

Filing Date: October 16, 2023

Hearing Date: November 14, 2023

File: B-2023-0027

**Owner/
Applicant:** CANADIAN TIRE PROPERTIES INC.

Address: 10021 AND 10031 MCLAUGHLIN ROAD

Ward: WARD 2

Contact: Megan Fernandes, Planning Technician

Proposal:

The purpose of the application is to request the consent of the Committee of Adjustment for a lease in excess of 21 years. The land to be leased has a frontage of approximately 113 metres (on Bovaird Drive) and an area of approximately 30,600 square metres (3.06 hectares), occupied by a commercial building (Canadian Tire). The effect of the application is to facilitate a long-term lease (in excess of 21 years) between the owner of the lands, Canadian Tire Real Estate and Canadian Tire Properties Inc.

Recommendations:

That application B-2023-0027 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; and,
 2. 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 'Business Corridor' in the Official Plan;
- Brampton Plan (Council Endorsed 2023)
- **Secondary Plan:** The subject property is designated 'Convenience Retail' in the Snelgrove Heartlake Secondary Plan (Area 1) ; and
- **Zoning By-law:** The subject property is zoned 'Commercial (C3) - Special Section 118 (C3-1108)' according to By-Law 270-2004, as amended.

Current Situation:

The intent of the application is to seek Planning Act Consent to permit CANADIAN TIRE PROPERTIES INC to remain in their existing location for a period of 21 years or greater, allowing the existing lease agreement to be extended. Pursuant to section 50(3) of the Planning Act, any conveyances of land or entitlement in the land that exceeds a period of 21 years or more is prohibited unless relief is granted. Section 50(3)(f) of the Planning Act specifically permits relief to this requirement, and states “a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect to the land or enter into an agreement in respect of the land”. Additionally, there are currently other no approvals under the Planning Act that required or being applied for to create an interest in this property.

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,

Megan Fernandes

Megan Fernandes, Planning Technician

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 long-term lease has no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed long-term lease 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 long-term lease 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 consent would facilitate a long-term lease for an existing restaurant with a drive-through. The land is suitable for this purpose.
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 long-term lease 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 including in the lease area. No new buildings are proposed.
h) <i>The conservation of natural resources and flood control;</i>	The proposed long-term lease 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.

j)	<i>The adequacy of school sites;</i>	The long-term lease 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 long-term lease 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 new buildings proposed in regard to this lease and as such the lease presents no concerns relating to the development of the land.