



Barristers & Solicitors  
Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7  
Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.ca

Direct Line: 416.597.5160  
iandres@goodmans.ca

September 22, 2023

**Via Email**

Our File No.: 200416

Brampton City Council  
c/o City Clerk's Office  
City of Brampton  
2 Wellington Street West  
Brampton, ON L6Y 4R2

Dear Mayor Brown and Members of Council:

**Re: 253 Queen Street East – Zoning By-law Amendment Application No. C02E05.036  
Planning & Development Committee Meeting – September 25, 2023 – Item 7.6**

We are solicitors for 253 Queen Street Inc., the owner of the above-noted property (the “**Subject Property**”) and the applicant in the above-noted matter.

Our client is proposing to redevelop the Subject Property with a multi-phase mixed-use development comprised of three residential towers of 32, 33 and 38 storeys and a significant amount of new office and retail space. It is a very exciting project which is poised to kick-start the transformation of the City's Queen Street intensification corridor into a high-density complete community and to deliver over 1,000 much-needed housing units to the City and Region.

This application was first submitted over four and a half years ago. While our client and its consultants have been working closely with City staff, there has been an unreasonable delay in bringing the application forward to City Council for consideration as a result of the failure of the Region of Peel to undertake the required infrastructure planning to accommodate the City's forecasted growth. More specifically, despite the fact that this intensification corridor has been identified in the Growth Plan for over 17 years, and notwithstanding that the Region has known of our client's application for over four years, Regional staff only recently advised our client that there is insufficient sanitary sewer capacity to service any new development along this segment of Queen Street. Needless to say, we were astonished to learn of this monumental oversight.

While we understand that Regional staff are now finally proposing to seek capital funding approval for the necessary servicing upgrades through the forthcoming Regional budget process, our client's application cannot be delayed any longer or its financing will be placed in jeopardy.



In this regard, while we are very pleased that City staff have recommended approval of our client's application and corresponding zoning by-law amendment, our client has a significant concern with the proposed holding symbol that we understand has been requested by the Region.

The holding symbol is fundamentally unnecessary. Subsection 34(5) of the *Planning Act* already provides a mechanism by which the City can ensure that sufficient servicing capacity is available before new buildings are used or occupied. It states as follows:

34 (5) A by-law passed under paragraph 1 or 2 of subsection (1) or a predecessor of that paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

Situations such as this where the necessary sewer infrastructure has not yet been built is precisely why the legislation includes this provision, as it allows for municipalities to establish appropriate zoning (or pre-zoning) for development while concurrently planning for and/or constructing infrastructure. Our client has discussed the use of this provision with City staff over the past several months and we have already worked out appropriate language for inclusion in the zoning by-law amendment.

Proceeding with a 34(5) provision in the zoning by-law amendment will avoid the need for yet another *Planning Act* application process to lift the holding symbol, which will necessarily result in additional expense and further delay. It will also avoid the uncertainty of our client (and its lenders) having to rely on the Region's Commissioner of Public Works to determine if and when a "satisfactory Master Servicing Plan" has been received. The holding symbol requested by the Region is vague and seemingly beyond our client's control, and we are therefore very concerned with the prospect of requiring another review and sign-off from Regional staff on such an uncertain basis, particularly given the track record on this file and the looming dissolution of Peel Region.

### **Requested Revision to Zoning By-law Amendment**

Accordingly, should the Planning & Development Committee see fit to approve this application, we are respectfully requesting that staff be directed to revise the draft zoning by-law amendment to delete item #1 (as shown in strikethrough below) before it is brought forward for enactment at the next City Council meeting:

#### 3726.4 Conditions for Removing the H - Holding Symbol:

The holding symbol applicable to the lands may be removed in part or in whole subject to the following:

- ~~1. Confirmation from the Region of Peel's Commissioner of Public Works or Designate that a satisfactory Master Servicing Plan, that includes phasing and staging requirements for water and wastewater is received.~~



2. The City's Commissioner of Public Works shall be satisfied that a new public road providing access to the lands has been constructed to either Rutherford Road S and/or Hansen Road S and conveyed to the City, or other alternative access arrangements to the satisfaction of the Commissioner of Public Works;
3. A Hydraulic Analysis shall be finalized to the satisfaction of the Toronto Region Conservation Authority; and,
4. The following shall be finalized to the satisfaction of the City's Director of Development Services and the Toronto Region Conservation Authority:
  - a. An Environmental Impact Study that identifies existing Natural Heritage Features, natural hazards, and applicable buffers;
  - b. An assessment for compensation in respect of any development proposed to remove or encroach within the identified Natural Heritage Features, natural hazards, and applicable buffers, in accordance with the Toronto Region Conservation Authority's Guideline for Determining Ecosystem Compensation (or successor policy); and,
  - c. Lands comprising Natural Heritage Features that are not subject to removal or encroachment by proposed development being conveyed to either the City of Brampton or the Toronto Region Conservation Authority, if required.

Since the balance of the provisions set out above apply only to the second phase of development on the southerly portion of the Subject Property, staff should also be directed to limit the holding symbol to that portion of the Subject Property, such that the balance of the lands (comprising the first phase of development) are re-zoned to Downtown Commercial – Section 3726 (DC – 3726).

Finally, staff should be directed to re-insert the following provision into the zoning by-law amendment (and the subsequent provisions should be renumbered accordingly):

3726.2 Notwithstanding section 3726.1 of this By-law, the erection or use of buildings or structures on the lands outlined on Schedule A to this By-law shall not be permitted unless it has been confirmed that sufficient wastewater infrastructure and capacity is available to service the lands, to the satisfaction of the Regional Municipality of Peel or the City of Brampton, as the case may be.

In addition to requesting these revisions, our client has already confirmed to City staff that it is willing to enter into a servicing agreement with the City as a condition of site plan approval to ensure that it will not seek permits to complete or occupy the phase one buildings before the required sanitary servicing infrastructure has been installed and is operational.

The City is therefore fully protected and can continue to monitor the status of the servicing upgrades through the site plan approval and building permit application processes.



In the meantime, our client can finally move forward with its project and secure its financing for the next stage of detailed design development knowing that its zoning has been fully approved.

I am registered as an in-person delegation for Monday's Planning & Development Committee meeting and would be happy to answer any additional questions you may have.

Thank you very much for your consideration and please ensure we receive formal written notification of any decision made by the City in this matter.

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to read "Ian Andres", with a long horizontal flourish extending to the right.

Ian Andres  
INA/rr

7413391