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**Date** June 7, 2023 **Report No.** 2023-371

**To** Chair and Members  
City of Brantford Committee of Adjustment

**From** Holly Stemberger  
Development Planner

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## 1.0 Type of Report

Committee of Adjustment Decision Regarding Application for Consent

## 2.0 Topic

**Application No.** B22/2023

**Agent** MHBC Planning (c/o Trevor Hawkins)

**Applicant** 14067835 Canada Inc. (c/o Faisal Javaid)

**Owner** The Trustees of the Farrington Independent Church

**Location** 287-293 Mount Pleasant Road and 251 Mount Pleasant Road

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## 3.0 Recommendation

- A. THAT Application B22/2023 to transfer a 2.285 ha parcel of land from the northeastern portion of the lands municipally addressed as 287-293 Mount Pleasant Road, to the lands municipally addressed as 251 Mount Pleasant Road, BE APPROVED, subject to the conditions attached in **Appendix A** to Report 2023-371;
- B. THAT the reason(s) for approval are as follows: having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the

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proposed development is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-law, specifically Section 9.3 (g – i) of the Official Plan respecting consent applications within the City of Brantford and is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement; and

- C. THAT pursuant to Section 53(17) – (18.2) of the *Planning Act*, R.S.O 1990, c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

*“Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2023-371.”*

#### **4.0 Purpose and Description of Application**

A consent application has been received for the lands municipally addressed as 287-293 Mount Pleasant Road and 251 Mount Pleasant Road. The applicants are requesting to sever an unused portion of the church lands (2.285 hectares) for a boundary adjustment; these lands will be added to the adjacent lands (251 Mount Pleasant Road) to facilitate future residential development of the combined lands. As part of the Tutela Heights West Block Plan, the severed land will ultimately be incorporated into a future consolidation of lands (251-255 Mount Pleasant Road) to allow for a comprehensive planning and development process for these lands.



Figure 1: Conceptual site plan

The proposed lot dimensions are detailed below:

Table 1 - Proposed lot statistics for boundary adjustment at 287-293 and 251 Mount Pleasant Road

Lot Dimension	Land to be Severed (Part 1)	Boundary Adjustment: Severed and Receiving Lands (Part 1 and Part 3)	Retained Lands (Part 2)
<b>Lot Width</b>	(no frontage)	77.33 m	258 m
<b>Lot Area</b>	2.285 ha	2.65 ha	10.13 ha

The lands at 287-293 Mount Pleasant Road are designated “Parks and Open Space” and “Institutional” in the Official Plan, and zoned Open Space (OS1) and

Holding – 1 Suburban Residential (h-1-SR) in County of Brant Zoning By-law 61-16. The receiving lands at 251 Mount Pleasant Road are designated “Residential” in the Official Plan, and zoned Suburban Residential (SR) in County of Brant Zoning By-law 61-16 (**Appendix A and Appendix B**).

## 5.0 Site Features

The subject properties are located on the north side of Mount Pleasant Road within the Tutela Heights West Block Plan area. The subject property transferring lands at 287-293 Mount Pleasant Road contains a church, office building, single-detached dwelling, cemetery, and a parking lot to service these (**Figure 5**). The area proposed to be severed for the purposes of a land transfer is currently undeveloped farm land separated from the church lands by a vegetative buffer and it was designated Parks and Open Space as per the Official Plan (**Figure 2, Appendix A**). The land at 251 Mount Pleasant – which will be receiving the land transfer, is designated residential and is currently occupied by a single detached dwelling (**Figure 4**).

The area surrounding the subject properties includes agricultural, institutional and agricultural lands (**Figure 2, Figure 3**).

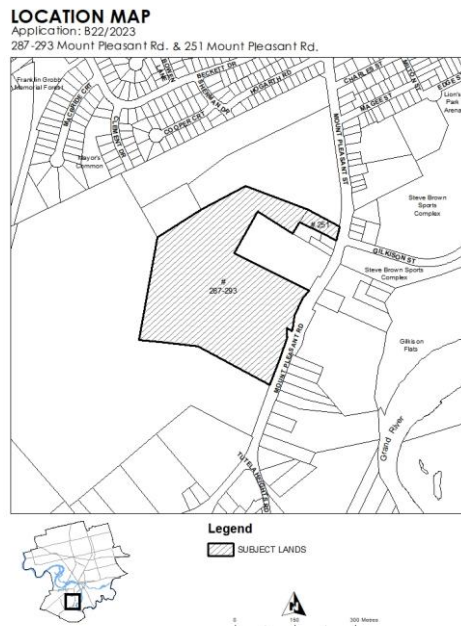


Figure 2: Location map of subject property



Figure 3: Aerial map of subject property





**Figure 4: Photo of property at 251 Mount Pleasant Road; boundary adjustment lands are located behind the trees to the north.**



**Figure 5: Church Property at 287-293 Mount Pleasant Road.**

## **6.0 Input from Other Sources**

### **6.1 Technical Comments**

The application was circulated to all applicable departments and agencies. No adverse comments or objections were received from the commenting agencies. Conditions of approval have been requested by the Environmental Services, and Development Engineering Departments. A summary of the comments/conditions is provided below:

Table 1 - Department and Agency Comments

Agency Name	Agency Comment
<b>Building Department</b>	Any construction will require that a building permit be applied for and approved through the Building Department. Any development may be subject to Development Charges.
<b>Environmental Services</b>	<p>City records indicate the property is currently serviced: <u>251 Mount Pleasant Street</u></p> <ul style="list-style-type: none"> <li>a 19mm copper lateral serviced by a 150mm Ductile watermain on Mount Pleasant Street. The service appears to be located 3.5m right of the left side of the building and 17.9m out from the same. A second 19mm copper lateral appears to be serviced from the 200 mm PVC watermain in Mount Pleasant Street, owner to confirm;</li> </ul>
	Only one service will permitted to each property;
	The Owner must provide a servicing plan of the severed lot for review, comment and approval prior to commencing any installations;
	The Owner will be required to obtain a Water Service Connection Permit and pay all applicable fees prior to commencing any work to connect new water service for the severed lot; the City will complete the inspection of all connections to City watermains;
	The Owner will be required to obtain a Right of Way Activity Permit prior to commencing any work within the City's road right-of-way;
	If applicable, the Owner will be required to submit a deposit for removal of the existing water service; the deposit will be based on the current Corporation approved rate. The Owner can apply to the City's Customer Service Department to have the deposit returned once the water service has been removed and inspected to the satisfaction of the City;
	The development must be metered during construction and the Owner will be required to pay the current fee per cubic metre for the quantity of water used;
	All materials and construction methods must comply with the latest version of the City's Linear Design & Construction Manual and Ontario Building Code.
	The developer or property owner is responsible for the management of all waste and recyclables materials during construction

Agency Name	Agency Comment
<b>Development Engineering</b>	<b>Condition:</b> Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited reference plan showing the severed and retained parcels of land has been received.
	<b>Condition:</b> The Owner/Applicant shall provide confirmation that there are no existing cemetery plots located on the lands to be severed.
<b>Transportation</b>	Staff understands that the consent application is required to facilitate the future development of the Tutela Heights Block plan; however, access to the property will need to be determined through the block plan process.
<b>Canada Post</b>	No comments/concerns
<b>Brant County</b>	No comments/concerns

## 6.2 Public Response

Notice of public hearing was issued by personal mail (22 notices) and by posting a sign on-site. At the time of writing this Report, no comments have been received in regards to this consent application. A map of the area of notification is included below.

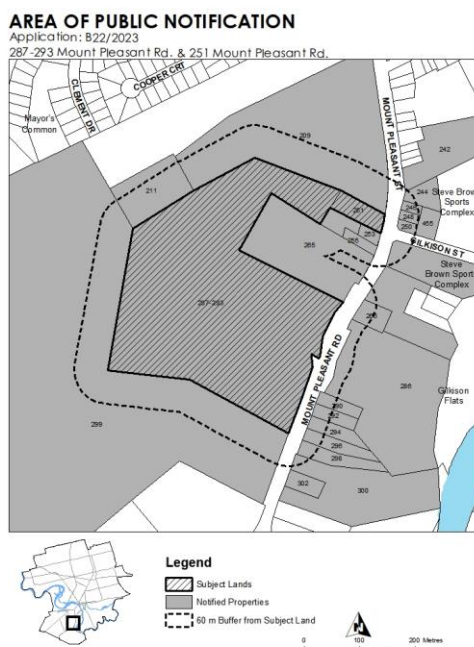


Figure 6: Map of Area of Notification for Subject Properties

## 7.0 Planning Staff Comments and Conclusion

### 7.1 Policy Context

This application was reviewed in the context of the Provincial Policy Statement, the Growth Plan, the Official Plan and the Zoning By-law. A summary of conformity to these policies is provided in the table below:

Table 2 - Policy Context and Conformity

Document	Relevant Policy	Conformity
<b>Provincial Policy Statement (PPS) (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)</b>	<p>These policies set the standard to which provincial and local interests, policies and goals are implemented.</p> <p>The PPS outlines that Ontario's long term prosperity, environmental health and social well-being depends on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis for guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested.</p>	<p>Planning Staff is of the opinion that the proposed consent application is consistent with the direction set out in the PPS and conforms to the Growth Plan.</p>



Document	Relevant Policy	Conformity
<b>City of Brantford Official Plan (Envisioning Our City: 2051)</b>	<p>The retained lands at 287-293 Mount Pleasant Road are designated “Parks and Open Space” and “Institutional” in the Official Plan. The receiving lands are designated “Residential” on Schedule 3 of the Official Plan.</p> <p>Section 9.3 (g – i) of the Official Plan outlines when consent to sever should be granted. This includes when a Plan of Subdivision is deemed unnecessary and where the application conforms to the policies of the Official Plan, when no more than three new lots are being created and all lots have frontage on a municipal road and do not require that municipal services be extended, and for the creation of easements, boundary adjustments, rights-of-way, lot additions and long-term leases.</p> <p>The lands at 251 Mount Pleasant Road are part of the Tutela Height West Block Plan, as outlined in Schedule 2 of the Official Plan. Block Plans facilitate comprehensive planning amongst multiple property owners to develop lands with regard to infrastructure, natural heritage, and Urban Design.</p>	<p>The subject application regarding a lot boundary adjustment conforms to the policies set out in the Official Plan. As the church lands are not participants to the Block Plan, this application will enable additional lands to be transferred to a participating landowner and incorporated into the comprehensive block plan process for the Tutela Height West neighborhood. A future Official Plan Amendment may be required for the transferred lands upon completion of the Block Planning process to facilitate future development proposed on these lands.</p>

Document	Relevant Policy	Conformity
<b>County of Brant Zoning By-law 61-16</b>	<p>The subject lands are zoned Open Space (OS1) and Holding – 1 Suburban Residential (h-1-SR) in County of Brant Zoning By-law 61-16. The receiving lands at 251-255 Mount Pleasant Road are designated “Residential” in the Official Plan, and zoned Suburban Residential (SR) in County of Brant Zoning By-law 61-16.</p>	<p>Both subject lots will continue to satisfy zoning requirements. These properties will undergo rezoning as part of the comprehensive zoning bylaw project to align with City of Brantford zoning and the Official Plan. No development is planned at this time. The parcel of land being transferred is currently zoned h-1-SR and will not be available for development until adequate municipal services have been provided and an agreement for the orderly development of lands is entered into with the City for servicing. The receiving lands will undergo additional planning processes as the Block Plan process evolves which will facilitate the ‘h’ removal at a later date.</p>

## 7.2 Planning Analysis

The *Planning Act* sets the standard to which provincial and local interests, policies and goals are implemented. Section 51 (24) of the *Planning Act* lists the criteria that the Committee of Adjustment must have regard for when considering a consent application for approval. These criteria include: if the plan conforms to the Official Plan, the dimensions and shapes of the proposed lot, and the adequacy of utilities and municipal services. Section 9.3 (g – i) of the Official Plan also lists criteria for the subdivision of land and stipulates when consents are appropriate.

**Table 3 - Conformity of Application with Applicable Criteria**

<b>Criteria for Considering a Consent Application</b>	<b>Discussion</b>
1. That the plan conforms to the Official Plan	The proposed consent application is to permit a boundary adjustment to increase the total area of consolidated lots which will part of the future comprehensive Block Plan process.
	The Official Plan encourages a wide range of housing types to accommodate the anticipated population. Section 3.1(d) of the Official Plan promotes the supply of new affordable housing in a variety of locations, dwelling types and tenures.
	Section 9.3 (g – i) of the Official Plan also outlines criteria for the subdivision of land and stipulates when consents are appropriate which includes: <ul style="list-style-type: none"> <li>a) when a Plan of Subdivision is deemed unnecessary and where the application conforms to the policies of the Official Plan,</li> <li>b) no more than three new lots are being created; and</li> <li>c) all lots have frontage on a municipal road and do not require that municipal services be extended</li> </ul>
	This application meets all of the above criteria.
2. The dimensions and shapes of the proposed lot	The lots are similar in shape and size to other lots in this area and conform to the current County of Brant Zoning.
3. The adequacy of utilities and municipal services	Both the severed and retained parcels will continue to have frontage on a municipal roadway and access to adequate servicing.

### 7.3 Conclusion

A site inspection was completed on May 11<sup>th</sup> 2023. Upon completion of this visit and review of all relevant policies, Planning Staff are supportive

of the application. Having regard for the matters under Section 51 (24) of the *Planning Act*, Staff is satisfied that the consent application is desirable and compatible with the surrounding area and will not result in adverse impacts on surrounding properties. While no development is being proposed at this time, the boundary adjustment will contribute to enhancing the comprehensive Block Planning process for the Tutela Heights West community, ultimately support a broad range of housing options in Brantford in accordance with the applicable planning policy framework in the PPS, Growth Plan, and Official Plan.



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Prepared by: Holly Stemberger  
Development Planner  
Prepared on: June 1, 2023



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Reviewed By: Joe Muto, RPP, MCIP  
Manager of Development Planning

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## Appendix A: Conditions of Lot Boundary Adjustment

1. Receipt of confirmation that all taxes are paid up to date.
2. Receipt of a registered reference plan showing the severed, retained and receiving lands.
3. Receipt of confirmation that the Applicant shall submit to the Secretary-Treasurer a draft of the Transfer deed for review (Upon registration a final copy of the Transfer deed shall be provided to the City).
4. Receipt of acknowledgement that Section 50(3) or 50(5) of the *Planning Act* shall apply to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent;
5. The Owner/Applicant shall provide confirmation that there are no existing cemetery plots located on the lands to be severed.
6. Receipt of an Undertaking from the Solicitor acting in the transfer confirming that the 2.285 ha of severed lands from 287-293 Mount Pleasant Road will be merged in title with the property municipally addressed as 251 Mount Pleasant Road.
7. Receipt of confirmation from the Manager of Development Engineering or his/her designate, indicating that the deposited reference plan showing the severed and retained parcels of land has been received.
8. Receipt of confirmation from the Development Engineering Department indicating that their requirements have been satisfied.
9. That the above conditions be fulfilled and the Certificate of Consent be issued on or before **June 8, 2025** after which time the consent will lapse.

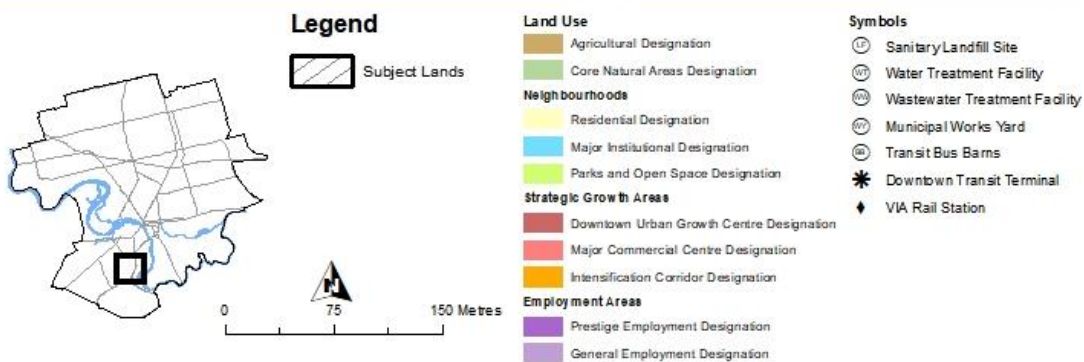


## Appendix B – Official Plan Map

### OFFICIAL PLAN EXCERPT MAP

Application: B22/2023

287-293 Mount Pleasant Rd. & 251 Mount Pleasant Rd.



- # Exception Number