

November 10, 2023

CFN 68434.12
X-Ref: CFN 66421.03, CFN 69708

By email: coa@brampton.ca; clara.vani@brampton.ca

Clara Vani
Legislative Coordinator & Secretary-Treasurer
Committee of Adjustment
2 Wellington Street West
Brampton, ON L6Y 4R2

Dear Clara Vani,

Re: Minor Variance (A-2023-0315) and Consent Application (B-2023-0028)
25 Peel Centre Drive
City of Brampton, Region of Peel
Owner: BCC Equities Inc. and Morguard Corporation c/o Christine Cole
Agent: MHBC Planning c/o Gerry Tchisler

This letter provides comments on the above noted Minor Variance and Consent Applications received by Toronto and Region Conservation Authority (TRCA) on October 18, 2023. A list of materials reviewed by TRCA is included in Appendix 'A'.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the Conservation Authorities Act (CA Act), which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. The mandatory programs and services are prescribed in Ontario Regulation 686/21 (Mandatory Programs and Services). Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the Planning Act, ensure that decisions under the Planning Act are consistent with the natural hazard policies of the Provincial Policy Statement (PPS, 2020) and conform to any natural hazard policies in a provincial plan.

Updates to the CA Act and Ontario Regulation 596/22 (Prescribed Acts – Subsection 21.1.1 (1.1) and 21.1.2 (1.1) of the Act), which came into effect on January 1, 2023, prevent TRCA from providing non-mandatory municipal programs and services related to reviewing and commenting on a proposal under the Planning Act, such as review and commenting on natural heritage conformity.

We have also reviewed the application in accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). TRCA must ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (Section 8 of TRCA's The Living City Policies) for implementation of the regulation, which are utilized by TRCA staff to evaluate a proposal's ability to meet the tests of this regulation.

Purpose of the Applications

Consent Application B-2023-0028

TRCA staff understand the purpose of the above noted Consent Application is to facilitate construction financing and legally separate the commercial portion of the mall from the proposed residential development. The proposed development will be located on the 14,095 m² (3.38 acres) severed parcel while the balance of the BCC property will be contained on the 332,164 m² (82.08 acres) retained parcel. Both the severed and retained parcels will continue to be owned by the owner.

Minor Variance A-2023-0315

TRCA staff understand the purpose of the above noted Minor Variance Application is to facilitate the proposed Consent Application and that the retained and severed parcel, zoned Commercial Three (C3, 416) be treated as one lot for zoning purposes.

Ontario Regulation 166/06

The subject property is located entirely within the Regulatory Floodplain associated with the Dixie Tributary, a tributary of the Etobicoke Creek Watershed. As such, a significant portion of the subject property is regulated by TRCA under Ontario Regulation 166/06. Based on our review of the proposed development associated with these applications, it appears the proposed works are located within the Regulated Area. As such, TRCA Permits will be required from this Authority prior to any development and/or site alteration taking place within the regulated portion of the site. Please note that a TRCA Permit Application has been submitted to the TRCA for the proposed development associated with these applications, as well as the floodplain remediation works.

Background

As noted in TRCA's comment letter dated September 30, 2022, for the associated Site Plan Application (City File #SPA-2021-0268), TRCA staff has no objection to the Site Plan Application subject to various conditions being fulfilled and included in the Site Plan Agreement. Based on discussions with City staff, we understand that the Site Plan Application has not been approved and the Site Plan Agreement has not yet been finalized. A key condition involves associated channel works to provide floodplain remediation and remove the proposed development associated with these applications from the floodplain.

Please note, TRCA have not issued a TRCA Permit for the proposed development and associated channel works but are working collaboratively with the applicant and their team of consultants to resolve outstanding technical issues concerning the proposed channel works.

Recommendation

TRCA staff have **no objection** to the above noted applications as currently submitted premised on the notion that the subject lands and proposed development associated with these applications will be removed from the Regulatory Floodplain because of the proposed floodplain remediation and channel works.

Fee

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a fee of \$2500.00 (Consent – Standard). The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

We thank you for the opportunity to comment. Should you have any additional questions or comments, please contact the undersigned.

Sincerely,

Marina Janakovic
Planner I
Development Planning and Permits | Development and Engineering Services
Toronto and Region Conservation Authority
Telephone: (437) 880-2368
Email: Marina.Janakovic@trca.ca

cc: Alex Sepe, City of Brampton: alex.sepe@brampton.ca
Christine Cote, Morguard Corporation: ccote@morguard.com

Appendix 'A': Circulated Materials

- Drawing no. SP-100.1A, Partial Site Plan – SW, dated August 22, 2023, prepared by Petroff Partnership Architects;
- Drawing no. SP-100.1B, Partial Site Plan – NW, dated August 22, 2023, prepared by Petroff Partnership Architects;
- Drawing no. SP-100.1C, Partial Site Plan – NE, dated August 22, 2023, prepared by Petroff Partnership Architects;
- Survey with proposed access easement dated, September 13, 2023, prepared by J.D. Barnes Ltd.;
- Survey with lands to be severed, dated September 13, 2023, prepared by J.D. Barnes Ltd.;
- Survey with proposed and existing storm easement, dated September 13, 2023, prepared by J.D. Barnes Ltd.;
- Survey with existing servicing / utility easement, dated September 13, 2023, prepared by J.D. Barnes Ltd.;
- Drawing no. SP-100.1-R42, Master Site Plan, dated August 22, 2023, prepared by Petroff Partnership Architects;
- Surveyor's Real Property Report; and,
- Letter RE: Applications for Consent and Minor Variance 25 Peel Centre Drive (Bramalea City Centre), Brampton MHBC File 9519Y (13 pages).