



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 146 - 2016

To amend Comprehensive Zoning By-law 270-2004, as amended,

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

1. By-law 270-2004, as amended, is hereby further amended:

(1) by changing Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
Residential Holding (RH), Open Space (OS) and Residential Single-Detached-Section 3427 (R1D-3427)	Residential Single-Detached – Section 2525 (R1D-2525), Service Commercial – Section 2524 (SC-2524), Open Space – Section 2518 (OS-2518), and Open Space (OS)

(2) by adding thereto the following section:

"2524 The lands designated Service Commercial – 2524 on Schedule A to this By-law:

2524.1 shall only be used for the purposes permitted by the Service Commercial zone and the following purposes:

- i. A residential dwelling contained within a designated heritage building;
- ii. A bank, trust company or finance company;
- iii. A retail establishment, having no outside storage;
- iv. An office;
- v. A service shop;
- vi. A personal service shop;

- vii. An animal hospital;
- viii. A printing or copying establishment;
- ix. A dry cleaning and laundry distribution station;
- x. A community club;
- xi. A custom workshop;
- xii. A health or fitness centre;
- xiii. A day nursery;
- xiv. A commercial school;
- xv. A laundromat;
- xvi. A dining room restaurant;
- xvii. A take-out restaurant;
- xviii. Purposes accessory to these permitted uses.

2524.2 shall be subject to the following requirements and restrictions:

- i. For the purpose of this by-law, McLaughlin Road South will be considered the front lot line;
- ii. One detached residential garage shall be permitted in association with a heritage building at a maximum gross floor area of 45.0 square metres and with an interior side yard width of 1.0 metres.
- iii. Minimum Front Yard Depth: 2.5 metres;
- iv. Minimum Yard Depth along Daylight Triangle: 2.5 metres;
- v. Minimum Exterior Side Yard Width: 2.5 metres;
- vi. Minimum Interior Side Yard Width: 8.0 metres;
- vii. Minimum Landscaped Open Space: 2.5 metres along McLaughlin Road South and Bufford Drive except at the approved driveway locations;
- viii. Minimum setback between the heritage building and detached residential garage to the OS-2518 zone: 0.0 metres;
- ix. Minimum Parking Requirement: 1 space for each 19 square metres of gross floor area;
- x. A drive-through facility only in association with a bank, trust company or finance company, and shall provide a minimum of 6 stacking spaces;
- xi. A drive-through facility is not permitted in association with a designated heritage building."

"2525 the lands designated Residential Single Detached-Section 2525 (R1D-2525) on Schedule A to this By-law:

2525.1 shall only be used for the purposes permitted by Residential Single Detached-R1D and including:

- i. a single detached residential dwelling;
- ii. a group home type 1; and,

- iii. an auxiliary group home;
- iv. purposes accessory to those permitted uses.

2525.2 shall be subject to the following requirements and restrictions:

- i. Minimum lot area: 250.0 square metres;
- ii. Minimum lot width: 10.0 metres;
- iii. Minimum lot depth: 25.0 metres;
- iv. Minimum front yard depth:
  - a) 4.5 metres to the front of the dwelling and 6.0 metres to the front of the garage door;
  - b) a porch and/or balcony with or without foundation or cold cellar may encroach 2.0 metres into the minimum front yard;
  - c) a bay window, bow window or box window with or without foundation or cold cellar may encroach 1.0 metre into the minimum front yard provided that the maximum width of a bay, bow or box window with or without foundation or cold cellar shall be 4.5 metres;
- v. Minimum Interior Side Yard Width: 0.6 metres, provided that the combined total of the interior side yards on an interior lot is not less and 1.8 metres; and, 0.6 metres where the side yard abuts a commercial zone;
- vi. Minimum Rear Yard Depth: 6.0 metres
- vii. Maximum Building Height: 11.0 metres
- viii. Maximum Garage Width:
  - a) 5.0 metres for a lot width less than 12.5 metres;
  - b) 5.5 metres for a lot width greater than 12.5 metres;
  - c) the garage door width may be widened by an extra 0.6 metres if the front of the garage projects 2.5 metres or less beyond the ground floor main entrance of the dwelling unit;
- ix. Maximum Lot Coverage: No requirement;

"2518 the lands designated Open Space – 2518 on Schedule A to this By-law:

2518.1 shall only be used for the following purposes:

2518.2 private landscaping amenity space in conjunction with the uses permitted with the Service Commercial – 2524 zone.

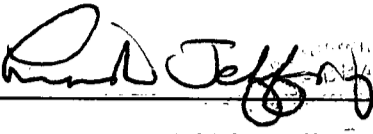
2518.3 shall be subject to the following restrictions and requirements:


- i. no buildings or structures shall be permitted."

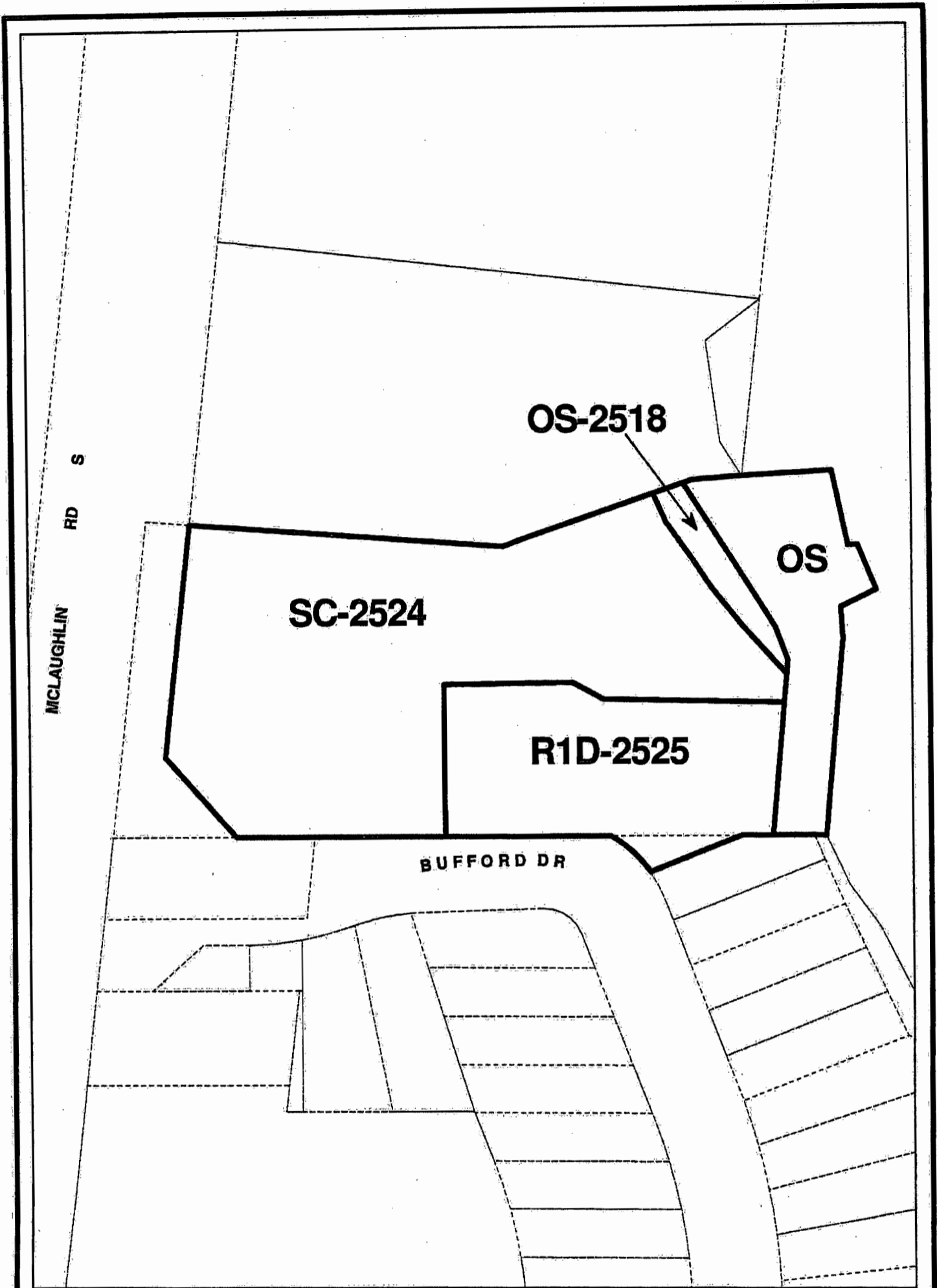
READ a FIRST, SECOND, and THIRD time and PASSED in OPEN COUNCIL  
this 6<sup>th</sup> day of July 2016.

Approved as to  
form.  
16/06/2016  
MR  
Matthew Rea

Approved as to  
content.  
3/06/2016  
AP  
Allan Parsons

  
\_\_\_\_\_  
Linda Jeffrey, Mayor

  
\_\_\_\_\_  
Peter Fay, City Clerk




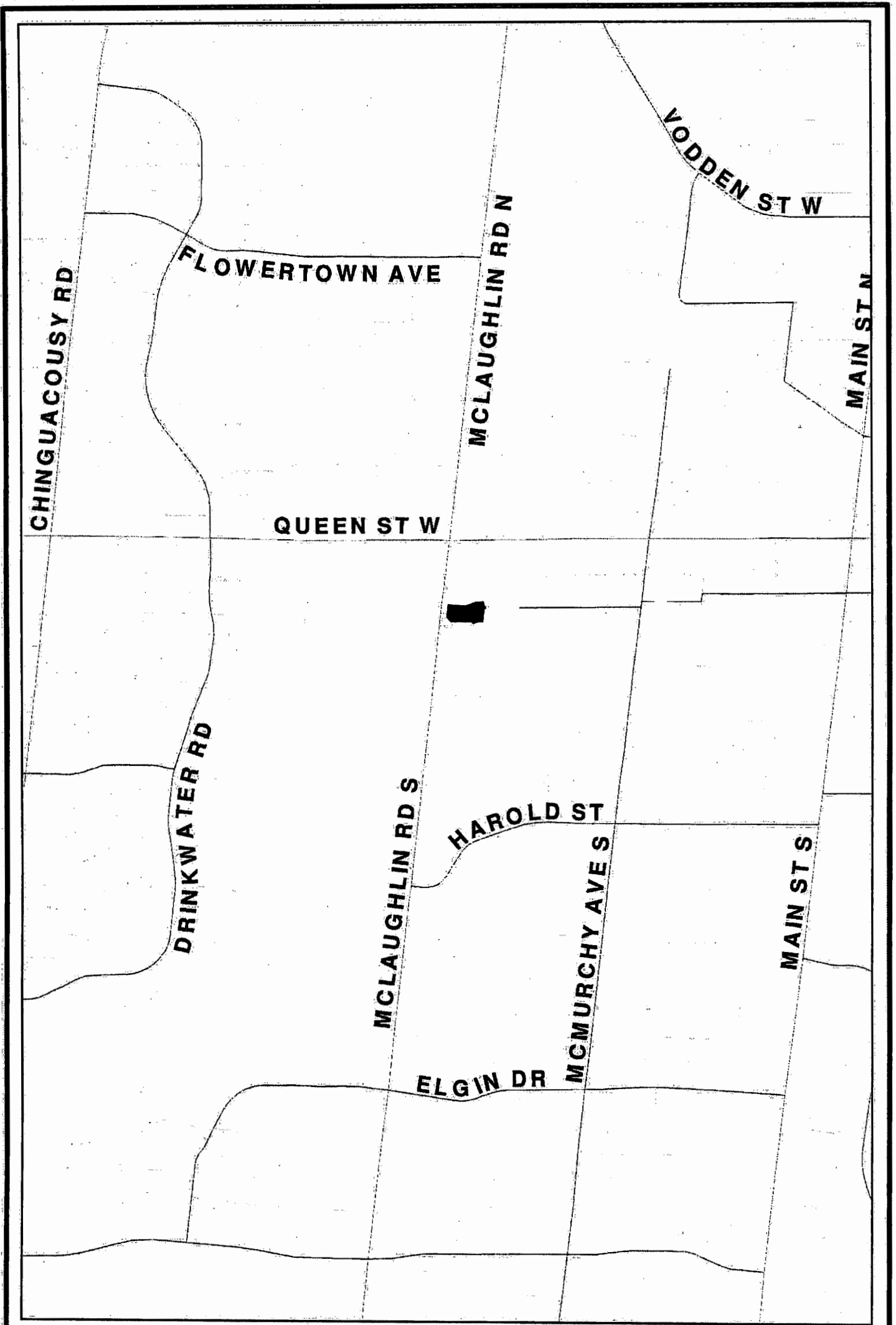
Legend  
 — ZONE BOUNDARY

PART LOT 5, CONCESSION 1 W.H.S.

BY-LAW 146-2016

SCHEDULE A


**BRAMPTON**  
 Flower City  
 PLANNING AND INFRASTRUCTURE SERVICES  
 Date: 2016/05/03  
 File: C01W05.043  
 Drawn By: A.R.d



SUBJECT LAND



**BRAMPTON**  
Flower City



KEY MAP

brampton.ca  
PLANNING AND INFRASTRUCTURE SERVICES

Date: 2016/05/03

Drawn By: A.R.d

File: C01W05.043

BY-LAW 146-2016

Date: January 30, 2019

To: E. Corazzola  
A. Parsons

L. Russell  
B. Steiger

Re: **LPAT/OMB Decision re OP2006-121, Zoning By-law 146-2016**  
**OMB Case/File Nos: PL160821, PL170269, PL170270**  
**City File: C01W05.043**

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Attached is the decision from the Local Planning Appeal Tribunal regarding OMB Case/File Nos: PL160821, PL170269, PL170270.

Your attention is required with respect Zoning By-law 146-2016, appended as Attachment 'A' to the decision.

This decision will be filed with Zoning By-law 146-2016 in the City Clerk's Office.

Thanks

*Chandra Urquhart*

Chandra Urquhart  
Legislative Coordinator  
City Clerk's Office  
[Chandra.urquhart@brampton.ca](mailto:Chandra.urquhart@brampton.ca)  
Office (905) 874-2114 Fax (905) 874-2119

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** December 13, 2018

**CASE NO(S):** PL160821  
PL170269

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Dwijendra Bhattacharya  
Subject: Proposed Official Plan Amendment No.  
OP2006-121  
Municipality: City of Brampton  
OMB Case No.: PL160821  
OMB File No.: PL160821  
OMB Case Name: Bhattacharya v. Brampton (City)

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Dwijendra Bhattacharya  
Subject: Proposed Official Plan Amendment No.  
OP2006-121  
Municipality: City of Brampton  
OMB Case No.: PL170269  
OMB File No.: PL170269  
OMB Case Name: Bhattacharya v. Brampton (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1435586 Ontario Inc.  
Subject: By-law No. 146-2016  
Municipality: City of Brampton  
OMB Case No.: PL170269  
OMB File No.: PL170270



**Heard:** October 5, 2018 in Brampton, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Dwijendra Bhattacharya

D. Farkas

1435586 Ontario Ltd.

S. Snider  
A. Toumanians

City of Brampton

D. Soos

**DECISION DELIVERED BY C.J. BRYSON AND ORDER OF THE TRIBUNAL**

**INTRODUCTION**

[1] Dwijendra Bhattacharya (“Appellant”) appealed the Official Plan (“OP”) amendment By-law No. 146-2016 (“OPA”) passed by the City of Brampton (“City”), pursuant to s. 17(24) of the *Planning Act* (“Act”), as well as the reaffirmed OPA, passed upon corrected notice to the public regarding the impact of oral and written submissions upon the decision of Council, as ordered by Member Milchberg on February 9, 2017. 1435586 Ontario Ltd. (“Applicant”) then appealed Zoning amendment By-law (“ZBA”) No. 146-2016 of the City, pursuant to s. 34(19) of the Act, to support the resolution of the OPA appeals through a consent amendment to the ZBA.

[2] The OPA and ZBA together authorized the development of four single-detached residential dwellings, a new one-storey commercial building with a potential drive through, and a new commercial addition to a designated heritage house, at 30 McLaughlin Road South, Brampton, Ontario (“Property”).

[3] The Appellant lives at 44 McLaughlin Road South, just across Bufford Drive to the south of the Property. His appeals of the OPA, one before and one after the corrected public notice was issued by the City, concerned the potential access from the

commercial portion of the proposed development to Bufford Drive. The residential portion of the proposed development has each detached dwelling having driveway access to Bufford Drive, which is not in dispute.

[4] There were no other persons who requested to become parties or participants to the proceedings.

[5] The Parties proposed a settlement of the within Appeals at the hearing, to address the access concern of the Appellant through revisions to the ZBA (Exhibit 1, Tab N) and execution of a separate rezoning agreement (Exhibit 1, Tab O). No changes to the OPA approved by City Council are required and the Parties requested on consent that the OPA Appeals be dismissed.

[6] Richard Domes was qualified without objection to provide expert opinion evidence in the area of land use planning and in support of the settlement. No other witnesses were brought before the Tribunal.

[7] Upon the planning opinion evidence of Mr. Domes, and upon the submissions and consent of the Parties, the Tribunal finds the proposed settlement is consistent with the Provincial Policy Statement, 2014 (“PPS”), conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (“GGH”), is without adverse impacts, represents good planning and is in the public interest.

## **PROPERTY**

[8] The Property sits at the northeast corner of McLaughlin Road South and Bufford Drive. It has an area of 0.75 hectares (“ha”), with approximately 64 metres (“m”) of frontage along McLaughlin Road South and 81 m frontage along Bufford Drive, in a suburban, low rise and mixed use area within the City’s built boundary and adjacent to the City’s Urban Growth Centre and Central Area. There is a low rise single detached residential subdivision to the south and three commercial buildings and a gas station to

the north.

[9] The Property currently is occupied by a two-storey residential dwelling, which has been vacant for the past 10 years. Both the Property and the vacant dwelling are designated under Part IV of the *Ontario Heritage Act*.

## **APPLICATIONS**

[10] Mr. Domes was retained by the Applicant from 2014 to evaluate the potential for mixed use intensification on the Property. The original 2014 proposal was for an official plan and zoning by-law amendment in support of a mixed use residential and commercial development inclusive of four residential dwellings on Bufford Drive, and restoration of the heritage house and a new commercial building with a drive through, both with access to McLaughlin Road South and Bufford Drive.

[11] In 2015 and in response to public, agency and City feedback, the proposal was amended to include additional landscaping, a two-storey addition replacement addition to the rear of the heritage house, relocation of the new commercial building and drive through closer to McLaughlin Road South, removal of Bufford Drive access for the commercial aspects of the development and addition of a detached garage to the heritage building.

[12] Council adopted the revised site specific OPA and ZBA on July 6, 2018. The Appellant appealed the OPA due to his continuing concern with potential access to Bufford Drive for the commercial portions of the development. He was not satisfied that the proposal subject of the OPA and ZBA, which excluded commercial access to Bufford Drive, would not change during the site plan process.

[13] At the first OPA appeal hearing before the then Ontario Municipal Board ("Board"), the City informed the Board that the notice to the public of the OPA and ZBA did not include the requisite statement regarding the impact of oral and written

submissions on the Council decision. The hearing was then adjourned by the Board to allow the City to re-issue notice with the requisite information regarding impact. After that notice was circulated and the OPA and ZBA confirmed, the Appellant filed a second appeal of the OPA on the same basis of his concern with commercial access to Bufford Drive. The Applicant then filed an appeal of the ZBA to address this concern through a revised ZBA and ahead of the site plan process in which the Appellant would not be able to participate.

## **SETTLEMENT**

[14] The proposed settlement envisages four single-detached dwellings fronting upon and with individual driveways to Bufford Drive, restoration and extension of an existing heritage building to include live-work units and or service commercial uses, and a new one-storey commercial building fronting upon McLaughlin Road South, to house a financial institution with a potential drive through.

[15] To resolve the Appellant's concern regarding the proposed commercial development having access to Bufford Drive, the Parties agreed to enter a rezoning agreement to restrict commercial access to McLaughlin Road South alone. They further agreed to a revised ZBA (Exhibit 1, Tab N), which includes a provision to restrict the commercial gross floor area of the development to a maximum of 970 square metres, a slight variation from the ZBA approved by the City in July 2016. The purpose of this restriction on commercial area is to ensure the singular commercial access to McLaughlin Road South is sufficient for patrons and to allow for the required development parking space. The City also added a provision to the ZBA to reflect its policies regarding mature neighbourhoods.

[16] It was the opinion of Mr. Domes at the hearing that OPA and the proposed revised ZBA are consistent with the PPS, conform with the GGH, conform to the Regional Municipality of Peel Official Plan, conform with the intent of the City's Official Plan, South Secondary Plan and Downtown Brampton Secondary Plan, and represent

good land use planning and the public interest. Mr. Domes further opined that the proposed development and instruments have sufficient regard to matters of provincial interest in s. 2 of the Act, including conservation of heritage features, and orderly development of safe communities in an appropriate location for growth and development.

[17] The Tribunal accepts Mr. Domes' un-contradicted opinion evidence and with minor modification to Exhibit 1, Tab N, approves the proposed ZBA and dismisses the OPA appeals.

## **ORDER**

[18] Upon the opinion evidence of Mr. Domes, and the submissions and consent of the Parties, the Tribunal orders that:

1. The Appeal of the Official Plan Amendment application for the Property, having OMB File Number PL160821, is dismissed.
2. The Appeal of the Official Plan Amendment application for the Property, having OMB File Number PL170269, is dismissed.
3. The Appeal of the Zoning By-Law Amendment application, having OMB File Number PL170270, is allowed in part and Zoning By-law Amendment 146-2016 is revised as Attachment A to this decision and Order.
4. Attachment A is appended to this decision and shall form part of this Order.

*"C.J. BRYSON"*

C.J. BRYSON  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT “A”



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* \_\_\_\_\_ - 2018

To amend By-Law 146-2016, being an amendment to Comprehensive Zoning By-law 270-2004, as amended,

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**WHEREAS** By-Law 146-2016, which amended Comprehensive Zoning By-Law 270-2004, passed by The Council of the Corporation of The City of Brampton on July 6, 2016, was appealed to the Ontario Municipal Board (now the Local Planning Appeal Tribunal) (the “**Tribunal**”) pursuant to section 34(19) of the *Planning Act*, R.S.O. 1990, c. P13;

**NOW THEREFORE** the Tribunal issued an Order on October 5, 2018 in File Nos. PL160821, PL170269 and PL170270 directing the following amendments be made to By-Law 146-2016;

1. That By-Law 146-2016 be amended and restated as follows:

(1) by changing Schedule A thereto, the zoning designation of the lands as shown outlined on Schedule A to this by-law:

From:	To:
Residential Holding (RH), Open Space (OS) and Residential Single-Detached-Section 3427 (R1D-3427)	Residential Single-Detached – Section 2525 (R1D-2525), Service Commercial – Section 2524 (SC-2524), Open Space – Section 2518 (OS-2518), and Open Space (OS)

(2) by adding thereto the following section:

“2524 The lands designated Service Commercial – 2524 on Schedule A to this By-law:

2524.1 shall only be used for the purposes permitted by the Service Commercial zone and the following purposes:

- i. A residential dwelling contained within a designated heritage building;
- ii. A bank, trust company or finance company;
- iii. A retail establishment, having no outside storage;
- iv. An office;
- v. A service shop;
- vi. A personal service shop;
- vii. An animal hospital;
- viii. A printing or copying establishment;
- ix. A dry cleaning and laundry distribution station;
- x. A community club;
- xi. A custom workshop;
- xii. A health or fitness centre;
- xiii. A day nursery;
- xiv. A commercial school;
- xv. A laundromat;
- xvi. A dining room restaurant;
- xvii. A take-out restaurant;
- xviii. Purposes accessory to these permitted uses.

2524.2 shall be subject to the following requirements and restrictions:

- i. For the purpose of this by-law, McLaughlin Road South will be considered the front lot line;
- ii. One detached residential garage shall be permitted in association with a heritage building at a maximum gross



floor area of 45.0 square metres and with an interior side yard width of 1.0 metres.

- iii. Maximum Total Gross Floor Area for all commercial uses: 970 square metres;
- iv. Minimum Front Yard Depth: 2.5 metres;
- v. Minimum Yard Depth along Daylight Triangle: 2.5 metres;
- vi. Minimum Exterior Side Yard Width: 2.5 metres;
- vii. Minimum Interior Side Yard Width: 8.0 metres;
- viii. Minimum Landscaped Open Space: 2.5 metres along McLaughlin Road South and Bufford Drive except at the approved driveway locations;
- ix. Minimum setback between the heritage building and detached residential garage to the OS-2518 zone: 0.0 metres;
- x. Minimum Parking Requirement: 1 space for each 19 square metres of gross floor area;
- xi. A drive-through facility only in association with a bank, trust company or finance company, and shall provide a minimum of 6 stacking spaces;
- xii. A drive-through facility is not permitted in association with a designated heritage building.”

“2525 the lands designated Residential Single Detached-Section 2525 (R1D-2525) on Schedule A to this By-law:

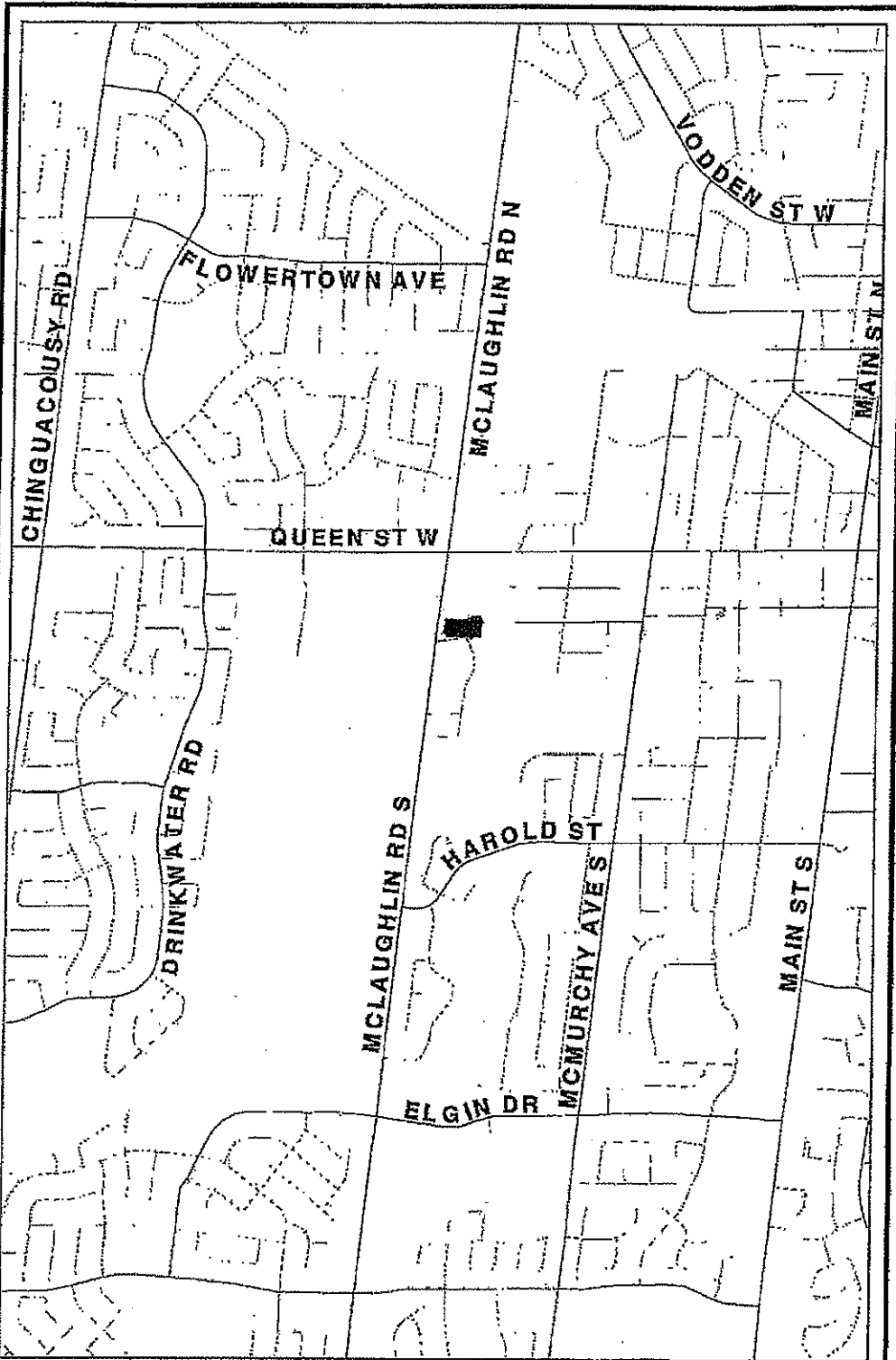
2525.1 shall only be used for the purposes permitted by Residential Single Detached-R1D and including:


- i. a single detached residential dwelling;
- ii. a group home type 1; and,
- iii. an auxiliary group home;
- iv. purposes accessory to those permitted uses.


2525.2 Notwithstanding Section 10.27 of this By-law, the following requirements and restrictions apply:

- i. Minimum lot area: 250.0 square metres;
- ii. Minimum lot width: 10.0 metres;

- iii. Minimum lot depth: 25.0 metres;
  - iv. Minimum front yard depth:
    - a) 4.5 metres to the front of the dwelling and 6.0 metres to the front of the garage door;
    - b) a porch and/or balcony with or without foundation or cold cellar may encroach 2.0 metres into the minimum front yard;
    - c) a bay window, bow window or box window with or without foundation or cold cellar may encroach 1.0 metre into the minimum front yard provided that the maximum width of a bay, bow or box window with or without foundation or cold cellar shall be 4.5 metres;
  - v. Minimum Interior Side Yard Width: 0.6 metres, provided that the combined total of the interior side yards on an interior lot is not less and 1.8 metres; and, 0.6 metres where the side yard abuts a commercial zone;
  - vi. Minimum Rear Yard Depth: 6.0 metres
  - vii. Maximum Building Height: 11.0 metres
  - viii. Maximum Garage Width:
    - a) 5.0 metres for a lot width less than 12.5 metres;
    - b) 5.5 metres for a lot width greater than 12.5 metres;
    - c) the garage door width may be widened by an extra 0.6 metres if the front of the garage projects 2.5 metres or less beyond the ground floor main entrance of the dwelling unit;
  - ix. Maximum Lot Coverage: No requirement;
- “2518 the lands designated Open Space – 2518 on Schedule A to this By-law:
- 2518.1 shall only be used for the following purposes:
  - 2518.2 private landscaping amenity space in conjunction with the uses permitted with the Service Commercial – 2524 zone.
  - 2518.3 shall be subject to the following restrictions and requirements:
    - i. no buildings or structures shall be permitted.”



 SUBJECT LAND


  
 PLANNING AND INFRASTRUCTURE SERVICES
   
 Date: 2018/06/03
   
 Drawn By: A.R.C.
   
 File: C61W03.043

KEY MAP

**DRAFT**

BY-LAW \_\_\_\_\_

MCLAUGHLIN ROAD

OS-2518

SC-2524

OS

R1D-2525

BUFFORD DRIVE

LEGEND

— ZONE BOUNDARY

PART LOT 5, CONCESSION 1 W.H.S.



CITY OF BRAMPTON  
Planning and Development Services

Date: 2018 02 02

Drawn by: CJK

By-Law

**DRAFT**

Schedule A

File no. C01W05.043\_ZBLA2