@milapl.com

ADDITIONAL INFORMATION
 (UNDER SECTION 51(1) OF THE PLANNING ACT) INFORMATION REQUIRED BY CLASSES A, B, C, D & E ARE SHOWN ON THE DRAFT AND KEY PLANS:
 H) MUNICIPAL AND PRED WATER TO BE PROVIDED
 I) SANDY LOAM AND CLAY LOAM
 N) SANITARY AND STORM SEWERS TO BE PROVIDED

LAND USE SCHEDULE

LAND USE	LOTS / BLOCKS	AREA (ha)	AREA (ac)	UNITS
DETACHED - 15 (N) (N)	26, 36, 60, 62, 66, 68, 72, 81	1.96	4.83	31
DETACHED - 15 (S) (S)	12, 13, 20, 39, 40, 47, 49	0.72	1.73	13
PROPOSED CITY DEVELOPMENT	15 (S) (S)	0.96	2.38	31
PROPOSED COMPENSATION	69, 70	0.36	0.89	0
BUFFER	73, 74	0.37	0.91	0
PARKETTE	60, 61	0.37	0.91	0
NEW STRIP	62	0.02	0.05	0
FUTURE DEVELOPMENT BLOCK	63	0.01	0.02	0
FORM ROAD	64	0.24	0.59	0
VALLEY	66	0.08	0.20	0
17 (M) ROW (750)		1.46	3.60	0
TOTAL	68	5.94	14.53	67

NOTES
 - ALL EXISTING STRUCTURES TO BE DEMOLISHED
 - BASE INFORMATION PROVIDED BY: D) BARNES & CITY OF BRAMPTON
 - DAYLIGHT ROUNDINGS ARE 0.01 UNLESS OTHERWISE LABELLED
 - PAVEMENT ILLUSTRATION IS DIAGNOSTIC

ATTACHMENT 2

BRAMPTON

Flower City

SCHEDULE A CONDITIONS OF DRAFT APPROVAL

DRAFT APPROVAL DATE: XX, 2022

SUBJECT: **Draft Plan of Subdivision
GLEN SCHNARR & ASSOCIATES INC. –
FLINTSHIRE BUILDING GROUP CORPORATION
("Owner/Developer")
21T-16005B
City of Brampton
C07E15.015
Planner: Larysa Dubicki**

In accordance with the decision dated XX, 2022, the Local Planning Appeal Tribunal has made a decision to authorize the draft approval of the above noted draft plan of subdivision subject to the following conditions.

Approved Plan and Redlines

1. The final plan shall conform to the draft plan prepared by Glen Schnarr & Associates Inc. dated January 27th, 2022.

Subdivision Agreement

2. Prior to registration, the owner shall enter into a Subdivision Agreement and any other necessary agreements.

These agreements shall deal with all matters and include terms or conditions where such matters, terms, or conditions, are reasonable having regard to the nature of the development proposed for the subdivision, in accordance with s.51 of the *Planning Act*. These agreements may address matters including

but not limited to the following:

- a) The use of Block 109 as a road connection between Treeline Blvd./Rushbrook Drive and Street "B" and that in exchange for the City permitting Block 109 to be used as a road connection in accordance with the draft plan that the owner shall provide to the City the parkland dedication and dedication of other lands to be added to Block 99, as noted in Conditions 12 and 13, and that no further or other consideration shall be required of the owner for the use of Block 109;
- b) The owner shall not be required to provide daylight roundings at the intersections of Streets B with Donwoods Ct. and Street C with Donwoods Ct.;
- c) Planning matters such as parkland/open space dedications and development, residential reserves, buffer blocks, tree preservation, trails, site development plan, utilities, architectural control, homebuyer's information map, and landscape plan approvals, and warning clauses and notices;
- d) Engineering matters such as municipal services, construction and reconstruction, traffic signals, grading, fencing, well monitoring, systems, waste management, pressure testing/chlorination, noise mitigation and warning clauses;
- e) Financial issues such as cash contributions, levies (development charges), land dedications or reserves, securities or letters of credit;
- f) Details regarding all matters and requirements referenced in these conditions of draft approval may be provided by way of Comments and Conditions Memos from approval authorities, or from agencies and departments of the City and/or Region, in response to the circulation of the draft plan of subdivision. The conditions expressly identified in the Comments and Conditions Memos as referenced and/or attached to this draft approval and/or any such additional or amended Comments and Conditions Memos as may be provided to the owner in accordance with this draft approval shall be deemed to be conditions for the purposes of this draft approval. General requirements of the City's Subdivision Manual, Development Design Guidelines, Region's Design Criteria and Material Specification Manual, and Landscape Guidelines, as applicable and as amended or replaced from time to time, shall be implemented through the terms and conditions of the Subdivision Agreement.

Fees

3. Prior to registration, all processing and administrative fees shall be paid. Such fees will be charged at prevailing rates of approved

City and Regional Policies and By- laws on the day of payment.

Zoning

4. The Zoning By-law implementing the subject plan shall be approved under Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and be in full force and effect prior to registration of the plan.

Easement and Land Dedication within the Plan

5. Prior to registration of the Plan, the owner shall gratuitously convey and/or dedicate any valley, compensation and buffer blocks, park blocks, stormwater management pond blocks, 0.3 m (1 ft.) reserves, walkways, buffer blocks other land required for municipal purposes and utility or drainage easements to the City, Region, or other authority.
6. The owner shall gratuitously convey Valley Block 85, Compensation Blocks 68-72, Buffer Blocks 73-79, Parkette Blocks 80 and 81, Walkway Block 82, Future Development Block 83 and Stormwater Management Pond Block 84 to the City.
7. All lands which are to be conveyed to the City shall be free and clear of any and all encumbrances, unless otherwise approved by the City.

External Easements and Land Dedications

8. Prior to registration, the owner shall gratuitously convey all necessary external easements and lands for access, drainage, servicing, utility purposes and for any other municipal purposes, as may be required, to the appropriate municipality, agency or public authority. The owner is advised that no servicing works shall be permitted until the detailed engineering drawings are approved and external easements and lands granted.
9. Where the City has required as a condition of registration that the owner convey lands gratuitously to the City for municipal purposes, and where the lands have been so conveyed to the City, and where prior to assumption of the plan the City determines in its sole and absolute discretion that said lands (or any interest therein) are surplus to its requirements and are no longer required, then the City may reconvey said lands (or any interest therein) to the owner, gratuitously, provided that the owner shall be required to pay for any fees, taxes, and/or disbursements related to the reconveyance, including but not limited to registration fees and the cost of preparing and filing a reference plan.

Fencing

10. Chain link fencing will be provided along the rear or side lot lines of Lots 12-22 and 25-36 where the lots abut Buffer Blocks 74, 77 and 78, Valley Block 85 and Compensation Blocks 69, 70, 71 and 72. A warning clause will be included in the Subdivision Agreement and in all agreements of purchase and sale for these lots advising perspective purchasers that gates are not permitted in the fence.

Landscape Privacy Strips

11. A 1.5 metre vegetated landscape strip, containing a combination of deciduous trees planted approximately 8 metres apart in groupings of 3-5, and a single row of evergreen shrubs planted between the tree groupings, is required along the side or rear lot line of the following lots where they abut the side or rear lot line of an existing lot:
 - a) Lots 1-12, Lots 22-24, Lots 37-47 and Lots 48-67.

Parkland Dedication

12. Prior to registration, parkland dedication requirements for the subject application shall be finalized in accordance with the City's Parkland Dedication By-law 283-2013 or any future community benefit charge. In this regard, arrangements shall be made in accordance with the terms of the City's Parkland Dedication By-law, applicable at the time of plan registration for the dedication of Parkette Blocks 80 and 81, which dedication shall represent an over-contribution of parkland by the owner to the City.
13. Prior to registration, the owner shall dedicate to the City Block 83 which the City shall be entitled to add to Block 99.

Studies

14. Prior to registration, the owner shall provide all outstanding reports, plans or studies required by the appropriate Municipality, agency or public authority and the approved recommendations shall be incorporated into the plans, agreements or otherwise implemented in consultation with the applicable agency and/or public authority.

Drawings

15. Prior to registration the owner shall submit drawings to the City in consultation with the applicable agency and/or public authority for approval.

Servicing and Roads

16. Prior to registration, the Functional Servicing Study dated September 3rd, 2021 by Candevcon Limited shall be updated to reflect the draft plan of subdivision dated February 21, 2022 and recommendations of the approved Functional Servicing Study shall have been incorporated into all engineering plans.
17. Prior to registration, the Transportation Impact Study- Access review shall be updated to reflect the draft plan of subdivision dated February 21, 2022 and recommendations of the approved updated study shall have been incorporated into all engineering plans. For clarity no recommendations shall be

made or any requirement imposed upon the owner to provide daylight roundings at the intersections of Streets B with Donwoods Ct. and Street C with Donwoods Ct

Acoustic

18. As part of the first engineering submission, the owner's consultant shall submit a detailed noise report prepared by a qualified acoustical consultant recommending noise control measures satisfactory to the Engineering and Development Services Division, in consultation with the Region of Peel as necessary. A copy of the report shall also be provided to the City's Chief Building Official.
19. The noise control measures and noise warnings recommended by the noise report shall be implemented to the satisfaction of the Engineering Division.
20. As part of the first engineering submission, the owner shall prepare and submit a Noise Attenuation Statement. A copy of the final approved Noise Attenuation Statement shall also be provided to the City's Chief Building Official.
21. The owner will include the following clause in the Noise Schedule of the Subdivision Agreement:

"Prior to the issuance of any Building Permits, the owner agrees to provide the City's Chief Building Official with a certificate certifying that the builder's plans for each dwelling unit to be constructed on the plan shows all of the noise attenuation works required by the approved noise report and the approved plans.

Environmental

22. Prior to the initiation of any grading or construction on the site the owner shall install adequate sediment and erosion control measures to the satisfaction of the City of Brampton and Toronto Regional Conservation Authority. These measures shall remain in place until all grading and construction on the site are completed.
23. Prior to the initiation of any grading or construction on the site, the owner shall install a snow fence adjacent to the existing residences abutting the plan.

Stormwater Management

24. Prior to the initiation of any site grading or servicing and as part of the first engineering submission, the owner shall provide a Stormwater Management Report which describes the existing and proposed stormwater drainage systems for the proposed development.

Sidewalks

25. Prior to the first engineering submission, the owner shall submit a sidewalk and parking plan.

Warning Clauses

26. Warning clauses are to be included in the Agreements of Purchases and Sale and registered on the title of all affected lots and blocks noting:
 - a) Any noise control features required to meet the noise level objectives of the City, to the satisfaction of the City, with respect to all noise sources;
 - b) Any walkways or retaining walls that may evolve on the plan; and,
 - c) The possibility of future transit routes within the internal collector/local road network to serve the residents of this community, including possible establishment of transit stops and platforms,

Soil

27. Prior to the registration of this plan or any phase thereof, the owner shall provide a copy of a Record of Site Condition and confirmation of the filing of the Record of site Condition in the Environmental Site Registry.

Site Grading/Erosion and Sediment Control By-law

28. The owner will be responsible for the proper drainage of all lands abutting the plan. An overall lot/block grading plan must be prepared by the owner's Engineering Consultant to form part of the Subdivision Agreement.
29. The owner will be required to apply for and obtain a Fill Permit prior to undertaking any land stripping or regrading activities within these lands. An irrevocable letter of credit is required to cover 100% of the estimated cost of site control measures plus 10% allowance for contingencies, as per Schedule 'A' to the By-law.

Storm Drainage

30. Storm sewer works including connections to each lot and building block shall be designed in such a manner and be of adequate size and depth to provide for the drainage of the weeping tiles, for the development of all lands lying upstream within the watershed and/or provide for the drainage of such areas as may be designated by the Commissioner Public Works & Engineering.
31. As a part of detailed processing of servicing submissions, the owner's

consultant will be required to include a drawing outlining the proposed overland flow route on these lands. The internal route is to coincide with roadways as much as possible. Should this route direct drainage along a lot's side lot line, the size of the concerned lot(s) is to be increased in width to account for this route in addition to the usual lot sizes. All overland flow routes to be located on private lands shall be covered by a municipal easement to the satisfaction of the City and the appropriate Conservation Authority.

32. All storm drainage shall be conducted to an outlet considered adequate in the opinion of the Commissioner of Public Works & Engineering.

Sanitary and Water Service

33. Prior to servicing or registration of the plan, the Region of Peel is to confirm that all portions of this plan will be provided with adequate water and sanitary servicing.

Soil Conditions

34. The owner is required to retain a Geotechnical Consultant to prepare a detailed Soils Report. At first engineering submission, the Soils Report will be reviewed by the City and Ministry of Environment and Energy if necessary. Prior to the registration or servicing of this plan, the approved procedures are to be incorporated into the Subdivision Agreement.

Streetlighting

35. Streetlighting is to be provided by the owner in accordance with the City's latest standards and requirements. In addition to streetlighting within the plan, the facilities at the intersections of the proposed road(s) with the boundary roads are to be examined and if necessary, upgraded.

Signs

36. All street and traffic signs required for this plan are to be supplied, erected and maintained in accordance with the provisions of the Subdivision Agreement by and at the expense of the owner.

Dufferin-Peel Catholic District School Board

37. a) The owner shall agree in the subdivision agreement to erect signs at all major entrances to the proposed development advising of the following:

"Notice: Please be advised that students may be accommodated elsewhere on a temporary basis until suitable permanent pupil places, funded by the Government of Ontario, are available."

These signs shall be to the Dufferin-Peel Catholic District School Board's specifications, at locations determined by the Board and erected prior to registration.

- b) The following clauses shall be included in the subdivision agreement:

"Whereas, despite the best efforts of the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside of the neighbourhood, and further, that students may later be transferred to the neighbourhood school."

"That the purchasers agree that for the purpose of transportation to school, the residents of the

subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board."

Peel District School Board

38. The owner shall undertake the following to the satisfaction of the Peel District School Board:

1. to agree to erect and maintain signs to the satisfaction of the Peel District School Board at the entrance to the subdivision to advise prospective purchasers that due to present school facilities, some of the children from the subdivision may have to be accommodated in temporary facilities or bused to schools according to the Board's Transportation Policy. These signs shall be to the Board's specifications, at locations determined by the Board and erected prior to registration.
2. to provide the following clauses to the satisfaction of the Peel District School Board for a period of five (5) years from the date of registration of the Plan:

"Whereas despite the best efforts of the Peel District School Board, sufficient accommodation may not be available for all anticipated students in neighbourhood schools, you are hereby notified that some students may be accommodated in temporary facilities or bused to schools outside of the area, according to the Board's Transportation Policy. You are advised to contact the School Accommodation Department of the Peel District School Board to determine the exact schools.

Canada Post

39. The owner shall:

- a) make satisfactory arrangements with Canada Post and the Director, Environment and Development Engineering Division, for the provision of suitable sites for the installation of Canada Post Community Mailboxes and shall indicate these locations on the appropriate servicing plans, including the granting of any easements as deemed applicable that may be required in order to locate the Canada Post Community Mailboxes with a safe setback from the travelled

portion of roadways.

- b) provide the following for each Community Mailbox site:
 - i. an appropriately sized sidewalk section (concrete pad), per municipal standards, to place the Community Mailbox on
 - ii. any required walkway across the boulevard, as per municipal standards
 - iii. any required curb depressions for wheelchair access
- c) determine, provide and maintain a suitable and safe temporary Community Mailbox location(s) to be "fit up". This temporary site will be utilized by Canada Post until the above mentioned criteria is completed at the permanent Community Mailbox site locations.

Enbridge Gas Distribution

- 40. The following conditions shall be included in the Subdivision Agreement to the satisfaction of Enbridge Gas Distribution Inc.:
 - a) The owner is responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities.
 - b) The owner agrees that streets are to be constructed in accordance with composite utility plans as submitted and approved by all utilities.
 - c) The owner agrees to grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information for the installation of the gas lines.
 - d) The owner acknowledges that the natural gas distribution system will be installed within the proposed road allowance. In the event that this is not possible, easements will be provided at no cost to Enbridge Gas Distribution Inc.
 - e) The owner agrees to provide gas regulators as applicable, in locations acceptable to Enbridge Gas

Distribution Inc. in consultation with the Development Engineering Division, landscaped and fenced to the satisfaction of the Development Engineering Division, and any other applicable requirements.

- f) The owner agrees to provide all City approved street and road cross sections showing all utilities in the configuration proposed for all street and road widths within the subdivision, with the gas location a minimum of 0.6 metres from the street line.

Rogers Telecommunications

41. Prior to registration of the Plan of Subdivision, the owner will:

- a) At its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Subdivision (collectively the "Communications Service Providers"). Immediately following registration of the Plan of Subdivision, the owner will cause these documents to be registered on title.
- b) With consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.

Bell Canada

42. The owner shall agree in the agreement, in words satisfactory to Bell Canada:

- a) to grant Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner shall be responsible for the relocation of such facilities or easements.
- b) that Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are located to the street line.

Alectra Utilities

43. Prior to registration arrangements shall be made to the satisfaction of Alectra Utilities and the Environment and Development Engineering Division for the provision of major facilities such as switchgear installations.
44. The following conditions shall be included in the Subdivision Agreement to the satisfaction of Alectra Utilities:
 - a) The owner agrees to provide 5m x 7m Switchgear easements to service the subdivision and acknowledges that the exact location and number of Switchgear easements will be determined as part of the final design and approvals process.
 - b) The owner agrees to obtain written approval from Alectra Utilities indicating acceptance of meter locations prior to their installation. Any relocations required will be at the owner's expense.

Toronto and Region Conservation

45. The owner acknowledges that the City of Brampton's Restricted Area Zoning Bylaw shall contain provisions which will place all lands within all Natural Heritage System Blocks on the plan in an appropriate designation such that the natural heritage system is protected in perpetuity.
46. The owner agrees that all Natural Heritage System Blocks and Compensation Blocks on the plan shall be gratuitously conveyed to the City of Brampton.
47. Prior to the registration of the plan, the following information will be submitted to the Toronto and Region Conservation Authority and the City of Brampton:
 - a) Confirmation shall be received from a qualified professional that the stormwater management facilities in Block 84 have been constructed in accordance with the approved plans and are operational as necessary.
48. That the Subdivision Agreement between the Owner and the Municipality contain provisions, wherein the Owner agrees to:
 - a. Include a Warning Clause be included in the Agreements of Purchase and Sale advising the future landowners of Lots and Blocks abutting any NHS Blocks and Stormwater

Management Blocks that the adjacent public land (i.e. NHS, SWM etc.) will remain as a low maintenance environment.

49. That a Homeowner's Factsheet describing the benefits of some landscape naturalization for lots and Blocks backing or flanking onto any NHS Blocks, as an educational tool to promote enhancement, be completed and included as part of the Purchase of Sale Agreement prior to closing.

Hydro/Telecommunications

50. Prior to the release of the plan for registration, the owner must submit in writing, evidence to the Commissioner, Planning and Development Services that satisfactory arrangements have been made with the telecommunications and hydro providers for the installation of their plants in the common trench, within the prescribed location in the road allowances.

Region of Peel

51. Prior to construction the applicant's engineer shall submit all engineering drawings in the digital format, pursuant to the latest Region's Digital Format Guidelines.
52. Within (60) days of preliminary acceptance of the underground services, the applicant engineer is required to submit As-Constructed drawings in the digital format, pursuant to the latest Region's Digital Format Guidelines. The applicant engineer is also required to provide ties to all main line valves, ties to individual water service boxes, linear ties to sanitary sewer services and GPS coordinates of all watermain and sanitary sewer appurtenances in accordance with the latest requirements of the Region "Development Procedure Manual."
53. Prior to execution of the Subdivision Agreement by the Region, the Developer shall:
 - a) obtain and submit to the Region a Residential Development Charges Payment Form completed to the best of the Developer's knowledge at the time of the submission and to the satisfaction of the Region in accordance with the engineering drawings and final draft M-plan;
 - b) pay to the Region the appropriate hard service residential development charges (water, wastewater and road service components), pursuant to the Region's Development Charges By-law, as amended from time to time, calculated based on the information provided in the Residential Development Charges Payment Form.
54. Provision shall be made in the Subdivision Agreement with respect to:

- a) payment to the Region of appropriate soft service development charges and any outstanding hard service development charges; and
- b) collection of development charges for future residential development blocks (non-freehold townhouses or apartment blocks);
- c) pursuant to the Region's Development Charges By-law, as amended from time to time.

55. The Developer will be required to enter into a Subdivision Agreement with the local Municipality and Region for the construction of municipal sewer, water, and Regional roads associated with the lands. These services will be constructed and designed in accordance with the latest Region standards and requirements.

56. Provision shall be made in the Subdivision Agreement that the Developer pay the Region's costs for updating its electronic "as constructed" information for the infrastructure installed by the developer.

57. The applicant must submit a Functional Servicing Report to the Region for review and approval, showing the proposed sanitary sewer and water servicing plans for the development, prior to the first engineering submission.

58. Provision shall be made in the Subdivision Agreement with respect to construction and looping of watermains within and outside of the Plan.

59. Provision shall be made in the Subdivision Agreement that the Developer acknowledges that all costs associated with the relocation of existing Regional services to accommodate this development shall be at the Developer's expense. The Developer shall make appropriate arrangements with the Region regarding financing and relocation of the Region's services.

60. Provision shall be made in the Subdivision Agreement that the Developer acknowledges that an amount shall be held back on the Letter of Credit to cover the costs of services completed by the Region that are covered under time and material basis as noted in the Region's current Development Procedure Manual.

61. Provision shall be made in the Subdivision Agreement that the Developer acknowledges and agrees that location and off-sets for the Region's infrastructure such as watermains and sanitary sewers must be acceptable to the Region.

62. Provision shall be made in the Subdivision Agreement with respect to servicing of the existing properties within the zone of influence should the existing private services (wells) deteriorate due to the servicing of the proposed development.

63. Provision will be required in the Subdivision Agreement for the following clause:

“An amount shall be held in the Letter of Credit until final acceptance of the subdivision by the Municipality to serve as protection for the private wells in the zone of influence of the subdivision plan. The amount shall be based on the anticipated cost of replacing water supplies within the zone of influence as shown in the schedules of the agreement. The minimum amount shall be \$20,000.00. If the private well systems in the zone of influence deteriorate due to the servicing of the plan of subdivision the developer will provide temporary water supply to the residents upon notice by the Region and it will continue supplying the water to the effected residents until the issue is resolved to the satisfaction of involved parties. If the quantity of water in the existing wells is not restored to its original condition within a month after first identification of the problem, the developer will engage the services of a recognized hydrogeologist to evaluate the wells and recommend solutions including deepening the wells or providing a permanent water service connection from the watermain to the dwelling unit.”

64. The Developer shall inspect, evaluate and monitor all wells within the zone of influence prior to, during and after the construction has been completed. Progress Reports should be submitted to the Region as follows:

- a. Base line well condition and monitoring report shall be submitted to the Region prior to the preservicing or registration of the plan (whichever occurs first) and shall include as a minimum requirement the following tests:
 - i. Bacteriological Analysis -Total coliform and E-coli counts
 - ii. Chemical Analysis -Nitrate Test
 - iii) Water level measurement below existing grade
- b. In the event that the test results are not within the Ontario Drinking Water Standards, the Developer shall notify in writing the Homeowner, the Region of Peel's Health Department (Manager - Environmental Health) and Public Works Department (Development Supervisor) within 24 Hours of the test results.
- c. Well monitoring shall continue during construction and an interim report shall be submitted to the Region of Peel for records. Well monitoring shall continue for one year after the completion of construction and a summary report shall be submitted to the Region of Peel prior to final acceptance.

67. Provision shall be made in the Subdivision Agreement that the Developer represents, warrants, acknowledges and agrees that neither he nor any Builder

will apply for Building Permits for any lots or blocks within the development until the Region's, Public Works Department, has given written notice to the City and the Developer that the internal and external sanitary sewers and water mains are completed to the Region's satisfaction and have been preliminary approved and that the water meters fees have been paid to the Region. In addition, the Region will not accept payment for water meters until fire protection for the development is available and all securities for the development are in place.

68. Provision shall be made in the Subdivision Agreement that landscaping, signs, fences, gateway features or any other encroachments will not be permitted within the Region's easements and/or Right-of-Way limits.

69. The Owner shall grant/obtain (at no cost to the Region) all necessary easements for proposed/existing Regional infrastructures located in the vicinity of the proposed development, as this may be required by the Region to service proposed development and/or external lands.

70. Provision shall be made in the Subdivision Agreement that the Developer will be required to submit draft reference plan(s) for Region's review and approval prior to the plans being deposited. All costs associated with preparation of the plans and transfer of the lands will be solely at the expense of the Developer.

Administrative - Clearance of Conditions

71. Prior to the signing of the final plan by the Commissioner, Planning and Development Services Department, or her designate, they shall be advised that the above noted conditions have been carried out to the satisfaction of the appropriate agencies and the City.

NOTE 1:

In order to expedite the clearance of conditions, we suggest that a copy of the signed Subdivision Agreement be forwarded to the following agencies upon execution:

Mr. Chris Fearon
Delivery Planning
Canada Post Corporation
193 Church Street, Suite 200
Oakville, Ontario
L6J 7S9

Ms. Stephanie Cox
The Dufferin-Peel Catholic
District School Board 40
Matheson Boulevard West

Mississauga, Ontario
L5R 1C5

Ms. Bianca Bielski Manager of Planning
Peel District School Board 5650 Hurontario Street
Mississauga, Ontario
L5R 1C6

Ms. Nikki DeGroot
Enbridge Gas Distribution Inc.
500 Consumers Road
North York, Ontario
M2J 1P8

Mr. Henry Gamboa Alectra Utilities
175 Sandalwood Parkway West
Brampton, Ontario
L7A 1E8

Ms. Meghan Palychuk
Bell Canada
Floor 5, 100 Borough Drive
Scarborough, Ontario
M1P4W2

Mr. Andrew Leung
Roger Cable Communications Inc.
3573 Wolfedale Road
Mississauga, Ontario
L5C 3T6

Mr. John Hardcastle
Region of Peel
10 Peel Centre Drive
Brampton, Ontario
L6T 4B9

NOTE 2:

The costs of any relocations or revisions to Hydro One facilities which are necessary to accommodate this subdivision will be borne by the owner, and further any easement rights of Hydro One are to be respected. The developer should contact the local Hydro One Area office to verify if any low voltage distribution lines may be affected by the proposal.

ATTACHMENT 3

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2022

To amend By-law 270-2004 (known as "Zoning By-law 2004"), as amended.

WHEREAS 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:

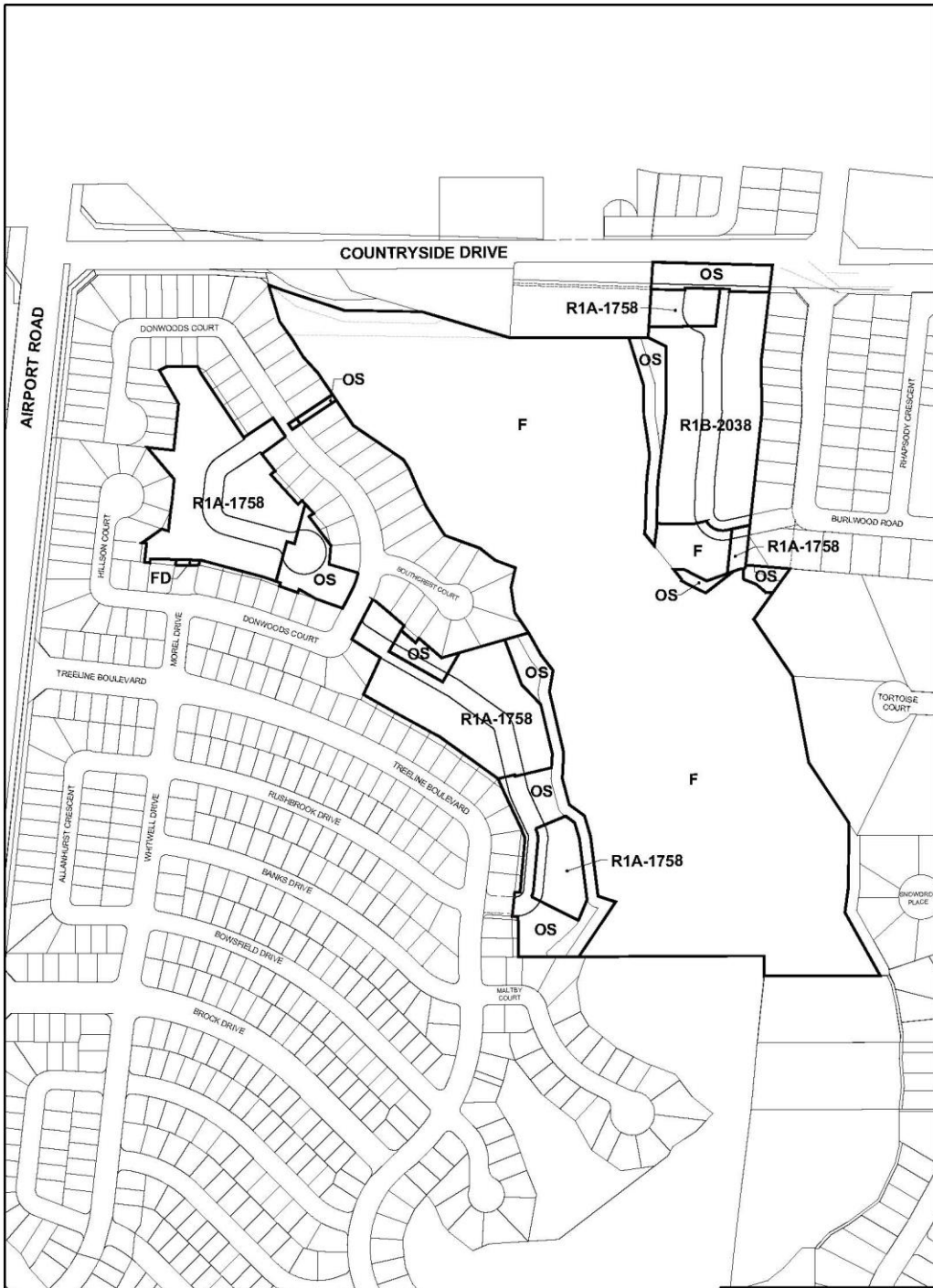
1. By-law 270-2004, as amended, is hereby further amended:
 - (1) by changing on Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
RECREATION COMMERCIAL (RC), AND FLOODPLAIN (F)	RESIDENTIAL SINGLE DETACHED A – SECTION 1758 (R1A-1758), RESIDENTIAL SINGLE DETACHED B – SECTION 2038 (R1B-2038), FUTURE DEVELOPMENT (FD); OPEN SPACE (OS), AND FLOODPLAIN (F)

ENACTED and PASSED this _____ day of _____, 2022.

PATRICK BROWN - MAYOR

PETER FAY - CITY CLERK



LEGEND
 ——— ZONE BOUNDARY

PART OF LOT 15 CONCESSION 7, N.D.
 AND PART OF BLOCKS 63 AND 71,
 ALL OF BLOCKS 64 & 70,
 REGISTERED PLAN 43M-1611



CITY OF BRAMPTON
 Planning and Infrastructure Services

By-Law _____ Schedule A

1:4000

Date:

Drawn By: