

**Filing Date:** October 17, 2023  
**Hearing Date:** November 14, 2023

**File:** B-2023-0028

**Owner/  
Applicant:** **BCC EQUITIES INC. AND MORGUARD CORPORATION C/O CHRISTINE COTE**

**Address:** **25 Peel Centre Drive**

**Ward:** WARD 7

**Contact:** Megan Fernandes, Planning Technician

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**Proposal:**

The purpose of the application is to request consent to sever a parcel of land currently having a total area of approximately 330,000 square metres (33 hectares); together with an easement for shared driveway access and underground servicing. The proposed severed lot has a depth of approximately 160.94 metres (528.02 feet) and an area of approximately 14,095 square metres (3.48 acres). The effect of the application is to create a new lot for future residential purposes.

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**Recommendations:**

That application B-2023-0028 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;
2. As a condition of severance, the Owner shall provide a public access easement over Peel Centre Drive in favour of the City. The public access easement will be to the satisfaction of the City's Corporate Services and Public Works and Engineering Departments. The Owner hereby waives and releases the City from any claim for compensation, injurious affection or other damages, claims, demands, losses, costs, suits, or other proceedings by anyone arising or which may arise as a result of such access arrangements.
  - a) As a condition of severance, the Owner shall prepare a draft reference plan showing, as separate parts, all parcels for which conveyances may be required under this agreement, to the satisfaction of the Commissioner of Public Works and Engineering, Commissioner of Planning and Development Services, the City Solicitor, and deposited on title to the lands, to provide a public access easement in favour of the City. A memorandum must also be submitted denoting all the parts depicted on the reference plan.

3. Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements;
4. That the applicant pay the required review fee of \$2,500 as noted in the letter dated November 10, 2023 provided by the TRCA; and
5. 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.

That application **A-2023-0315** is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. That the owner finalize Site Plan Approval under City File SPA-2021-0268 post any required financial securities and insurance to the satisfaction of the Director of Development Services;
3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

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### **Background:**

Concurrent Consent application (B-2023-0028) and Minor Variance application (A-2023-0315) have been submitted to facilitate the severance of the property. The applicant is proposing a residential development on the severed parcel; together with an easement for shared driveway access and underground servicing. Furthermore, the applicant has requested a variance to treat the severed and retained lands as one lot for zoning purposes.

This supplementary report is provided following the receipt of a revised TRCA letter on November 10, 2023 confirming no objections with the proposed Consent and Minor Variance applications. The original staff report recommended a deferral to allow for additional for the applicant and the TRCA to resolve ongoing matters. Planning staff are now recommending approval of the applications.

- **Official Plan:** The subject property is designated 'Central Area' and 'Regional Retail' in the Official Plan;
- **Brampton Plan (2023):** The subject property is designated as 'Mixed Use' in the Official Plan (Schedule 2 Designations) and located within Primary Major Transit Station Area QUE-5 (Schedule 1B – Major Transit Station Areas)
- **Secondary Plan:** The subject property is designated 'Central Area Mixed Use and Office Node' in the Queen Street Corridor Secondary Plan (Area 36); and

- **Zoning By-law:** The subject property is zoned 'Commercial 3 – Special Section 416 (C3-416)' according to By-Law 270-2004, as amended.

**Current Situation:****Requested Severance**

The applicant is requesting consent to sever a parcel of land to facilitate a residential development on the severed parcel, along with an easement for shared driveway access and underground servicing. The severed lot is also subject to a proposed variance to treat the retained lands and severed lands as one lot for zoning purposes. The proposed variance will create a severed parcel that will not abut a street and is surrounded by the retained parcel. As the existing zoning for the property is based on the boundaries of the current configuration and the site specific requirements were created in the context of Bramalea City Centre, the variance is required to consider both the severed and retained parcel as one lot for zoning compliance. The effect of the variance is to ensure frontage on Dixie Road and Queen Street East is provided for zoning purposes and establish lot frontage. Furthermore, this application is part of a proposed Site Plan Approval application which is currently under review with City Staff (SPA-2021-0268). The current Site Plan Approval application proposes to demolish the existing vacant Sears building and adjacent surface parking lot and introducing four residential buildings ranging in height between 12 and 33 storeys. The buildings will contain approximately 1,000 residential units.

The subject property is located south of Queen Street, east of Dixie Road, north of Clark Boulevard, and west of Team Canada Drive. The subject property is located within the Toronto Region and Conservation Authority's Regulated Areas and is within a Floodplain zone. A portion of the Dixie Tributary is currently channelized and runs north-south along the western portion of the BCC property (west of the Development Area). Through extensive discussions, the City and Morguard have agreed to pursue a strategy of twinning the channel to add additional capacity and remove the floodplain. The strategy also includes the relocation of Peel Centre Drive to the west, over top of the newly enclosed channel and the addition of a landscaped multi-use trail along the east of the newly constructed open channel. As such, staff are supportive of the Consent application as the applicant is undertaking the remediation works as part of the site plan application that would result in the removal of the Regulatory Floodplain from a significant area of the Bramalea City Centre.

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.

**Requested Variance:****A-2023-0315 (Severed Lot):**

The applicant is requesting the following variance associated with the severed lot under Consent Application B-2023-0028:

1. The retained lands and severed lands to be treated as one lot for zoning purposes, whereas the by-law requires both lots to be treated as separate parcels of land.

## 1. Maintains the General Intent and Purpose of the Official Plan

The subject lands are designated as 'Central Area' and 'Regional Retail' in the Official Plan. Additionally, the property is located along Queen Street East which is designated as 'Primary Intensification Corridor' in the Official Plan (Schedule 1 – City Concept).

The 'Central Area' designation serves as the major location for free standing or mixed-use development including: (i) a full range of office, retail and service activities; (ii) A variety of residential uses; (v) Governmental, institutional and community facilities and uses including Places of Worship subject to Section 4.9.8 of this Plan. Additionally, the Central Area is identified a significant corridor with a wide range of land uses and day/night year round activities. The 'Residential' designation permits quasi-institutional uses including social service agencies, union halls, as well as fire halls, police stations and utility installations.

The subject property is designated as 'Commercial – Central Area Mixed Use and Office Node' in the Queen Street Corridor Secondary Plan (Area 36). Section 5.1.2.1 of the Secondary Plan state Lands designated Central Area Mixed-Use on Schedule SP36(A) are intended to accommodate mixed-use developments incorporating any combination of commercial, retail, office, residential, hotel, open space, recreational, institutional, a full range of entertainment and cultural uses including, but not limited to, movie theatres, art galleries, live theatre and museums which are managed as a unit. As outlined in section 5.1.4.2, The principle permitted uses with the Office Node designation include business, professional or administrative office buildings, hotels and motels.

The requested variance is not considered to have to have significant impacts within the context of the Official Plan and Secondary Plan policies. The variance is requested to treat the retained lands and severed lands to be treated as one lot for zoning purposes. The proposed variance will facilitate the creation and development for future residential development which is not contrary to the long term vision and intent of the area. Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Official Plan.

## 2. Maintains the General Intent and Purpose of the Zoning By-law

The subject lands are zoned Commercial (C3) - Special Section 416 according to the By-law 270-2004, as amended.

The variance is requested regarding the retained lands and severed lands to be treated as one lot for zoning purposes, whereas the by-law requires both lots to be treated as separate parcels of land. The intent of the by-law in requiring both lots to be treated as separate parcels of land is to ensure the severed parcel of land maintains its individual requirements and is assessed separately in accordance with the Zoning By-law.

In the context of the proposed development and the subject lands, the existing site specific zoning was provided on the basis that the Bramalea City Centre site includes commercial and residential units. The applicant has submitted an associated consent application which proposes a severance of the residential development, together with an easement for shared driveway access and underground

servicing. The severance is required to facilitate construction financing and provides legal separation between the commercial and residential development. Other than the requested variance, the overall proposed development complies with the other regulations of the Zoning By-law. By considering the severed lands and retained lands as one lot, the site-specific zoning will continue to apply to the severed parcel as intended. There are no adverse impacts of treating the severed lands and retained lands as one lot for zoning purposes.

### 3. Desirable for the Appropriate Development of the Land

The requested variance is associated with the severance of the property. The variance is requested for the retained lands and severed lands to be treated as one lot for zoning purposes for proposed severance application B-2023-0028. The request to treat the severed lands and retained lands as one lot for zoning purposes is not intended to impact the site negatively. This proposed development is currently under review with City Staff Site Plan Approval (SPA-2021-0268), and a condition of approval is provided, that the applicant obtain Site Plan Approval under City File SPA-2021-0268, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. The variance is considered to be desirable for the appropriate development of the land.

### 4. Minor in Nature

The requested variance to treat the severed land and retained land as one lot for zoning purposes is not anticipated to present negative impacts to the functionality of adjacent parcels. Furthermore the variance will contribute to the orderly development of the area in that it will continue to be applied relative to the parcel boundaries as contemplated in the zoning provisions.

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 severance, access and servicing easements have no effect on matters of provincial interest.
b) <i>Whether the proposal is premature or in the public interest;</i>	The proposed severance, access and servicing easements are 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 severance, access and servicing easement 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 severance, access and servicing easement is suitable for the purposes for which it is to be subdivided.
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 severance, access and servicing easement 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>	The shape and dimension of the proposed lot is appropriate and maintains all minimum Zoning By-law requirements.
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 included in the lands to be subdivided.
h) <i>The conservation of natural resources and flood control;</i>	The proposed severance, access and servicing easement presents no concerns with regard to flood control and the conservation of natural resources. Through the related Site Plan Application (SPA-2021-



	0268), the applicant will be required to satisfy TRCA requirements involving associated channel works to provide floodplain remediation and remove the proposed development associated with these applications from the floodplain.
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 proposed severance, access and servicing easement 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 severance, access and servicing easement 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 concerns related to the design of the proposal and matters of Site Plan Control under the Planning Act. There is an existing Site Plan Application under City file #SPA-2021-0268 that is currently being reviewed.

### Appendix A – TRCA Mapping

