



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 44-2010

An Interim Control By-Law applicable to part of the area subject to Zoning By-law 270-2004.

WHEREAS the *Planning Act* permits the municipality to pass an Interim Control By-Law to be in effect for a period of time to prohibit the use of land, building or structures in a defined area, while the municipality undertakes a study in respect of the land use planning policies in the subject area; and,

WHEREAS the Council of the Corporation of the City of Brampton seeks to control development in the area set out on Schedule 'A' of this by-law in order to complete a study with respect to land use planning, urban design and transportation policies that apply to this area.

Now, therefore, the Council of the Corporation of the City of Brampton ENACTS as follows:

1. Except as provided for in Sections 1.1 and 1.2, this Interim Control By-law shall prohibit the establishment of any new use or the expansion of any existing use of land, buildings or structures in the area identified on Schedule 'A' of this By-Law.

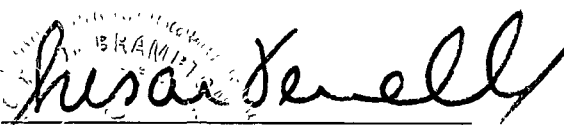
1.1 Transit related infrastructure including a transit terminal facility; and,


1.2 The lands described as Part of the west half of Lot 3, Concession 1 E.H.S. (160 Main Street South) and referenced as the lands subject to Specific Exemption from Interim Control By-Law 44-2010 as outlined on Schedule A to this By-Law shall permit a 960 sq.m. (10,334 sq.ft.) addition to the existing supermarket.

2. This by-law shall be in effect until February 10, 2011.


READ a FIRST, SECOND AND THIRD TIME, and PASSED, in OPEN COUNCIL, this \_\_\_\_\_ day of February 2010.

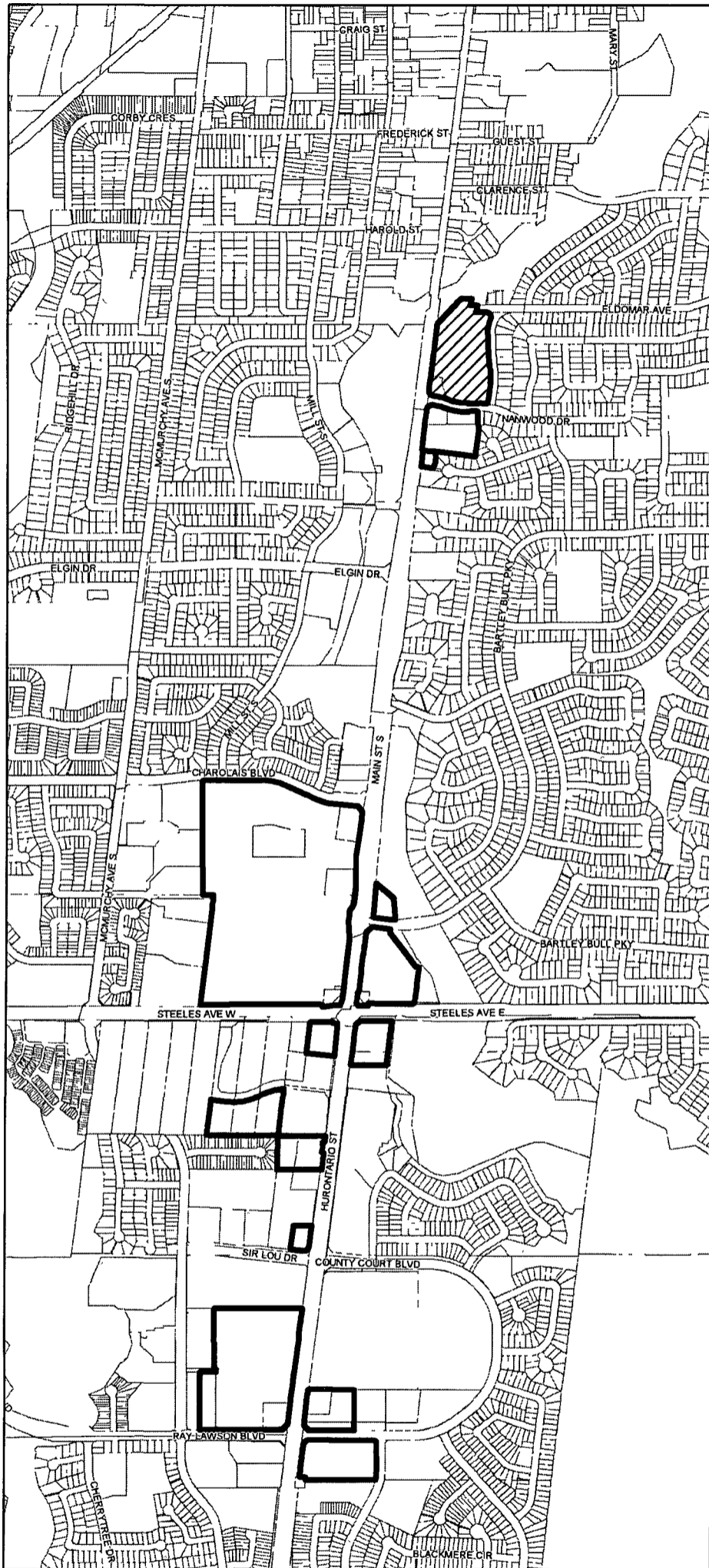
APPROVED AS TO FORM LAW DEPT. BRAMPTON
CG
DATE 05/02/10

  
 SUSAN FENNEL - MAYOR

  
 PETER FAY - CITY CLERK

Approved as to Content:

  
 Adrian Smith, MCIP, RPP  
 Director, Planning Policy & Growth Management



LANDS SUBJECT TO INTERIM CONTROL BY-LAW \_\_\_\_\_



LANDS SUBJECT TO SPECIFIC EXEMPTION FROM INTERIM CONTROL BY-LAW \_\_\_\_\_



File INTBYLAW\_HURONTARIO\_EXEMPT Date 2010/02/01

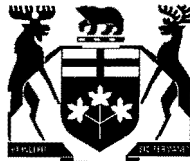
**PART LOTS 14 & 15 CONCESSION 1, W.H.S. (TOR) &  
 PART LOTS 13, 14 & 15 CONCESSION 1, E.H.S. (TOR) &  
 PART LOT 1 CONCESSION 1, W.H.S. & PART LOTS 1, 3 & 4 CONCESSION 1, E.H.S.**

**BY-LAW 44-2010**

**SCHEDULE A**

ISSUE DATE:

**August 17, 2010**



Ontario

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

PL100408

IN THE MATTER OF subsection 38(4) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1388688 Ontario Limited  
Subject: Interim Control By-law No. IC 44-2010  
Municipality: City of Brampton  
OMB Case No.: PL100408  
OMB File No.: PL100408

IN THE MATTER OF section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended, and Rule 34 of the Board's Rules of Practice and Procedure

Request by: 1388688 Ontario Limited  
Request for: Request to repeal By-law 44-2010

**APPEARANCES:**

**RECEIVED  
CLERK'S DEPT.**

**AUG 19 2010**

**Parties**

**Counsel**

1388688 Ontario Limited (RioCan Real Estate Investment Trust)

Joel D. Farber

REG. NO.:  
FILE NO.: \_\_\_\_\_

City of Brampton

Steven J. O'Melia

**MEMORANDUM OF AN ORAL DECISION DELIVERED ON AUGUST 12, 2010 BY J. P. ATCHESON AND ORDER OF THE BOARD**

The City of Brampton has adopted Interim Control By-law 44-2010. The Appellant, 1388688 Ontario Limited. (RioCan) has appealed the By-law and further brought a motion seeking among other things:

A declaration that the City of Brampton failed to comply with the requirements for the giving of notice of By-law 44-2010 (the 2nd ICBL) in accordance with subsection 38 (3) of the *Planning Act*.

The Board in a decision dated July 20, 2010 adjourned consideration of the motion with the consent of the parties so that a proposed settlement of the appeal could be considered by Brampton City Council.

Counsel for the City of Brampton at the commencement of the hearing advised the Board that the Council for the City of Brampton had agreed to a settlement as set out in Minutes of Settlement Exhibit 3. The substance of the settlement is that lands owned by RioCan, being the "Shoppers World Brampton Site" located at the northwest corner of Steeles Avenue and Main Street and known municipally as 499 Main Street, be excluded from Interim Control By-law 44-2010 subject to the terms and conditions found in the Minutes of Settlement. Counsel for RioCan confirmed that his client was in agreement and concurred with the Minutes of Settlement.

The Board was advised that no other party had appealed the Interim Control Bylaw.

The Board after considering the Minutes of Settlement and the submissions of Counsel for the parties is satisfied that the requested exclusion is appropriate and commends the parties in reaching the settlement presented at this hearing

Accordingly, the Board Orders that the appeal of 1388688 Ontario Limited (RioCan) to Interim Control By-law 44-2010 of the City of Brampton is allowed in part insofar as the Bylaw shall exclude the lands of RioCan as set out at Exhibit 3 ("Shoppers World Brampton Site"). In all other respects Interim Control By-law 44-2010 is approved.

This is the Order of the Board

"J. P. Atcheson"

J. P. ATCHESON  
MEMBER

**ONTARIO MUNICIPAL BOARD**

IN THE MATTER OF Subsection 38(4) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended  
File Number: PL100408  
Case Number: PL100408  
Municipality: City of Brampton  
Appellants(s): 1388688 Ontario Ltd.  
Subject: Interim Control By-law No. 44-2010

RECEIVED  
CLERK'S DEPT.

**MINUTES OF SETTLEMENT**

OCT 18 2010

Between

REG. NO.:  
FILE NO.: \_\_\_\_\_

**1388688 ONTARIO LTD.**  
("RioCan")

- and -

**THE CORPORATION OF THE CITY OF BRAMPTON**  
(the "City")

**WHEREAS** RioCan brought a motion originally returnable on July 14, 2010 (the "Motion") seeking, *inter alia*, that City By-law 44-2010 be repealed;

**AND WHEREAS** the Motion was adjourned at the request of the City and RioCan (the "Parties") in order to pursue a possible settlement that would not require the Motion to be argued and decided by the Board;

**AND WHEREAS** the Parties have agreed to settle the Motion on the terms set out herein;

**NOW THEREFORE** in consideration of the matters contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. The City hereby consents to an Order allowing RioCan's appeal in part by amending By-law 44-2010 to exclude the Shoppers World Brampton site from the lands subject thereto. The City further hereby undertakes and agrees to seek such an Order from the Ontario Municipal Board on August 12, 2010 and to lead all evidence required in support of such an Order. In the event the Board does not grant the Order, RioCan shall be free to argue the Motion on August 12, 2010.
2. The granting of the Order set out in paragraph 1 above shall fully dispose of the Motion and RioCan's associated appeal of By-law 44-2010. Accordingly, upon the granting of the Order the Parties shall request that the Board close its file on the matter.

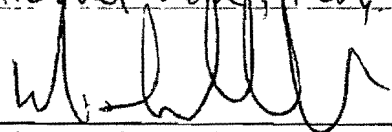
3. RioCan acknowledges the Hurontario Main Street Study and agrees to work with the City to implement an appropriate Official Plan and Zoning By-law Amendment which recognizes the development characteristics necessary to support rapid transit along this corridor but that also recognizes the existing land use at Shoppers World Brampton as one of Brampton's major commercial centres. Nothing herein shall derogate from RioCan's appeal rights under the *Planning Act* in respect of any future Official Plan and Zoning By-law Amendments.
4. The Parties agree to improvements to the Beer Store elevations generally in accordance with drawings A4 and A5, dated February 6, 2009, with the additional modifications to include masonry columns and banding (horizontal and vertical elements), to be finalized on the elevation drawings.
5. The Parties agree to landscaping improvements along the Main Street frontage of the property, including increased landscape areas and planting, to be finalized on the landscape plans.
6. The Parties agree to improvements to the pedestrian connections to Main Street and Charolais Boulevard including wider walkways, increased landscaping, and pedestrian lighting leading to the new buildings, to be finalized on the site plan and landscape plans.
7. Notwithstanding this agreement, RioCan retains the right to file new and/or amended site plan applications including but not limited to seeking amendments to the current site plan application conditionally approved by the Ontario Municipal Board in PL090364.
8. The Parties agree to improvements to the pedestrian connections from the new transit terminal to the mall, to be planned in conjunction with development of the transit terminal with the responsibility for costs of any such landscaping and physical improvements to be agreed upon. Any such improvements, if agreed to by the parties, shall not be subject to site plan approval, rather they will be subject to site plan waiver.
9. The Parties agree that there shall be no costs sought or awarded in respect of this matter being PL100408.
10. The responsibilities and rights contained herein shall enure to the benefit of and be binding upon each of the parties hereto and their respective successors and assigns.
11. These Minutes of Settlement may be signed in counterpart.

IN WITNESS WHEREOF the Parties have executed these Minutes of Settlement, duly authorized in that regard.

DATED: Aug 12/2010

THE CORPORATION OF THE CITY OF BRAMPTON

per: M. Daniel Wignall, P.Eng.



for John Corbett, MCIP, RPP  
Commissioner of Planning, Design +  
Development

DATED: \_\_\_\_\_

1388688 ONTARIO LTD.  
per: \_\_\_\_\_

DOCUMENT EXECUTION  
AUTHORIZED BY  
CITY OF BRAMPTON  
BY-LAW 288-2010

APPROVED  
AS TO FORM  
LAW DEPT  
BRAMPTON  
CG  
DATE 12 08 10

IN WITNESS WHEREOF the Parties have executed these Minutes of Settlement, duly authorized in that regard.


DATED: \_\_\_\_\_

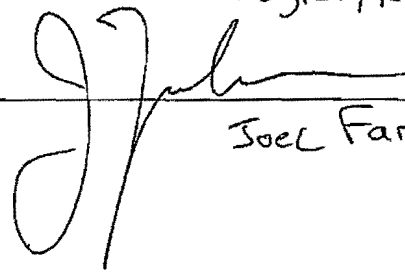
**THE CORPORATION OF THE CITY  
OF BRAMPTON**

per:

\_\_\_\_\_

DATED: August 12, 2010

**1388688 ONTARIO LTD.** by its solicitors  
per: Fogler, Rubinoff & 

  
\_\_\_\_\_  
Joel Farber