

Good morning.

My name is Margaret Dunn. I have been a resident of Mississauga since 1987 residing at my current address since 1995.

My presentation today concerns a “Top of Bank Easement” which was taken on my property by the City in 2004 as a necessary condition of a site plan approval. I respectfully request that this Council act to remove the easement for three reasons.

First, despite the representations of the City, similar easements have not been required from similarly situated residents and are not a “standard condition” of obtaining site plan approval. Second, the easement is not necessary or proportionate to the City’s interest in its stated purpose. And third, even if the purpose was accepted, the scope of the easement is excessive.

For your reference, I provide a number of figures and diagrams. Figure 1 is the location of my property (encircled). Figure 2 shows the extent of my property covered by the easement, representing approximately 55.75% of the lot. Figure 3 provides the text of the easement.

First, I submit that an easement of this nature is not a standard condition of site plan approvals, contrary to the representations of the City. At the time of my

application for site plan approval I did not anticipate the need to grant an easement because I was aware of several properties backing onto the Credit River in my neighbourhood which had obtained approval without providing any easement. However, City Representatives at the time communicated that my application would, under no circumstances, be granted in the absence of an easement. Figure 4 provides written confirmation of the City's position its representative Mr. Terminese, stating that a top of bank easement was a "standard condition" imposed by the City "for all lands below regional flood lines or top of bank, whichever is greater". Despite these representations, several properties backing onto the Credit have been granted site plan approval in the intervening years without the need for an easement. Most recently, in July 2020, my immediate neighbour, shown as 1496 in Figure 5 beside my home at 1510, commenced a significant renovation of their home - which is similar in size and style to my own - for which no easement was required. The City confirmed that no easement was imposed through an access application pursuant to the Municipal Freedom of Information and Protection of Privacy Act attached as Figures 6A – 6D. This inequitable application imposes a direct financial burden on me because the impairment created by the easement is not reflected in my MPAC Property Assessment, which I attach as Figure 7. I therefore am assessed for tax purposes on the same basis as my neighbour, yet have had to cede a significant property interest in my lot that has not been uniformly applied. I therefore submit to the Council that the City's misrepresentation of what

constituted a standard condition of site plan approval and subsequent failure to implement that standard on similarly situated properties has placed an inequitable and uncompensated impairment on my property that should be removed.

Second, the stated purpose of the easement, “namely to operate, maintain, improve, inspect, alter, channelize and repair an open natural watercourse known as the Credit River” is not served by the easement. During discussions with Mr. Terminesi in 2004, he represented that work pursuant to the easement would be done on the riverbank and, specifically, that the City would have the right in the event of flooding to enter onto my property to remove any structure that could exacerbate flooding upstream. The nexus of this flooding-related concern to my site plan approval has always been unclear, given that no work was contemplated near the riverbank. This lack of connection was independently confirmed by the Credit Valley Conservation authority in 2004, shown in Figure 8, which had “no concerns” with the building proposal and did not require a permit. Subsequent events have shown that the easement bears little, if any, connection to the City’s interests. Specifically, during the extensive flooding of 2017 and 2019, the lower portion of my property was flooded for several months in the summer, which led to the death of a variety of bushes (specifically selected at the direction of the Conservation Authority) and a large willow tree, shown in figures 9A – 9G. The willow tree when felled did, in fact, exacerbate upstream flooding

by impairing flow of the river. In October 2019 I met with Graham Walsh of the City of Mississauga Legal Services and Jessica Wiley of the City Forestry Service, following assistance from Councillor Dasko, to inquire how the City planned to remedy the flooding which it had been so concerned about and on which the easement was based. Mr. Walsh and Ms. Wiley communicated that the City had no interest in taking any action, despite the actual exacerbation of flooding. Jointly, these facts demonstrate that the easement is not serving any City interest while continuing to significantly impair my rights as a resident and landowner.

Third, and finally, even if the basis for the easement was stipulated, its extent is grossly disproportionate to the flooding-related interest. As Figures 9A to 9G demonstrate, even in a year of significant flooding, the water levels approached, at maximum around 5% of my lot. Given the topography of the land, which includes a significant incline from the river to my home, the placement of the easement at the top of the bank is unjustified and fails to adequately balance my interests as a private owner with those of the City.

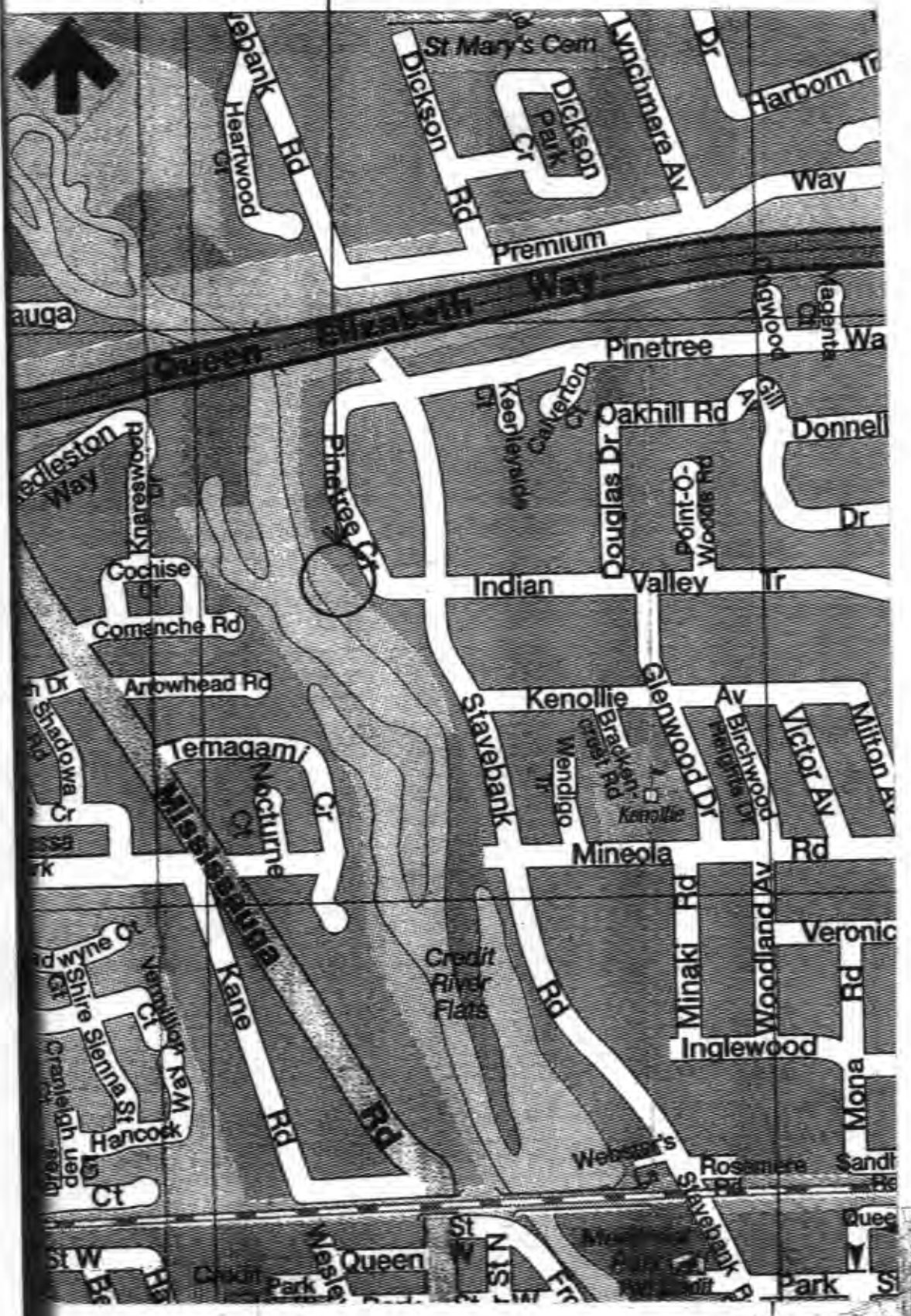
To conclude, I submit that the top of bank easement obtained by the City on my property in 2004 should be removed because (1) it is not a standard condition of site plan approval and has not been required of similarly situated residents, (2) the site plan approval it was obtained in connection with lacked any recognizable

connection with the City's stated interests, and (3) it is disproportionate, inequitable and fails to properly account for my interests as a resident and landowner.

Thank you for your consideration,

Margaret Dunn

FIGURE 1



KEY PLAN

SCALE 1:10 000

APPLICANT'S
APPLICANT'S

OWNER'S
OWNER'S

REVISION #1

LOT 9
CITY

SPI 04

1510 PIN
PROPOSED
RESIDENT

Mil

TOP OF BANK EASEMENT

1. The Transferor transfers to the Transferee, its successors and assigns, an easement in perpetuity upon, over, on, across and thorough the lands of the Transferor described as Part 3 on Plan 43R29433, herein being the servient tenement (the "Servient Lands") for the following purposes, namely to operate, maintain, improve, inspect, alter, channelize and repair an open natural watercourse known as the Credit River.

And for every such purpose and for all purposes reasonably necessary to the exercise of the rights hereby created, the Transferee, its successors and assigns, shall have access to the Servient Lands by its servants, agents and contractors and their machinery, materials, supplies and equipment.

The Transferee and its successors and assigns, in exercising the rights hereby created, shall take such actions as are necessary in the opinion of the Transferee to restore the elevation and surface conditions of the Servient Lands but shall not be liable for damages occasioned thereby except for the negligent performance of such restoration.

The Dominant Tenement of the Transferee consists of the system of storm sewer pipes and open watercourse system of the Transferee situate in the City of Mississauga, Regional Municipality of Peel, together with the buildings and plant of the Transferee situate on land owned by the Transferee and including in part the public highways proximate thereto and vested in the Transferee.

Nothing in the foregoing easement grants public access to the Servient Lands and the Transferor and Transferee agree that the Servient Lands remain private lands owned by the Transferor and used as an essential amenity to her adjoining residential use of Lot 9, Plan 595 designated as Parts 1, 2 and 3 on Plan 43R29433.

Notwithstanding any rule of law or equity, any pipes, drains or the construction and appurtenances thereto, located upon the Servient Lands pursuant to this easement, shall be the property of the Transferee, even though the same may have become annexed or affixed to the Servient Lands.

2. The Transferor, for herself and her heirs, executors, administrators and assigns, further covenants and agrees with the Transferee, its successors and assigns, for those lands described as Parts 2 and 3 on Plan 43R29433, herein called the "Restricted Lands", that:

The Transferor will not deposit any fill on, or remove existing earth from the Restricted Lands except as may be approved in writing by the Transferee, such approval not to be unreasonably withheld; provided that the foregoing restriction will not prevent the maintenance and repair of existing buildings and structures on Parts 1, 2 and 3, Plan 43R29433.

The Transferor will not use the Restricted Lands except for private open space uses and will not pave with concrete or construct any buildings or structures requiring building permits on the Restricted Lands without the prior approval of the Transferee granted by means of site plan approval. Nothing in the foregoing prevents the use by the Transferor of the Restricted lands for flower beds, gardens, grass, shrubs and ground cover and maintenance of trees.

FIGURE 4.

A

From: Ozzie Terminesi
To: Jane Rodman
Date: 2004/07/06 4:02:17 pm
Subject: 1510 Pinetree Crescent-Mrs Dunn (SP047/04)

Hi Jane

Mrs Dunn is required to obtain site plan approval for a proposed second storey addition to her house. The property backs on to the Credit River and a standard condition that we impose is that the applicant has to provide the City an easement for all lands below regional flood lines or top of bank, whichever is greater.

The applicant was aware of this requirement back in March 2004 as it was noted in our site plan comments.

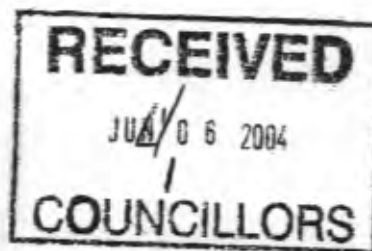
On May 5, 2004 the CVC staked the top of bank which is the limit of the required easement. To date we have not received this easement.

Mrs Dunn will not be able to obtain a building permit until she receives Site Plan approval and this easement is required prior to our Department clearing the Site Plan.

Please advise if you need more information

Ozzie

CC: Martin Powell; Scott Holmes



With the compliments of

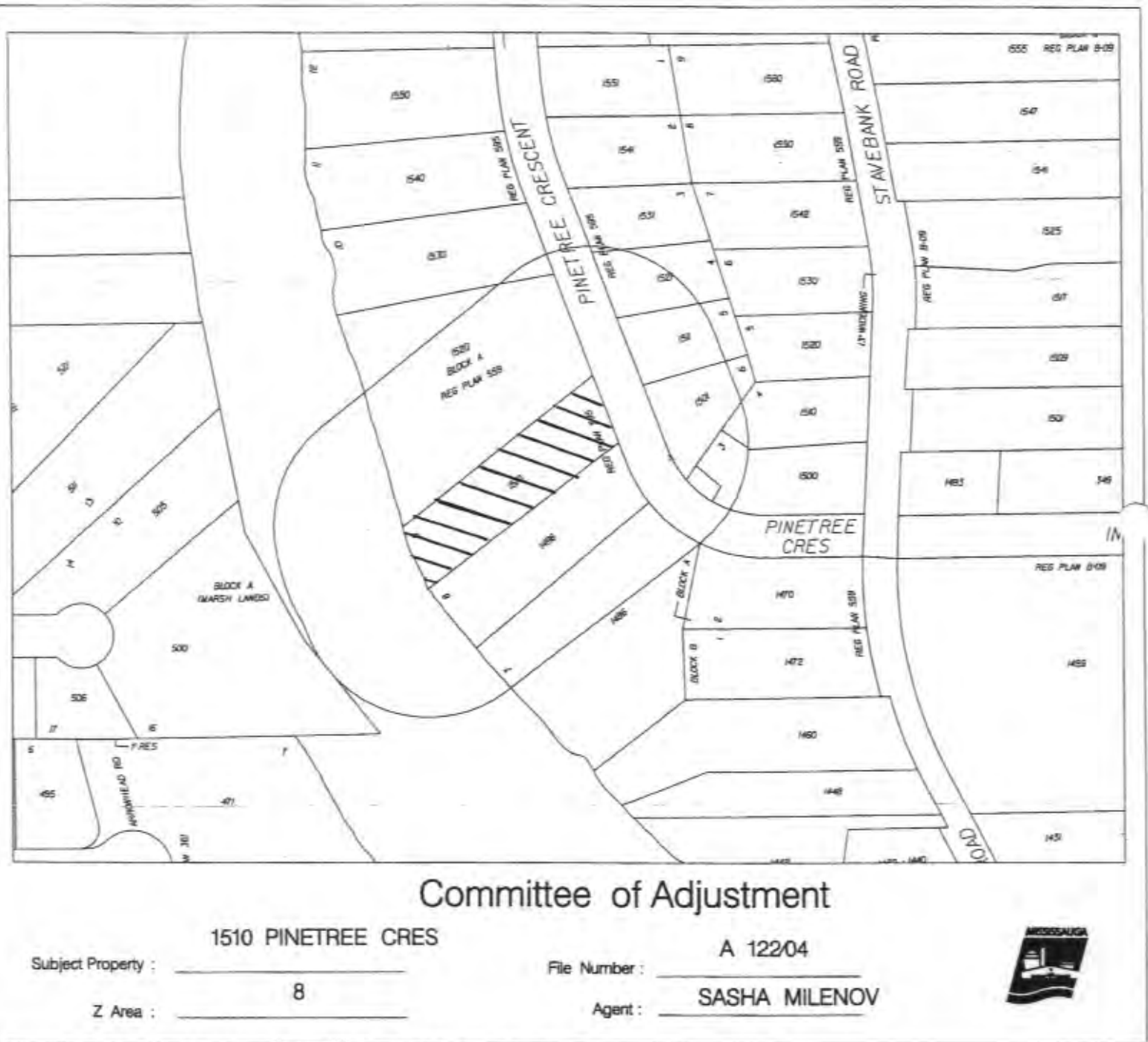
Carmen Corbasson

Councillor, Ward 1

City of Mississauga
300 City Centre Drive
MISSISSAUGA ON L5B 3C1
Tel: 905-896-5100
Res: 905-278-4111
FAX: 905-896-5463

carmen.corbasson@city.mississauga.on.ca

Figure 5





margaret dunn [REDACTED]

**RE: Freedom of information Request; FOI Request
2020-0515**

6 messages

Paul Wan <Paul.Wan@mississauga.ca>

25 November 2020 at 10:38

To: margaret dunn [REDACTED]

Cc: Rita Najm <Rita.Najm@mississauga.ca>

Dear Margaret,

Thank you for your email inquiries sent to our
privacy.info@mississauga.ca

We apologies for the delays in our response.

* We have conducted a search for any City owned easement records but did not find any. Notwithstanding, you may wish to obtain a parcel abstract from the province's Land Registry Office which will show all the easements registered on the property. Please visit their website here:
<https://www.onland.ca/ui/>

I have attached a copy of the property report which is publicly available from the City website concerning 1496 Pinetree Crescent. It lists all of the building permits as well as site plan application(s) associated to the address.

Please do not hesitate to let me know if you require any of the records contained in these applications or have any questions concerning this matter.

Once again, please accept our sincere apologies for the delay. We genuinely appreciate your patience during this difficult time.

Sincerely,



Paul Wan, CIAPP-P, MIS

Access & Privacy Officer

T 905-615-3200 ext.5952

paul.wan@mississauga.ca

City of Mississauga | Corporate Services Department,

Legislative Services Division

[Click here to learn more about Freedom of Information \(FOI\)](#)

Figure 6B

9.3

Access or Correction Request

under the Municipal Freedom of Information and Protection of Privacy Act

Information about Freedom of Information requests is available on the City's website:
www.mississauga.ca/portal/cityhall/freedomofinformation



Mail or deliver with the \$5 application (payable to City of Mississauga) to:
Office of the City Clerk
City of Mississauga
300 City Centre Dr., 2nd Floor
Mississauga ON L5B 3C1

The City has 30 days to respond to this request; however the response time for drawing/plan requests is usually 10 working days. If you have any questions, please email privacy.info@mississauga.ca or phone 905-615-3200 ext. 5181 or 5952.

Personal information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act. The personal information will be used for the processing and administration of your request. Questions about this collection should be directed to the Access and Privacy Officer, Office of the City Clerk, 300 City Centre Drive, Mississauga ON L5B 3C1, Telephone 905-615-3200 ext. 5181.

Requester's Information

<input type="checkbox"/> Mr. <input type="checkbox"/> Miss	<input type="checkbox"/> Mrs. <input checked="" type="checkbox"/> Ms	First Name MARGARET	Last Name DUNN
Company/Organization Name (if applicable)			

Mailing Address [REDACTED]		
City <input checked="" type="checkbox"/> Mississauga or	Province ONT	Postal Code L5G 2S8
Telephone Number (daytime)	Other Telephone Number	Email Address

Type of Request (check one only)

<input type="checkbox"/> Architectural drawings/plans only:	Are you the owner of the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - If no, attach the permission of the owner.
<input checked="" type="checkbox"/> General Records	<input type="checkbox"/> Your Own Personal Information	<input type="checkbox"/> Another's Personal Information by Authorized Party - Attach authorization document.
		<input type="checkbox"/> Correction of Personal Information - Attach any supporting documentation.

Preferred method of access to records: ☒ Receive copy of records ☐ Examine original records

Description of Records Requested or Correction to be Made

Property address(es) (if applicable) and detailed description of records or correction. Include the names of any staff members or offices that may be involved with the records and/or actions related to the subject of the request.

1496 Pinetree Crescent Mississauga.

Please confirm and advise whether any Easement and/or restrictive covenant has been requested from or granted by the owner/owners of 1496 Pinetree Crescent to the city of Mississauga in connection with any site plan approval or

building permit or for any other purpose. Please forward a copy of same if it exists including the particulars of the easement.

Time period of the records (if applicable) From: [REDACTED]	To: [REDACTED]
Your signature Margaret	Date Nov 2, 2020

For Office Use Only

Date received	Request number	Comments
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Figure 6C



Property Information Report

City of Mississauga, 300 City Centre Drive, Mississauga, Ontario Canada L5B 3C1

Property Details

Address: 1496 PINETREE CRES
Legal Description: PLAN 595 PT LOT 8
Roll Number: 21-05-010-018-04400-0000
Common Name:
Property Code: SINGLE FAMILY DETACHED (NOT ON WATER)
Ward: 1
Councillor: STEPHEN DASKO
Area: 3.558 51

Detail Map



Property Zoning Information

The zone(s) for this property are listed below. To access the Mississauga Zoning By-law, please visit www.mississauga.ca/zoningbylaw. If you have any questions about the zoning information displayed below, please contact 311 (905-615-4311 outside City limits) or visit www.mississauga.ca/zoning.

Zone	Master Bylaw	Enacting Bylaw	OMB Case/File No.	Status
G1	0225-2007	BL-0225/07	N/A	In Force
R1-2	0225-2007	BL-0131/18	N/A	In Force

Aerial Map



Property Building Permits

Below is a listing of all Building Permits associated with the property. Since properties may contain multiple buildings, you may see different addresses than originally requested in your lookup. Building permit data is displayed in order of Application Date with the most recent application appearing first in the list below. If you have any questions about the building permit data displayed below, please contact 311 (905-615-4311 outside City limits) or visit www.mississauga.ca/permits.

App Number	App Date	Address	Description	Scope	Type Description	Issue Date	Status
BP 9ALT 20-2334	2020-07-10	1416 PINETREE CRES	DEMO AND RECONFIGURE REAR WALL, INTERIOR ALTERATIONS, PARTIAL NEW ROOF, REAR PORCH & BALCONY	ADDITION AND ALTERATION	DETACHED DWELLING	2020-10-08	ISSUED PERMIT
BP 9ALT 20-2334	2020-07-10	1496 PINETREE CRES	DEMO AND RECONFIGURE REAR WALL, INTERIOR ALTERATIONS, PARTIAL NEW ROOF, REAR PORCH & BALCONY	ADDITION AND ALTERATION	DETACHED DWELLING	2020-10-08	ISSUED PERMIT
HCC 84-195874	1984-10-09	1416 PINETREE CRES	ALTERATIONS, ENTRY HALL ONLY, CODE: 3166 PER#59291 NOV 8/84				HISTORY COMMENT PERMIT

Figure 6D



Property Information Report

City of Mississauga, 300 City Centre Drive, Mississauga, Ontario Canada L5B 3C1

HCC 84-195874	1984-10-09	1496 PINETREE CRES	ALTERATIONS, ENTRY HALL ONLY, CODE: 3166 PER#59291 NOV 8/84	HISTORY COMMENT PERMIT
HCC 84-207322	1984-09-27	1416 PINETREE CRES	A415/84 MINOR VARIANCE	HISTORY COMMENT PERMIT
HCC 84-207322	1984-09-27	1496 PINETREE CRES	A415/84 MINOR VARIANCE	HISTORY COMMENT PERMIT
HCC 84-195873	1984-07-27	1416 PINETREE CRES	ADDITION & ALT. CODE 1917 PER#58107 SEPT 6/84	HISTORY COMMENT PERMIT
HCC 84-195873	1984-07-27	1496 PINETREE CRES	ADDITION & ALT. CODE 1917 PER#58107 SEPT 6/84	HISTORY COMMENT PERMIT
HCC 81-207321	1981-04-27	1416 PINETREE CRES	ABCO CONCRETE & DRAIN DRAIN CONVERSION CODE 1636 38035	HISTORY COMMENT PERMIT
HCC 81-207321	1981-04-27	1496 PINETREE CRES	ABCO CONCRETE & DRAIN DRAIN CONVERSION CODE 1636 38035	HISTORY COMMENT PERMIT
HCC 62-207320	1962-01-22	1416 PINETREE CRES	PLG PERMIT 6781	HISTORY COMMENT PERMIT
HCC 62-207320	1962-01-22	1496 PINETREE CRES	PLG PERMIT 6781	HISTORY COMMENT PERMIT
HCC 61-207319	1961-11-08	1416 PINETREE CRES	POOL	HISTORY COMMENT PERMIT
HCC 61-207319	1961-11-08	1496 PINETREE CRES	POOL	HISTORY COMMENT PERMIT
HCC 61-207318	1961-10-27	1416 PINETREE CRES	SINGLE FAMILY DWELLING 2630	HISTORY COMMENT PERMIT
HCC 61-207318	1961-10-27	1496 PINETREE CRES	SINGLE FAMILY DWELLING 2630	HISTORY COMMENT PERMIT

Development Applications

Below is a listing of all Development Applications associated with the property. Development Applications are, in some cases, the pre-requisite to a Building Permit. These applications include Re-zoning, Site Plan and Official Plan Amendment. Development Application data is displayed in order of Application Date with the most recent application appearing first in the list below. If you have any questions about the development application data displayed below, please contact our Planning Division at (905) 615-3200 ext 3541.

App Number	Type	Location	Description	App Date	Status
SPAX 20-41	SITE PLAN EXPRESS	South of the QEW, West of Hurontario Street	Interior alterations to existing dwellings, enclose rear 2nd floor balcony	2020-03-24	APPROVED

Committee of Adjustment Applications

The Committee of Adjustment is authorized by the Ontario Planning Act to grant minor variances from the provisions of the Zoning By-law, to permit extensions, enlargements or variations of existing legal non-conforming uses and give consent to an owner of land who wishes to sell, convey or transfer an interest "part" of their land.

Address/Description: 1416 PINETREE CRES
App Number: A 20-337
App Date: 16-Sep-2020



Figure 7

Issue Date:
November 18, 2020

Property Assessment Notice

For the 2021
property tax year

008325 000002211
DUNN MARGARET



THIS IS NOT A TAX BILL.

The Municipal Property Assessment Corporation (MPAC) is responsible for assessing and classifying all properties in Ontario. Your municipality will use your assessment to calculate your 2021 property taxes.

Your property's assessed value as of January 1, 2016 is: **\$4,029,000**

PROPERTY OVERVIEW:

Roll number:

Location
and description: 1510 PINETREE CRES
PLAN 595 LOT 9

Municipality: MISSISSAUGA CITY

Tax class: Residential Taxable

School support: English-Public

This notice contains important information about an update made to your property during the year.

Please visit mpac.ca to learn more about why you are receiving this notice.

Please review and keep for your records.

ASSESSMENT OVERVIEW:

Your property's assessed value as of **January 1, 2016**: **\$4,029,000**

Your property's assessed value as of **January 1, 2012**: **\$3,517,000**

Between **2012** and **2016**, your property's assessed value changed by: **\$512,000**

What happens if my assessed value has changed?

Your updated assessed value will be used to calculate your property taxes for the 2021 tax year.

Tax year	Assessed value
2021	\$4,029,000

To learn more about how phase in works, please visit mpac.ca.

MPAC assesses and classifies all properties in Ontario in compliance with the *Assessment Act* and regulations set by the Government of Ontario.

IMPORTANT UPDATE:

The Ontario



Figure 8

March 11, 2004

City of Mississauga
Planning and Building
300 City Centre Drive,
Mississauga, Ontario L5B 3C1

Attention: John Hardcastle

Dear Mr. Hardcastle:

Re: SP 04/074
Margaret Dunn
1510 Pinetree Crescent
Part of Lots 4 & 7, Range 2 CIR
City of Mississauga

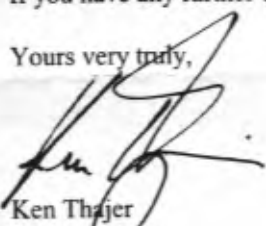
Staff of the Credit Valley Conservation have had an opportunity to review the above noted application and provide the following comments.

The subject property is partially within the Flood Regulated area and entirely within the Fill Regulated area associated with the Credit River. Therefore the Fill, Construction and Alteration to Waterways Regulation (Ontario Regulation 146/90, as amended) applies and a permit may be required. Also, the subject property is traversed by a valley slope and contains portions of the Credit River – QEW – CNR Environmentally Significant Area.

The proposal is for a second story addition to an existing dwelling. Staff have reviewed this proposal found that the proposed works are adequately setback from the top of bank and do not intrude into the ESA. Therefore, CVC has no concerns and because there will be no filling or grading associated with the works, a permit from the CVC is not required.

If you have any further questions, please do not hesitate to contact this office.

Yours very truly,


Ken Thayer
Junior Planner

KT/rf

cc: Sasha Milenov
63 St. Clements Avenue
Toronto, Ontario M4R 1H1

Margaret Dunn
1510 Pinetree Crescent
Mississauga, Ontario L5G 2S8

John D. Oates
City of Mississauga
Zoning Plans Examiner - Manager

Credit Valley Conservation 1255 Old Derry Road, Mississauga, Ontario L5N 6R4
Phone (905) 670-1615 Fax (905) 670-2210

"Conservation Through Cooperation"





Figure 9C



Figure 9D



Figure 9E



Figure 9F

Figure 9G