
REPORT TITLE: **Brampton Official Plan - Regional Staff Review and Recommendations**

FROM: Kealy Dedman, Commissioner of Public Works

RECOMMENDATION

- 1. That pursuant to Subsection 17(34) of the *Planning Act*, the Brampton Official Plan be approved as modified, as shown on Appendix IX to the report of the Commissioner of Public Works, listed on the May 9, 2024 Regional Council agenda titled “Brampton Official Plan - Regional Staff Review and Recommendations”, which was adopted by City of Brampton Council on November 1, 2023 through By-law 195-2023; and**
- 2. That pursuant to Subsection 17(34) of the *Planning Act*, the Brampton Official Plan Schedule 13a – KIT-2 Bramalea GO Major Transit Station Area be refused on the basis of non-conformity, as shown on Appendix IX to the subject report, which was adopted by City of Brampton Council on November 1, 2023 through By-law 195-2023; and**
- 3. That the Regional Chair and the Regional Clerk be authorized to sign the Notice of Decision documents approving the Brampton Official Plan, as modified, and refusing Brampton Official Plan Schedule 13a – KIT-2 Bramalea GO Major Transit Station Area as attached in Appendix IX to the subject report; and**
- 4. That the Notice of Decision of Regional Council’s approval of the Brampton Official Plan, as modified, and refusal of the Brampton Official Plan Major Transit Station Area Schedule 13a – KIT-2 Bramalea GO be given in accordance with the *Planning Act*; and**
- 5. That a copy of the subject report be provided to the City of Brampton, City of Mississauga, Town of Caledon, and the Ministry of Municipal Affairs and Housing.**

REPORT HIGHLIGHTS

- The new Brampton Official Plan, adopted by City of Brampton Council on November 1, 2023 will repeal and replace the 2006 Brampton Official Plan, as amended, and will establish a city-wide policy framework and land use designations to the 2051 horizon as required to bring it in conformity with the Region of Peel Official Plan.
- This report provides a summary of Peel staff’s review of the Brampton Official Plan and recommendations to Regional Council in its capacity as approval authority.
- Peel has received various stakeholder comments and requests regarding the Brampton Plan and worked with Brampton staff throughout preparation of this report on the recommendations and modifications. Responses to all comments are provided in this report and its appendices.

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- Peel staff recommend that Regional Council approve the Brampton Official Plan, as modified and refuse Schedule 13a – KIT-2 Bramalea GO Major Transit Station Area, on the basis of non-conformity with the Region of Peel Official Plan and *Planning Act*.
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1. Background

The purpose of this report is to:

- Provide an overview of Peel staff's review of the City of Brampton Official Plan (Brampton Plan) which currently requires Regional Council approval under the *Planning Act*;
- Provide responses to comments and requests received by Peel regarding the Brampton Plan since Brampton Council adoption on November 1, 2023; and,
- Recommend that Regional Council approve the Brampton Plan as modified and refuse Bramalea GO MTSA Schedule 13a of the Brampton Plan on the basis of non-conformity.

Under current legislation, Peel is the approval authority for the City of Brampton Official Plan as per subsection 17(2) of the *Planning Act*. As such, Peel is required to ensure consistency with the Provincial Policy Statement, 2020 and conformity to Provincial plans and legislation, including A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan), Greenbelt Plan, 2017, as well as the Region of Peel Official Plan (RPOP).

On November 1, 2023, City of Brampton Council adopted the City of Brampton's new official plan, "Brampton Plan", pursuant to subsections 17(22) and 17(23) of the *Planning Act*. The official plan record submission was received by Peel on November 16, 2023. Pursuant to the *Planning Act* and Ontario Regulation 543/06, Peel requested additional materials required to complete the review on November 27, 2023 and December 22, 2023.

Subsequently, on January 19, 2024, Peel deemed Brampton's record submission complete in accordance with subsection 17(31) of the *Planning Act* and Ontario Regulation 543/06. As per subsection 17(40) of the *Planning Act*, Peel has 120 days, or until May 18, 2024, to issue a decision on the Brampton Plan.

2. *Planning Act* Requirements

a) Regional Approval

Under the current *Planning Act*, all municipalities, including upper- and lower-tier, are required to update their official plans to conform to provincial plans every five or ten years as part of a provincial plan conformity process. Where an upper-tier municipality is the approval authority of a lower-tier official plan, the *Planning Act* stipulates that the lower-tier official plan must come into conformity with the upper-tier official plan within one year of Provincial approval of the upper-tier plan.

As the upper-tier municipality with an approved official plan, Peel is required to act as the approval authority for local municipal official plan updates. The Region of Peel Delegation By-law 1-2000 provides circumstances where the approval of local municipal official plan amendments can be delegated to local councils. Despite this, the *Planning Act* requires Peel to act as approval authority in the following instances:

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- Local municipal official plan updates conducted as part of a Provincial plan conformity exercise, as required every five or ten years under Section 26 of the *Planning Act*; and
- Local municipal official plan amendments that include policies pertaining to land uses and minimum densities of lands and structures within Protected Major Transit Station Areas (MTSAs) under subsection 16(16) of the *Planning Act*.

The Brampton Plan process falls into the above criteria, in addition to other Provincial policies requiring Regional review. Peel staff's review of the Brampton Plan focused on ensuring conformity with the RPOP and Provincial plans and policies.

On April 10, 2024, the Minister of Municipal Affairs and Housing released Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*. Bill 185 proposes to amend the *Planning Act* to remove planning responsibilities from Peel, Halton, and York Regions on July 1, 2024. If passed, Bill 185 provisions will remove Peel's planning policy and approval responsibilities under the *Planning Act* and local municipalities will assume primary responsibility for all planning in their geographies, except for matters requiring Provincial approval.

While no transition provisions regarding approval matters have been released, since the Region's review of Brampton Plan was near completion at the time of this announcement, Peel has the ability to continue its role as approval authority within the time remaining, prior to July 1, 2024. Staff are assessing the implications of Bill 185 and the necessary transition needed on other work in progress or not yet started.

b) Right to Appeal

i) Peel Approval of the Brampton Plan

Some aspects of Peel's decision can be appealed within 20 days after the notice of decision is issued; by the local municipality, the Minister, or any person who made an oral submission at the public meeting or written submissions prior to Brampton Council adoption. However, the appeal cannot apply to the entirety of the plan or Regional Council decision. Appeals of the approval are limited to specific matters of the *Planning Act*. Approval of certain policies are restricted and/or limited in certain circumstances, as discussed below.

ii) Appeal Exemptions

The *Planning Act* establishes certain limitations of appeals for local municipal official plan policies where the upper-tier official plan has been approved by the Minister. The applicable policies include:

Protected MTSAs

Policies that contain the authorization of land uses and minimum densities for lands and structures located within the boundaries of Protected MTSAs can only be appealed by the Minister.

Additional Residential Unit Policies

The *Planning Act* requires municipalities to authorize the use of additional residential units as of right (municipally-wide). Pursuant to subsections 17(24.1), 17(24.1.1), 17(36.1), and 17(36.1.1) of the *Planning Act*, policies that authorize the use of additional residential units can only be appealed by the Minister.

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Inclusionary Zoning Policies

Pursuant to subsections 34(19.3) and 34(19.4) of the *Planning Act*, there is no appeal in respect of inclusionary zoning official plan policies or parts of a by-law that give effect to inclusionary zoning policies except for an appeal made by the Minister.

3. Region of Peel Official Plan

The RPOP was adopted by Regional Council on April 28, 2022, and subsequently approved by the Minister with modifications on November 4, 2022, coming into effect on the same date. On December 6, 2023, Bill 150, the *Planning Statute Law Amendment Act, 2023* received Royal Assent. Bill 150 reversed 35 modifications and maintained nine of the 44 modifications to retroactively revert the RPOP to what was adopted in April 2022. A report to Regional Council on December 7, 2023 further explained the changes contained in Bill 150.

On February 20, 2024, the Province introduced Bill 162, the *Get it Done Act, 2024*, to amend the *Official Plan Adjustments Act, 2023* to retroactively reinstate 18 provincial modifications and maintain nine other modifications to the RPOP originally made in the November 2022 decision. The remaining 17 modifications previously approved by the Minister in November 2022 remain repealed as part of Bill 150 and are not part of the RPOP. The status of Bill 162, at the time of writing of this report, is that the bill is at third reading in the legislature and has not yet received Royal Assent. Most of the changes in Bill 150 and the proposed Bill 162 do not affect Brampton Plan. However, Bill 150 reinstated language to the RPOP clarifying that lower-tier municipalities have the ability to set maximum heights and densities in protected MTSAs. This resulted in Brampton staff requesting a modification to the the MTTSA policy framework to provide flexibility to introduce maximum building heights and densities which is described in more detail later on in this report. Peel staff reviewed the Brampton Plan based on the adopted RPOP and Bill 150 modifications.

4. Public Comments Received

Comments were received by the public and landowners related to inquiries on the timing of Peel's approval, appeal rights, and requests to be notified of Peel's decision. Site-specific requests to redesignate lands mainly within MTSAs were also received but deferred to Brampton for further review. As Peel's role in reviewing is guided by the five principles of the RPOP, one of which is to not infringe on local municipal planning efforts, Peel staff have not recommended changes on matters of local responsibility, such as land use designations that are not in conflict with RPOP. A detailed record of all comments and responses can be found in Appendix VIII.

5. Regional Review and Staff Recommendations

Throughout this review, Peel staff have worked closely with Brampton staff on finalizing modifications to arrive at solutions which meet the intent of the Brampton Plan and ensure conformity with the RPOP and Provincial plans and policies. There are a total of 526 modifications that can be found in the decision document which includes a tracked change table in Appendix IX. Of the total modifications are minor and provide consistency and clarity (i.e. such as the bolding/unbolding of glossary terms). Modifications and the refusal of Brampton Plan Schedule 13a – KIT-2 Bramalea GO are detailed in the subsections below:

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a) Peel Refusal of Brampton Official Plan Schedule 13a – KIT-2 Bramalea GO Major Transit Station Area Land Use Plan

Under the current planning framework in Ontario, lands within employment areas are subject to Provincial conversion policies to ensure the long-term protection of employment areas for employment uses. As part of Peel's 2051 Municipal Comprehensive Review (MCR), a comprehensive evaluation of Peel's protected Employment Area was conducted which identified select MTSA's where areas could be considered for conversion to include non-employment uses subject to meeting a number of criteria. The specific MTSA's were identified through consultation with the local municipalities to support their city-building objectives and the need to increase density around MTSA's. Key criteria that must be met prior to introducing non-employment uses that are relevant Bramalea GO MTSA include ensuring a net increase of jobs for the employment area within the MTSA and a land use compatibility study.

The Bramalea GO MTSA land use plan identified in Schedule 13a, as adopted by Brampton Council, proposes residential land uses; however, not all of the criteria included in RPOP Policy 5.8.36 were met, specifically, a comprehensive land use compatibility study for the entire MTSA was not provided. Without this study, staff can not confirm that the criteria related to ensuring a net increase of jobs in the MTSA will be met.

Given the existing employment-built form of the Bramalea GO MTSA, a comprehensive land use compatibility study is a vital component to ensure the introduction of non-employment uses in the area do not affect the ability of employers to conduct and expand their operations, and that the employment uses do not negatively affect new residential uses. As such, Peel staff recommend refusing Schedule 13a – KIT-2 Bramalea GO MTSA as adopted by Brampton Council, as it does not comprehensively address the land use compatibility requirement under RPOP flexible MTSA Policy 5.8.36 to permit the introduction of residential land uses, and therefore does not conform to the RPOP.

Peel staff identified the need for the land use compatibility study to support the inclusion of non-employment uses in the MTSA early in Peel's review of the Brampton Plan. Brampton and Peel staff explored the potential to use other planning tools, such as holding provisions or special policy areas that would designate the lands for non-employment uses but that development could not proceed until the land use compatibility study is complete. This approach does not conform with the *Planning Act* or RPOP as it predetermines a non-employment land use designation. This is also problematic because it sets an expectation that these lands are suitable for non-employment uses which may not be the case if the land use compatibility study identifies conflicts that can not be mitigated.

Refusing Schedule 13a – KIT-2 Bramalea GO MTSA has the effect of maintaining the land uses that exist in the relevant secondary plan which are predominantly employment. The City can proceed with an assessment of the appropriateness to convert some of the lands designated employment to non-employment based on the criteria in the RPOP. Following that, the City can initiate an Official Plan Amendment with supporting materials.

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b) Peel-Initiated Modifications

Peel staff reviewed the Brampton Plan to ensure consistency and conformity with provincial plans and policies, as well as the RPOP. The majority of conformity-related policy modifications are related to ensuring consistency and clarity to align with the RPOP and provincial plans and policies. Modifications are also made to Brampton Plan schedules to align with RPOP policies and schedules. All modifications can be found in the decision document in Appendix IX.

A summary of the significant modifications that have been made to the Brampton Plan and rationale is included below.

i) Rural Lands Modifications

RPOP policies and schedules identify and designate Rural Lands within the City of Brampton as a component of the Greenbelt Plan Protected Countryside Area and Natural Heritage System. Modifications were made to Brampton Plan Schedule 2 – Designations to reflect Rural Lands as a designation and a new policy is added to recognize Rural Lands as part of the Greenbelt Plan Protected Countryside and Natural Heritage System.

ii) Major Transit Station Areas Modifications

Various modifications were made to provide clarification to MTSA policies such as the list of requirements for planning studies prepared for Primary MTSA's refined to conform to the RPOP. Additionally, a policy was added encouraging the exploration of opportunities to improve connectivity and multi-modal access within MTSA's with limited redevelopment potential to the Brampton Plan's MTSA transition policies.

Additional modifications were made to MTSA policies related to land use requirements for MTSA's that overlap Peel protected employment areas. These revisions updated policy language to clarify that non-employment uses can only be introduced in specific employment MTSA's through a municipally initiated study addressing the criteria of RPOP flexible MTSA Policy 5.8.36. Several policies were deleted related to the use of holding provisions to meet the land use compatibility requirement of the RPOP flexible MTSA policy, which allowed for privately initiated land use compatibility studies to address the requirement, rather than a municipally initiated study considering the entire delineated boundary. In the absence of these policies, revisions were incorporated to ensure MTSA's continued to address provincial land use compatibility requirements.

iii) Employment Modifications

Several modifications were made to employment policies and schedules to ensure the continued protection and long-term viability of Peel's employment areas. Revisions clarify employment area lands that are protected and require an employment conversion to introduce non-employment uses, as well as Brampton Plan schedules to align with Peel Schedule – E-4 Employment Areas. Further modifications were implemented to remove major retail as a permitted employment area use, except where lawfully established at the time the Brampton Plan comes into effect, the Brampton Plan Mixed-Use Employment designation criteria and

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permitted uses, and alignment with the RPOP criteria for retail and commercial use in Peel employment areas.

iv) Growth Management Modifications

Modifications to the growth management policies of the Brampton Plan included adding a new policy which allows the City and/or Peel Region to utilize front-ending agreements, financial agreements, development agreements, or other measures as appropriate that may support the timely delivery of infrastructure, in accordance with RPOP policies. Peel staff also added an overarching policy for Designated Greenfield Areas within Brampton that requires these areas to be planned to achieve complete communities which provide high-quality public open spaces and support opportunities for transit, walking and cycling, as required by the RPOP. A modification was also made to Brampton Plan Schedule 2 – Designations to align the RPOP Northwest Brampton Development Area overlay.

To conform to the RPOP's phasing requirements, Peel staff confirmed that new or updated Secondary Plans will be prepared in accordance with Brampton Plan policies as well as the City's Growth Management Plan and further required that where an approved secondary plan is not already in place, the City will develop staging and sequencing plans that provide for the orderly, fiscally responsible, and efficient progression of development that is coordinated with Peel's Capital Plan and infrastructure master plans. Other modifications required to achieve RPOP conformity included refining the list of criteria for Precinct Plans and adding requirements for matters which the City's Growth Management and Phasing Plan must address, such as the range of employment types and unit mix and housing targets.

v) Transportation Modifications

Additional Brampton Plan transportation policies were added to ensure the protection of Peel's goods movement corridors, protection of the GTA West Transportation Corridor and protection of the regional road stormwater system. Modifications to various schedules were made to conform with the RPOP regional roads classification, provide clarity on existing and future regional roads, and Brampton's existing and potential future transit network. Other modifications included revisions to the Parkway Belt base map feature to reflect provincial mapping.

c) Brampton-Requested Modifications

i) Major Transit Station Area Maximum Building Heights and Densities and Schedule 13c – KIT-4 Mount Pleasant GO Land Use Plan

On March 28, 2024, Peel received a letter from Brampton staff (Appendix II) requesting various Brampton Plan modifications, including modifications to its MTSA policy framework to provide flexibility in introducing maximum building heights and densities. The policy modifications provide flexibility in introducing maximum building heights and densities through a future MTSA study and city-initiated Official Plan amendment. Brampton's request for these modifications are related to the passing of Bill 150, which adds back language to RPOP permitting local municipalities to implement maximum height and density requirements within Protected MTSA's. Under the current legislative framework, Peel would review and ensure the

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appropriate minimum density target for each MTSA is being achieved with the introduction of maximum heights.

Brampton staff also requested revisions to Schedule 13c – KIT-4 Mount Pleasant GO to align land use designations with existing zoning permissions. The requested modifications have been incorporated in Peel's recommended modifications.

ii) Mississauga Road Corridor Special Policy Area

In the above-noted March 28, 2024 letter (Appendix II), Brampton staff also requested modifications to policies in the Mississauga Road Corridor Special Policy Area to allow for ancillary warehousing uses in response to stakeholder comments.

Subsequently, at the April 22, 2024 Brampton Planning and Development Committee (PDC) meeting, stakeholder correspondence was received and endorsed requesting further policy revisions to the Mississauga Road Corridor Special Policy Area to remove the ancillary warehousing use permission. Peel received an additional letter from Brampton staff on April 24, 2024 (Appendix V), requesting revisions be made to reflect the PDC endorsed modifications. The resulting modifications included in the Brampton Plan are minor wording adjustments, not affecting the intent of the adopted policy.

iii) Schedule 13n – HUB-3 Steeles at Mississauga MTSA

On April 8, 2024, Peel received a letter from Brampton staff (Appendix III) requesting that Schedule 13n – HUB-3 Steeles at Mississauga MTSA land use plan be revised to align with the January 29, 2024 PDC endorsed privately-initiated official plan amendment concept plan for the lands located at the northwest corner of Mississauga Road and Steeles Avenue West. The modified MTSA land use schedule results in a revision to the Mixed-use Employment (Office Mixed Use) designation along Steeles Avenue West, a revision to the Mixed-Use (High-Rise Mixed-Use) designation along Financial Drive, and revisions to the proposed public or private street network and potential midblock connections classifications.

Peel staff reviewed and confirmed the requested modifications continue to conform with the RPOP MTSA policy framework, including meeting the prescribed MTSA minimum density.

d) Provincial-Requested Modifications

On March 27, 2024, Peel received a letter from the Ministry of Municipal Affairs and Housing (Appendix VI) requesting modifications to the Brampton Plan to ensure the protection of Highway 413 and Northwest GTA Transmission Corridors. Modifications were made to Brampton Plan Schedule 1A – City Structure to remove the Secondary Urban Boulevard overlay replacing it with the Planned Corridors overlay along the Highway 413 and Northwest GTA Transmission Corridors in the Heritage Heights Secondary Plan Area. New policies and revisions related to the “Planned Corridors” overlay were also added to prohibit development that could preclude or negatively affect the use of the corridors for the intended purpose.

Additionally, Peel received email correspondence on November 22, 2023 from Infrastructure Ontario (Appendix VII) regarding Ministry of Infrastructure owned

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properties along Highway 407 between Highway 410 and Tomken Road. The requested modifications are related to an August 9, 2023 City Council approved official plan amendment (OPA 249) that were not reflected in the adopted Brampton Plan.

It is Peel's staff opinion that the above modifications to the Brampton Plan and the refusal of Schedule 13a – KIT-2 Bramalea GO MTSA appropriately address Provincial and Regional interests, achieve conformity with provincial plans, policies and the RPOP, and represents good planning. Peel decision documents and modifications for the Brampton Plan are attached as Appendix IX.

RISK CONSIDERATIONS

1. Bills 23 and 185 Risks and Implications

Bill 23, the *More Homes Built Faster Act, 2022*, passed on November 29, 2022, directs changes to the *Planning Act* which will remove planning authority from Peel, making it an "upper-tier municipality without planning responsibilities." These changes eliminate Regional Council's approval authority for local planning matters, require local municipalities to implement the RPOP, and remove the Region's right to appeal land use planning decisions. Bill 23 stated that these changes are to be proclaimed at a future date.

Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, proposed on April 10, 2024, intends to amend the *Planning Act* to remove planning responsibilities from Peel on July 1, 2024. Until the bill comes into force on July 1, 2024 Peel will continue to fulfill its legislative authority under the *Planning Act* so as not to delay the approval of the Brampton Plan. Should Regional Council not approve the Brampton Plan prior to July 1, 2024, planning and implementation would be delayed and the Province of Ontario would become the approval authority.

2. Bill 112 Risks and Implications

The passing of the *Hazel McCallion Act (Peel Dissolution), 2023* on June 8, 2023, formalized a plan to dissolve the Region of Peel effective January 1, 2025. On December 13, 2023, the provincial government announced that Peel will not be dissolved, and that new legislation would be passed in 2024 to repeal or amend Bill 112. On April 10, 2024, Bill 185, *Cutting Red Tape to Build More Homes Act*, was tabled to amend various acts including the *Hazel McCallion Act (Peel Dissolution), 2023*. Bill 185 will amend the *Hazel McCallion Act (Peel Dissolution), 2023* confirming that Peel will not be dissolved, and includes a recalibrated focus on options to support building more housing faster. At the time of writing of this report Bill 185, is at second reading in the legislature and has not yet received Royal Assent.

3. Appeals

As noted in this report, policies within the Brampton Official Plan may be subject to appeal. Peel may need to monitor or participate in any appeal to protect Regional interests. Additionally, proposed Bill 185 includes transition provisions with respect to matters before the Ontario Land Tribunal (OLT). If Peel was already a party to an appeal, and a hearing date has been set, before July 1, 2024, then Peel may continue as a party to the appeal unless the appeal is deemed dismissed.

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Should Regional Council not approve the Brampton Plan, Peel will not meet the statutory 120-day official plan review deadline of May 18, 2024, allowing for appeals on the basis of a non-decision by the City of Brampton or the Minister of Municipal Affairs and Housing.

FINANCIAL IMPLICATIONS

Should there be an appeal on this decision, depending on the nature of the appeal, there may be financial implications required for Peel to protect Regional interests.

CONCLUSION

Peel staff recommend that Regional Council approve the Brampton Plan as modified, and refuse Brampton Official Plan Schedule 13a – KIT-2 Bramalea GO MTSA for the reasons noted in this report. Upon Regional Council approval of Peel staff’s recommendations, a notice of decision will be signed by the Regional Chair and the Regional Clerk and distributed in accordance with *Planning Act* requirements.

As noted in this report, certain policies are subject to appeal within 20 days after the notice of decision is issued. The policies come into effect when the 20-day appeal period ends should there be no appeals.

It is Peel staff’s opinion that the Brampton Plan, as modified, appropriately addresses Provincial and Regional interests, conforms with Provincial plans, policies and the RPOP, and represents good planning to guide the City of Brampton in implementing their planning framework and city-building objectives.

APPENDICES

- Appendix I: Brampton Plan - Adopting By-law 195-2023
- Appendix II: City of Brampton Memo on Modifications to Brampton Plan – March 28, 2024
- Appendix III: City of Brampton Memo on Modifications to Schedule 13n HUB-3 Steeles at Mississauga MTSA – April 8, 2024
- Appendix IV: City of Brampton PDC Recommendation Report: Proposed Modifications to Brampton Plan Major Transit Station Area Policies – April 8, 2024
- Appendix V: City of Brampton Memo on Modifications to Mississauga Road Corridor – April 24, 2024
- Appendix VI: Ministry of Municipal Affairs and Housing Memo on Modifications to Brampton Plan – March 27, 2024
- Appendix VII: Infrastructure Ontario Email on Modifications to Brampton Plan – November 22, 2023
- Appendix VIII: Peel Staff Responses to Comments
- Appendix IX: Brampton Plan Decision Document and Peel Region Modifications



Kealy Dedman, Commissioner of Public Works

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