

# City of Mississauga Department Comments

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| Date Finalized: 2023-10-04                | File(s): B42.23                       |
| To: Committee of Adjustment               | Ward: 4                               |
| From: Committee of Adjustment Coordinator | Meeting date:2023-10-12<br>1:00:00 PM |

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 50(3) of the Planning Act.

## Application Details

The applicant requests the Consent of the Committee to allow the creation of an easement.

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 1 Fairview Road East

### Mississauga Official Plan

Character Area: Downtown Fairview  
Designation: Residential High Density

### Zoning By-law 0225-2007

**Zoning:** H-RA5-57, RA5-57- Residential

**Other Applications:** SP 21-121, H-OZ 21-5, DRAIN 23-8144

### Site and Area Context

The subject property is located on the north-east corner of Hurontario Street and Fairview Road East in Downtown Fairview. It is currently a vacant site with a lot area of +/- 2,916m<sup>2</sup> (ft<sup>2</sup>). There are no landscaping elements present on the subject property. The surrounding area consists of a mix of uses, including commercial, open space, and various residential built forms.

The applicant is proposing an access easement on the property to permit both vehicular and pedestrian access. Separate parts will be created and conveyed to the City for road widening.



## Comments

### Planning

#### Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

#### Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent are as follows:

The applicant is proposing a new easement to accommodate vehicular and pedestrian access in favour of the Peel Housing Corporation across the subject property. Further, separate parts will be created and conveyed to the City for road widening as part of an associated development application (H-OZ 21-5). Through a detailed review, staff is of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request for the creation of a private access easement. Based on the August 10, 2023 letter submitted from Edenshaw Developments Limited and our review of the application, we note that there is an existing easement in favour of Peel Housing Corporation over Part 2 Plan 43R-40706 for access. There is also an agreement registered on both properties between the owners of 1 and 15 Fairview Road East which acknowledges the granting of a mutual right-of-way and also provides that the costs of construction and maintenance of the right-of-way shall be shared equally between the two owners (Instrument RO634710).

Under the development applications currently being processed by the city, OZ-20-001, 'H'-OZ 21-5 and SP 21-121, one of the requirements is a road widening on Fairview Road East. When the Road widening (Parts 3, 4 & 11 on Plan 43R-40706) is conveyed to the city and becomes part of the public highway, there will no longer be a requirement for the Peel Housing Corporation easement over the road widening lands and the city will then release this part of the easement at the time of registration.

In view of the above, we have no objections or requirements with regards to the establishment of a private vehicular and pedestrian access easement which has been described as Parts 9, 6 & 13 on Plan 43R-40706.

Comments Prepared by: Joe Alava, T&W Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file DRAIN 23-8144. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Candice Williams, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted consent application. Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Given that the property is subject to a development application, SP 21-121, all of Community Services' comments and/or requirements are being addressed through the development application.
2. Tree preservation hoarding and securities may be required as part of the site plan control process.
3. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning

### **Appendix 4 – Metrolinx**

#### **1 Fairview Road East - B42.23**

Metrolinx is in receipt of the Consent application for 1 Fairview Rd E. We understand the proposal is for the purpose of:

- Creating a new easement to provide vehicular and pedestrian access for PHC (Part 9);
- Creating a new easement to provide for pedestrian access for PHC (Parts 6 and 13);
- Creating parts for a road widening in Parts 3, 4, and 11;
  - Parts 3, 4, and 11 will be conveyed to the City as part of the associated development application (No. H-OZ 21-5 W4).
- (\*Parts in reference to Plan 43R-40706)

Metrolinx's comments on the subject application are noted below:

#### **Advisory Comments:**

- The subject property is located directly adjacent to the planned Hurontario Light Rail Transit line (HuLRT) and is within the Municipal Consent Review and Roadway (MCR) review zone.

- There are no major comments from Metrolinx at this time, however, the applicant should be advised that Metrolinx and its contractors will be occupying much of the Hurontario St right-of-way and its intersections during the LRT construction period. The applicant is advised that future development on the subject lands shall not impact construction and operations of the HuLRT.
- We understand the developer has already engaged with Metrolinx/Mobilinx on this development for associated development applications, SP 21-121 W4 and H-OZ 21-5 W4. We have no further comments/concerns on the proposal at this time.
- Please circulate Metrolinx on any future applications of the subject lands for review and commenting purposes.

Comments Prepared by: Farah Faroque, Project Analyst

### **Appendix 5- Region of Peel**

We have no comments or objections.

Please also be advised that registration of private servicing easements on the 1 Fairview Road East subject site remains outstanding as a condition of the associated HOZ-21-005M. We wish to pass along the following note to the Committee for **B-23-042M – 1 Fairview Road East** so the Committee is aware should this condition be raised in the proceedings.

*The Region has received B-23-042M consent for easement application to facilitate vehicular and pedestrian access. Please be advised that registration of a private water servicing easement in favour of 15 Fairview Road East is still required as a condition to remove the “H” designation on the subject site.*

Comments Prepared by: Patrycia Menko, Junior Planner

### **Appendix A – CONDITIONS OF PROVISIONAL CONSENT**

**SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.

2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
  
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.