

# City of Mississauga Department Comments

Date Finalized: 2024-03-13	File(s): B21.24
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2024-03-21 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 create an easement.

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 2050 and 2100 Derry Rd W

### Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre  
Designation: Business Employment

### Zoning By-law 0225-2007

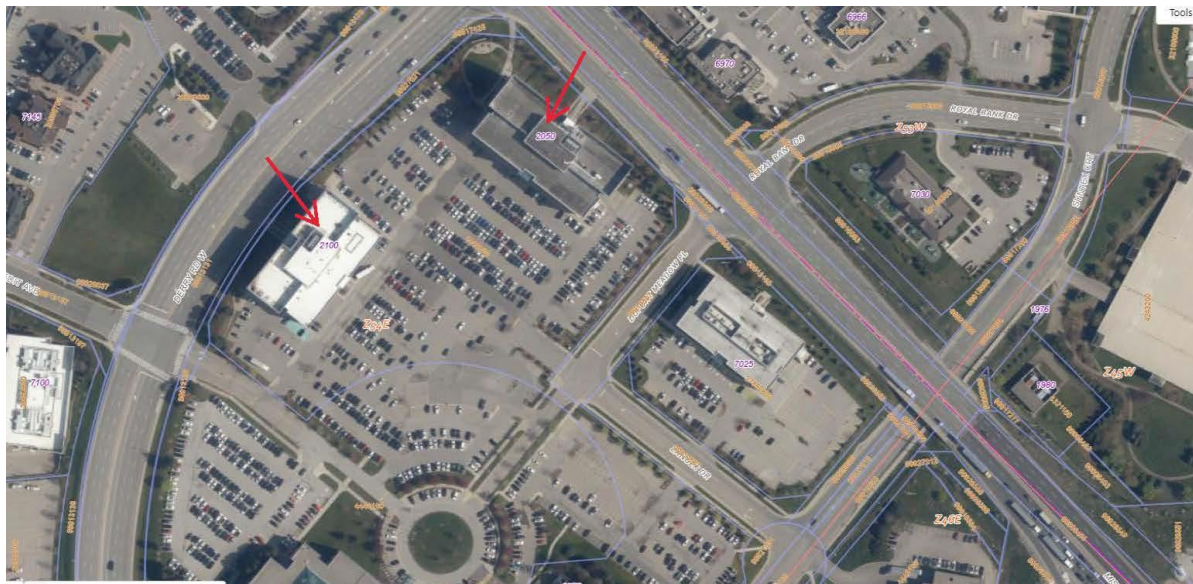
**Zoning:** E2-1- Employment

**Other Applications:** None

### Site and Area Context

The subject property is located north-west of the Mississauga Road and Syntex Court intersection in the Meadowvale Business Park Corporate Centre Character Area. The developed site consists of two office buildings and associated parking lots. Vegetative and landscaping elements are present throughout the property. The surrounding area context is exclusively office buildings with varying lot sizes and built form.

The applicant is proposing mutual access easements on the property to allow for vehicular traffic and a common parking area on the sites.



## 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.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

#### 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 access and common parking areas across the subject properties. Through a detailed review, staff are 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

The Transportation and Works Department has no objections to the applicant's request where the intent is to create reciprocal easements between the subject properties.

The applicant has provided a Site Plan (Schedule B-1) which depicts 3 parcels identified as Parcel A, B and C. Parcel A is owned by The Canada Life Assurance Company (7070 Mississauga Road). Canada Life Assurance Company ((2050 & 2100 Derry Road) owns parcel B. Parcel C is also owned by Canada Life Assurance Company (7025 Langer Drive). A Schedule B-2 along with a Master Site Plan has also been submitted depicting the key access roads and highlights the common parking areas.

A solicitor letter prepared by Daoust Vukovich LLP Barristers & Solicitors dated December 27, 2023 has been provided to describe the intent of the request. The solicitor letter indicates that the applications are necessary to obtain consent approval for various easements. The required easements have been described in the submitted Notice of Mutual Easement Agreement, which was registered on May 1, 2023 as Instrument No. PR4195324 (the "Easements").

The Mutual Easement Agreement is between Toronto West Professional Centre Inc (the "Parcel A Owner") and The Canada Life Assurance Company (the "Parcel B & C Owner"). The mentioned Mutual Easement Agreement also includes a "Schedule A" which gives a legal description of the parcels, "Schedule B-1" depicting the Site Plan with the various parcels A, B & C and "Schedule B-2" which includes the Master Site Plan identifying the shared key access roads and common parking areas.

In view of the above, and should Committee see merit in the subject applications we have no objections or conditions with respect to the applicant's request.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

Comments Prepared by: Minan Song, Planner in Training

### **Appendix 3- Region of Peel**

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Planner

### **Appendix 4 – Bell**

**Subject: Consent Application - Severance  
2050 and 2100 Derry Rd W  
CofA File: B21.24 Bell File: 905-24-060**

Subsequent to review of the Severance Application by our local Engineering Department it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing buried facilities, supply service to the properties and to maintain service in the area. According to our records, Bell Canada has buried cable that runs along the southeast boundary and kindly request the easement be the full length of the facilities, as shown as an approximation on the attached sketch.

Bell Canada would like to confirm that a blanket easement over the lands or a specific easement measured 3.0m wide (1.5m on either side of the buried plant), and to a minimum of 1.0m past any pedestal installation as can be accommodated, would satisfy our needs. Concerning the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its location.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.

Comments Prepared by: Carrie Gordon, Right of Way Associate

### **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.**

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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.
  4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 13, 2024.
  5. A letter shall be received from Bell indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 21, 2024.