

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-02-27	File(s): A18.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/6/2025 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use proposing the operation of a Motor Vehicle Body Repair Facility for Commercial Motor Vehicles whereas By-law 0225-2007, as amended, does not permit such a use in an E2 Zone in this instance.

## Background

**Property Address:** 1170 Fewster Dr

### Mississauga Official Plan

Character Area: Northeast Employment Area  
Designation: Business Employment

### Zoning By-law 0225-2007

**Zoning:** E2 - Employment

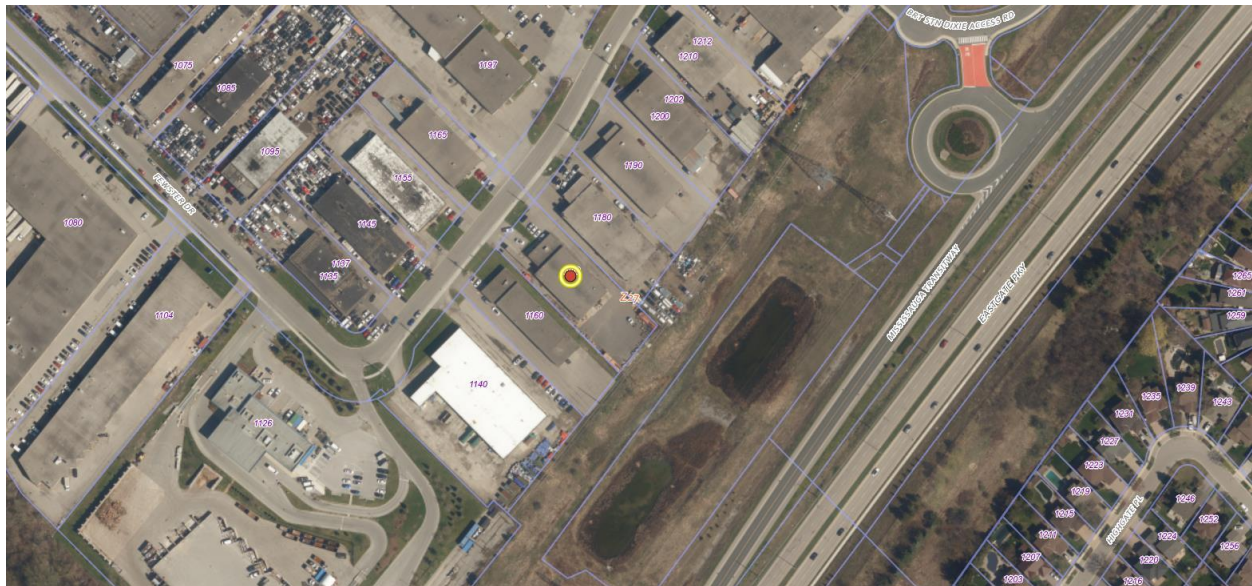
**Other Applications:** Certificate of Occupancy C 24-697

### Site and Area Context

The subject property is located south-east of the Eglinton Avenue East and Tomken Road intersection and currently houses a one-storey industrial structure. The immediate

neighbourhood is exclusively industrial in nature, being comprised entirely of various employment uses. The properties along this portion of Fewster Drive are situated upon large parcels, with lot frontages ranging from +/- 30m (98ft) to +/- 105m (344ft). There is limited to no vegetation or landscaping on the subject property or on the surrounding properties.

The applicant is proposing a “Motor Vehicle Repair Facility – Commercial Motor Vehicle” use requiring a variance for the use.



The subject property is zoned E2 (Employment) in Zoning By-law 0225-2007. When the zoning by-law came into effect “**Motor Vehicle Repair Facilities**” were permitted in E2 and E3 zones. However, in 2009, Council passed by-law 0379-2009, that had the effect of distinguishing Motor Vehicle Repair Facilities between those for personal vehicles and those for commercial vehicles as different uses. The by-law had the effect of limiting “**Motor Vehicle Repair Facility – Commercial Motor Vehicle**” uses to only E3 zones only due to the intensity and noxiousness of the use. Given the City’s active decision to remove the proposed use from the permissions of the E2 zone, staff are of the opinion that the request does not meet the general intent and purpose of the zoning by-law.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Planning staff have concerns regarding the vehicles that would be repaired on site are materially different from those permitted to be repaired on properties in an E2 zone. Staff are of the opinion that the application does not represent an appropriate use of the subject lands and is not minor in nature.

Comments Prepared by: Sara Ukaj, Planning Associate

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's ease of reference are photos depicting the subject property.











Comments Prepared by: Tony Iacobucci, Development Engineering

## **Appendix 2 – Zoning Comments**

The Building Department is processing Certificate of Occupancy application C 24-697. Based on review of the information available in this 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 application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Gary Gagnier, Zoning Examiner

## **Appendix 3 – Region of Peel Comments**

We have no comments or objections



Comments Prepared by: Petrele Francois, Junior Planner

## Appendix 4 - Enbridge

We understand that this application is from The City of Mississauga regarding a Minor Variance application and an in-person & virtual hearing for 1170 Fewster Dr (part of Lot 7 Con 2 NDS) to allow a change of use proposing the operation of a Motor Vehicle Body Repair Facility for Commercial Motor Vehicles.

### Assessment & Requirements

Based on a review of the project materials provided the application intersects the **Pipeline Assessment Area** as illustrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**, therefore, the requirements detailed below and within **Attachment 02 | Enbridge Development Requirements** must be adhered to for this proposed project and any future activities within proximity to the pipeline. The landowner/developer shall ensure that all contractors and subcontractors are aware of and comply with the requirements set out in this letter. Amendments to this application or subsequent applications should be sent to [notifications@enbridge.com](mailto:notifications@enbridge.com).

### Areas of Interest

The following diagram illustrates the areas of interest to which the following requirements apply. Please refer to Attachment 1 to see the approximate location of these areas of interest as it relates to your project area. Please note the location of the pipeline illustrated in Attachment 1 is approximate and should be verified onsite through a Locate Request.

- A **Right-of-Way (ROW)** or **Easement** is a strip of land where property rights have been acquired for pipeline systems by the pipeline company. It is a surveyed area of a specific width which grants legal rights of access to operate and maintain the infrastructure within it. The width of the Right-of-Way varies for each pipeline and property. This can be referenced on the parcel's land title, a legal survey, and/or in the easement agreement.
- The **Prescribed Area** is an area of 30 m (100 ft) perpendicularly on each side from the centreline of a pipeline. Excavation or ground disturbance within this zone requires written consent from the pipeline company pursuant to the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations). Depending on the pipeline location and regulator this may also be known as a "controlled area" or "safety zone".
- The **Pipeline Assessment Area** identifies lands on either side of a pipeline in which new development must be monitored by the pipeline operator. The requirement for and scope of this monitoring is governed by the Canada Energy Regulator (CER) and CSA Z662:19.



## Requirements

- 1) **Obtain a Locate Request:** To identify the precise alignment of the pipeline on the subject lands, a Locate Request must be made prior to any ground disturbance taking place.
- 2) **No development is permitted within the Enbridge right-of-way** without Enbridge's written consent and without the presence of an Enbridge representative on site.
- 3) **Written Consent from Enbridge is required for ground disturbance within 30m perpendicularly on each side from the centreline of the pipeline known as the "Prescribed Area".** For more information about when written consent is required and how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.
- 4) **Written Consent from Enbridge is required for all above and below ground crossings of the pipeline.** For more information about when written consent is required and how to submit an application, please see **Attachment 03 | Enbridge Pipeline Crossing Guidelines**.  
The written authorization request must include:
  - a. Drawings with cross sections of the proposed roads and verification of the depth of cover from both sides of the road.
  - b. Drawings should include any new utilities that will cross the right-of-way.
- 5) **Road Crossings:** Where future development such as a roadway or a parking area is proposed within the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development. The costs of Enbridge's design, inspection, recoating work and any other pipeline alteration as a result of the crossing will be borne by the Developer.
- 6) **Subdivision lot lines should not divide the pipeline right-of-way.** Wherever possible, subdivision boundaries should follow the right-of-way. If this is not possible specific language must be included in the offers of sale or lease. Please see **Attachment 02** for details.
- 7) **Development setbacks** from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.
- 8) **Landscaping** shall not take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines. Please see **Attachment 02** for details.
- 9) **Pathways** shall not be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements. Please see **Attachment 02** for details.
- 10) **Fencing** should be installed along the identified open space easement. Please see **Attachment 02** for details
- 11) **Written consent** must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.

**12) Notifications of additional development for Class monitoring:** As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**. The pipeline assessment area GIS data can be provided to the municipality upon request to [notifications@enbridge.com](mailto:notifications@enbridge.com).

The above requirements are those identified as relevant based on the application materials provided. Additional details on these requirements and other general development requirements are included in **Attachment 02 | Enbridge Development Requirements**. For additional resources on safe development in proximity of Enbridge's pipeline network please view Enbridge's Public Awareness Brochures or visit the Land Use Planning and Development website.

Comments Prepared by: Zane Davey, Community Planner

## **Appendix 7 – Trans-Northern Pipelines Inc**

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with the Notice of Public Hearing for a minor variance to allow for the operation of a Moto Vehicle Body Repair Facility and for storage of commercial motor vehicles. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 20 foot Right-of-Way (ROW) on the property adjacent property to the southeast of the proposed development relating to 1170 Fewster Dr, Mississauga.

Please note the following in relation to the proposed development:

- Storage is not allowed within the ROW and is recommended to be setback to m form the ROW
- Container Storage may not inhibit access to the ROW for maintenance and operational purposes
- Please advise the proposed contents of the storage containers
- Please provide the design specifications for the storage containers
- Crossing over the TNPI ROW is not allowed with vehicles without a permit. For any access, including for construction, please submit a request to [crossingrequestseast@tnpi.ca](mailto:crossingrequestseast@tnpi.ca)
- TNPI requests the update of the drawing provided to include the TNPI pipeline and ROW with set back for all above ground items (but not limited to) the following:
  - ☐ Storage containers
  - ☐ Paving and parking areas
  - ☐ Manufacturing facility/truck repair shop

Please note, any development plans within the right-of-way will require a permit which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.
- Prohibition — vehicles and mobile equipment

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless

- o (a) that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or
- o (b) the vehicle or equipment is operated within the travelled portion of a highway or public road.

Additionally, should the applicant propose to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization.

**Our pipelines are registered with On1Call, which upon receiving your request, quickly connects you/your representative with an individual at TNPI who will determine if a written approval is required before you can begin your proposed activities. If required, you will be prompted to request a Crossing Agreement/Permit and provided with information on how to proceed. Crossing Permits, issued for activities proposed within TNPI's easement, can be requested by email submission at [crossingrequestseast@tnpi.ca](mailto:crossingrequestseast@tnpi.ca). Please note that it may take up to 10 business days to receive approval once all necessary information has been received.**

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Michelle Gruszecki, Property and Right-of-Way Administrator via email at : [mgruszecki@tnpi.ca](mailto:mgruszecki@tnpi.ca)

Comments Prepared by: Michelle Gruszecki, Property & ROW Administrator