



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 4 - 91

To amend By-law 151-88 (part of Lot 16, Concession 2, E.H.S. in the geographic Township of Chinguacousy)

The council of The Corporation of the City of Brampton
ENACTS as follows:

1. By-law 151-88, as amended, is hereby further amended:

(1) by changing, on Sheet 8-B of Schedule A thereto, the zoning designation of the lands shown on Schedule A.1 and Schedule A.2 to this by-law from AGRICULTURAL (A) to RESIDENTIAL SINGLE FAMILY A(2) - SECTION 504 (R1A(2) - SECTION 504), such lands being part of Lot 16, Concession 2, East of Hurontario Street, in the geographic Township of Chinguacousy.

(2) by adding thereto the following section:

"504. The lands designated R1A(2) - SECTION 504 on Sheet 8-B of Schedule A to this by-law;

504.1 shall only be used for the purposes permitted in R1A(2) zone by section 12.3.1;

504.2 shall be subject to the following requirements and restrictions:

(1) Minimum lot width: 26.2 metres.

(2) Minimum Interior Side Yard Width:

- 3.0 metres for a one storey building

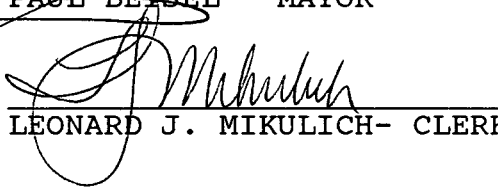
- 3.6 metres for a two storey building

- (3) Minimum Front Yard Depth: 18.2 metres
- (4) Minimum Rear Yard Depth: 18.2 metres
- (5) Minimum Gross Residential Floor Area:
278.7 square metres
- (6) Maximum Gross Residential Floor Area:
418.0 square metres
- (7) Maximum Building Height: 8.75 metres

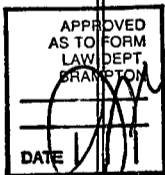
504.3 shall also be subject to the requirements and restrictions relating to the R1A(2) zone and all general provisions of this by-law which are not in conflict with the ones set out in section 504.2."

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL, this 14th day of JANUARY 1991.


PAUL BEISEL - MAYOR


LEONARD J. MIKULICH- CLERK

16/90/icl/jo



R.P. 893
LOT 14 | LOT 15

LOT 62

LOT 61

LOT 60

R.P. 43M-521

LOT 59

LOT 58

LOT 57

LOT 56

**R1A(2)
SEC.
504**

R.P. 43M-521
BLOCK
175

75.86m

213.36m

213.36m

75.86m

CONSERVATION DRIVE

m Metres

☒ Centrelines of Original Road Allowance

— Zone Boundary

PART LOT 16, CON. 2 E.H.S. (CHING.)
BY-LAW 151-88 SCHEDULE A

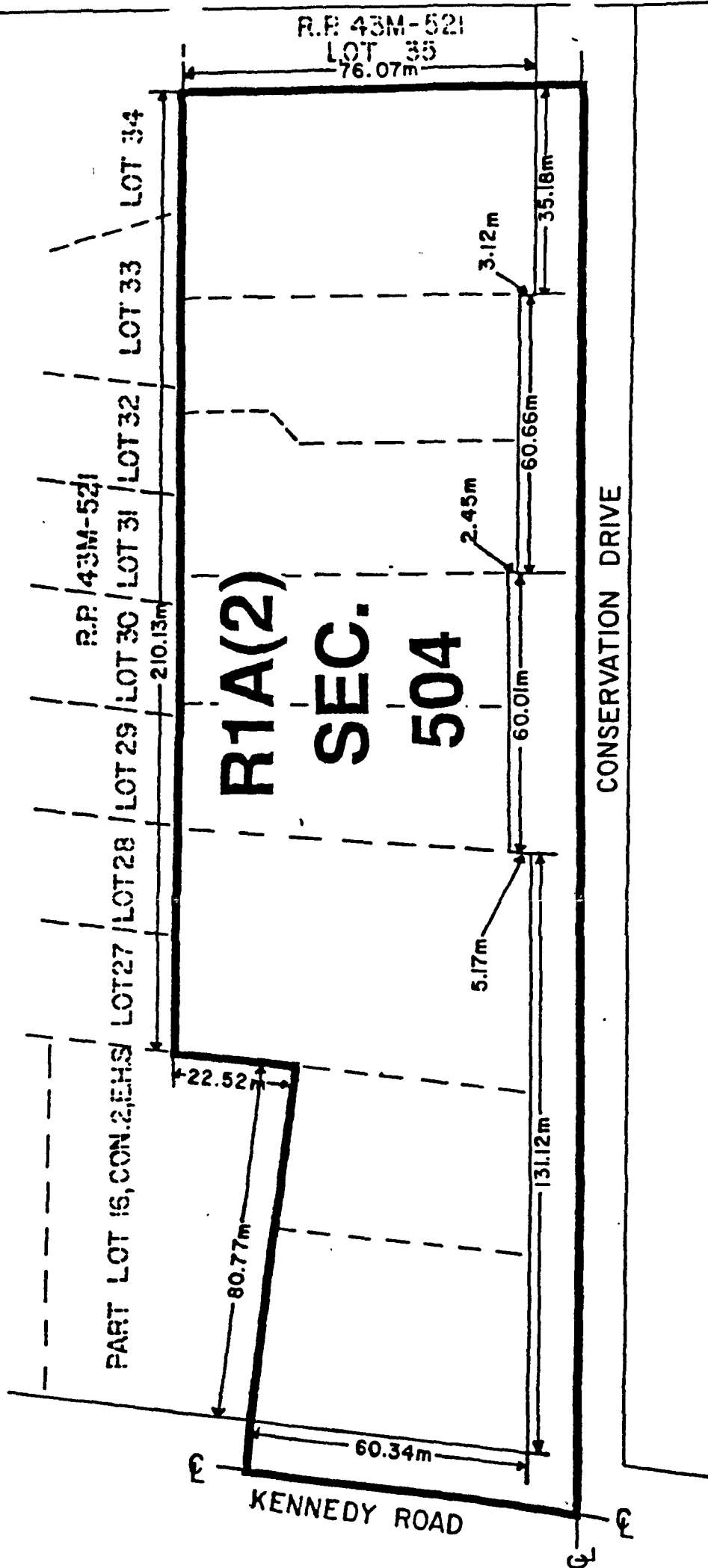


CITY OF BRAMPTON
Planning and Development

By-law 4-91 Schedule A.1

1:250

Date: 1990 04 09 Drawn by: CJK
File no. C2E16.5B6 Map no. B-6F



m Metres

⊕ Centrelines of Original Road Allowance

— Zone Boundary

PART LOT 16, CON. 2 E.H.S. (CHING.)
BY-LAW 151-88 SCHEDULE A



CITY OF BRAMPTON
Planning and Development

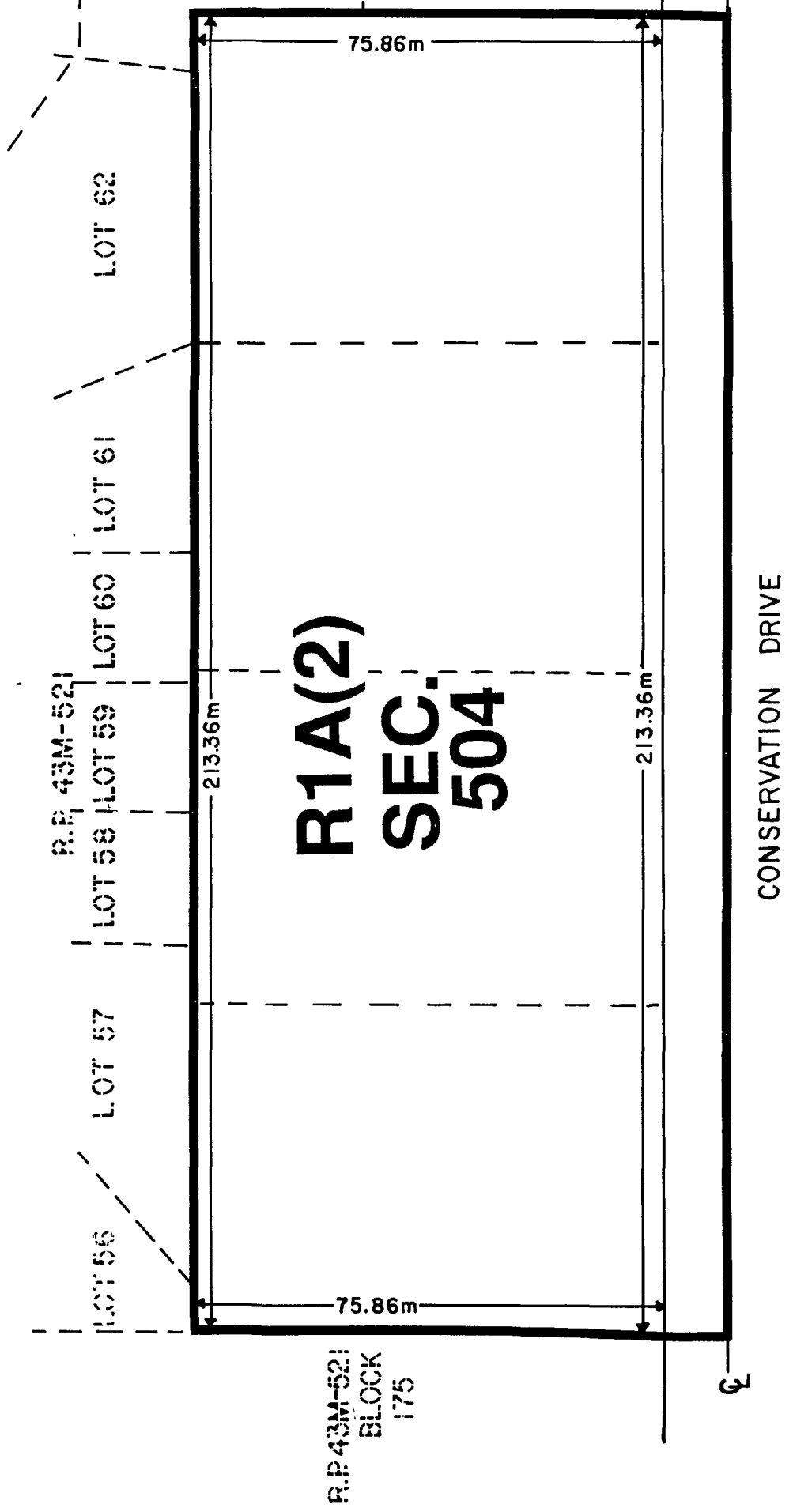
Date: 1990 04 09 Drawn by: CJK

File no. C2E16.586 Map no. R-66

By-law 151-88 Schedule A.2

1:950

R.P. 893
LOT 14 | LOT 15

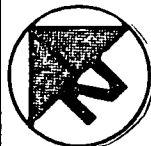


**R1A(2)
SEC.
504**

CONSERVATION DRIVE

m Metres
 C Centreline of Original Road Allowance
 — Zone Boundary

PART LOT 16, CON. 2 E.H.S. (CHING.)
BY-LAW 151-88 SCHEDULE A

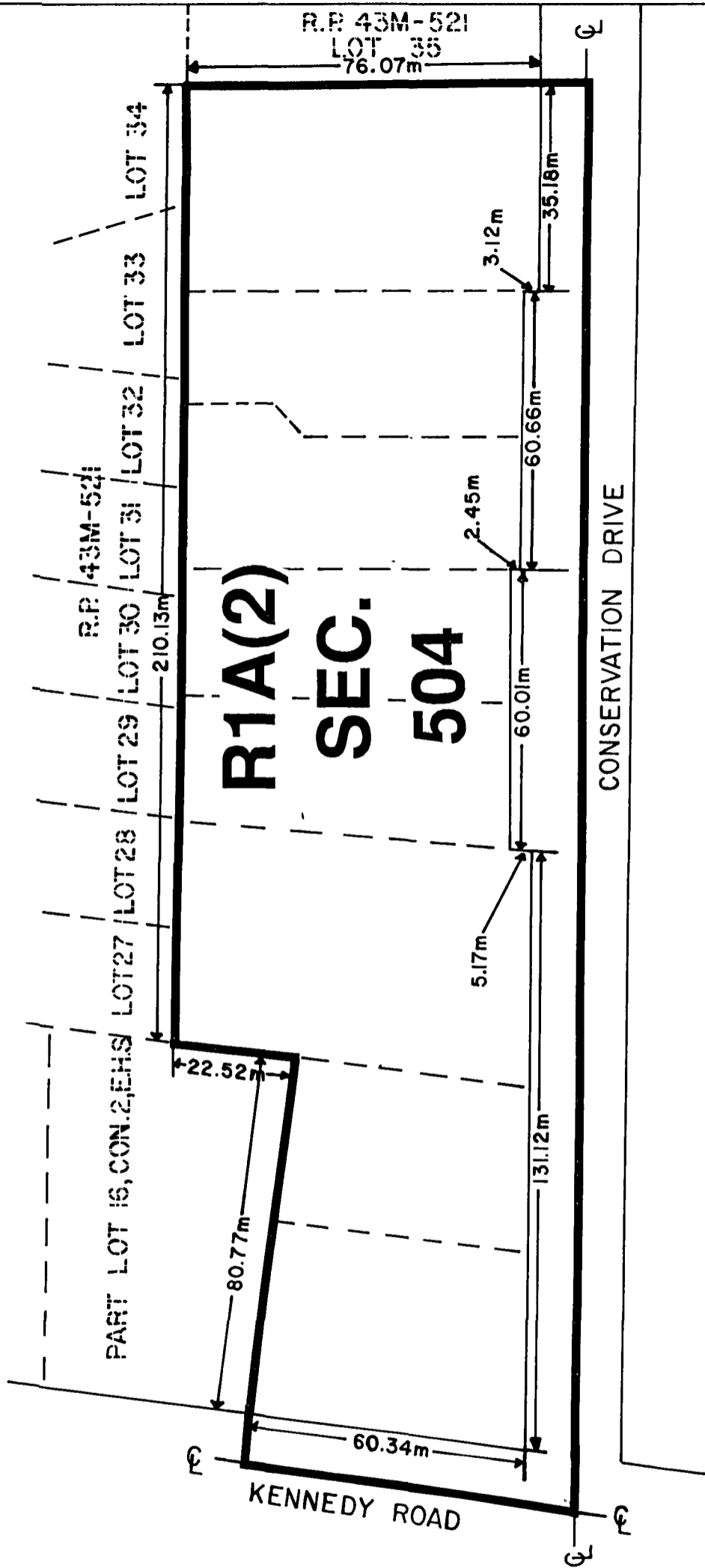


CITY OF BRAMPTON
Planning and Development

By-law 4-91 Schedule A.1

1:250

Date: 1990 04 09 Drawn by: CJK
File no. C2E16.586 Map no. 8-6F



m Metres

☉ Centreline of Original Road Allowance

— Zone Boundary

PART LOT 16, CON. 2 E.H.S. (CHING.)
BY-LAW 151-88 SCHEDULE A



CITY OF BRAMPTON
Planning and Development

By-law 4-91 Schedule A.2

1:950

Date: 1990 04 09 Drawn by: CJK
File no. C2E16.586 Map no. 8-6G



R 910114

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

SCHEDULE "A"

BY-LAW

Number 4 - 91

To amend By-law 151-88 (part of
Lot 16, Concession 2, E.H.S. in the
geographic Township of Chinguacousy)

The council of The Corporation of the City of Brampton
ENACTS as follows:

1. By-law 151-88, as amended, is hereby further amended:

(1) by changing, on Sheet 8-B of Schedule A thereto,
the zoning designation of the lands shown on
Schedule A.1 and Schedule A.2 to this by-law from
AGRICULTURAL (A) to RESIDENTIAL SINGLE FAMILY A(2)
- SECTION 504 (R1A(2) - SECTION 504), such lands
being part of Lot 16, Concession 2, East of
Huronario Street, in the geographic Township of
Chinguacousy.

(2) by adding thereto the following section:

"504. The lands designated R1A(2) - SECTION 504
on Sheet 8-B of Schedule A to this by-law;

504.1 shall only be used for the purposes
permitted in R1A(2) zone by section 12.3.1;

504.2 shall be subject to the following
requirements and restrictions:

(1) Minimum lot width: 26.2 metres.

(2) Minimum Interior Side Yard Width:

- 3.0 metres for a one storey
building


- 3.6 metres for a two storey
building

- (3) Minimum Front Yard Depth: 14.3 metres
- (4) Minimum Rear Yard Depth: 18.2 metres
- (5) Minimum Gross Residential Floor Area:
278.7 square metres
- (6) Maximum Gross Residential Floor Area:
418.0 square metres
- (7) Maximum Building Height: 8.75 metres

504.3 shall also be subject to the requirements and restrictions relating to the R1A(2) zone and all general provisions of this by-law which are not in conflict with the ones set out in section 504.2."

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL, this 14th day of JANUARY 1991.


PAUL BEISEL - MAYOR


LEONARD J. MIKULICH - CLERK

16/90/icl/jo



DB #	91	FOLIO #	236
ORDER ISSUE DATE			
JUL - 7 1992			
R91-1	FOLIO #	262	



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

CERTIFIED A TRUE COPY

[Signature]
Deputy Clerk
City of Brampton

R 910114

19 92 RECEIVED
CLERK'S DEPT.

JUL 09 1992

C3446.92

REG. No.:

FILE No.:

308

IN THE MATTER OF Section 34(18) of
the Planning Act, 1983

AND IN THE MATTER OF an appeal by
Mike Postiglione against Zoning By-
law 4-91 of the Corporation of the
City of Brampton
OMB File No. R910114

C O U N S E L :

J. Attwood-Petkovski - for City of Brampton

DECISION delivered by D.W. MIDDLETON AND ORDER OF THE BOARD

The purpose of By-law 4-91, if approved, is to further amend By-law 151-88, as amended, by changing on sheet 8B of Schedule A thereto, the zoning designation of the land shown on Schedule A to this by-law from Agricultural (A) to Residential Single Family A(2)-Section 504(R1A) 2(-Section 504), such lands being part of Lot 16 Concession 2, east of Hurontario in the geographic Township of Chinguacousy.

The effect of By-law 4-91 is to permit development on lots which are the minimum width of 26.2 metres or approximately 86 feet. The by-law provides other specific standards with respect to side yards, front yards, rear yards, minimum and maximum gross residential floor areas and a maximum building height.

The appeal before the Board is by Mike Postiglione. Mr. Postiglione owns adjoining properties at 512 and 516 Conservation Drive. In his appeal of the by-law, Mr. Postiglione felt that the reduction from a 100 feet minimum lot size to the 86 feet would dramatically deface the character of the street and property values. He felt that this new zoning would eliminate the rural designation

and possibly introduce the development of new curbs and concrete walkways which in his opinion would be inappropriate for this natural environment.

The planning evidence in support of the by-law was given by Al Rezoski, the planner on this project from the City of Brampton. Mr. Rezoski testified that he had done site inspections in the area and that there are eleven properties in the immediate area. He advised the Board that two severances had been granted subject to rezoning. All of the lots in the area are used as single family, he advised the Board that there was an intervening lot within the by-law that was not included. He described the area as being Residential to the west, Residential and Open Space to the north, Residential to the east, and to the south it was Residential and Open Space. He advised the Board that the designation in the Official Plan was Residential and was also Residential in the Stone Gate Secondary Plan. The Official Plan provides for 3.3 units per acre and he advised the Board that the current density was 1.1 unit per acre and if there were 17 lots developed on the existing 10 lots it would result in a gross of 1.6 units or a net of 1.88 units per acre. This would be below the 2 units per acre as permitted under the Official Plan "Low Density" designation.

He asked the Board to consider the desirability of the rezoning from Agricultural to Residential because the permitted uses under the Agricultural zoning could result in serious conflict with the existing prestige residential area. Under the Agricultural zoning, the lands may be used for agricultural purposes and also included are a number of non-agricultural uses including a single family home, group homes, cemetery, home occupation, animal hospital and a kennel and any purposes accessory to the permitted uses. It was his opinion that to continue to leave the Agricultural zoning, although it provided for 100 foot frontages for the lots, could result in the development of serious conflict. He advised the Board that the "R" Zoning as proposed in the by-law permits only single family

development. He advised the Board that historically this area had been developed as one acre lots but that the Stone Gate subdivision in the area was developed at a density of 2.4 units per gross acre.

Mr. Rezoski provided some of the history of the things that had occurred in the area. In 1984, the Land Division Committee had granted a consent to create two lots plus the variances to permit a lot width of less than 100 feet. In 1986, two lots had been created with frontages of 103 feet and 95.9 feet and variances were granted to permit the narrower lot and reduced side yard. In 1988, Mr. Gorgiev made an application for an 85 foot lot but it was not proceeded with. In 1990, he sought rezoning from Agricultural to the proposed by-law. The matter was then referred to a public meeting and a Planning Staff Report was prepared. It was the recommendation of the planning staff to the Planning Committee that they recommend to City Council that the two subject applications be approved subject to the conditions approved by City Council on February 26, 1990 with the following revisions:

- that the minimum lot width be 26.2 metres (86 feet)
- that the interior side yard width be 3.04 or 8 metres; 10 feet for a one-storey building and 3.67 metres (12 feet) for a two-storey building and;
- that the minimum building area be 278.7 square metres or 3000 square feet and;
- that the minimum front yard depth be 18.2 metres (60 feet) and;
- that the remaining properties on the north side of Conservation Drive be zoned for residential use with the same requirements and restrictions applying to these properties as to the two subject properties and;
- that the staff was to be directed to prepare the appropriate documents for Council's consideration

Mr. Rezoski advised the Board that since the appeal on March 21, 1991 application B5-91B had been made and then abandoned and a further application was made B20-91 by Gorgiev for 87.5 foot

frontages. Variance had been sought and obtained for the frontage and lot size as of May 31, 1991, there were no appeals. The four lots now exist as if the by-law were in place.

In speaking to the character of the area, Mr. Rezoski testified that although this area was created as a rural residential area it is now an urban residential area with lots ranging from 75 foot frontages to 250 feet of frontage. On this section of Conservation Drive full services are available and any redevelopment or new development in the area will require connection to the services. The by-law maintains the front and rear yard setbacks to maintain adequate privacy between neighbours. The minimum 3000 square feet and maximum of 5000 square feet protects the character of the area by type of home that can be built and protects against any monster homes being built on these reduced sized lots.

He reiterated his position that the zoning by-law is in conformity with the Official Plan and the Secondary Plan and will provide for an appropriate density. He felt that the rezoning was necessary to protect the area from undesirable agricultural uses that could be introduced into the area under the present by-law. It was his opinion that even the 86 foot lots would be larger than many of the residential lots in the area. He described this as an area in transition and this represents appropriate intensification for the utilization of the services that are in place. He advised the Board that there are no natural constraints on the land, and that the provision of 86 foot wide lots will allow for an intensification of use without land assembly which might result in less desirable development of the area.

Under cross-examination by Mr. Postiglione the planner said that he did not know why the 100 foot lots were developed in the original development but that he supports the by-law that is before the Board. He advised the appellant that rezoning is by application

to the city and that when an application comes forward, planning staff prepares a report which goes to Planning Committee with recommendations to Council. He acknowledged that lots on the south side of Conservation Drive are 100 feet in width. In response to a question from Mr. Postiglione he did not believe that this was the thin edge of the wedge which would result in ever reducing lot widths on Conservation Drive.

Mr. H. Peddle, one of the residents has lived in the area for twenty-five years and he supports the by-law. He says the area is only unique because of the people who live there. He supports the by-law because in his opinion it will support the character of the area and provide more taxes on the same services. He advised the Board that he spoke for seven of the eleven owners directly affected by the by-law.

Mr. C. Paylor appeared on behalf of Mr. Gorgiev. Mr. Paylor testified that this will replace the older houses. The development would create jobs and the development would enhance the area with newer development. In his opinion, one acre lots are not economic and that he did not see any conflict with the lots on the south side of the street being larger than the lots on the north. He advised the Board that it was Mr. Gorgiev's intention to live on the street.

Peter Myez of 500 Conservation Drive also supports the by-law and he reminded the Board that the lots on the south side of the street are only 125 feet deep and therefore the lots, even though, they have 100 foot frontages are not as large as the 86 foot lots will be on the north side of the street. He asked the Board to consider the front yard setback and to reduce the setback from 18.2 metres (60 feet) to 14.3 metres (47 feet) because a number of the existing houses currently have a setback of 14.3 metres. The Board discussed this matter with counsel and with the planner and it was agreed that it might desirable to reduce the front yard setback

to 14.3 metres in order that, as a result of the rezoning, none of the houses would be left with legal non-complying setbacks which might create difficulty at the time of sale when a title investigation occurred.

Mr. Postiglione appeared in support of his appeal and drew the Board's attention to the petition which was in the Board's file of the number of persons in the area who were opposed to the reduction in lot width. It was his opinion that the reduction in lot width and the redevelopment of the smaller lots would result in a destruction of some of the mature landscaping that exists in the area. It was his opinion that the existing tax-base based on estate lots was as valuable as the increase tax-base would be from the intensification.

Mr. Postiglione was a real estate agent, and in his opinion the value of his two homes on 260 feet of frontage will be considerably reduced. He advised the Board that it is not his wish or intention to redevelop his two lots as would be possible into three lots. It was his opinion that Council had not respected the concerns of the citizens by the approval of this by-law. He asked the Board to look at the character of street as set out in the photographs, and the Board ask itself if a doubling of the number of homes on the street would not change the character of the area. Under cross-examination by counsel the witness denied that he considered or made application for any division of his lots. He also acknowledged that he was an architect and was a preparer of site plans for development and redevelopment of properties.

In summary, he asked the Board to oppose the change to 86 foot frontage because of the reduction in market value of the lands. And he asked the Board to consider if the splitting of the lots was either necessary or appropriate. It would be his choice to have 100 foot lots or to have no limits so the area could be redeveloped as another subdivision.

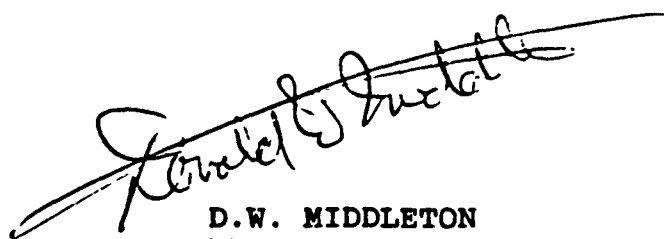
Counsel for the municipality, in summary, held that the by-law represented good planning. It would provide for appropriate transition in the area and this was a residential area not a rural estate area. She reminded the Board that there had been eight years of change occurring by way of minor variances and consent applications and this piecemeal development would continue and not set any firm standards for the area. It was her opinion that the by-law would discourage assembly in the area and would go further towards protecting the character of the area. She reminded the Board that the by-law was in conformity with respect to density in the Official Plan and that the passing of the by-law protects the existing development from undesirable agricultural uses in the area. She also asked the Board to give appropriate consideration to the petition based on the fact that many of the petitioners are not directly related in terms of proximity to the proposed zoning by-law.

The Board has carefully considered the uncontested planning evidence of Mr. Rezoski and the evidence of Mr. Postiglione. The Board finds that in the balance the planning evidence weighs in favour of supporting By-law 4 of 91 subject to an amendment in the minimum front yard setback. The Board is persuaded that the 86 foot frontages are appropriate for the redevelopment of this area that is in transition, that they represent an appropriate width to maintain the character of the area and that they will provide for appropriate intensification and utilization of existing services in the area.

The Board, therefore, will grant the appeal in part by amending the by-law to provide for a 14.3 metre setback front yard depth instead of 18.2 metres as set out in Section 504.2(3) of the by-law.

In all other respects the appeal is dismissed. The by-law in its amended form is attached to the decision as Schedule A and the Board so orders.

DATED at TORONTO this 7th day of July, 1992.


D.W. MIDDLETON
MEMBER

LEGAL DESCRIPTION OF THE LANDS

FIRSTLY:

In the City of Brampton, in the Regional Municipality of Peel (formerly in the Township of Chinguacousy, in the County of Peel), and Province of Ontario, containing by admeasurement 0.900 acres more or less and being composed of part of the west half of Lot One, in the sixth Concession, West of Hurontario Street, in the said City of Brampton, the boundaries of which said parcel may be described as follows:

PREMISING that the southeast limit of the said Lot One has an Astronomic bearing of N 39° 06' E and relating all bearings quoted herein thereto, and

COMMENCING at an iron bar planted at the most southerly angle of the said Lot One;

THENCE N 39° 06' E, along the southeast limit of the said Lot One, 240.45 feet to an iron bar planted in the same;

THENCE N 46° 51' W, 165.50 feet to an iron bar planted in an existing wire boundary fence;

THENCE S 39° 16' 30" W along the said boundary fence, 234.20 feet to an iron bar planted in the southwest limit of the said Lot One;

THENCE S 44° 43' 20" E along the last said limit, 166.76 feet, more or less to the point of commencement,

SAVE AND EXCEPT for that part of the land sold to the County of Peel by Instrument No. 274753 VS.

AS DESCRIBED in Instrument No. 679253.

SECONDLY:

Part of Lot 1, Concession 6, West of Hurontario Street in the City of Brampton, in the Regional Municipality of Peel (formerly Township of Chinguacousy, County of Peel, more particularly described as follows:

PREMISING that the Southeasterly limit of Lot 1 has a bearing of North 39 degrees 06 minutes 50 seconds East and relating all bearings herein thereto;

COMMENCING at an iron bar set at the most westerly angle of a road widening as shown as part 15 according to deposited plan 43R-671 and described in registered instrument 249334VS and which may be more particularly described as follows;

BEGINNING at the most Southerly angle of the said Lot 1 in the Sixth Concession West of Hurontario Street;

THENCE Northeasterly and along the said Southeasterly limit of Lot 1 a distance of 240.45 feet to a point therein;

THENCE North 46 degrees 50 minutes 30 seconds West 27.07 feet more or less to the point of commencement;

THENCE North 39 degrees 06 minutes 50 seconds East and along the Northwesterly limit of the said part 15 a distance of 249.30 feet more or less to the most Northerly angle thereof;

THENCE North 47 degrees 00 minutes 15 seconds West 115.48 feet to an iron bar;

THENCE South 11 degrees 55 minutes 30 seconds East and around the foundation of an old well 9.10 feet to an iron bar;

SCHEDULE A

THENCE North 79 degrees 17 minutes West and continuing around the said well 13.15 feet to an iron bar;

THENCE South 59 degrees 42 minutes 40 seconds West 48.41 feet to an iron bar;

THENCE South 39' degrees 24 minutes 25 seconds West 190.00 feet to an iron bar;

THENCE South 46 degrees 44 minutes 40 seconds East 138.00 feet more or less to the point of commencement;

TOGETHER with a 119.93 foot right-of-way over said lot having a perpendicular width of 34.00 feet throughout, lying adjacent to and Northeasterly from the above described parcel's Northeasterly limit, described as being on a course of North 47 degrees 00 minutes 15 seconds West from the Northerly angle of the said part 15.

AS DESCRIBED in Instrument No. 884493.

SCHEDULE B

SCHEDULE OF APPROVED PLANS

DESCRIPTION OF PLAN	SPECIAL REQUIREMENTS TO BE SHOWN THEREON
1. SITE PLAN	<p>A DETAILED SITE PLAN SHALL BE APPROVED IN ACCORDANCE WITH THE CITY'S SITE PLAN CONTROL AREA BY-LAW PRIOR TO THE APPLICATION FOR ANY BUILDING PERMIT. This detailed Site Plan shall show, among other things, the exact location and detailed specifications for the following works:</p> <p>Truck parking to the satisfaction of the Commissioner of Public Works and Building and of the Region of Peel.</p>
2. ELEVATION CROSS-SECTION DRAWINGS	<p>DETAILED ELEVATION CROSS-SECTION DRAWINGS SHALL BE APPROVED IN ACCORDANCE WITH THE CITY'S SITE PLAN CONTROL AREA BY-LAW PRIOR TO THE APPLICATION FOR ANY BUILDING PERMIT.</p>
3. LANDSCAPE & FENCING PLAN	<p>A DETAILED LANDSCAPE AND FENCING PLAN SHALL BE APPROVED IN ACCORDANCE WITH THE CITY'S SITE PLAN CONTROL AREA BY-LAW PRIOR TO THE APPLICATION FOR ANY BUILDING PERMIT. This detailed Landscape & Fencing Plan shall show, among other things, the exact location and detailed specifications for the following works:</p> <p>A solid screen fence along the north and east boundaries of the lands and street tree planting along Winston Churchill Boulevard and Steeles Avenue West abutting the lands.</p>
4. GRADING & DRAINAGE PLAN	<p>A DETAILED GRADING AND DRAINAGE PLAN SHALL BE APPROVED IN ACCORDANCE WITH THE CITY'S SITE PLAN CONTROL AREA BY-LAW PRIOR TO THE APPLICATION FOR ANY BUILDING PERMIT.</p>

DESCRIPTION
OF PLAN

SPECIAL REQUIREMENTS TO BE SHOWN THEREON

5. ENGINEERING
& SERVICING PLAN

DETAILED ENGINEERING & SERVICING PLAN SHALL BE APPROVED IN ACCORDANCE WITH THE CITY'S SITE PLAN CONTROL AREA BY-LAW PRIOR TO THE APPLICATION FOR ANY BUILDING PERMIT.

6. FIRE
PROTECTION PLAN
(INCLUDING
INTERNAL AND
EXTERNAL FIRE
HYDRANTS)

A DETAILED FIRE PROTECTION PLAN SHALL BE APPROVED IN ACCORDANCE WITH THE CITY'S SITE PLAN CONTROL AREA BY-LAW PRIOR TO THE APPLICATION FOR ANY BUILDING PERMIT.

SCHEDULE C

LANDS TO BE CONVEYED TO THE REGION OF PEEL

Road widenings along Winston Churchill Boulevard and Steeles Avenue West so that the width of each road allowance from the centre line of Winston Churchill Boulevard and Steeles Avenue West respectively is 18.0 metres.

A 15 metre daylight triangle at the northeast corner of the intersection of Winston Churchill Boulevard and Steeles Avenue West.

NOTE:

ALL CONVEYANCES shall be completed within sixty (60) days from the date rezoning By-law No. _____ comes into force or prior to the issuance of any building permits, whichever shall occur first.

Building permits will not be issued until all of the foregoing transfers have been registered by the City and the Region.

In order to avoid delays, the Owner is requested to submit draft reference plans and draft transfers for the foregoing lands to the City and the Region as soon as possible after the Owner is advised of the conveyancing requirements of the City and the Region.

SCHEDULE D

SPECIAL PROVISIONS

Grading and
Drainage
Plan

The grading and drainage plan required pursuant to Schedule B of this agreement shall also be approved by the Regional Municipality of Peel prior to the issuance of a building permit for the lands.

2.
Construction
of a Side-
walk

Prior to the issuance of a building permit the owner shall pay to the City cash-in-lieu of constructing a sidewalk along the Steeles Avenue West and Winston Churchill Boulevard frontages of the lands in an amount to be determined by the Commissioner of Public Works and Building.

3.
Medians

The Owner acknowledges that the Regional Municipality of Peel may in the future construct a centre median on Steeles Avenue West and/or Winston Churchill Boulevard. In consideration for the Regional Municipality of Peel not objecting to the rezoning of the lands, the Owner agrees that, notwithstanding the provisions of the Expropriations Act, the Owner shall not claim as against the Regional Municipality of Peel damages for injurious affection or business loss arising out of the construction of the said medians.

4.
Private
Sewage
Disposal
System

Notwithstanding Section 14.1 of this agreement, the Owner shall obtain approval from the Peel Region Department of Health for a private sewage disposal system for the lands prior to the enactment of the amending zoning by-law for the lands.

5.
Adjoining
Lands

The Owner acknowledges that the adjoining lands to the north and east of the subject lands are used for the purposes of a poultry processing operation. As part of this operation, sludge is spread on a portion of the adjoining lands in accordance with approval certificates issued by the Ministry of the Environment.

CITY CAPITAL CONTRIBUTIONS

Capital
Contri-
butions

The Owner covenants and agrees to unconditionally pay to the City without protest or qualification and prior to the issuance of any building permits for the lands by the City, and subject to adjustment as herein provided, a capital contribution of **Five Thousand, Five Hundred and Twenty-one Dollars and Seventy-nine Cents (\$5,521.79)** as of **August 1, 1989** (Base Rate February 1, 1989 \$5,240.26) per acre for the total acreage of the lands which is 1.416 acres

2. In the event the total floor area of all the buildings proposed to be constructed on the lands exceeds fifty per cent (50%) of the total area of the lands, the Owner shall unconditionally pay to the City, without protest or qualification an additional capital contribution of \$0.2535 Dollars as of August 1, 1989 (Base Rate February 1, 1989 \$0.2406) per square foot for each square foot of the total floor area of all of the proposed buildings in excess of fifty per cent (50%) of the total area of the lands. This additional capital contribution shall be paid prior to the issuance of the building permit for the building or buildings which either by themselves or together with existing buildings on the lands, have a total floor area which exceeds fifty per cent (50%) of the total area of the lands.
3. These capital contributions are effective the 25th day of SEPTEMBER, 1989, and shall be adjusted twice yearly on the 1st days of February and August in each year in direct relationship to the Southam Construction Index (Ontario Series). This adjustment will be based on the Index last available prior to the 1st days of February and August respectively in each year.

SCHEDULE F

REGION INDUSTRIAL AND COMMERCIAL LOT LEVY

1.1 The Owner covenants and agrees to unconditionally pay to the Region without protest or qualification and prior to the issuance of any building permits for the lands by the City, and subject to adjustment as herein provided, a lot levy of **Fifteen Thousand, Five Hundred and Ninety-one Dollars and Fifty-five Cents (\$15,591.55) (August 1, 1989, Base)** per acre for the total acreage of the lands which is 1.416 acres.

2. In the event the total floor area of all the buildings proposed to be constructed on any lot within the plan, exceeds fifty per cent (50%) of the total lot area, the Owner shall unconditionally pay to the Region, without protest or qualification an additional lot levy of \$0.7158 Dollars (August 1, 1989 Base) per square foot for each square foot of the total floor area of the proposed buildings in excess of fifty per cent (50%) of the total lot area. This additional lot levy shall be paid prior to the issuance of the building permit for the building or buildings which either by themselves or together with the existing buildings on the lot, have a total floor area which exceeds fifty per cent (50%) of the total lot area. For the purposes of this paragraph "lot" shall mean a lot as defined by the applicable zoning by-law.

3. These lot levies are effective the 1st day of AUGUST, 1989, and shall be adjusted twice yearly on the 1st days of February and August in each year in direct relationship to the Southam Construction Index (Ontario Series). This adjustment will be based on the Index last available prior to the 1st days of February and August respectively in each year.

4. Region industrial and commercial lot levies are subject to reduction provisions:

4.1 in the amount of \$2,842.21 per acre or \$0.1305 per square foot (August 1, 1989 base) for Sanitary Sewers when the development is outside the designated South Peel service area. This amount will be adjusted in accordance with paragraph 3.

4.2 in the amount of \$2,754.87 per acre or \$0.1265 persquare foot (August 1, 1989 base) for water when the development is outside the designated South Peel service area. This amount will be adjusted in accordance with the paragraph 3.