



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 232-2006

*To amend Interim Control By-Law
265-2005, applicable to Part of Area
Subject to Zoning By-Law 2004*

WHEREAS the Interim Control By-Law provisions of the *Planning Act* permits a municipality to pass an interim control by-law to be in effect for a period of time to prohibit the use of land, buildings, or structures in a defined area while the municipality carries out a planning and heritage study for the Village of Churchville.

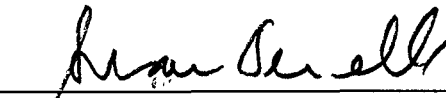
WHEREAS the City of Brampton seeks to limit development in the area set out on Schedule A attached hereto in order to carry out a planning and heritage study with respect to establishing updated land use policies and zoning provisions for the Village of Churchville.

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

- 1. By-Law 265-2005 is hereby amended as follows:
 - 1.1 Section 6 is deleted and replaced with the following:

This By-Law shall be in effect until August 14th, 2007.

READ a FIRST, SECOND AND THIRD TIME, and PASSED, in OPEN COUNCIL, this 2nd day of August 2006.



SUSAN FENNELL - MAYOR




KATHI LAMMIT - CITY CLERK

Approved as to Content:



Adrian Smith, MCIP, RPP
Director, Planning & Land Development Services

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|---|----------|
| APPROVED AS TO FORM LAW DEPT. BRAMPTON | |
|  | |
| DATE | 07/17/06 |

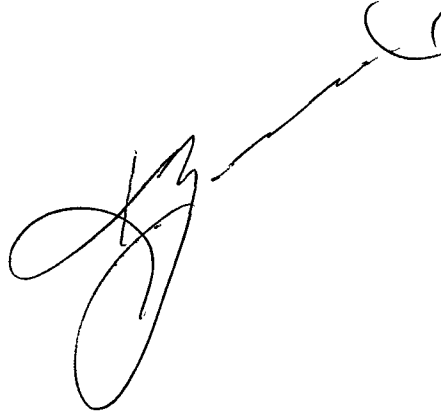
Zammit, Kathy

From: Zammit, Kathy
Sent: 2006/08/29 11:19 AM
To: Grant, Colin; Palermo, Mirella
Cc: Waters, David; Urquhart, Chandra; Vivar, Michelle; Wyger, Penny
Subject: RE: By-Law 232-2006 - Churchville Interim Control By-Law Map Discrepancy

With this documentation as part of the official record, By-law 232-2006 will be "corrected" and the appropriate map attached as Schedule A. The original of the By-law will include both the incorrect and correct maps, noted as such.

Notice of the passing will include the corrected Schedule A.

*Kathy Zammit
City Clerk &
Director of Council and Administrative Services
Management and Administrative Services
905-874-2115 (voice), 905-874-2119 (fax)
www.brampton.on.ca
kathy.zammit@brampton.ca*



-----Original Message-----

From: Grant, Colin
Sent: 2006/08/29 10:12 AM
To: Palermo, Mirella; Zammit, Kathy
Cc: Waters, David; Urquhart, Chandra; Vivar, Michelle; Wyger, Penny
Subject: RE: By-Law 232-2006 - Churchville Interim Control By-Law Map Discrepancy

Following discussions yesterday, here is my understanding of what happened, and how the incorrect map should be corrected.

Council passed the correct extending by-law, with the correct map

The original by-law for the Churchville ICBL was passed in 2005 (and contained the correct map as a schedule).

The August 2, 2006 report to Council was for a simple extension of the Churchville ICBL. The report contained a draft by-law, to amend only the time period of the original by-law. The draft by-law attached to the report contained in the "whereas section", for "convenience", reference to the map, attached as a schedule. Again we're good: the draft extending by-law attached to the report to Council contained the correct map.

It is clear that Council passed the extending by-law, referencing the correct map.

A clerical error occurred at the time of signature of the formal document

The problem arose when it came time to sign the formal by-law. Planning inadvertently attached the wrong map as the schedule to the extending by-law that it sent down to the Clerk's department. After the extending by-law with the incorrect "convenience" map got signed, planning staff discovered the error.

It is clear on the record that the attachment to the extending by-law that got signed is not the correct attachment. The intentions of Council - and the fact that Council actually passed the correct extending by-law with the correct map - are clear on the record. (And by the way, the extending by-law does not have any language in the by-law that would change the original reference to the correct map anyway.)

Luckily, the Notice of the passing of the "extending by-law" has not yet gone out.

The Clerk may correct the clerical error, to confirm an accurate record of the proceedings of Council

It is clear that the attachment of the incorrect map to the by-law at signature was a clerical error, and it should be

corrected. The clerk and mayor may execute the correct extending by-law, as passed by Council. Notice should go of the extending by-law containing the correct attachment.

For an accurate record of the error and how it was corrected, the Clerk's office should also keep a copy of the "extending by-law with the erroneous map" that got accidentally signed, clearly marked, with a memo to file indicating the error, and noting that the extending by-law with the correct map is the accurate record of the proceedings of council. The public notice should be accurate.

I think that covers it. Unless there are any other questions or concerns, my understanding is that Chandra is preparing the public notice to go out on Friday.

Colin

p.s. Please note: there are apparently many "versions" of the Churchville map floating about. Planning should ensure that the Clerk's office has a formal copy of the exact map that was attached to the Report to Council (and the previous by-law).

-----Original Message-----

From: Palermo, Mirella

Sent: 2006/08/28 11:54 AM

To: Zammit, Kathy

Cc: Grant, Colin; Waters, David; Urquhart, Chandra; Vivar, Michelle

Subject: By-Law 232-2006 - Churchville Interim Control By-Law Map Discrepancy

Importance: High

Hi Kathy,

Following-up on Colin Grant's voice mail message this morning, there was a clerical error on Schedule A (map) of By-Law 232-2006. There were properties along Hallstone Road that were excluded in the district boundary in the by-law that was passed on August 2nd, which Chandra will be discussing with you today.

According to Colin Grant it may be possible just to replace the incorrect map without going to Council because the wording of the by-law only enacts amending Section 6 of By-Law 265-2005, which extends the interim control by-law for an additional year. Is this appropriate or do we need to follow other measures?

In the meantime, a correct version of the map has been prepared and forwarded to Chandra to replace the incorrect map (Schedule A).

I appreciate your help. Should you have any questions, feel free to contact myself or Colin on this matter.

Thanks,

Mirella Palermo

Policy Planner

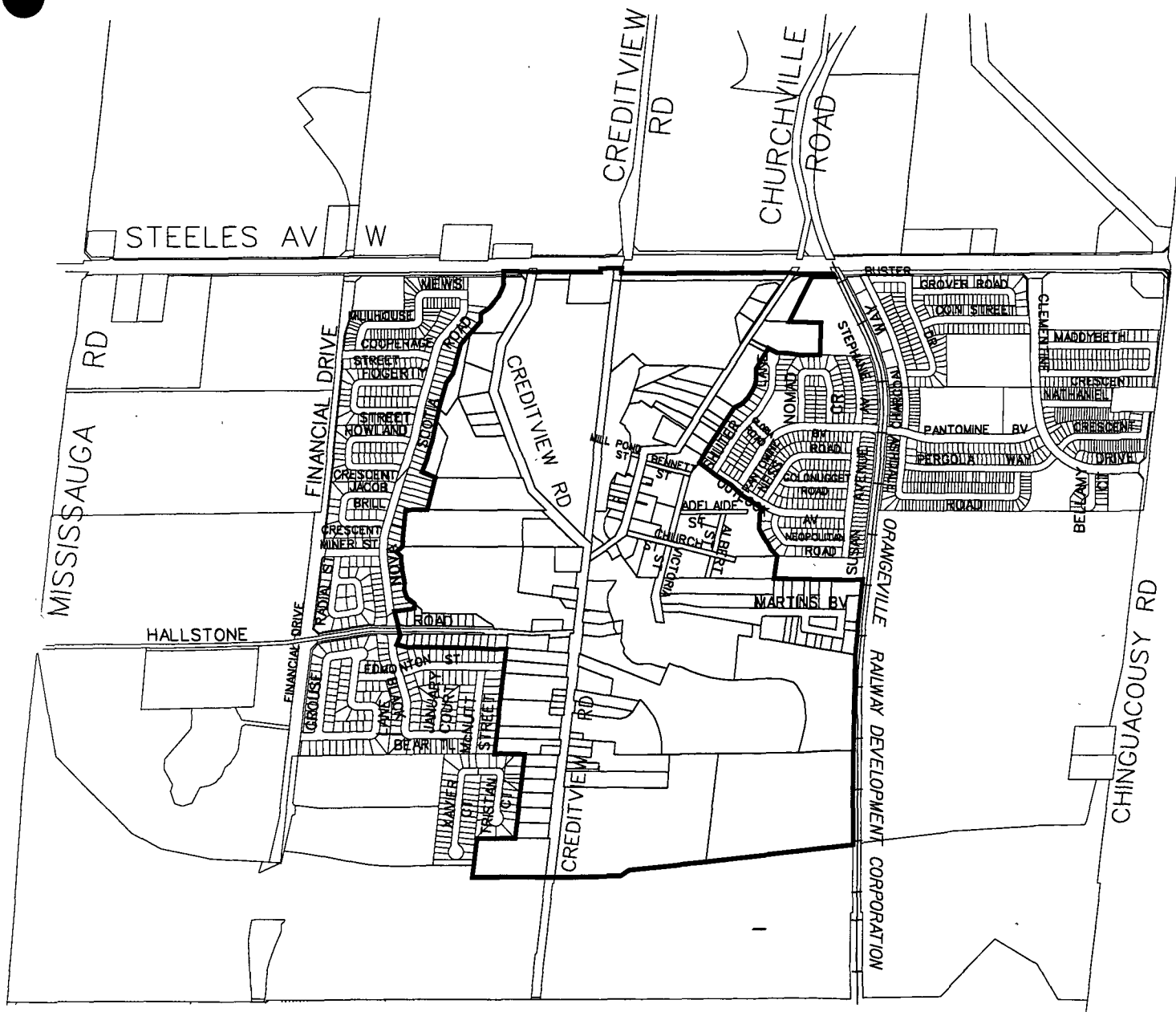
City of Brampton

2 Wellington Street West

Brampton, ON L6Y 4R2

Tel: 905.874.3480

Fax: 905.874.2099



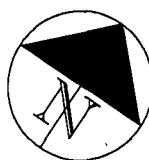
LANDS SUBJECT TO INTERIM CONTROL BY-LAW 232-2006

**PART LOTS 13-15 CONCESSIONS 3&4 W.H.S.
BY-LAW 270-2004**

BY-LAW 265-2005

Schedule A

BY-LAW 232-2006



CITY OF BRAMPTON
Planning, Design and Development

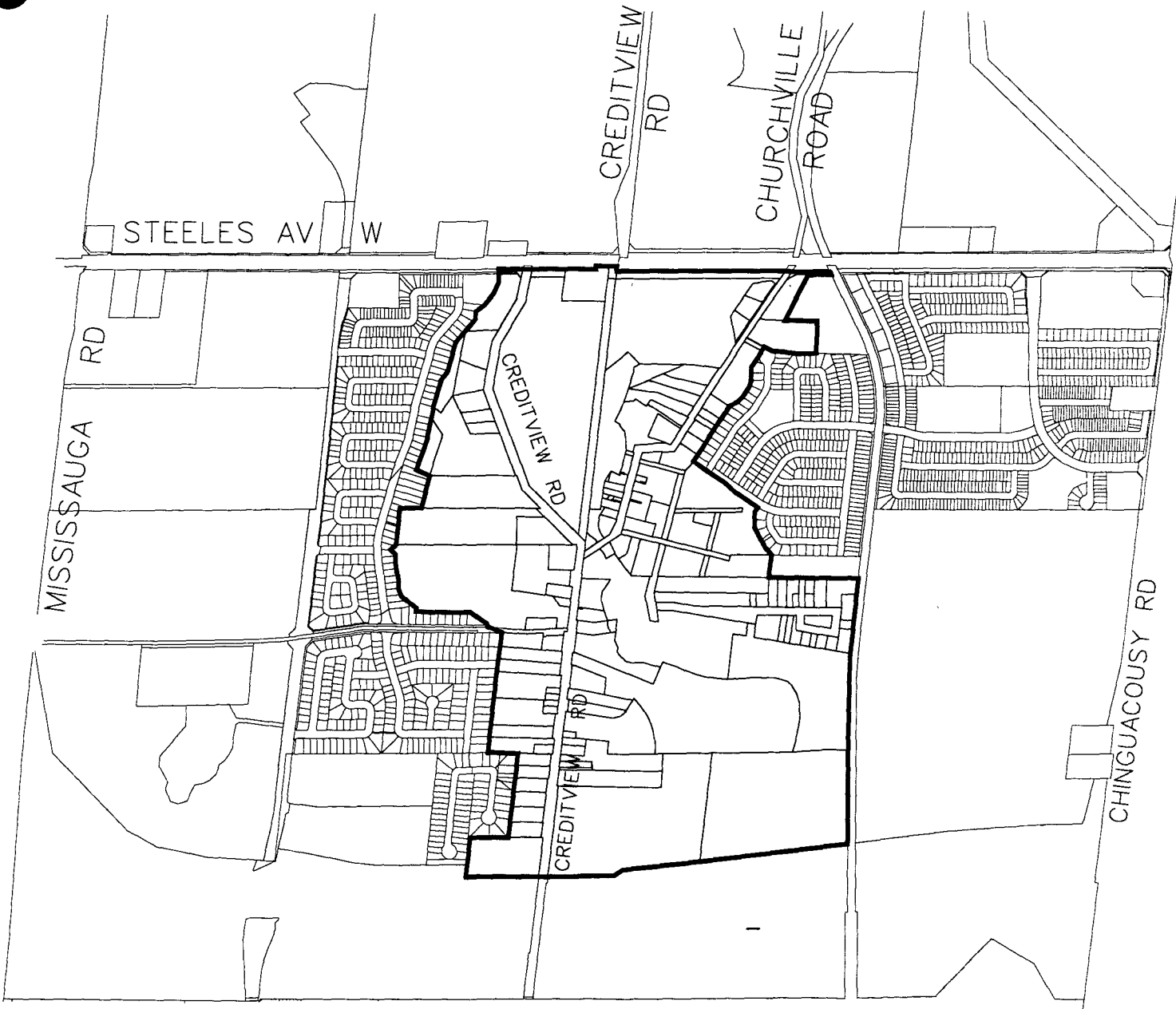
Date: 2005 07 26

Drawn by: ARd

2006 08 29

File no. SCHD_A_CHCH.dgn

Map no. BY-LAW



LANDS SUBJECT TO INTERIM CONTROL BY-LAW 232-2006

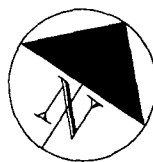
PART LOTS 13-15 CONCESSIONS 3&4 W.H.S.

BY-LAW 270-2004

BY-LAW 265-2005

Schedule A

BY-LAW 232-2006



CITY OF BRAMPTON

Planning, Design and Development

Date: 2005 07 26

Drawn by: ARd

File no. SCHED_A_CHCH.dgn

Map no. BY-LAW

IN THE MATTER OF the *Planning Act*, R.S.O.
1990, as amended, section 38;

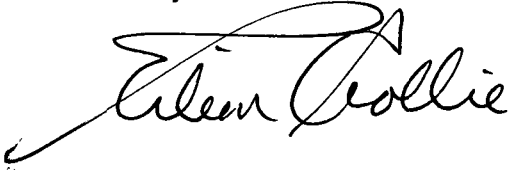
AND IN THE MATTER OF the City of Brampton – Village of Churchville
By-law 232-2006 being a by-law to amend Comprehensive
Zoning By-law 270-2004, as amended (File G33 CH)

DECLARATION

I, Kathryn Zammit of the Town of Caledon, in the Region of Peel, hereby make oath and say as follows:

1. I am the City Clerk of The Corporation of the City of Brampton and as such have knowledge of the matters herein declared:
2. By-law 232-2006 was passed by the Council of The Corporation of the City of Brampton at its meeting held on the 2nd day of August, 2006.
3. Written notice of By-law 232-2006 as required by section 38 of the *Planning Act* was given on the 1st day of September, 2006, in the manner and in the form and to the persons and agencies prescribed by the *Planning Act*, R.S.O. 1990 as amended.
4. No notice of appeal was filed under section 38 of the *Planning Act* on or before the final date for filing objections.
5. By-law 232-2006 is deemed to have come into effect on the 2nd day of August, 2006, in accordance with section 38 of the *Planning Act*, R.S.O. 1990, as amended.

DECLARED before me at the)
City of Brampton in the)
Region of Peel this)
16th day of October, 2006.)



EILEEN MARGARET COLLIE, A Commissioner
etc., Regional Municipality of Peel for
The Corporation of The City of Brampton
Expires February 2, 2008.

