



# Corporate Report

Clerk's Files

Originator's  
Files

CD.03.MIS 2011

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**DATE:** November 15, 2011

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: December 5, 2011

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Mississauga Official Plan – Regional Approval and Appeals**

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**RECOMMENDATION:** That the report titled “Mississauga Official Plan – Regional Approval and Appeals”, dated November 15, 2011, from the Commissioner of Planning and Building, be received.

**BACKGROUND:** The Mississauga Official Plan (2011) was forwarded to the Region of Peel for approval after Mississauga City Council adopted the Plan on September 29, 2010. The Region had 180 days (until April 12, 2011) to issue a Notice of Decision. Since a number of Regional Official Plan Amendments were either in process or before the Ontario Municipal Board, the Mississauga Official Plan (2011) was approved under the existing 2008 Regional Official Plan, as amended. Once the new Region of Peel Official Plan update is complete and a new official plan is in effect, non-decisions on Mississauga Official Plan (2011) will be addressed and amendments to Mississauga Official Plan (2011) will be necessary to ensure conformity.

On September 22, 2011, Regional Council gave partial approval to Mississauga Official Plan (2011) and directed Regional staff to issue a Notice of Decision. The appeal period ended on October 27, 2011.

The purpose of this report is to advise of the appeals to Mississauga Official Plan (2011).

**COMMENTS:****Appeals to Mississauga Official Plan**

The Region of Peel received 19 appeals (Appendix 1) to the Ontario Municipal Board regarding the Regionally partially approved Mississauga Official Plan (2011).

**Appeals to the Entire Mississauga Official Plan**

The following nine appellants have appealed the Mississauga Official Plan (2011) in its entirety:

1. Calvin Lantz, Stikeman Elliott, LLP, on behalf of Lowe's Companies Canada ULC;
2. Michael S. Polowin, Gowlings on behalf of McDonald's Restaurants of Canada Limited;
3. Michael S. Polowin, Gowlings on behalf of A&W Food Services of Canada Inc.;
4. Michael S. Polowin, Gowlings on behalf of The TDL Group Corp., of Tim Horton's restaurants;
5. Michael S. Polowin, Gowlings on behalf of Wendy's Restaurants of Canada;
6. Michael S. Polowin, Gowlings on behalf of Ontario Restaurant Hotel and Motel Association (ORHMA);
7. Patrick J. Harrington, Aird & Berlis on behalf of 2333 NSW Inc. (Marland Management Services Inc.), registered owner of 2333 North Sheridan Way;
8. Michael Gagnon and Richard Domes, Gagnon & Law Urban Planners Ltd. on behalf of White Elm Investments Ltd., registered owner of 1450 to 1458 Dundas Street East; and
9. Elvio De Meneghi, Forest Park Circle Ltd., registered owner of 1850 Rathburn Road East and 4100 Pony Trail Drive.

Site Specific Appeals to the Entire Mississauga Official Plan

The following seven appeals are to the entire Mississauga Official Plan (2011) as they pertain to a specific site:

10. Steven A. Zakem, Aird and Berlis LLP, on behalf of 2188101 Ontario Inc. (Raja Fabrics – Units 111-116), 1615242 Ontario Inc. (Taj Mahal Jewellers – Unit 117) and 2187308 Ontario Inc. (High on Heels – Unit 119) with respect to 2960, 2970, and 2980 Drew Road;
11. Mark R. Flowers, Davies Howe Partners, LLP, on behalf of Daraban Holdings Ltd., registered owner of 3640-3670 Cawthra Road;
12. Mark R. Flowers, Davies Howe Partners, LLP, on behalf of Gemini Urban Design (Cliff) Corporation, registered owner of 2021-2041 Cliff Road;
13. Sharmini Mahadevan, Wood Bull LLP, on behalf of Derry-Ten Limited, registered owner of 70 acres of land located in the south west quadrant of Derry Road and Hurontario Street;
14. Steven A. Zakem, Aird and Berlis LLP, on behalf of Azuria Group, beneficial owner of 3150 and 3170 Golden Orchard Drive;
15. Michael Gagnon and Andrew Walker, Gagnon & Law Urban Planners Ltd., on behalf of Latiq Qureshi, registered owner of 2625 Hammond Road; and
16. Laurie McPherson, Bousfields Inc., on behalf of Antorsia Investments Ltd., owners of property located at the northwest corner of Derry and Hurontario Roads.

### Policy Specific Appeals

The following three appeals are policy specific:

17. Gerald S. Swinkin, Blakes on behalf of Eight Acres Limited, located east and west side of Sheppard Avenue, south of King Street East and north of Paisley Boulevard;
18. Jim Levac, Weston Consulting Group on behalf of Raffi Konialian, registered owner of 2167 Gordon Drive; and
19. Leo Longo, Aird & Berlis LLP on behalf of Orlando Corporation.

### **Next Steps**

Staff are in the process of preparing a consolidated version of Mississauga Official Plan (2011) that identifies those portions that are under appeal. Planning and Building and Legal Services staff will meet with the appellants to attempt to settle and/or scope the appeals and issues, where possible. In some cases staff have already discussed with appellants their issues and the appeals are place holder appeals until staff are able to address their policy concerns through the general Official Plan Amendment that will be brought forward to Planning and Development Committee in early 2012. It is anticipated that some appeals will be resolved through the processing of associated development applications or in Ontario Municipal Board pre-hearing discussions to consider appeals to Regional Official Plan Amendments 22 and 24 and Mississauga Plan Amendment 95.

### **STRATEGIC PLAN:**

The Official Plan is an important tool to implement the land use components of the Strategic Plan. The results of the “Our Future Mississauga – Be part of the conversation” public consultation informed the preparation of the Plan. The policy themes of the Plan advance the strategic pillars for change, which are:

Move: Developing a Transit Oriented City  
Belong: Ensuring Youth, Older Adults and New Immigrants Thrive  
Connect: Complete Our Neighbourhoods  
Prosper: Cultivating Creative and Innovative Businesses  
Green: Living Green

**FINANCIAL IMPACT:** Some costs may be incurred for consulting fees at and prior to the Ontario Municipal Board (OMB), if appeals are not resolved prior to an OMB hearing and if outside consultants are retained.

**CONCLUSION:** The Region of Peel granted a partial approval on September 22, 2011 to the Mississauga Official Plan (2011). A Notice of Decision was released and the last day for appeals was on October 27, 2011. The Region of Peel received 19 appeals to Mississauga Official Plan (2011).

**ATTACHMENTS:** APPENDIX 1: Appellant Letters

*Original Signed By:*

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Edward R. Sajecki  
Commissioner of Planning and Building

Prepared By: Shahada Khan, Policy Planner

**Appellant Letters**

- A-1 Letter dated October 24, 2011 from Calvin Lantz, Stikeman Elliott, LLP, on behalf of Lowe's Companies Canada ULC.
- A-2 Letter dated October 25, 2011 from Michael S. Polowin, Gowlings on behalf of McDonald's Restaurants of Canada Limited.
- A-3 Letter dated October 25, 2011 from Michael S. Polowin, Gowlings on behalf of A&W Food Services of Canada Inc.
- A-4 Letter dated October 25, 2011 from Michael S. Polowin, Gowlings on behalf of The TDL Group Corporation operators of Tim Horton's restaurants.
- A-5 Letter dated October 25, 2011 from Michael S. Polowin, Gowlings on behalf of Wendy's Restaurants of Canada.
- A-6 Letter dated October 25, 2011 from Michael S. Polowin, Gowlings on behalf of Ontario Restaurant Hotel and Motel Association (ORHMA).
- A-7 Letter dated October 25, 2011 from Patrick J. Harrington, Aird & Berlis LLP on behalf of 2333 NSW Inc. (Marland Management Services Inc.), registered owner of 2333 North Sheridan Way.
- A-8 Letter dated October 26, 2011 from Michael Gagnon and Richard Domes, Gagnon & Law Urban Planners Ltd. on behalf of White Elm Investments Ltd., registered owner of 1450 to 1458 Dundas Street East, located south west quadrant of Dixie Road and Dundas Street East.
- A-9 Letter dated October 26, 2011 from Elvio De Meneghi, Forest Park Circle Ltd., registered owner of 1850 Rathburn Road East and 4100 Pony Trail Drive.
- A-10 Steven A. Zakem, Aird and Berlis LLP on behalf of 2188101 Ontario Inc. (Raja Fabrics – Units 111-116), 1615242 Ontario Inc. (Taj Mahal Jewellers – Unit 117) and 2187308 Ontario Inc. (High on Heels – Unit 119) with respect to 2960, 2970, and 2980 Drew Road.
- A-11 Letter dated October 24, 2011 from Mark R. Flowers, Davies Howe Partners, LLP, on behalf of Daraban Holdings Ltd., registered owner of 3640-3670 Cawthra Road, located south west corner of Cawthra Road and Burnhamthorpe Road East.

- A-12 Letter dated October 24, 2011 from Mark R. Flowers, Davies Howe Partners, LLP, on behalf of Gemini Urban Design (Cliff) Corporation, registered owner of 2021-2041 Cliff Road, located north east corner of Cliff Road and North Service Road, between Hurontario Street and Cawthra Road.
- A-13 Letter dated October 25, 2011 from Sharmini Mahadevan, Wood Bull LLP, on behalf of Derry-Ten Limited, registered owner of 70 acres of land located in the south west quadrant of Derry Road and Hurontario Street.
- A-14 Letter dated October 25, 2011 from Steven A. Zakem, Aird & Berlis LLP on behalf of Azuria Group, beneficial owner of 3150 and 3170 Golden Orchard Drive, located south west corner of Golden Orchard Drive and Dixie Road.
- A-15 Letter dated October 26, 2011 from Michael Gagnon and Andrew Walker, Gagnon & Law Urban Planners Ltd., on behalf of Latiq Qureshi, registered owner of 2625 Hammond Road, located in the south west corner of Dundas Street West and King Forest Drive.
- A-16 Letter dated October 26, 2011 from Laurie McPherson, Bousfields Inc., on behalf of Antorsia Investments Ltd., owners of property located in the north west corner of Hurontario Road and Derry Road.
- A-17 Letter dated October 20, 2011 from Gerald S. Swinkin, Blakes on behalf of Eight Acres Limited, located east and west side of Sheppard Avenue, south of King Street East and north of Paisley Boulevard.
- A-18 Letter dated October 21, 2011 from Jim Levac, Weston Consulting Group on behalf of Raffi Konialian, registered owner of 2167 Gordon Drive.
- A-19 Letter dated October 26, 2011 from Leo Longo, Aird & Berlis LLP on behalf of Orlando Corporation.

**STIKEMAN ELLIOTT**

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Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
Tel: (416) 869-6500 Fax: (416) 947-0868 www.stikeman.com

Calvin Lantz  
Direct: (416) 869-5669  
E-mail: clantz@stikeman.com

RECEIVED

OCT 26 2011

FW-D9 CB IP  
CH FL IP PSD SURE A  
REGION OF PEEL

BY COURIER

October 24, 2011  
File No.: 114940.1499

Region of Peel  
10 Peel Centre Drive,  
Suite A and B  
Brampton, ON L6T 4B9

RECEIVED

OCT 25 2011

REGION OF PEEL  
CLERKS DEPT.

Attention: Carol Reid, Regional Clerk and Director of Clerk's

Dear Ms. Reid:

Re: Notice of Appeal of the New Official Plan for the City of  
Mississauga (By-law 0305-2010)

We are the solicitors for Lowe's Companies Canada ULC ("Lowe's").

We submitted a letter to the City of Mississauga (the "City") dated August 3, 2010, attached, including the letter of concern submitted by Lowe's to the City on May 3, 2010.

The new Mississauga Official Plan, adopted by Mississauga City Council on September 29, 2010 by By-law 0305-2010 and as approved by Regional Council on September 22, 2011 (the "New Mississauga OP"), has not been revised to address the concerns raised by Lowe's and neither the Region nor the City have given sufficient reasons why such concerns have not been addressed.

In particular, our objections relate to the broad classifications assigned to retail uses in the New Mississauga OP as well as the associated restrictions on the location of retail uses. As expressed in the letter submitted by Lowe's on May 3, 2010, the New Mississauga OP directs mid-to-large-size retail uses to Mixed Use Area designations where certain retail formats may not be appropriate. In addition, the conversion policies in the New Mississauga OP do not provide flexibility to contemplate compatible mid-to-large-size home improvement retail uses in Employment Areas. We request that a separate definition and category for a Home Improvement use be included in the New Mississauga OP to acknowledge that a Home Improvement use is an amalgamation of uses which are traditionally 'industrial' in nature; uses such as a lumber yard, garden centre, landscaping supply yard, power tool/equipment retailer, electrical supply store and plumbing supply store.

- TORONTO
- MONTREAL
- OTTAWA
- CALGARY
- VANCOUVER
- NEWYORK
- LONDON
- SYDNEY

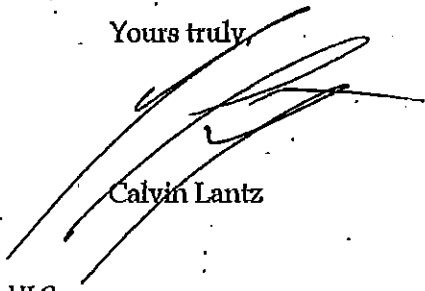
For the reasons outlined in the attached letters and others as counsel may advise and the Ontario Municipal Board may permit, we hereby appeal the entirety of the New Mississauga OP, as approved. In this regard, please find enclosed a completed Ontario

STIKEMAN ELLIOTT

Municipal Board form and our firm cheque in the amount of \$125, which represents the required filing fee.

Should you have any questions with respect to the matters discussed herein, kindly contact the undersigned.

Yours truly,



Calvin Lantz

CL/ad

cc: Jeff Boyd, *Lowe's Companies Canada ULC*  
Brock Criger, *Manager, Development Services, Peel Region*

**STIKEMAN ELLIOTT**

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
Tel: (416) 869-5600 Fax: (416) 947-0868 www.stikeman.com

Calvin W. Lantz  
Direct: (416) 869-5669  
E-mail: clantz@stikeman.com

BY COURIER

August 3, 2010  
File No.: 114940.1499

City of Mississauga  
City Clerk's Office  
300 City Centre Drive  
2<sup>nd</sup> Floor  
Mississauga, Ontario  
L5B 3C1

Attention: Crystal Greer

Dear Ms. Greer:

Re: Official Plan Amendment  
Lowe's Companies Canada ULC  
Request for Notice

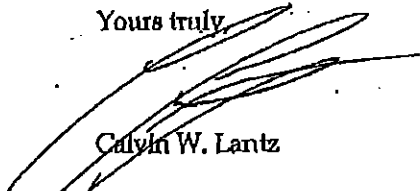
We are the solicitors for Lowe's Companies Canada ULC ("Lowe's").

Jeff Boyd of Lowe's submitted a letter to Ms. Angela Dietrich of City Planning on May 3, 2010. A copy of this letter is enclosed for your reference. Further to Mr. Boyd's letter, we are writing to request notice of all future public meetings with respect to the Draft Mississauga Official Plan, and copies of all reports, agendas and decisions that are made available in connection with this matter.

We also request that you notify us if Council adopts an Official Plan Amendment in connection with the Draft Mississauga Official Plan process.

Please contact me at 416-869-5669 or Alon Bizenman of our office at 416-869-5248 if you require further information or clarification. Thank you for your attention to this matter.

Yours truly,



Calvin W. Lantz

cc: Jeff Boyd, *Lowe's Companies Canada ULC*  
Angela Dietrich, *City of Mississauga, Manager, City-wide Planning*

TORONTO  
MONTREAL  
OTTAWA  
CALGARY  
VANCOUVER  
NEW YORK  
LONDON  
SYDNEY



Lowe's Companies Canada ULC.  
6160 Yonge Street, Suite 200  
P.O. Box 28  
North York, Ontario  
M2N 6L9  
Phone: 416-730-7393

May 3, 2010

City of Mississauga  
Planning & Building Department  
300 City Centre Drive,  
Mississauga, ON  
L5B 3C1

Attention: Ms. Angela Dietrich, Manager, City-wide Planning

RE: Comments and Concerns with proposed Draft Mississauga Official Plan

Dear Ms. Dietrich,

I am writing to thank you for your time at the Draft Mississauga Official Plan (OP) open house held on April 26<sup>th</sup>, and also to express concerns with the proposed language in the Draft OP. As we discussed at some length on the evening of the 26<sup>th</sup>, Lowe's concerns pertain to how our use is categorized under the Draft OP, the Draft OP's treatment of 'Retail' as a use, and the policies related to conversion of employment/industrial lands. All of these concerns are directly related to a lack of opportunities for a business like Lowe's to locate in the City of Mississauga.

Lowe's is a Fortune 50 company who operates more than 1,700 Home Improvement Warehouse stores across North America, employing more than 215,000 people. Lowe's Companies Canada entered the Canadian market with our first 3 Home Improvement Warehouse stores in 2007. Since the opening of those initial stores, we have opened an additional 13 locations and have an additional 6 stores in active construction. We currently directly employ more than 2,700 Canadians, and by the end of fiscal 2010, we plan to have 25 stores open and operating across the country.

Our stores have been extremely well received by Canadian customers, and it is our innovation in Home Improvement retailing that has given Lowe's a competitive advantage versus the existing players in the Canadian Home Improvement marketplace. Not only has our unique merchandising approach, focus on customer service, and product assortment appealed to customers, but our offering has also forced existing players to improve their operations and service levels. In the markets we have entered, Lowe's has provided a clear alternative for customers who wanted a choice in Home Improvement, and in the end, it is the local customer that has benefited from the increase in competition.

As your Draft OP itself notes, Mississauga is the 3<sup>rd</sup> largest City in Ontario and 6<sup>th</sup> largest in the country with a diverse population of more than 700,000 citizens. As you can imagine, this, combined with the demographics of Mississauga's population, make the City a very attractive market in which to locate a new retail business. For a company like ours, the City of Mississauga is a market which we see as capable of supporting multiple store locations -- possibly as many as 4 or 5 locations over the long term. Each Canadian store we construct typically involves a local investment of approximately \$30 Million. This investment goes towards securing land, completing designs, obtaining permits, paying local development

May 3, 2010

charges and other levies, and building and opening a store. Each store creates between 150 and 170 local jobs, with approximately 70% of these being full-time positions. Overall, a network of 4 to 5 Lowe's stores would equate to an investment between \$120 and \$150 Million and as many as 850 jobs in the community.

For a period of more than 3 years now, Lowe's has been actively seeking opportunities to locate stores in the City of Mississauga. Despite our desire to be a part of the local business community, and despite the local benefits described above, we have been unable to identify a viable location within the City's fabric. The primary barrier to our success has been the combination of an absence of *available* designated retail sites, and the City's restrictive Planning Policies regarding conversion. Despite the current Official Plan and Zoning By-laws having lands designated for Commercial uses, any of the designated lands suitable for a large retailer are occupied – they simply are not available. The few opportunities that do exist within the City are either extremely constrained by development restrictions, or are not designated for 'retail' uses.

I have reviewed the proposed policies in the Draft Official Plan and unfortunately find that the proposed language would further decrease any potential opportunities for our business to locate in Mississauga. Our primary concerns are with the treatment of 'retail' as a single use and form, the permission for 'retail' such as ours to locate in only a single designation, and a severely constrained ability to convert lands. If this Plan were adopted in its current form, the unfortunate effect would be to preclude Lowe's use from being in locations where it is otherwise compatible, and would provide a good fit with the needs of the community.

We are hopeful that upon reviewing our concerns below, City Planning staff can find an appropriate way to address this concern and allow Lowe's to be a part of the local economy.

Our concerns are focused around three main sections in the Draft OP:

1. **Section 11 – General Land Use Designations;** Under the proposed wording of the Draft OP, the only 'use' available to describe our business is 'retail store', and thus the only designation that could accommodate a mid-to-large sized 'retail store' is the proposed 'Mixed Use' designation. We feel strongly that taking such a 'broad-brush' approach to describe ALL retail businesses is not appropriate, and does not account for the major differences in how the Home Improvement use differs from other more conventional General Retail uses. In contrast to General Retail, the Home Improvement use is an amalgamation of uses which are traditionally 'industrial' in nature; uses like lumber yard, garden centre, landscaping supply yard, power tool/equipment retailer, electrical supply store and plumbing supply store. While these uses involve the sale of large, heavy goods, and rely on heavy equipment like trucks and forklifts for their operations, the Draft OP would only permit these uses in a 'Mixed Use' designation, ignoring the more typical, natural fit of these uses in more industrial or employment based settings. Although a Lowe's store is merchandised in a more 'customer-friendly' setting than some of these stand-alone retailers, the underlying use and many elements of the operation remain the same.
2. **Section 9.1 – Policies related to conversion of Employment and Industrial lands;** It is understood that the language incorporated in Sections 9.1.1 through 9.1.4 is intended to address the conversion of employment lands, in accordance with the provisions of Bill 51 and using the language given in the Greater Golden Horseshoe Growth Plan (GGH 2006). Through review of these clauses and

● Page 3

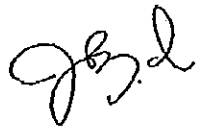
May 3, 2010

discussions with staff at the open house, it appears that the intent of this language is to prevent new major retail nodes from developing in unplanned or undesirable locations. However, due to inclusion of an extreme definition of 'major retail', the Draft Plan steps well beyond this target and effectively prevents any business deemed 'retail' from considering the re-designation of lands. We feel that the City's policies should not be drafted to prevent individual retailers, or single stand-alone retail businesses from locating on a property, if it can be demonstrated that the property is suitable for the operation of that business. It is worth noting that the GGH 2006 does not provide a definition for 'major retail uses', instead leaving it up to the municipality to decide what it constitutes as 'major' retail. It should also be noted that neither Bill 51 nor the Provincial Policy Statement (PPS 2006) preclude retail from being considered as an 'employment' use.

3. **Section 9.4 – the Draft OP's treatment of 'Retail';** the description of 'Retail' in this section is geared towards, and potentially appropriate for, the City's desire to focus on recreating viable, pedestrian-oriented downtown-style nodes of live-work-play. However, by not considering the variety of retail forms, it is prohibitive to any retail business whose sheer nature does not allow it to blend well into a multi-level, multi-use style of development. As previously noted, Home Improvement uses would not have traditionally operated in a 'downtown-style' setting, and are also a natural fit with industrial and employment designations. A secondary concern relates to the language which encourages existing retail areas to redevelop, or convert, back into non-retail employment uses. This is a concern for any retailer not already operating stores within the City, as not only is there an existing lack of available, suitable commercial land supply, but this Plan targets a desired further reduction to the existing supply.

We are hopeful that planning staff will review the concerns noted above and consider modifications to the Draft Official Plan policies that will create opportunities for Lowe's, and other new and desirable businesses, to fit into the City of Mississauga. Mississauga is certainly not a market that we wish to walk away from, and we believe that we will be a valuable and beneficial addition to the local economy. Should you wish to discuss any of this information further, I would be pleased to speak with you directly. I would welcome the opportunity to sit with Staff or Members of Council to discuss our concerns and come up with feasible options to resolve these and other issues. I can be reached by either telephone or email and look forward to future discussions.

Best Regards,



Jeff Boyd, P.Eng, MBA  
 Senior Site Development Manager  
 Lowe's Companies Canada ULC  
 jeff.boyd@lowes.com

cc: Marianne Cassin, Planning and Building Department

# gowlings

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October 25, 2011

BY HAND DELIVERY

Ms. Carol Reid  
Regional Clerk  
Regional Municipality of Peel  
Office of the Regional Clerk  
10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, ON L6T 4B9

RECEIVED

OCT 27 2011

PW-DS, CS, IP  
SH FL 10 FOO 818 A  
REGION OF PEEL

Michael S. Polowin  
Direct 613-788-0158  
Direct Fax 613-788-3485  
michael.polowin@gowlings.com  
File No. 01386130

Dear Ms Reid:

**Re: Notice of Appeal to the Ontario Municipal Board  
Partial Approval of the Corporation of the City of Mississauga's Official  
Plan as Adopted by By-law Number 0305-2010  
Adopted by Regional Council on September 22, 2011**

We are solicitors for McDonald's Restaurants of Canada Limited, operators of McDonald's restaurants. In accordance with Section 17 of the Planning Act and on behalf of our client, we hereby appeal the above noted City of Mississauga Official Plan (the "Plan") as adopted by By-law Number 0305-2010.

The grounds for this appeal relate to the interests of our client arising out of its restaurant operations and more particularly the operation of drive-through facilities ("DTF") associated with those restaurants. DTF form an extremely important aspect of our client's business. This appeal also relates to the question of the authority of the municipality to adopt certain elements of the Plan and the failure of the municipality to investigate, study, and justify the proposed new requirements and limitations that restrict our client's business particularly as it relates to DTF.

Our specific objections pertain to the following sections of the recently adopted City of Mississauga Official Plan:

- Chapter 12: Downtown – Downtown Cooksville
  - s. 12.4.3.1.2 f)
  - s. 12.4.3.4.2 c)
  - s. 12.4.3.6.2 b)
  - s. 12.4.3.9.2

RECEIVED

OCT 26 2011

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- Chapter 14: Community Nodes – Clarkson Village
    - s. 14.2.3.1.5
    - s. 14.2.3.3.2
  - Chapter 14: Community Nodes – Streetsville
    - s. 14.11.6.5.2
  - Chapter 15: Corporate Centres – Gateway Corporate
    - s. 15.3.4.1.2
  - Chapter 16: Neighbourhoods – Clarkson-Lorne Park
    - s. 16.5.5.1.4
    - s. 16.5.5.13.2
- 
- Chapter 16: Neighbourhoods – Erindale
    - s. 16.9.2.1.2 h)
  - Chapter 16: Neighbourhoods – Malton
    - s. 16.15.4.1.6
    - s. 16.15.4.2.8
    - s. 16.15.4.4.2
  - Downtown Core Local Area Plan
    - Downtown Mixed Use – s. 4.1.1 e)
    - Downtown Core Commercial – s. 4.2.1 b)
  - Lakeview Local Area Plan
    - s. 4.10 b)
    - s. 4.11 b)
    - s. 4.12 b)
    - s. 4.13 b)
    - s. 4.14 b)
    - s. 4.15 b)
    - s. 4.16 b)
    - s. 4.17 c)

# gowlings

- s. 4.18 b)
- s. 4.25 b)
- s. 4.26 (appears to be a typographical area; should be 4.27 Site 27)

- Port Credit Local Area Plan

- s. 5.3 h)
- s. 5.4.1.4 b)
- s. 5.6 b)
- s. 5.7 b)
- s. 5.8 b)
- s. 5.9 b)
- s. 5.10 b)
- s. 5.13 b)
- s. 5.14 b)
- s. 5.15 b)
- s. 5.16.1
- s. 5.16.2
- s. 5.17.1
- s. 5.17.2
- s. 5.18
- s. 5.19 b)
- s. 5.20 b)
- s. 5.28 b)
- s. 5.31 a)
- s. 5.34 b)
- s. 5.38

Our client is quite concerned with the Plan's inclusion of these specific policy requirements for DTF in the City of Mississauga at the level of its Official Plan. We have reviewed the related staff reports that were prepared and accompanied the City of Mississauga Official Plan and would note that there are no studies or even detailed planning justification as to why prohibitions of DTF are justified. We therefore question the basis of these specific policies pertaining to DTF.

Our client and its planning consultant have previously provided three letters to the City of Mississauga and met with City Planning staff prior to the adoption of the Plan. The letters each objected to any prohibition of DTF in the Plan. In fact, a previous draft version of the proposed Official Plan had removed prohibitions which would have addressed our objections however, the final version of the Official Plan once again included such prohibitions.

In addition to the absence of planning justification for policies that would restrict the development of DTF in any area of the City of Mississauga, it is our client's position that

gowlings

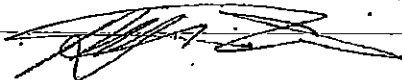
such prohibitions at the level of an Official Plan are not consistent with the law, either in the form of decided case law or on a plain reading of the *Planning Act*.

Finally, our client takes the position, as has been determined at the Ontario Municipal Board, that the presence of DTF is consistent with the Growth Plan and the Provincial Policy Statement.

Based on the foregoing and other related matters that may arise directly from our appeal, we request that the Region submit this appeal to the Ontario Municipal Board for its considerations. This notice of appeal includes the prescribed fee of \$125.00 payable to the Minister of Finance.

Thank you for your attention to this matter.

Yours very truly,



Michael S. Polowin

Enc.

cc. Clients

OTT\_LAW\2958118\1

# gowlings

montréal • ottawa • toronto • hamilton • waterloo region • calgary • vancouver • moscow • london

October 25, 2011

BY HAND DELIVERY

Ms. Carol Reid  
Regional Clerk  
Regional Municipality of Peel  
Office of the Regional Clerk  
10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, ON L6T 4B9

Michael S. Polowin  
Direct 613-786-0168  
Direct Fax 613-788-3485  
michael.polowin@gowlings.com  
File No. 01366130

RECEIVED

OCT 27 2011

PW-DS, GS IP  
ON FL 10 PCD Suite A  
REGION OF PEEL

Dear Ms Reid:

**Re: Notice of Appeal to the Ontario Municipal Board  
Partial Approval of the Corporation of the City of Mississauga's Official  
Plan as Adopted by By-law Number 0305-2010  
Adopted by Regional Council on September 22, 2011**

We are solicitors for A&W Food Services of Canada Inc., operators of A&W restaurants. In accordance with Section 17 of the Planning Act and on behalf of our client, we hereby appeal the above noted City of Mississauga Official Plan (the "Plan") as adopted by By-law Number 0305-2010.

The grounds for this appeal relate to the interests of our client arising out of its restaurant operations and more particularly the operation of drive-through facilities ("DTF") associated with those restaurants. DTF form an extremely important aspect of our client's business. This appeal also relates to the question of the authority of the municipality to adopt certain elements of the Plan and the failure of the municipality to investigate, study, and justify the proposed new requirements and limitations that restrict our client's business particularly as it relates to DTF.

Our specific objections pertain to the following sections of the recently adopted City of Mississauga Official Plan:

- Chapter 12: Downtown -- Downtown Cooksville
  - s. 12.4.3.1.2 f)
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  - s. 12.4.3.9.2

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Our client and its planning consultant have previously provided three letters to the City of Mississauga and met with City Planning staff prior to the adoption of the Plan. The letters each objected to any prohibition of DTF in the Plan. In fact, a previous draft version of the proposed Official Plan had removed prohibitions which would have addressed our objections however, the final version of the Official Plan once again included such prohibitions.

In addition to the absence of planning justification for policies that would restrict the development of DTF in any area of the City of Mississauga, it is our client's position that

gowlings

such prohibitions at the level of an Official Plan are not consistent with the law, either in the form of decided case law or on a plain reading of the *Planning Act*.

Finally, our client takes the position, as has been determined at the Ontario Municipal Board, that the presence of DTF is consistent with the Growth Plan and the Provincial Policy Statement.

Based on the foregoing and other related matters that may arise directly from our appeal, we request that the Region submit this appeal to the Ontario Municipal Board for its considerations. This notice of appeal includes the prescribed fee of \$125.00 payable to the Minister of Finance.

Thank you for your attention to this matter.

Yours very truly,



Michael S. Polowin

Enc.

cc. Clients

OTT\_LAW\2956112\1

# gowlings

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October 25, 2011

BY HAND DELIVERY

Ms. Carol Reid  
Regional Clerk  
Regional Municipality of Peel  
Office of the Regional Clerk  
10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, ON L6T 4B9

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OCT 27 2011

PWDS 03 1P  
6th FL. 10 Peel Centre A  
REGION OF PEEL

Michael S. Polowin  
Direct 613-788-0168  
Direct Fax 613-788-3485  
Michael.polowin@gowlings.com  
File No. 01386130

Dear Ms Reid:

**Re: Notice of Appeal to the Ontario Municipal Board  
Partial Approval of the Corporation of the City of Mississauga's Official  
Plan as Adopted by By-law Number 0305-2010  
Adopted by Regional Council on September 22, 2011**

We are solicitors for The TDL Group Corp., operators of Tim Horton's restaurants. In accordance with Section 17 of the Planning Act and on behalf of our client, we hereby appeal the above noted City of Mississauga Official Plan (the "Plan") as adopted by By-law Number 0305-2010.

The grounds for this appeal relate to the interests of our client arising out of its restaurant operations and more particularly the operation of drive-through facilities ("DTF") associated with those restaurants. DTF form an extremely important aspect of our client's business. This appeal also relates to the question of the authority of the municipality to adopt certain elements of the Plan and the failure of the municipality to investigate, study, and justify the proposed new requirements and limitations that restrict our client's business particularly as it relates to DTF.

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In addition to the absence of planning justification for policies that would restrict the development of DTF in any area of the City of Mississauga, it is our client's position that

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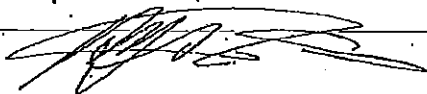
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Thank you for your attention to this matter.

Yours very truly,



Michael S. Polowin

Enc.

cc. Clients

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REGION OF PEEL

October 25, 2011

BY HAND DELIVERY

Michael S. Polowin  
Direct 613-786-0168  
Direct Fax 613-788-3485  
michael.polowin@gowlings.com  
File No. 01386130

Ms. Carol Reid  
Regional Clerk  
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10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, ON L6T 4B9

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Adopted by Regional Council on September 22, 2011**

We are solicitors for Wendy's Restaurants of Canada, Inc., operators of Wendy's restaurants. In accordance with Section 17 of the Planning Act and on behalf of our client, we hereby appeal the above noted City of Mississauga Official Plan (the "Plan") as adopted by By-law Number 0305-2010.

The grounds for this appeal relate to the interests of our client arising out of its restaurant operations and more particularly the operation of drive-through facilities ("DTF") associated with those restaurants. DTF form an extremely important aspect of our client's business. This appeal also relates to the question of the authority of the municipality to adopt certain elements of the Plan and the failure of the municipality to investigate, study, and justify the proposed new requirements and limitations that restrict our client's business particularly as it relates to DTF.

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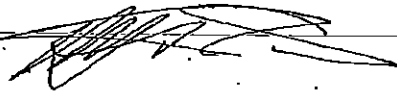
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Yours very truly,



Michael S. Polowin

Enc.

cc. Clients

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REGION OF PEEL



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October 25, 2011

BY HAND DELIVERY

Michael S. Polowin  
Direct 813-788-0158  
Direct Fax 813-788-3486  
michael.polowin@gowlings.com  
File No. 01386130

Ms. Carol Reid  
Regional Clerk  
Regional Municipality of Peel  
Office of the Regional Clerk  
10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, ON L6T 4B9

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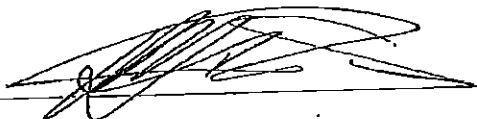
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Thank you for your attention to this matter.

Yours very truly,



Michael S. Polowin

Enc.

cc. Clients

OTT\_LAW\2958122\1

**AIRD & BERLIS LLP**

Barristers and Solicitors

Patrick J. Harrington  
Direct: 416.865.3424  
E-mail: pharrington@airdberlis.com

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October 25, 2011

Our File No. 109748

DELIVERED

Carol Reid  
Regional Clerk and Director of Clerks  
Region of Peel  
10 Peel Centre Drive, Suite A and B  
Brampton, ON L6T 4B9

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OCT 27 2011

PWDS, OS IP  
ON FL, 10 PCD, Suite A  
REGION OF PEEL

Dear Madame Clerk:

Re: Appeal of New City of Mississauga Official Plan

We act on behalf of 2333 NSW Inc. (Marland Management Services Inc.). Our client owns land at 2333 North Sheridan Way in the City of Mississauga. Our client's site is within the Sheridan Park Employment District and is designated *Business Employment* under the existing and in-force Mississauga Official Plan. The site is presently occupied by a 1-storey industrial warehouse with a 2-storey office component located at the south east portion of the property.

Under Mississauga's existing Official Plan, our client's site is within *Special Site Area 1* (SSA1), which provides specific policies for our client's site as well as two other areas within the Sheridan Park Employment District. The SSA1 policies are proposed to be excluded from the new Mississauga Official Plan. This would have the effect of reducing the number of permitted uses within the Sheridan Park Employment District.

Accordingly, our client hereby appeals the new Mississauga Official Plan as approved by the Region of Peel. This appeal covers all proposed policies affecting the Sheridan Park Corporate Centre (identified on Map 15-1 of the proposed new Mississauga Official Plan).

Please find enclosed our firm cheque for \$125.00, made payable to the Minister of Finance, along with a completed appellant form (A1). The undersigned may be contacted if you have any questions or concerns.

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OCT 26 2011

REGION OF PEEL  
CLERKS DEPT.

2

October 25, 2011  
Page 2

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington

PJH

Enclosure

c. Weston Consulting Group Inc.  
J.C. Basian  
11275509.1

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17

Principals  
Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Lily Law, B.E.S.  
Lena Gagnon

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PW-OS, CS IP  
601 PL 1010  
REGION OF PEEL

File: PN 1619 - OMB

October 26, 2011

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Regional Municipality of Peel  
Office of the Regional Clerk  
10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, Ontario  
L6T 4B9

RECEIVED

OCT 26 2011

REGION OF PEEL  
CLERKS DEPT.

Attention: Ms. Carol Reid,  
Regional Clerk

Re: Notice of Appeal - Proposed New City of Mississauga Official Plan  
White Elm Investments Ltd.  
1450-1458 Dundas Street East, City of Mississauga

Dear Ms. Reid:

Gagnon & Law Urban Planners Ltd. (G&L) is agent to White Elm Investments Ltd. (White Elm), the registered owner of the property located at 1450 to 1458 Dundas Street East in the City of Mississauga; generally located at the southwest quadrant of Dixie Road and Dundas Street East. The subject property measures approximately 2.80 hectares (6.80 acres).

White Elm is currently in the Pre-Application process with the City of Mississauga with the intent of filing a Formal Amendment Application to permit the redevelopment of the subject site for a high density, mixed-use residential, commercial and office development.

G&L and White Elm have monitored the progression of the proposed New Mississauga Official Plan (MOP) in the context of White Elm's contemplated vision for the redevelopment of their site. This has included previous written submissions to the City of Mississauga on the MOP (dated February 18, 2011 & June 28, 2010 - attached).

On behalf of our client and pursuant to Subsection 17(36) of the Planning Act, R.S.O. 1999, c.P.13, as amended, we hereby appeal the proposed New City of Mississauga Official Plan in its entirety as it fails to permit the re-development of the lands as currently contemplated by White Elm.

Further to the attached previous submissions, the following Sections, Sub-Sections, Policies and Schedules contribute to our appeal of the MOP in its entirety:

21 Queen Street East, Suite 500 • Brampton, Ontario Canada L6W3P1  
www.gagnonlawurbanplanners.com • Phone: 905-796-5790 • Fax: 905-796-5792

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- Schedules 1, 1a, 3, Section 5.2: Green System, Chapter 6: Value the Environment, Sub-Section 11.2.3: Greenbelt, Sub-Section 11.2.4: Open Space, Section 19.18: Greenbelt as they relate to environmental/natural systems on, and/or within the vicinity of the White Elm property as they may preclude White Elm's proposed vision for the redevelopment of the lands.
- Schedules 1, 1b, 2, 6, 9, 10, Section 5.3: City Structure, Section 5.4: Corridors, Section 5.5: Intensification Areas, Section 9.1: Introduction, Section 9.2: City Pattern, Section 10.1: Introduction, Section 10.2: Office, Section 10.3: Industry, Section 10.4: Retail, Sub-Section 11.2.6: Mixed Use, Section 14.1: Introduction, Section 14.3: Dixie Dundas, Section 17.1: Introduction, Section 17.4: Dixie as the policies may preclude high-rise, mixed-use residential, commercial and office development on the White Elm property and within the Dixie/Dundas Community Node.

We recommend the enlargement of the proposed Dixie/Dundas Community Node to capture the whole of the intersection of Dundas Street East and Dixie Road including the adjacent Major Transit Station Area (which is located immediately adjacent to the White Elm site).

The White Elm site should be identified as a Special Site within the MOP to recognize the site's location along an Intensification/Higher Order Transit Corridor, Intensification Areas and its potential to accommodate higher density, mixed-use residential, commercial and employment uses.

- We are concerned with the vagueness provided in policy with respect to requirements of a Local Plan Area Review and the determination of the Dixie-Dundas Community Node.
- We do not agree with the City's proposed new requirement for development proponents to prepare and submit a Development Master Plan to guide development within surrounding Character Areas as a requirement for a complete application (Policies 1.1.4.c, Section 5.1; and Policy 11.2.6.6). The submission of a Development Master Plan for site specific proposals on a single parcel or small group of parcels is unnecessary and onerous.
- The following definitions within Section 20: Glossary are of concern as they may, when reviewed in the context of our other concerns we have raised, may not be appropriate as defined; specifically:
  - Anchor Hubs;
  - Environmentally Sensitive or Significant Area;
  - Intensification Corridor;
  - Gateway Hub;
  - Major Transit Station Area;
  - One-Zone Concept
  - Secondary Office;

- o Two-Zone Floodplain Management Concept; and
- o Valley and Watercourse Corridors.

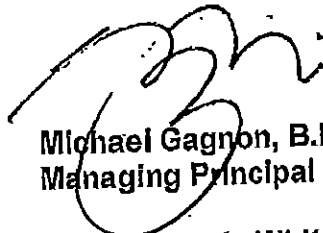
The White Elm site is appropriate for a high density, mixed-use residential, commercial and office development given that the MOP identifies the lands as: located adjacent to an Intensification Corridor (Dundas Street East), within Intensification Areas (Major Transit Station Area and Community Node) and designated Mixed Use. The Employment Area overlay and associated policies currently attributable to the site within the MOP are not sufficiently dynamic to recognize the potential of the site to capture municipal and provincial policy objectives.

We reserve the right to make further submission as may be necessary.

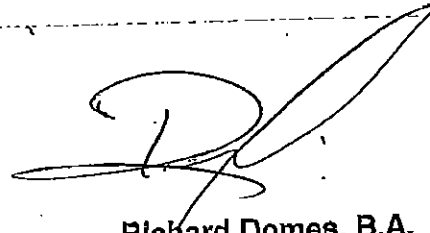
Enclosed is a certified cheque in the amount of \$125.00 made payable to the Minister of Finance and a completed appellant form (A1).

If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,



Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Managing Principal Planner



Richard Domes, B.A.  
Associate Planner

c.c.: M. Turk, White Elm Investments Ltd.



Principals  
Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Elly Law, B.E.S.  
Lana Gagnon

February 18, 2011

Our File:  
PN 1619 - MOP

City of Mississauga  
Planning & Building Department  
300 City Centre Drive  
Mississauga, Ontario  
L5B 3C1

City File:  
CD.03.MIS

Attention: Mr. Edward Sajecki, Commissioner of Planning & Building

Re: Formal Public Input – Proposed New Mississauga Official Plan  
City of Mississauga Requested Modifications

Dear Mr. Sajecki:

Gagnon & Law Urban Planners Ltd. (G&L) is agent to White Elm Investments Ltd. (White Elm), the registered owner of the property located at 1450 to 1458 Dundas Street East in the City of Mississauga; generally located at the southeast quadrant of Dixie Road and Dundas Street East.

The subject property measures approximately 2.80 hectares (6.93 acres) and is currently utilized as a mixed use commercial strip plaza.

White Elm is currently undergoing an analysis in relation to the redevelopment potential of their site for a higher order, mixed use residential, office and retail development.

G&L and White Elm have monitored the progression of the proposed New Mississauga Official Plan (MOP) in the context of White Elm's contemplated vision for the redevelopment of their site. This has included a previous written submission on the MOP dated June 28, 2010 (attached). Most recently Ed Morgan, White Elm, provided an oral submission to Planning and Development Committee on February 14, 2011 as it relates to the City's most recent report on suggested revisions to the MOP (dated January 25, 2011 and also attached).

Further to our June 28, 2010 letter and the oral submission of Ed Morgan on February 14, 2011, we have the following further comments as it relates to the January 25, 2011 Staff Report:

- We understand that because the MOP is under review by the Region of Peel, changes to the MOP can only be made by request to the Region.

21 Queen Street East, Suite 500 • Brampton, Ontario Canada L6W 3P1  
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- o We do not agree with the City's proposed new requirement for development proponents to prepare and submit a Development Master Plan to guide development within surrounding Character Areas as a requirement for a complete application (proposed revisions to Policies 1.1.4.c, 5.1, 11.2.6.6 and 19.3.5).

The requirement for Development Master Plans should be assessed on an application by application basis where the proposed development warrants it (i.e. larger block plan/tertiary plan sized re-development proposals).

The Development Master Plan proposed by the City suggests that individual applicants are to suggest the appropriate development of lands outside of their land holdings within the surrounding Character Area. This suggested process may serve to be prejudicial to other surrounding landowners and only result in unnecessary delays in the redevelopment process.

- o The White Elm site should be identified as a Special Site within the MOP to recognize the site's location along an Intensification/Higher Order Transit Corridor and its potential to accommodate higher density, mixed use residential, commercial and employment uses. Given the subject site's proximity to the existing Dixie GO Station it is a missed opportunity to not encourage and facilitate a mixed used development, including residential as a key component.
- o Permitting Residential (and uses auxiliary or associated thereto) within the ground floor of buildings within the Mixed Use designations should be generally permitted. The proposed amendments to Policy 11.2.6.5 and 1.1.4.v to the MOP preclude the development of Residential on the ground floor of buildings within Mixed Use areas where commercial or employment uses on the ground floor may not be feasible, practical or appropriate.
- o We do not support the City's proposed modification to policy 17.1.3 that seeks to preclude new Residential uses on areas designated Mixed Use within the Dixie Employment Area. It is our opinion that sites designated Mixed Use can be successfully redeveloped for a broad range of uses, including Residential, while at the same time preserving the site's employment and commercial function. This is the true spirit and intent of any mixed use designation.
- o We disagree with the proposed modification to Policy 19.3 suggesting that market conditions should not be used as a planning justification in support of a development application; planning and development of cities is undertaken with due consideration of economic forces and marketplace realities. Market conditions are one of, if not the single most influential factors for the consideration of the feasibility of development and re-development opportunities; this applies equally to municipal decision makers and those in

the private sector. As such, market conditions should always be considered when reviewing development applications.

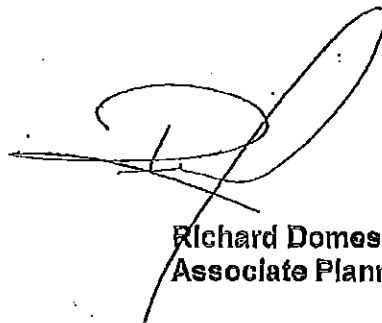
We reserve the right to make additional comments.

If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,



**Michael Gagnon, B.E.S., M.C.I.P., R.P.P.**  
**Managing Principal Planner**



**Richard Domes, B.A.**  
**Associate Planner**

c.c.: **M. Turk, White Elm Investments Ltd.**  
**A. Morgan, White Elm Investments Ltd.**  
**R. Turkenicz, White Elm Investments Ltd.**  
**M. Cassin, City of Mississauga**  
**R. Miller, City of Mississauga**  
**D. Labreque, Region of Peel**  
**A. Prasad, Region of Peel**



*Principals*  
 Michael Gagnon, B.E.S., M.C.I.P., R.R.P.  
 Lily Law, B.E.S.

June 28, 2010

**Our File: PN 1619 – Draft  
 Mississauga OP**

City of Mississauga  
 Planning and Building Department  
 300 City Centre Drive  
 Mississauga, Ontario  
 L5B 3C1

**Via: Mail & E-Mail**

**Attention: Crystal Greer, Clerks Department  
 John Britto, Clerks Department  
 John Calvert, Planning & Building Department  
 Marianne Cassin, Planning and Building Department**

**Re: Formal Public Input - Draft Mississauga Official Plan**

**To Whom It May Concern:**

Gagnon & Law Urban Planners Ltd. (G&L) is agent to White Elm Investments Ltd. (White Elm), the registered owner of the property located at 1450 to 1458 Dundas Street East in the City of Mississauga; generally located at the southwest quadrant of Dixie Road and Dundas Street East.

The subject property measures approximately 2.80 hectares (6.93 acres) and is currently utilized as a mixed use commercial strip plaza. Retail and warehousing uses are located on the ground floor of the existing plaza and office uses are located within a partial second storey along the building's northern façade (Dundas Street East).

White Elm is currently in the initial stages of pursuing an application to re-develop the site for a high density mixed-use residential, office and retail development.

White Elm has requested that we review and comment on the draft 'new' Mississauga Official Plan – March 2010 (MOP) as it relates to their contemplated vision for re-development of the site. On behalf of White Elm we would like to share the following comments, concerns and observations:

1. We note that the site is designated as:
  - o 'Mixed Use' on Schedule 10;
  - o 'Community Node' on Schedules 1, 1B, 9, 10;

21 Queen Street East, Suite 500 • Brampton, Ontario, Canada L6W 3P1

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- 'Major Transit Station Area' on Schedule 2;
  - Being within the Dixie Employment Area on Schedule 9.
2. We note that Dundas Street is identified as an 'Intensification Corridor' on Schedules 1, 1C, 2 and 6. It is also designated a 'Higher Order Transit Corridor' on Schedule 6.
  3. Schedule 1 designates the site Employment Area, Intensification Corridor and Community Node.
  4. While Schedule 2, Intensification Areas identifies the site as falling within a Community Node, we believe that the Node as depicted should be increased in size to envelope the whole of the intersection and immediate surrounding lands which are conducive to the type of development envisaged in this area. It should also include the Major Transit Station Area.
  5. We support the identification on Schedule 5 of Dundas Street East as an Arterial Road. We support the identification on Schedule 6 on Dundas Street East as an Intensification Corridor and a Higher Order Transit Corridor coupled with a Potential Mobility Hub in proximity to the existing commuter rail-line and station to the south. These designations lend support to our position that our client's site and surrounding area should be considered for Higher Order Mixed-Use development.
  6. Schedule 10a designates our client's site as Mixed-Use. While we support the Mixed-Use designation, we believe that consideration should be given to the adjustments of the mixed-use area and the Node consistent with the vision for our client's property.
  7. We believe that circumstances exist where it is appropriate to identify 'site specific' policies which reflect the unique circumstances of certain sites and/or groups of properties. In some instances it simply isn't practical to expect the Official Plan which is a broad, high level plan to be able to capture existing land uses or a particular vision for the lands.
  8. Consistent with the Growth Plan, the proposal to redevelop our client's property will contribute to:
    - Building compact, vibrant and complete communities;
    - Protecting, preserving, enhancing and wisely using valuable natural resources for current and future generations; and
    - Optimize the use of existing and new infrastructure.
  9. The proposal to intensify on the site is appropriate on account that existing infrastructure is or will be available to support the additional development.
  10. Consistent with the guiding principles of the new Official Plan, the proposal will contribute to the range of housing choices for local residents.

11. The proposal represents an opportunity to direct higher density residential and employment growth to key locations which have or will have transit and infrastructure available.
12. Consistent with Section 4.3 the Official Plan appropriately identifies our client's property as falling within a Community Node. We recommend the enlargement of the Community Node to capture the whole of the Intersection of Dundas Street East and Dixie Road. We envisage our client's property as playing a future role in accommodating a mix of population and employment uses at densities commensurate with the ability of existing and planned infrastructure to support same. The opportunity exists to maximize the ability of the Dundas Street East and Dixie Road Intersection to contribute to the Official Plan's goals and objectives for Intensification.
13. According to Section 4.3.3, our client's site is located within the Dixie/Dundas Community Node. We support the range of uses envisaged including retail, restaurants and housing. We support the role that the site and surrounding property can play in Intensification.
14. Consistent with Section 8.2, we envisage the development of our client's site as contributing to the build-out of the Community Node as an exciting Intensification Area. Ultimately, this area will become a vibrant and memorable urban place.
15. Section 16.0 deals with Neighbourhoods. Section 17.0 deals with Employment Areas. We recommend that the limits of the Dixie Employment Area be revised to include the whole of the Intersection of Dixie Road and Dundas Street East and that a special site designation be applied to our client's lands to recognize the potential for Mixed-Use development, including Employment and Residential uses commensurate with infrastructure. The Residential uses would be wholly appropriate in view of Section 17.1.2. There seems to be a contradiction in Section 17.1.3. Any restrictions on Residential within this area would needlessly and unfortunately result in the area not achieving its full mixed-use potential.

We welcome an opportunity to meet with staff to discuss our comments. We reserve the right to make additional comments. We recommend against approving the Official Plan in its current format. We wish to receive notification of approval of the Plan and adoption of implementing documents. We wish to be notified of future meetings related to the Mississauga Official Plan.

Yours truly,

  
 Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
 Managing Principal Planner

C.C.: Mark Turk, White Elm Investments Ltd.  
 Anna Morgan, White Elm Investments Ltd.  
 Richard Domes, G&L Urban Planners Ltd.

18

**FOREST PARK CIRCLE LTD.**

October 26, 2011

**Hand Delivered and Email**

Ms. Carol Reid  
 Regional Clerk and Director of Clerks  
 The Regional Municipality of Peel  
 10 Peel Centre Drive  
 Suite A and B  
 Brampton, Ontario  
 L6T 4B9

RECEIVED

OCT 27 2011

PW-09, CS IP  
 6th FL. 10<sup>th</sup> FLD. Suite A  
 REGION OF PEEL

**RECEIVED**

OCT 26 2011

REGION OF PEEL  
 LEGISLATIVE SERVICES

Dear Ms. Reid,

**RE: Notice of Appeal**  
**City of Mississauga Official Plan**

Forest Park Circle Ltd. is the owner of lands located in the City of Mississauga known municipally as 1850 Rathburn Road East and 4100 Pony Trail Drive. This property is a comprehensive high rise development located on 9.2 acres of land, upon which are located two 18 storey residential high rise buildings.

It has recently come to our attention that the City has enacted a new Official Plan Amendment which would impact on our ability to intensify these lands for further residential development and that the Region has issued a Notice of Decision approving the Official Plan, with modifications. Because the parcel is such a large parcel of land, we have plans to intensify these lands by adding further high density residential buildings on the property, which will complement the existing buildings. We believe the new Mississauga Plan will restrict our ability to carry out these plans by limiting significantly the height, the built form and the FSI for any future development. Therefore, we are appealing the Mississauga Official Plan, in its entirety.

While we would be prepared to discuss scoping our appeal to a site specific one at the appropriate time, for the time being, we are pursuing an appeal of the entire plan, out of an abundance of caution. However, we can advise (without restricting the general nature of our appeal of the entire plan), that we have particular concern with the following:

- Section 16.1.1.1 – This section unduly restricts the height of development within Neighbourhoods to 4 storeys;
- Section 16.1.2.5 – This section unduly restricts the built form of development to Residential Medium Density (townhouses) in what is otherwise a High Density Area;

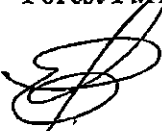
- Section 16.21 and Map 16-21 – This section and map unduly restricts the FSI for these lands to .5 to 1.0.

The reasons in support of this appeal are as follows:

1. Our lands are underutilized and are capable of further intensification. Intensification is encouraged by the Provincial Policy Statement ( the "PPS") and the Places to Grow Act (the "P2GA");
2. Development can occur outside of Urban Growth Nodes. These lands have characteristics that are conducive to residential high density development – they are transit supportive, they are served well by community services, they are adequately serviced by existing servicing infrastructure and are surrounded by sufficient parks and open space. These important resources should be better utilized. This is encouraged by the PPS and P2GA;
3. Development which reflects and is compatible with the height of current buildings is appropriate and represents good planning;
4. There is no planning rationale to limiting lands which are designated High Density to Townhouses only simply because they already have some high density, especially when lands with the same Character Area (Rathwood) are permitted high density uses. This results in a situation where lands that have existing high density on them, are precluded from having further high density, yet lands without high density are not. The better way to determine which lands should have high density is by looking at all of the planning characteristics of the site and the area and determining what is appropriate on a case by case basis (within the High Density Area).

We are enclosing with this letter our certified cheque in the amount of \$125 made payable to the Minister of Finance and a completed OMB Form A1. We would appreciate it if you would confirm receipt of this appeal at your earliest convenience.

Yours very truly,  
Forest Park Circle Ltd.



Elvio De Meneghi  
Director

**AIRD & BERLIS LLP**

Barristers and Solicitors

Steven A. Zakem  
Direct: 416.865.3440  
E-mail: szakem@airdberlis.com

Zakim Appeal  
Drew Rd, Malton

September 16, 2011

Our File No. 109585

VIA EMAIL

Carol Reid  
Regional Clerk and Director of Clerks  
Region of Peel  
10 Peel Centre Drive  
Suite A and B  
Brampton, ON L6T 4B9

Dear Ms. Reid:

**Re: Proposed New Mississauga Official Plan ("MOP")**

We act of behalf of 2188101 Ontario Inc. (Raja Fabrics - units 111 - 116), 1615242 Ontario Inc. (Taj Mahal Jewellers - unit 117) and 2187308 Ontario Inc. (High on Heels - unit 119) with respect to the property known municipally as 2980 Drew Road in the City of Mississauga. On September 6, 2011, we filed an appeal of the MOP, in its entirety, pursuant to s.17(40) of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended. Our clients now wishes to modify their appeal as follows:

Our clients appeal the proposed new Mississauga Official Plan, in its entirety, only as it relates to the lands known municipally as 2960, 2970 and 2980 Drew Road in the City of Mississauga and shown on the attached drawing.

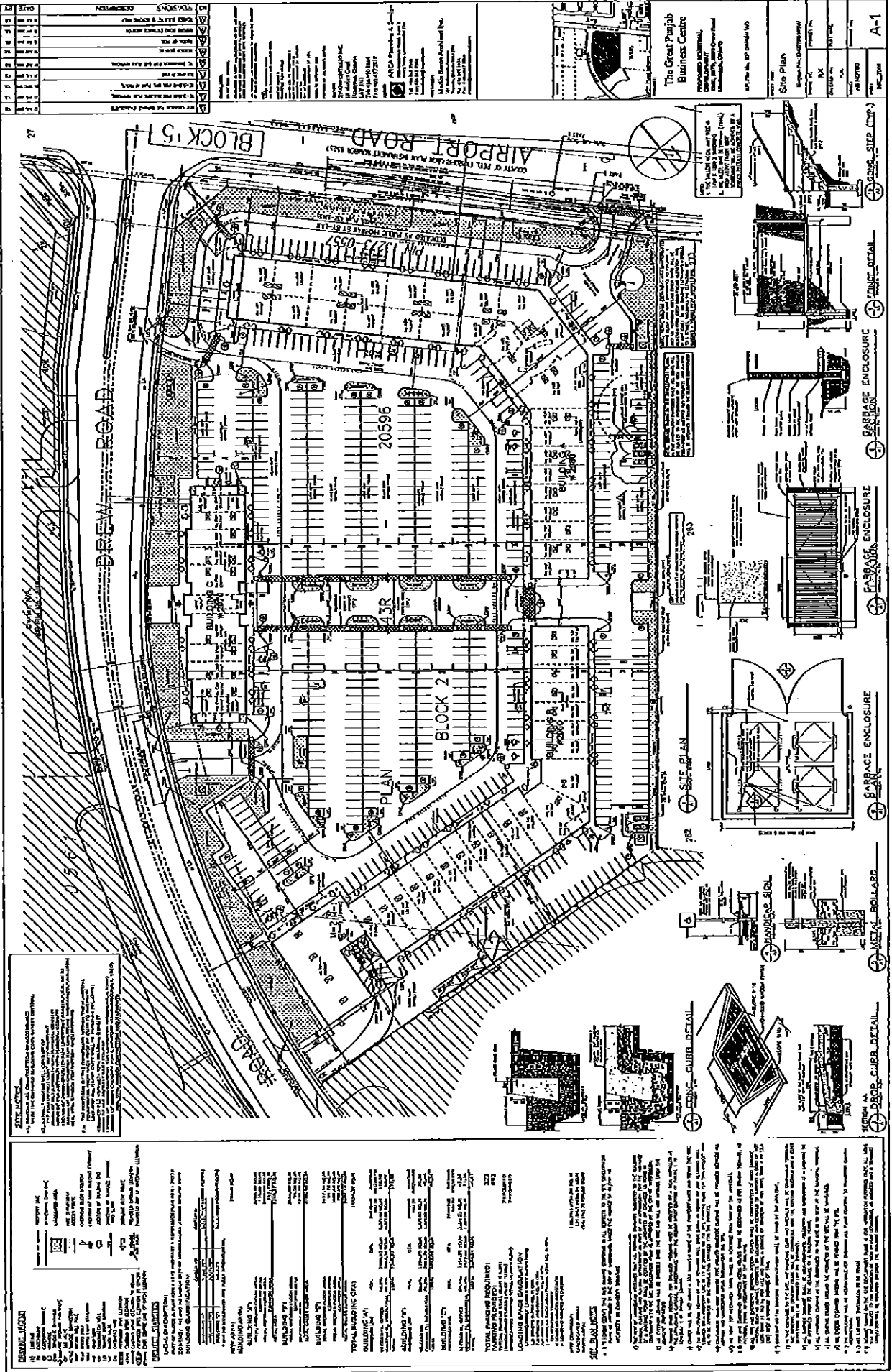
In all other respects, the appeal may be considered withdrawn pursuant to subsections 17(42.1) and (42.3) of the *Planning Act*.

Yours truly,

AIRD & BERLIS LLP

  
Steven A. Zakem  
SAZ/sw

cc. Quinto Annibale  
Stephen Garrod  
11071651.1



NO.	DESCRIPTION	DATE
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**The Great Plumb Business Centre**  
 20096 AIRPORT ROAD  
 WASHINGTON, DC 20008  
 THE GREAT PLUMB BUSINESS CENTRE  
 20096 AIRPORT ROAD  
 WASHINGTON, DC 20008  
 TEL: (202) 462-1000  
 FAX: (202) 462-1001  
 WWW: WWW.GPBC.COM

**Site Plan**  
 Project No. 00-0000  
 Date: 10/1/00  
 Scale: 1/8" = 1'-0"

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 8. THE INVESTOR SHOULD BE AWARE THAT THE INVESTMENT OPPORTUNITIES OFFERED ARE SUBJECT TO THE SECURITIES ACT OF 1933 AND THE SECURITIES ACT OF 1934.  
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 10. THE INVESTOR SHOULD BE AWARE THAT THE INVESTMENT OPPORTUNITIES OFFERED ARE SUBJECT TO THE SECURITIES ACT OF 1933 AND THE SECURITIES ACT OF 1934.

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	10/1/00
2	REVISED PLAN	10/1/00
3	REVISED PLAN	10/1/00
4	REVISED PLAN	10/1/00
5	REVISED PLAN	10/1/00
6	REVISED PLAN	10/1/00
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39	REVISED PLAN	10/1/00
40	REVISED PLAN	10/1/00

**AIRD & BERLIS LLP**

Barristers and Solicitors

Steven A. Zakem  
Direct: 416.865.3440  
E-mail: szakem@airdberlis.com

September 6, 2011

Our File No. 109585

BY COURIER

Carol Reid  
Regional Clerk and Director of Clerks  
Region of Peel  
10 Peel Centre Drive  
Suite A and B  
Brampton, ON L6T 4B9

Dear Ms. Reid:

Re: Proposed New Mississauga Official Plan

We act of behalf of 2188101 Ontario Inc. (Raja Fabrics - units 111 - 116), 1615242 Ontario Inc. (Taj Mahal Jewellers -- unit 117) and 2187308 Ontario Inc. (High on Heels -- unit 119) with respect to the property known municipally as 2980 Drew Road in the City of Mississauga. On behalf of our client and pursuant to subsection 17(40) of the *Planning Act*, R.S.O. 199, c.P. 13, as amended, we hereby appeal the proposed new Mississauga Official Plan to the Ontario Municipal Board in its entirety.

Enclosed is our firm's cheque in the amount of \$125.00 made payable to the Minister of Finance and a completed appellant form (A1).

Yours truly,

AIRD & BERLIS LLP

  
Steven A. Zakem  
SAZ/sw

Encls.

RECEIVED

SEP 06 2011

REGION OF PEEL  
CLERKS DEPT.

10074805.1



Davies  
Howe  
Partners  
LLP

Lawyers

The Fifth Floor  
99 Spadina Ave  
Toronto, Ontario  
M5V 3P8

T 416.977.7088  
F 416.977.8931  
davieshowe.com

October 24, 2011

By Courier

Ms. Carol Reid, Regional Clerk  
Office of the Regional Clerk  
Regional Municipality of Peel  
10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, Ontario  
L6T 4B9

Dear Ms. Reid:

Re: **Notice of Appeal to the Ontario Municipal Board**  
**City of Mississauga Official Plan**  
**Daraban Holdings Ltd.**  
**3640-3670 Cawthra Road, City of Mississauga**

We are counsel to Daraban Holdings Ltd. ("Daraban"), the owner of lands municipally known as 3640-3670 Cawthra Road in the City of Mississauga (the "Property").

The Property is located at the southwest corner of the intersection of Cawthra Road and Burhamthorpe Road East, and is approximately 0.53 ha (1.3 acres). The northern portion of the Property was formerly used for a gas station, but is now vacant, and the southern portion of the Property is currently occupied by ten townhouse units. Thus, the current use is a significant underutilization of the Property, particularly in view of its location at the intersection of two major roads, its proximity to commercial uses and other amenities, and its accessibility to public transit and other existing infrastructure.

On August 5, 2010, Daraban submitted applications to the City for approval of an Official Plan Amendment and Zoning By-law Amendment to permit a redevelopment of the Property for a multi-storey retirement home (File No. OZ/OPA 10 8) (the "Redevelopment Applications"): The Redevelopment Applications have since been the subject of a community consultation meeting and a revised proposal was submitted to the City on September 7, 2011, together with a Site Plan Control Application, based on initial comments received from the City and other stakeholders.

RECEIVED

OCT 25 2011

REGION OF PEEL  
CLERKS DEPT.

Please refer to: **Mark Flowers**  
e-mail: markf@davieshowe.com

RECEIVED

OCT 26 2011

BY COURIER  
OCT 26 2011  
REGION OF PEEL

3



Davies  
Howe  
Partners  
LLP

Daraban actively participated in the planning process that preceded City Council's adoption of the new City of Mississauga Official Plan on September 29, 2010. In particular, on Daraban's behalf, Weston Consulting Group Inc. ("WCGI") filed a written submission with the City dated April 20, 2010, in which they identified various concerns with the proposed Official Plan. A copy of that submission is attached. Further, WCGI filed correspondence with the Region of Peel in respect of the proposed Official Plan, dated November 4, 2010. A copy of that correspondence is also attached.

We understand that on September 22, 2011, Council of the Regional Municipality of Peel granted partial approval to the new Official Plan for the City of Mississauga.

Pursuant to subsection 17(36) of the *Planning Act*, Daraban Holdings Ltd. hereby appeals to the Ontario Municipal Board the new City of Mississauga Official Plan, in its entirety, as it relates to the lands municipally known as 3640-3670 Cawthra Road in the City of Mississauga.

---

The reasons for this appeal include the following:

1. The new City of Mississauga Official Plan, as partially approved, has failed to properly address the concerns identified in the submissions from WCGI dated April 20, 2010 and November 4, 2010; and
2. If the Redevelopment Applications are approved, such approval(s) should be properly incorporated into the new City of Mississauga Official Plan.

Enclosed with this notice of appeal is a completed OMB Appellant Form (A1), together with our firm cheque in the amount of \$125.00, payable to the Minister of Finance, representing the prescribed filing fee for this appeal.

We trust that this is satisfactory. However, please do not hesitate to contact us if you have questions or if you require anything further.



Davies  
Howe  
Partners  
LLP

Yours truly,

**DAVIES HOWE PARTNERS LLP**

A handwritten signature in cursive script that reads "Mark R. Flowers".

Mark R. Flowers

Enclosures

copy: Client  
Alan Young, Weston Consulting Group Inc.



**Weston Consulting Group Inc.**

'Land Use Planning Through Experience and Innovation'

April 20, 2010  
File No. 4848

**COPY**

Ms. Marianne Cassin, Planner  
Planning and Building Department  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON L5B 3C1

Dear Ms. Cassin:

**RE: DRAFT CITY OF MISSISSAUGA OFFICIAL PLAN (March 2010)  
PUBLIC MEETING - MAY 7, 2010  
Daraban Holdings Ltd.  
3640-70 Cawthra Road  
Lots 44 - 49 Inclusive and Part of Lot 60, Registered Plan 001  
(Southwest corner of Cawthra and Burnhamthorpe Roads)**

Weston Consulting is the planning consultant for Daraban Holdings Ltd. ("Daraban"), the owner of a 0.63 ha (1.3-acre) parcel at the above location (see attached air photo). The south portion of the parcel is occupied by a row of 10 townhouses. The north portion was, for many years, used for a gas bar, but is now vacant.

Daraban intends to redevelop the entire subject property for a retirement home. Two pre-consultation meetings have been held with planning staff, and a development application will be submitted in the near future. It is with this upcoming application in mind that we make this submission regarding the City's draft Official Plan (March 2010).

The subject lands are located within the Mississauga Valleys Neighbourhood and the proposed Cawthra and Burnhamthorpe Corridors (Schedule 1(c)). Although the site is not located within a proposed intensification area, we note that the draft Official Plan allows for new development outside intensification areas, provided the development is sensitive to the Neighbourhood's existing and planned character (4.3.5), and recognizes that intensification may be considered within Neighbourhoods where the proposed development is compatible in built form and scale to surrounding development (4.3.5.5). Higher density uses are steered to Corridors within Neighbourhoods (4.3.5.3), which would include the subject property.

We note also that the draft Official Plan encourages the diversification of housing stock to cater to the needs of seniors throughout the City, particularly as expressed in this proposed policy:

*"Much of Mississauga's housing was built in the last three to four decades and geared to the needs of families with children. As these neighbourhoods mature, the dwelling units and Neighbourhoods that they occupy may no longer meet their needs. Opportunities for aging-in-place or alternative housing within the community will assist households as they move through the lifecycle. This may include introducing alternative forms of housing within Neighbourhoods such as supportive housing for seniors and secondary suites" (6.2).*

The foregoing clearly encourages the consideration of special forms of housing for seniors in older neighbourhoods such as Mississauga Valleys. The proposed retirement home use on the subject property is in keeping with the City's thinking as expressed above.

The City's proposed land use designations for the subject property are Medium Density Residential and Motor Vehicle Commercial, reflecting the existing and historic uses of the property (see attached extract from draft Schedule 10a). The Motor Vehicle Commercial designation is, however, now obsolete since the gas bar has been removed from the property and there are no plans to replace the former gas bar with another automotive use.

In our opinion, the new Official Plan, as a forward-looking document, should provide direction and encouragement for the replacement of automotive uses at this prominent corner by extending the proposed Medium Density Residential designation to cover the entire property. This will facilitate the redevelopment of the lands for a use that is more in keeping with the City's objectives for Neighbourhoods. The need for any appropriate site-specific provisions will be identified with the pending development application.

The proposed Medium Density Residential designation in Mississauga Valleys permits townhouses, "all forms of horizontal multiple dwellings" (11.2.5.5), "low-rise apartment dwellings" (16.19.22) and "special needs housing ... in a built form consistent with the dwelling forms permitted by the residential designation" (11.2.5.9)(emphasis added).

The term "special needs" is not included in the Glossary in the draft Official Plan, but the Provincial Policy Statement defines the term to refer to housing for the disabled and the elderly. Thus, for clarity, we would suggest that the new Official Plan include a definition of special needs housing conforming with that in the Provincial Policy Statement.

We would appreciate the City's consideration of the foregoing comments, and would be pleased to discuss them further with you.

Page 3

April 20, 2010

Kindly ensure that we are included on the notification list for any future reports and/or public meetings concerning the City's draft Official Plan and that we receive notice of any decision made by City Council regarding this matter.

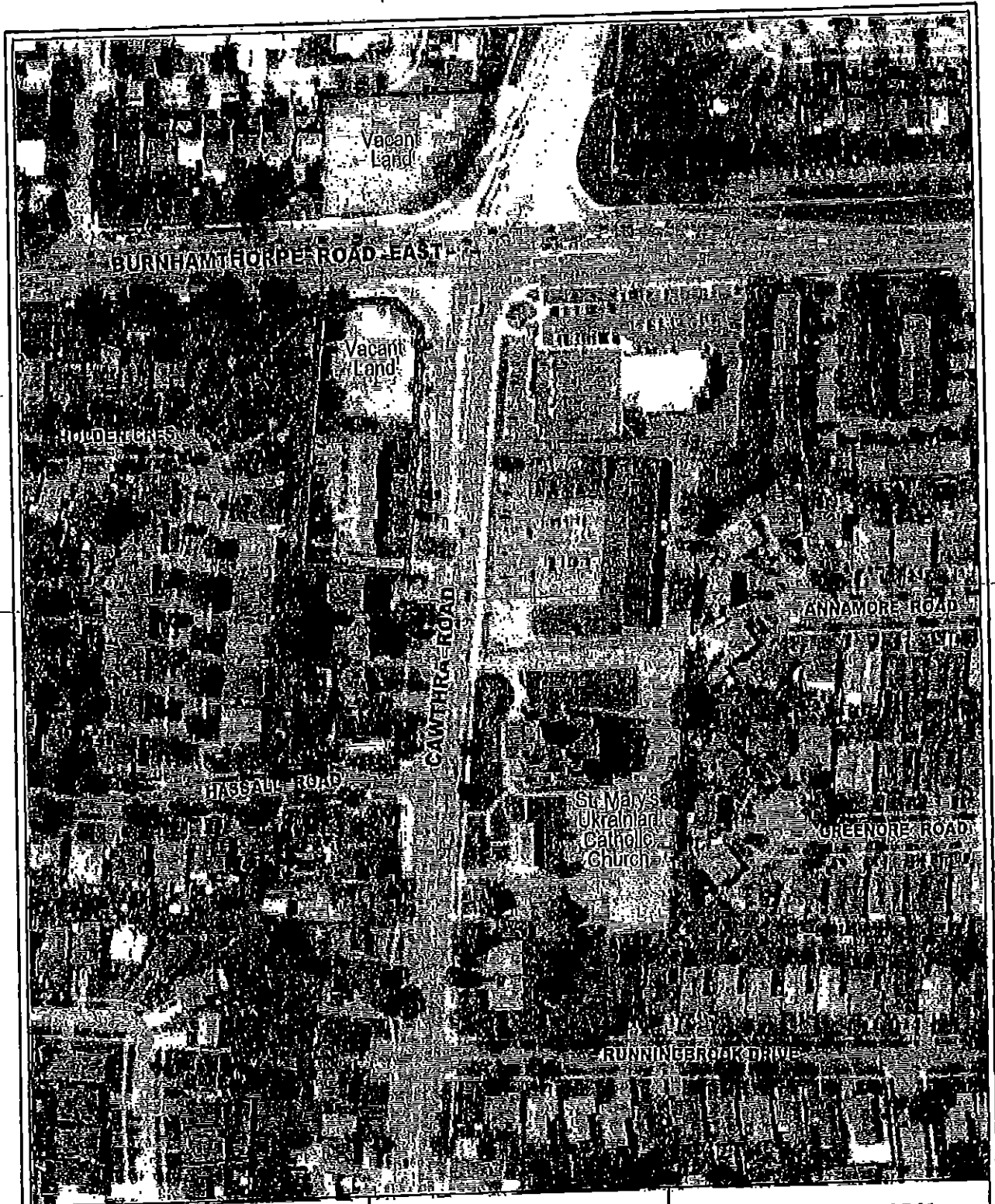
Yours truly,  
Weston Consulting Group Inc.  
Per:



Alan Young, BES MSc MCIP RPP  
Senior Associate

cc. Mayor Hazel McCallion  
Councillor Frank Dale  
Angela Dietrich, Manager of City-Wide Planning  
James Durbano, Darabari Holdings  
Mark Flowers, Davles Howe Partners

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
**WESTON CONSULTING GROUP INC.**



File No:	4848
Date Drawn:	Apr 15, 2010
Drawn By:	sb
Planner:	oy
Scale:	not to scale

CAD FILE: 4848/or\_photos/google.dgn

**LEGEND**

 SUBJECT LANDS  
3640 - 3670 CAWTHRA ROAD

Air Photograph from Google Earth Pro.  
Date of photography: August 2009

**AIR PHOTOGRAPH**

3640 - 3670 CAWTHRA ROAD  
MISSISSAUGA

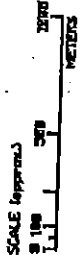
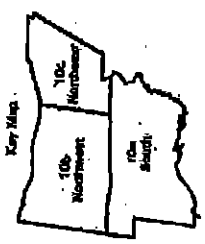
# Extract from Schedule 10a Land Use Designations - South



- LAND USE DESIGNATIONS**
- Residential Low Density 1
  - Residential Low Density 2
  - Residential Medium Density
  - Residential High Density
  - Community Mixed Use
  - Downtown Retail Core Commercial
  - Mixed Use
  - Community Commercial
  - Minor Vehicle Commercial
  - Office
  - Business Employment
  - Industrial
  - Airport
  - Institutional
  - Public Open Space
  - Private Open Space
  - Greenbelt
  - Parkway Sub-Water
  - Utility
  - To Be Determined

- CITY INFRASTRUCTURE**
- Street
  - Downtown
  - Major Road
  - Community Node
  - Neighborhood
  - Corporate Office
  - Employment Area
  - Special Purpose Area

- LAND USE LEGEND**
- Multiple Conservation District
  - LARA/PROVIDO MAP
  - Consensus Urban Outline
  - LARA Operating Area Boundary
  - San Antonio Urban Outline
  - Community Facilities
  - Publicly Funded Facilities



March 2010

**SUBJECT PROPERTY**  
3640 - 3670 CAWTHRA ROAD

**WESTON CONSULTING GROUP INC.**



**WESTON CONSULTING GROUP INC.**

'Land Use Planning Through Experience and Innovation'

November 4, 2010  
File No. 4848

Regional Municipality of Peel  
Office of the Regional Clerk  
5<sup>th</sup> Floor, Suite A  
10 Peel Centre Drive  
Brampton ON L6T 4B9

**COPY**

Dear Sir or Madam:

**Re: Request for Notice of Decision  
City of Mississauga Official Plan, adopted by By-law 0305-2010  
Daraban Holdings Ltd. ("Daraban") - 3840-70 Cawthra Road  
Southwest corner of Cawthra and Burnhamthorpe Roads, Mississauga**

Please find attached our letter dated April 20, 2010, in which we made submissions on the draft Mississauga Official Plan (March 2010) on behalf of Daraban, in relation to its property at the above location. Since the date of that letter, Daraban has filed official plan and zoning amendment applications to permit a retirement home on its property.

We continue to be concerned that the new Official Plan carries forward the previous land use designations of the subject property, including in particular the Motor Vehicle Commercial designation which is now obsolete.

We would also ask that consideration be given to modifying Figure 5-5 to incorporate an asterisk and footnote to clarify that the four-storey maximum in Neighbourhoods is capable of being increased in accordance with policy 9.2.2.1 which states that *"heights in excess of four storeys will be required to demonstrate that an appropriate transition in height and built form that respects the surrounding context will be achieved"*.

We would request notice of the Region's decision with respect to the Mississauga Official Plan.

Yours truly,  
Weston Consulting Group Inc.  
Per:

Alan Young, BES MSc, MCIP, RPP  
Senior Associate

cc. James Durbano, Daraban Holdings Ltd.  
Mark Flowers, Davies Howe Partners  
Marianne Cassin, City of Mississauga  
Angela Dietrich, City of Mississauga  
Jonathan Famme, City of Mississauga

Since  
1981

Vaughan Office: 201 Millway Avenue, Unit 19,  
Vaughan, Ontario, L4K 5K8  
Tel. 905-738-8080

Oakville Office: 1660 North Service Road East, Suite 114,  
Oakville, Ontario, L6H 7G3  
Tel. 905-844-8749



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Partners  
LLP

Lawyers

The Fifth Floor  
99 Spadina Ave  
Toronto, Ontario  
M5V 3P8

T 416.977.7088  
F 416.977.8931  
davieshowe.com

October 24, 2011

By Courier

Ms. Carol Reid, Regional Clerk  
Office of the Regional Clerk  
Regional Municipality of Peel  
10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, Ontario  
L6T 4B9

Dear Ms. Reid:

Re: ~~Notice of Appeal to the Ontario Municipal Board~~  
~~City of Mississauga Official Plan~~  
~~Gemini Urban Design (Cliff) Corp.~~  
~~2021-2041 Cliff Road, City of Mississauga~~

Please refer to: **Mark Flowers**  
e-mail: [markf@davieshowe.com](mailto:markf@davieshowe.com)

RECEIVED

OCT 26 2011

PW-DB, G9 IP  
ON FL 10 PCB, SUB A  
REGION OF PEEL

We are counsel to Gemini Urban Design (Cliff) Corp. ("Gemini"), the owner of lands municipally known as 2021-2041 Cliff Road in the City of Mississauga (the "Property").

The Property is located at the northeast corner of the intersection of Cliff Road and North Service Road, between Hurontario Street and Cawthra Road. The Property is presently occupied by low-scale commercial uses with extensive surface parking, which represents a significant underutilization of the Property.

On September 26, 2006, Gemini submitted applications to the City for approval of an Official Plan Amendment and Zoning By-law Amendment to permit a phased, mixed-use redevelopment of the Property (File No. OZ 06/019 W7) (the "Redevelopment Applications"). The Redevelopment Applications have since been the subject of public meetings and the development proposal has been revised on a number of occasions in response to comments received from the City and other stakeholders.

Gemini actively participated in the planning process that preceded City Council's adoption of the new City of Mississauga Official Plan on September 29, 2010. In particular, on Gemini's behalf, we filed a written submission with the City dated May 3, 2010, in which we identified a number of concerns with the proposed Official Plan. A copy of that submission is attached.

RECEIVED

OCT 25 2011

REGION OF PEEL  
CLERKS DEPT.



Davies  
Howe  
Partners  
LLP

We understand that on September 22, 2011, Council of the Regional Municipality of Peel granted partial approval to the new Official Plan for the City of Mississauga.

Pursuant to subsection 17(36) of the *Planning Act*, Gemini Urban Design (Cliff) Corp. hereby appeals to the Ontario Municipal Board the new City of Mississauga Official Plan, in its entirety, as it relates to the lands municipally known as 2021-2041 Cliff Road in the City of Mississauga.

The reasons for this appeal include the following:

1. The new City of Mississauga Official Plan, as partially approved, has failed to properly address the concerns we identified in our written submission dated May 3, 2010; and
2. If the Redevelopment Applications are approved, such approval(s) should be properly incorporated into the new City of Mississauga Official Plan.

Enclosed with this notice of appeal is a completed OMB Appellant Form (A1), together with our firm cheque in the amount of \$125.00, payable to the Minister of Finance, representing the prescribed filing fee for this appeal.

We trust that this is satisfactory. However, please do not hesitate to contact us if you have questions or if you require anything further.

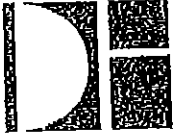
Yours truly,

DAVIES HOWE PARTNERS LLP

Mark R. Flowers

Enclosures

copy: Client  
Jim Levac, Weston Consulting Group Inc.



Davies  
Howe  
Partners

Lawyers

The Fifth Floor  
99 Spadina Ave  
Toronto, Ontario  
M5V 3P8

T 416.977.7088  
F 416.977.8931  
davieshowe.com

Please refer to: Mark Flowers  
e-mail: markf@davieshowe.com

May 3, 2010

By E-Mail to [publfc.info@mississauga.ca](mailto:publfc.info@mississauga.ca)

City of Mississauga Planning and Development Committee  
Mississauga Civic Centre, 2<sup>nd</sup> Floor  
300 City Centre Drive  
Mississauga, Ontario  
L5B 3C1

Attention: City Clerk

COPY

Dear Sir/Madam:

Re: **City of Mississauga Draft Official Plan (March 2010)**

We are counsel to Gemini Urban Design (Cliff) Corp. ("Gemini"), the owner of lands municipally known as 2021-2041 Cliff Road in the City of Mississauga (the "Property").

The Property is approximately 7 acres and is located at the northeast corner of the intersection of Cliff Road and North Service Road, between Hurontario Street and Cawthra Road. The Property is presently occupied by low scale commercial uses (a retail plaza, fitness centre and medical office building) with extensive surface parking, which represents a significant underutilization of the Property.

On September 27, 2006, our client submitted applications to the City for approval of an Official Plan Amendment and Zoning By-law Amendment to permit a phased, mixed-use redevelopment of the Property (File No. OZ 06/019 W7). The applications have since been the subject of public meetings and the development concept has been revised, most recently in February 2010, in response to comments received from the City and other stakeholders.

We have had an opportunity to conduct an initial review of the City's draft new Official Plan (March 2010), which we understand will be considered by the City's Planning and Development Committee at its meeting later today.

We are writing to advise that our client has a number of concerns with the draft Official Plan. Accordingly, on behalf of Gemini, we offer the following comments for the Committee's consideration.



Davies  
Howe  
Partners

Page 2

### *Intensification Policies*

First, we note that by letter dated January 6, 2010, Gemini filed a notice of appeal against the Region of Peel's approval (in part) of Amendment No. 95 to the current City of Mississauga Official Plan (OPA 95). As of the date of this submission, the appeal of OPA 95 remains outstanding. Many of the concerns Gemini expressed with respect to OPA 95 pertaining to proposed intensification policies similarly apply to the City's draft new Official Plan. Accordingly, consideration should be given to the earlier submissions we made on behalf of Gemini in respect of OPA 95 (May 4, 2009 and May 28, 2009).

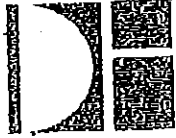
For instance, whereas the *Growth Plan for the Greater Golden Horseshoe* encourages intensification generally throughout built-up urban areas, the draft Official Plan (like OPA 95) fails to adequately recognize the potential for intensification on sites other than those within the City's identified intensification areas, including intensification and redevelopment of greyfield sites.

In this regard, we note that the City's recent report, *Sustainable Living: A Growth Management Strategy for Mississauga* (October 2008), explicitly acknowledges greyfields as a focus for intensification of the existing built-up area, and repeatedly recognizes the intensification potential of underutilized commercial lands for mixed-use redevelopment. Notwithstanding this earlier recognition, there does not appear to be any mention of greyfields in the draft Official Plan.

Further, the failure to adequately recognize the potential for intensification outside of certain identified intensification areas is exacerbated in light of the proposed elimination of specific policies that exist within the current Official Plan that contemplate higher density development at certain locations, such as along "major collector roads" and at "entry points". Similarly, as it applies to the Cooksville District, in which the Property is located, the proposed "Residential High Density" designation would impose a height limit of 8 storeys, whereas the existing "Residential High Density II" designation currently imposes no height limit. Thus, the effect of these proposed changes could be to discourage and/or unnecessarily restrict otherwise appropriate intensification proposals.

Accordingly, it is Gemini's view that the draft Official Plan fails to establish an appropriate policy framework to guide the redevelopment of sites, like the Property, which possess excellent attributes for higher-density mixed-use intensification.

### *"Mixed Use" Designation*



Davies  
Howe  
Partners

Page 3

The Property is proposed to be designated "Mixed Use" in the draft Official Plan, which recognizes that the Property can accommodate a broad range of uses, and a mixing of residential and non-residential uses on the overall site and within individual buildings.

However, we note that proposed policy 11.2.6.5 states that "residential uses will generally not be permitted on the ground floor". Although we presume that this policy is intended to apply to buildings in which both residential and commercial uses are proposed, and not to discourage stand-alone ground-oriented dwelling units within "Mixed Use" areas, the proposed policy could benefit from clarification.

#### *Redevelopment of Commercial Sites*

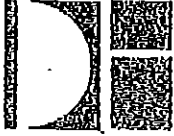
Proposed policy 4.3.5.4 of the draft Official Plan would discourage intensification of commercial sites that would result in a significant loss of commercial floor space. Although the loss of existing commercial floor space may be one of many relevant considerations in evaluating an application for redevelopment of an existing commercial site, the policy should not have the effect of pre-judging the results of that evaluation (i.e. that such applications will necessarily be "discouraged"). For example, it may be that the reduction of commercial floor space is the result of reduced market potential. Alternatively, any loss of commercial space may be outweighed by the benefits to be achieved through the proposed redevelopment.

#### *North Service Road Right-of-Way*

As depicted on Schedule 5 of the draft Official Plan, North Service Road is designated as a "major collector" and, in the vicinity of the Property (i.e. between Hurontario Street and Cawthra Road), is identified as having a right-of-way width of 26 metres. By contrast, the right-of-way width of North Service Road in other locations, and other QEW service road sections, is identified as 20 metres.

Gemini is not aware of any justification for the greater right-of-way width of North Service Road in the vicinity of the Property. Further, as a result of analyses carried out by its transportation consultant, Gemini believes that a 20 metre right-of-way width would be sufficient to accommodate all of the required road and servicing functions. Accordingly, the right-of-way width of North Service Road in this section should be reduced to 20 metres, consistent with other sections of this corridor.

Kindly ensure that the members of the Planning and Development Committee are provided with these comments as they consider the City's draft Official Plan (march 2010).



Davies  
Howe  
Partners

Page 4

Please ensure that we are notified of any further public meetings and reports with respect to this matter. In addition, kindly ensure that we receive notice of any decisions of the Committee and/or City Council regarding the draft Official Plan.

Please do not hesitate to contact us if you have any questions with respect to this submission.

Yours truly,

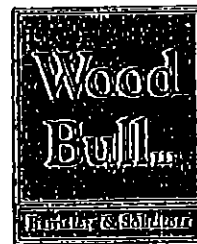
**DAVIES HOWE PARTNERS**

A handwritten signature in cursive script, appearing to read "Mark R. Flowers".

Mark R. Flowers

---

copy: Marianne Cassin, Planning and Building Department, City of Mississauga  
Client  
Warren Sorensen / Carol-Anne Munroe, SGL Planning Associates Inc.  
Jim Levac, Koroslak and Company Ltd.



MUNICIPAL, PLANNING & DEVELOPMENT LAW

25 October 2011

Sent via Courier and Facsimile

Regional Municipality of Peel  
Attention: Ms. Carol Reid, Regional Clerk  
Legislative Services  
10 Peel Centre Dr., Suite A, 5<sup>th</sup> Floor  
Brampton, ON L6T 4B9

RECEIVED

OCT 25 2011

REGION OF PEEL  
CLERKS DEPT.

Dear Ms. Reid:

**Re: Notice of Decision - New Mississauga Official Plan (File Number: P13-MOP 08.0)**  
**Appeal pursuant to s. 17(36) of the *Planning Act***

We are the solicitors for Derry-Ten Limited, the owner of approximately 70 acres of land located in the southwest quadrant of Derry Road and Hurontario Street, in the City of Mississauga (the "City") (the "Property").

**Background**

The new Mississauga Official Plan (the "New Mississauga OP") was adopted by City Council on 29 September 2010, and forwarded to the Region of Peel (the "Region") for approval. The New Mississauga OP is intended to replace the City's existing official plan, the Mississauga Plan.

On behalf of our client, we wrote to the Region on 3 February 2011, requesting that the Region defer making a decision regarding the New Mississauga OP with respect to the Property.

Notwithstanding our client's request, on 22 September 2011, the Region made a decision to approve, with modifications, part of the New Mississauga OP (the "Region's Decision").

**Appeal**

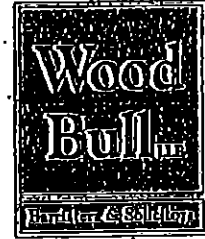
Pursuant to Section 17(36) of the *Planning Act*, our client, Derry-Ten Limited, hereby appeals the Region's Decision with respect to the New Mississauga OP. Our client's appeal is site-specific and relates to all the text and schedules in the New Mississauga OP that relate to the Property.



25 October 2011

The reasons for our client's appeal of the New Mississauga OP include the following.

1. Our client has an outstanding site-specific appeal before the Ontario Municipal Board with respect to the existing Mississauga Plan (OMB Case No. PL030441). Our client also has outstanding site-specific appeals before the Ontario Municipal Board with respect to Official Plan Amendment No. 40 to the Mississauga Plan ("OPA 40") and Zoning By-law 191-2009 (OMB Case No. PL080347), City-initiated amendments to the Upper Hurontario Street corridor area.
2. Our client submitted applications to the City in 2003 with respect to the development of the Property, which development proposal was modified in December 2006 and in January 2011, further to discussions with the City.
3. The following are some of the policies in the New Mississauga OP that are of particular concern to our client:
  - Section 5.3.4.4 which provides that "new *major retail* developments will not be permitted in Corporate Centres", Section 5.3.4.6 regarding the conversion of lands within Corporate Centres, and Section 5.5.6 relating to development applications within Intensification Areas.
  - The definition of "Major Retail" in Section 20, and the policies in Section 10.1.4 that indicate that "*major retail*" uses [as defined] are considered non-employment uses.
  - Section 10.4.6 that discourages the dispersion of retail uses beyond designated commercial areas.
  - Section 15.1.1.3 which prohibits certain uses in free-standing buildings on a Corridor and Section 15.1.1.4 which provides that all accessory uses within a Corridor must be in the same building as the principal use.
  - Section 15.3.1.2 relating to the physical form and character of Hurontario Street.
  - Section 15.3.2.1 which restricts certain uses on lands adjacent to Hurontario Street, notwithstanding the Business Employment Policies of the Plan.
  - Section 15.3.3.1.2 c. which restricts accessory commercial uses at Hurontario Street and Derry Road.



25 October 2011

- Section 15.3.3.4.2 b. and Section 15.3.3.5.2 b. which set out general principles that should apply to the urban corridor of Hurontario Street and Derry Road East/Derry Road West, respectively.

We enclose a completed Board Appellant Form and a cheque in the amount of \$125.00, representing the Board's appeal filing fee.

We kindly request a copy of the record that will be submitted to the Board by the Region.

Should you have any questions regarding our client's appeal of the New Mississauga OP, please do not hesitate to contact the undersigned or, in her absence, Yvonnie Choi at 416-203-7306.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in cursive script that reads "S. Mahadevan".

Sharmini Mahadevan

- c. Brock Criger, Region of Peel  
Marilyn Ball, City of Mississauga  
Ornella Richichi, Derry-Ten Limited

**AIRD & BERLIS LLP**

Barristers and Solicitors

Steven A. Zakem  
Direct: 416.865.3440  
E-mail: szakem@airdberlis.com

12

October 25, 2011

Our File No. 102620

BY COURIER

Carol Reid  
Regional Clerk and Director of Clerks  
Region of Peel  
10 Peel Centre Drive  
Suite A and B  
Brampton, ON L6T 4B9

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OCT 27 2011

PW-DS, CS AP  
66 FL. 10 PCB BUREAU  
REGION OF PEEL

Dear Ms. Reid:

Re: **Notice of Appeal**  
**Proposed New Mississauga Official Plan**

~~We act of behalf of Azuria Group ("Azuria") with respect to the above-noted matter.~~  
Azuria is the beneficial owner of 3150 and 3170 Golden Orchard Drive, located at the southwest corner of Golden Orchard Drive and Dixie Road, Part of Lot 6, Concession 1, N.D.S., in the City of Mississauga, Regional Municipality of Peel.

On behalf of our client and pursuant to subsection 17(36) of the *Planning Act*, R.S.O. 1999, c.P. 13, as amended, we hereby appeal the proposed new Mississauga Official Plan in its entirety as it affects 3150 and 3170 Golden Orchard Drive for the reasons set out in the attached correspondence dated February 18, 2011 and June 28, 2010 from Gagnon & Law Urban Planners Ltd.. Enclosed is our firm's cheque in the amount of \$125.00 made payable to the Minister of Finance and a completed appellant form (A1).

Should you require anything further or have any additional questions with respect to the foregoing, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem  
SAZ/ee  
Encls.

c.c. Edith Devico, Azuria Group  
Michael Gagnon, Gagnon & Law Urban Planners Ltd.

11275238.1

RECEIVED

OCT 26 2011

REGION OF PEEL  
CLERKS DEPT.



Principals  
Michael Gagnon, B.E.S., M.C.I.P., R.R.P.  
Lily Law, B.E.S.  
Lena Gagnon

February 18, 2011

Our File:  
PN 90.050.00 - MOP

City of Mississauga  
Planning & Building Department  
300 City Centre Drive  
Mississauga, Ontario  
L5B 3C1

City File:  
CD.03.MIS

Attention: Mr. Edward Sajacki, Commissioner of Planning & Building

Re: Azurla Group  
Formal Public Input – Proposed New Mississauga Official Plan  
City of Mississauga Requested Modifications

Dear Mr. Sajacki:

Gagnon & Law Urban Planners Ltd. (G&L) is agent to Azurla Group (Azurla), the registered owner of the property located at 3150 Golden Orchard Drive, the southwest corner of Golden Orchard Drive and Dixie Road in the City of Mississauga.

The subject property measures approximately 2.44 hectares (6.03 acres) and is currently occupied by two (2) apartment buildings; one 16 storey building and one 14 storey building; totaling 238 apartment units.

Azurla is currently reviewing the development potential for the addition of two more apartment buildings to the site.

G&L and Azurla have monitored the advancement and evolution of the proposed New Mississauga Official Plan (MOP). The City of Mississauga has received previous written submissions dated June 28, 2010 (attached).

Further to our June 28, 2010 submission we would like to provide the following comments:

- We understand that because the MOP is under review by the Region of Peel, changes to the MOP can only be made by request to the Region. Through this and previous submissions made on behalf of Azurla we are copying the Region of Peel on this letter.

- We do not agree with the City's proposed new requirement for development proponents within areas without a recent local area plan to prepare and submit a Development Master Plan. (proposed revisions to Policies 1.1.4.c, 5.1, 11.2.6.6 and 19.3.5).

The requirement for Development Master Plans should be assessed on an application by application basis, where the proposed development warrants it (i.e. larger block plan/tertiary plan sized re-development proposals).

The preparation of Development Master Plans may serve to prejudice the development of adjacent lands. This may unnecessarily delay the development process.

The submission of a Development Master Plan for site specific proposals on a single parcel or small group of parcels is unnecessary and onerous.

- Policy 1.14 is to be modified by adding a policy related to Special Sites. The new MOP deleted the "Special Site" designation which previously applied to the Azurla site under the 2003 Mississauga Official Plan.

We were not in support of the proposed deletion and believe that it should have continued to be identified as a Special Site to recognize the site's location along a Transit Priority Corridor; in close proximity to the Dundas Street Intensification Corridor and its potential to accommodate additional residential development. As stated in our June 28, 2010 submission, in some instances it simply is not practical to expect the Official Plan, which is a broad high level plan, to be able to capture existing land uses or a particular vision for a parcel of land.

- Modifications to Policies 8.2.1, 8.2.1.1b and 8.2.4 speak to Corridor Protection and Active Transportation. More specifically, reference is made to Schedule 7 Long Term Cycling Routes. Dixie Road is identified as a Primary On-Road/Boulevard Route (Regional). Azurla is currently working with the Region of Peel in relation to the dedication of lands required for a permanent water feedermain easement. Acquisition of additional lands for the proposed cycling route infringes on Azurla's ability to further develop the subject property at the corner of Dixie Road and Golden Orchard Drive. We are therefore of the opinion that future cycling routes should be restricted to the existing rights-of-ways and avoid, where possible, acquisition of privately owned lands.
- We disagree with the proposed modification to Policy 19.3 which suggests that market conditions should not be used as a planning justification in support of a development application. Market conditions are one of, if not the single most influential factors for the consideration of the feasibility of development and re-development opportunities. Policy 1.4.3 of the 2005

Provincial Policy Statement (PPS) speaks to providing for an appropriate range of housing types and densities to meet projected requirements of the current and future residents of the market area. As such, market conditions should always be considered when reviewing development applications. These conditions dictate the form of housing offered, the status of existing and future resident households, levels of infrastructure and public service facilities needed to support the current and projected needs, and the cost of living.

We reserve the right to make additional comments.


If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,



---

Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Managing Principal Planner



---

Marc De Nardis, B.U.R.P.L.  
Associate Planner

c.c.: E. Devloo, Azuria Group  
M. Cassin, City of Mississauga  
R. Miller, City of Mississauga  
D. Labreque, Region of Peel  
A. Prasad, Region of Peel

*Principals*

Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Lily Law, B.E.S.

June 28, 2010

Our File:  
P.N.90,050.00  
Mississauga OP

City of Mississauga  
Planning and Building Department  
300 City Centre Drive  
Mississauga, Ontario  
L8B 3C1

"AZURIA"

Attention: Crystal Greer, Clerks Department  
John Britto, Clerks Department  
John Calvert, Planning & Building Department  
Marianne Cassin, Planning and Building Department

Re: Formal Public Input - Draft Mississauga Official Plan  
Azuria Group

To Whom It May Concern:

Gagnon & Law Urban Planners Ltd. (G&L) represent Azuria Group (Azuria), the registered owner of 3150 Golden Orchard Drive, located at the southwest corner of Golden Orchard Drive and Dixie Road, Part of Lot 8, Concession 1, N.D.S., City of Mississauga, Regional Municipality of Peel. 3150 Golden Orchard measures approximately 2.44 hectares (6.03 acres) in size. It is occupied by two (2) apartment buildings; one 16 storey building and one 14 storey building. The two (2) buildings house 238 apartment units in total.

Azuria has requested that G&L review the Draft Mississauga Official Plan (MOP). This review is being conducted partially in response to a letter which Azuria received from the City of Mississauga, Planning Department advising that a proposed change in the Draft MOP would delete a "Special Site" designation which currently applies to our client's site.

Our review will focus on the MOP in the context of Azuria's plans for intensification of their site through the addition of a third and possibly fourth apartment building.

1. Schedule 1, 1b and 1c designates the site Neighbourhood and Corridor, whereas we believe that it should be designated as part of the larger Employment Area and Intensification Corridor in the vicinity of the intersection of Dixie Road and Dundas Street East. This would recognize the existing development on the site and the

21 Queen Street East, Suite 500 • Brampton, Ontario, Canada L6W 3P1

Phone: (905) 796-5790 • Fax: (905) 796-5792 • Website: [www.gagnonlawurbanplanners.com](http://www.gagnonlawurbanplanners.com)

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potential to accommodate more residential development. Residential development on this site contributes to the municipality's Intensification goals. With respect to the Corridor designation, we believe that it would be more appropriate to be an Intensification Corridor. Once again, this would more appropriately recognize what exists on site and the potential it has to accommodate more residential. The Community Node which is proposed on the north and south sides of Dundas Street East, just east of Dixie Road is a more appropriate designation for the subject site and surrounding lands to the south.

2. Schedule 2 fails to identify the site and surrounding area as part of a Community Node and Intensification Corridor. Given the existing development and potential to accommodate higher density residential, as well as surrounding uses, we believe that the Community Node as depicted should be enlarged to include the site. We also believe that it should be increased in size to envelope the whole of the intersection of Dixie Road and Dundas Street East, plus the Major Transit Station Area located to the south, as all of these lands work in unison to create a mixed-use precinct/district. The various sites and land uses do not exist in a vacuum. They are not isolated from one another.
3. We support the identification on Schedule 5 of Dixie Road as a Regional Arterial Road. We support the identification on Schedule 6 of Dixie Road as a Transit Priority Corridor. The Arterial Road context and the Transit Priority Corridor lend support to our position that our client's site and the surrounding area should be assigned a higher priority relative to their role and function in accommodating higher density development.
4. Schedule 9 identifies our client's site as being within the Applewood NHD, whereas we believe that it should be part of the Dixie EA and Community Node CN for the reasons stated earlier. We believe that the site has a stronger relationship to Dixie Road and the other developments to the south and east in terms of their role and function in providing higher density residential which provides much needed housing and supports the commercial uses existing and planned.
5. Schedule 10a designates our client's site as Residential High Density. We believe that consideration should be given to re-designating the site perhaps to Mixed-Use in recognition of its relationship to the lands to the south and east, and the role and function the site plays in accommodating residential high-rise development. We believe that consideration should be given to the adjustments of the Mixed-Use Area and the Node consistent with earlier comments.
6. Our client's proposal is supportive of Provincial Policy which encourages development that is transit-oriented. The intention behind the proposal is to increase density as a means of maximizing and optimizing the use of infrastructure.
7. We believe that circumstances exist where it is appropriate to identify 'site specific' policies which reflect the unique circumstances of certain sites and/or groups of properties. In some instances it simply isn't practical to expect the Official Plan which is a broad, high level plan to be able to capture existing land uses or a particular vision for the lands.

8. The Intent through 'intensification' as proposed is to support the PPS and the goal of long term prosperity and social well-being. We support the wise use of land resources. The Azurfa proposal to add a third and possibly fourth apartment building will promote greater efficiency and a more compact form of development.
9. Consistent with the Growth Plan, the proposal will contribute to:
- Building compact, vibrant and complete communities;
  - Protecting, preserving, enhancing and wisely using valuable natural resources for current and future generations; and
  - Optimize the use of existing and new infrastructure.
10. The proposal to intensify on the site is appropriate on account of existing infrastructure which will be available to support the additional development.
11. Consistent with the guiding principles of the New Official Plan the proposal will contribute to the range of housing choices for local residents.
12. The proposal represents an opportunity to direct higher density residential and employment growth to key locations which are served by transit and infrastructure.
- 
13. Consistent with Section 4.3, we believe that our client's site has a role and function to play in the context of the intersection of Dixie Road and Dundas Street East as part of a larger Community Node. The development which exists and which is envisaged can play an important role in accommodating higher density development which is transit-oriented.
14. Being mindful of Section 4.3.3, we believe that the limits of the Dixie/Dundas Community Node need to be revised to include our client's lands. These lands already play an important role in accommodating higher density residential. As development on the site intensifies, it will help to achieve the vision for the Dixie/Dundas Node, as well as the particular targets related to the number of residents to be accommodated.
15. Section 4.3.5 Neighbourhoods does recognize that higher density development has a role to play and that intensification can occur, but that being said, we believe that it would be more appropriate to re-designate our client's lands from Neighbourhood to Dixie/Dundas Community Node and Employment Area recognizing that higher density development will play an important role in the emerging intensification area to the south.
16. Section 4.4 addresses Corridors. We believe that it would be more appropriate recognizing the level of development existing on our client's site and proposed that the site be designated an Intensification Corridor.
17. We believe that our client's site is suitable for a fourth apartment building located immediately adjacent to Dixie Road. Dixie Road in the vicinity of our client's site leading down to Dundas Street East is worthy of serious consideration as being designated an Intensification Corridor.

18. As far as Intensification Areas are concerned and being mindful of Section 8.2.2, the Zoning By-law already allows for a third apartment building on our client's site. Our client is considering the pursuit of a fourth apartment building. We seriously question the appropriateness of designating the site as being part of a Non-Intensification Neighbourhood Area. We believe that it would be more appropriate to re-designate the site a Community Node.

19. We have reviewed Section 16.0 of the Official Plan and the letter from the Planning Department proposing to delete the "Special Site" designation which applies to our client's lands. We do not support what is proposed. We believe that the site should continue to be identified as a "Special Site" in the context of our other recommendations and comments contained herein. The site should have a "Special Site" applied to it and possibly an exemption to allow for its own policies to be developed.

We welcome an opportunity to meet with staff to discuss our comments. We reserve the right to make additional comments. We recommend against approving the Official Plan in its current format. We wish to receive notification of approval of the Plan and adoption of implementing documents. We wish to be notified of future meetings related to the Mississauga Official Plan.

Yours truly,



Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Managing Principal Planner

C.C.: Edith Devico, Azuria Group  
Marc De Nardis, G&L Urban Planners Ltd.



Principals:  
Michael Gagnon, B.E.S., M.C.I.R., R.P.P.  
Lily Law, B.E.S.  
Lena Gagnon

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OCT 27 2011

Our File:  
P.N.09.1519.00

PROV. OFF.  
ON FILE TO P.C.D. SAME  
REGION OF PEEL

Regional File:  
P13-MOP 08.0

October 26, 2011

The Regional Municipality of Peel  
Office of the Regional Clerk  
10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, Ontario  
L6T 4B9

RECEIVED

OCT 26 2011

Attention: Ms. Carol Reid, Regional Clerk

Subject: NOTICE OF APPEAL  
City of Mississauga Official Plan  
Section 17(36) of Planning Act

REGION OF PEEL  
CLERKS DEPT.

Dear Ms. Carol Reid:

Gagnon & Law Urban Planners Ltd. (G&L) is agent to Latif Qureshi, the registered owner of the property located at 2625 Hammond Road in the City of Mississauga, which is located immediately south of the commercial plaza located at the southwest corner of Dundas Street West and King Forest Drive, Part of Lot 2, Range 1, South of Dundas Street, Racey Indian Tract, City of Mississauga, Regional Municipality of Peel.

On behalf of our client, and pursuant to Section 17(36) of the *Planning Act*, R.S.O., 1999, c.P. 13, as amended, we hereby appeal the proposed new Mississauga Official Plan in its entirety as it effects 2625 Hammond Road for the reasons set out in the attached correspondence dated June 28, 2010 and February 18, 2011 from Gagnon & Law Urban Planners Ltd.

Our client objects to the provisions found in Sections 1.1.4.c, 5.1, 6.4, 11.2.6.6, 16.0, 19.3.5, Schedule 1, Schedule 10a. More specifically, the objections pertain to the impact that the policies and Schedules will have on his property rights and desire to subdivide the site into 9 additional upscale, heritage inspired residential units. He also intends to preserve the existing dwelling which he resides in with his wife.

The policies of the new Official Plan are objectionable on the basis that it is inappropriate to specify that a Development Master Plan is required as it relates to our clients property. The Schedules are unclear and it is not discernable if the Intensification Corridor and Green System apply to the property. It is inappropriate to designate the site Green System given the highly degraded condition of the vegetation which occupies part of the site, and considering the urban condition surrounding the property. In the context of the surrounding area and in recognition of the enclosure of

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the creek north and south of the site (as approved by the authorities having jurisdiction), it is inappropriate to designate a portion of the site Greenbelt.

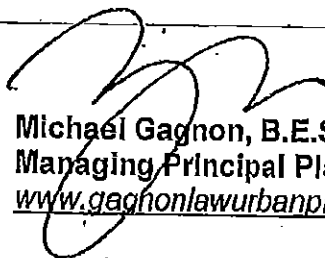
Our client believes that it is more appropriate to designate the property Low Density 2, not Low Density 1. This would be consistent with the rest of the neighbourhood. Only the heritage home should be designated historic, not the highly degraded vegetated portion of the property and manicured lawn areas.

Our client only seeks to develop his property in accordance with how adjacent sites have been, applying the latest principles of good planning.

Enclosed is a certified cheque in the amount of \$125.00 made payable to the Minister of Finance, and a completed Appellant form (A1).

Should you have any questions, or require anything further, please do not hesitate to contact the undersigned.

Yours truly,



Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Managing Principal Planner  
[www.gagnonlawurbanplanners.com](http://www.gagnonlawurbanplanners.com)



Andrew Walker, B.E.S., M.C.I.P., R.P.P.  
Associate Planner

c c: L. Qureshi, 2625 Hammond Road



Principals  
 Michael Gagnon, B.B.S., M.C.I.P., R.P.P.  
 Lily Levy, B.E.S.  
 Lena Gagnon

February 18, 2011

Our File:  
 PN 1519 - MOP

City of Mississauga  
 Planning & Building Department  
 300 City Centre Drive  
 Mississauga, Ontario  
 L5B 3C1

City File:  
 CD.03.MIS

Attention: Mr. Edward Sajecki, Commissioner of Planning & Building

Re: Latif & Fatima Qureshi, 2625 Hammond Road  
 Formal Public Input – Proposed New Mississauga Official Plan  
 City of Mississauga Requested Modifications

Dear Mr. Sajecki:

Gagnon & Law Urban Planners Ltd. (G&L) is agent to Latif Qureshi, the registered owner of the property located at 2625 Hammond Road in the City of Mississauga. Their home is located immediately south of the commercial plaza located at the southwest corner of Dundas Street West and King Forest Drive.

Our client is proposing to preserve the heritage dwelling which occupies 2625 Hammond Road. 2625 Hammond Road is our clients' primary residence. The Qureshi family wishes to develop the surplus lands surrounding their dwelling for a limited number of heritage inspired single detached residential dwellings. The proposed new dwellings will be sympathetic to the heritage house and compatible with the neighbourhood.

G&L have monitored the evolution of the proposed New Mississauga Official Plan (MOP); see attached correspondence dated June 28, 2010.

Further to our June 28, 2010 submission, we have the following comments as it relates to the January 25, 2011 Staff Report:

- We understand that because the MOP is under review by the Region of Peel, changes to the MOP can only be made by request to the Region. Through this and previous submissions made on behalf of Latif Qureshi we are copying the Region of Peel on this letter.

21 Queen Street East, Suite 500 • Brampton, Ontario Canada L6W 3P1  
 www.gagnonlawurbanplanners.com • Phone: 905-796-5790 • Fax: 905-796-5792

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- We do not agree with the City's proposed new requirement for development proponents to prepare and submit a Development Master Plan to guide development within surrounding Character Areas as a requirement for a complete application (proposed revisions to Policies 1.1.4.c, 5.1, 11.2.6.6 and 19.3.5).

The requirement for Development Master Plans should be assessed on an application by application basis where the proposed development warrants it (i.e. larger block plan/tertiary plan sized re-development proposals).

The Development Master Plan proposed by the City, which suggests that individual applicants prepare Plans for lands located beyond the limits of their own holdings, is not needed in all circumstances. The preparation of such Plans could be prejudicial to surrounding landowners. Such a policy may only serve to unnecessarily delay the development process.


We reserve the right to make additional comments.

If you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,



Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Managing Principal Planner



Andrew Walker, B.E.S., M.C.I.P., R.P.P.  
Associate Planner

- c.c.:
- L. Qureshi
  - M. Cassin, City of Mississauga
  - R. Miller, City of Mississauga
  - D. Labreque, Region of Peel
  - A. Prasad, Region of Peel



June 28, 2010

The Corporation of the City of Mississauga  
 Planning, Design & Development  
 300 City Centre Drive  
 Mississauga, Ontario  
 L5B 3C1

Attention: Crystal Greer, Clerks Department  
 John Britto, Clerks Department  
 John Calvert, Planning & Building Department  
 Marianne Cassin, Planning and Building Department

Re: Formal Public Input - Draft Mississauga Official Plan  
 2625 Hammond Road

Principals  
 Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
 Lily Law, B.E.S.

Our File:  
 PN.08.1519.00

Via E-mail & Mail  
 "LATIQ QURESHI"

**To Whom It May Concern:**

We represent Latiq Qureshi, owner of 2625 Hammond Road in the City of Mississauga. 2625 Hammond Road is located south of the commercial plaza at the southwest corner of Dundas Street West and King Forest Drive.

Our client is proposing to preserve the heritage dwelling which occupies 2625 Hammond Road. In addition, our client wishes to develop the surplus lands surrounding the heritage dwelling for a modest number of single detached residential dwellings in keeping with the lot fabric in the surrounding area. The objective is to focus on the architecture of the historic dwelling. They wish to make the home itself a showpiece. The new surrounding lots will be sympathetic to the neighbourhood.

1. Schedule 1 and 1a to the Official Plan designate the site Neighbourhood. It is unclear from the scale of Schedule 1 if the site is included as part of the Intensification Corridor and the Green System. We do not support the designation of Green System due to the highly degraded condition of the vegetation which occupies a portion of the site. We also do not support the Green System designation due to the lack of connectivity with any other significant natural heritage features in the area. The drainage ditch/swale which traverses the property is a highly degraded remnant former water course which traversed the site and surrounding area. This feature was declimated by the approval by the City of Mississauga of urban development to the north, south, east and west.

21 Queen Street East, Suite 500 • Brampton, Ontario, Canada L6W 3P1

Phone: (905) 796-5790 • Fax: (905) 796-5792 • Website: [www.gagnonlawurbanplanners.com](http://www.gagnonlawurbanplanners.com)

**CONFIDENTIALITY CAUTION**

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2. Schedule 10a designates our client's site Greenbelt and Residential Low Density 1, whereas we believe that the Greenbelt designation is wholly inappropriate. We also believe that Residential Low Density 1 should be changed to Residential Low Density 2 consistent with the rest of the Neighbourhood. Our client is in the process of preparing a Draft Plan of Subdivision for additional lots which will be similar in size with that which exist in the area.
3. Our client's objective in going forward is to protect, preserve and enhance the historic dwelling and a reasonable and appropriate amount of land surrounding it, while allowing for the development of the balance of the lands in a manner which is consistent and complementary.
4. We believe that circumstances exist where it is appropriate to identify 'Site Specific' policies which reflect the unique circumstances of certain sites and/or groups of properties. In some instances it simply isn't practical to expect the Official Plan which is a broad, high level plan to be able to capture existing land uses or a particular vision.
5. Consistent with the Growth Plan, the proposal will contribute to:
  - Building compact, vibrant and complete communities;
  - Protecting, preserving, enhancing and wisely using valuable natural resources for current and future generations; and
  - Optimize the use of existing and new infrastructure.
6. The proposal and the vision of continuing to protect the heritage resource is unique and represents an exciting opportunity to recognize the diversity in the local landscape. This is an inspired opportunity to demonstrate how the public and private sectors can work together to promote the individual and greater good simultaneously.
7. The proposal in advancing a limited number of new residential lots which are similar and/or complementary in terms of frontage and lot size is meant to protect and enhance what is by and large a stable neighbourhood, but at the same time allow for our client to optimize the use of the site. We firmly believe that if planned properly, additional lots can be added without detracting from the significant cultural heritage resource. Future homes will be designed being mindful of the heritage of the existing dwelling.
8. Consistent with the guiding principles of the new Official Plan, the proposal will support, sustain and improve the natural environment and cultural heritage. The proposal includes the realignment and re-vegetation of the watercourse/drainage swale/ditch which traverses the property. The goal is to take a highly degraded vegetative unit and create something superior to what exists today.
9. Our client knows first hand the value of preserving natural heritage and cultural resources. In this regard, our client is committed to maintaining a link to the past, while balancing this with the need to use land resources as efficiently and responsibly as possible.
10. While our client is sympathetic to the Greenland System and need to protect and enhance natural systems, this cannot extend to the inappropriate designation of highly degraded pockets of vegetation of which serve no true purpose on a city-wide scale. In the case of

our client's property, the surrounding lands were approved for the development of housing and a commercial plaza, and it is our understanding that historically these other lands were not terribly different from our clients' property. Recognizing this, we do not believe that it is appropriate to apply any of the Greenland System Policies to the subject site,

11. We have reviewed Section 6.4 of the Official Plan dealing with Heritage Planning. Our client's property is identified and designated as a Heritage Resource. Our client does not dispute the importance of maintaining the heritage dwelling. Our client only wishes to develop surplus lands consistent with what others have been allowed to do.
12. Our client views the rest of the land holding as having similar characteristics to adjacent properties which were approved for the development of single detached dwellings and a shopping centre. Our client is preparing to file an Amendment Application which will propose the preservation of the historic dwelling and a modest number of new residential building lots. We believe that the policies in the Official Plan pertaining to Heritage Resources need to be re-examined and customized to take into consideration this site.
13. Consistent with comment No.12 above and being mindful of Section 16.0 of the Official Plan, we recommend that consideration be given to applying a "Special Site" designation to 2625 Hammond Road which would recognize the preservation of the heritage dwelling and ~~allow for development of surplus lands consistent with surrounding newer construction.~~

We welcome an opportunity to meet with staff to discuss our comments. We reserve the right to make additional comments. We recommend against approving the Official Plan in its current format. We wish to receive notification of approval of the Plan and adoption of implementing documents. We wish to be notified of future meetings related to the Mississauga Official Plan.

Yours truly,



Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Managing Principal Planner

c.c.: L. Qureshi, 2625 Hammond Road  
A. Walker, G&L Urban Planners Ltd.



16

Project No. 1025

October 26, 2011

Planning and Building Department  
City Hall (Mississauga)  
300 City Centre Drive  
Mississauga, Ontario L5B 3C1

RECEIVED

OCT 27 2011

PW-DS, OS IP  
CH. PL. TO PCD, S. 210A  
REGION OF PEEL

To whom it may concern,

Re: Official Plan Appeal – N/W Corner of Derry/Hurontario

We are the Consultants acting on behalf of Antorsla Investments Ltd. This is a formal appeal in regards to the permitted uses on the site located on the north-west corner of Derry/Hurontario Roads, as per the new Official Plan recently adopted by Regional Council

Yours very truly,

Bousfields Inc.

Laurie McPherson, MCIP, RPP

RECEIVED

OCT 26 2011

REGION OF PEEL  
CLERKS DEPT.

**@ ANTORISA INVESTMENTS LTD.**

October 25, 2011

TO WHOM IT MAY CONCERN

Re: North West Corner of Hurontario and Derry Road- Mississauga

This letter authorizes Laurle McPherson of Bousfields Inc. 3 Church Street, Suite 200, Toronto, Ontario, M5E 1M2, to act as our agent in regards to applicatlons pertaining to the above noted property.

Should you have any questions or require additional information, please do not hesitate to contact me.

---

Yours truly,

ANTORISA INVESTMENTS LTD.

  
Per: Tony Chiodo

TC/mm

August 10, 2011

**WITHOUT PREJUDICE**

**MS CAROL REID  
REGIONAL CLERK  
REGION OF PEEL  
10 PEEL CENTRE DRIVE  
BRAMPTON ON L6T 4B9**

Dear Ms. Reid:

**Re: New City of Mississauga Official Plan Request for  
Modification – Northwest Corner of Hurontario Road  
and Derry Road  
Our File No: 6827-45**

We are the solicitors for Antorisa Investments Ltd., the landowners of the above noted property, legally known as Part of Lot 11, Concession 1 in the City of Mississauga. Our client purchased the property intending to develop the lands for a two-storey automotive repair facility.

In a pre-application meeting with City of Mississauga Planning staff on February 26, 2010, staff advised that the proposed use was permitted under the Official Plan but that an amendment would be required in order to permit the proposed two-storey building height as the Official Plan requires a three-storey minimum.

Following the meeting, our client finalized the purchase of the site and has been proceeding with revised plans in order to submit an Official Plan Amendment and rezoning application.

However, at a May 5, 2011 meeting with the Development Application Requirements Committee (DARC) staff advised our consultant that the proposed use would not be permitted in the newly adopted Official Plan ("the new Plan") and that a different use should be pursued.

It was not my client's interpretation of the new Plan that the use was no longer permitted and accordingly, to this point in the process, we had not seen it necessary to object to the proposed *Business Employment* designation in the new Plan.

We have reviewed the new Plan on behalf of our client and believe that there is some uncertainty as to whether the proposed automotive use would be permitted by the *Business Employment* designation. As a result, we would request, to the extent that any uncertainty exists in

*Wishart*  
LAW FIRM LLP

390 Bay Street, Suite 500  
Sault Ste. Marie, Ontario  
Canada P6A 1X2  
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Fax 705.949.2465

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Page 2  
August 10, 2011

regards to the policies set out below, that the new Plan be clarified to permit the proposed use.

As noted, the new Plan designates the site *Business Employment*. Section 11.2.11 of the new Plan provides for a number of uses that will be permitted in the *Business Employment* designation in addition to the uses permitted in all designations, which specifically includes a 'motor vehicle body repair facility'.

We further note that Policy 15.1.4 provides that the *Motor Vehicle Commercial designation* will not be permitted in the *Corporate Centres* identification.

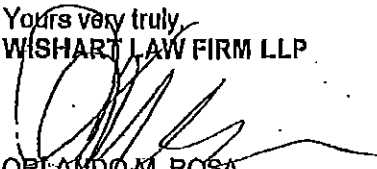
On this basis, our reading of Policy 15.1.4, in light of the use-specific permissions set out in Section 11.2.11 for lands designated *Business Employment*, is that it is not intended to prohibit motor vehicle uses, but rather the designation in its entirety.

While we agree that the proposed use would be prohibited by Section 17.1.4 in *Employment Areas*, we note that the lands have been identified as *Corporate Centres* on Map 1 (Urban Structure) and are accordingly not subject to the *Employment Areas* identification.

Therefore we would request that the Plan be clarified to permit the proposed automotive use for the lands at the northwest corner of Hurontario Road and Derry Road. In this regard, consistent with other automotive uses permitted in the *Corporate Centres* identification at the same intersection, we would request that a site-specific exception be added to Section 15.2.2 for the site.

All of which is respectfully submitted. If you have any questions with respect to this submission or require any additional information, please do not hesitate to contact me.

Yours very truly,  
WISHART LAW FIRM LLP

  
ORLANDO M. ROSA  
Telephone Ext.: 231  
Email: orosa@wishartlaw.com  
Assistant: Gina Cicchelli  
Telephone Ext. 229  
Email: gicchelli@wishartlaw.com

OMR:gc  
H:\Antorisa\Derry Road\Correspondence\regional-clerk.flr.doc

*Wishart*  
LAW FIRM LLP

390 Bay Street, Suite 500  
Sault Ste. Marie, Ontario  
Canada P6A 1X2  
Tel. 705.949.6700  
Fax 705.949.2465

www.wishartlaw.com

*Blakes*

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OCT 24 2011

PW-DS, GS IP  
6th FL, 10 PCD, Suite A  
REGION OF PEEL

Blake, Cassels & Graydon LLP  
Barristers & Solicitors  
Patent & Trade-mark Agents  
199 Bay Street  
Suite 2800, Commerce Court West  
Toronto ON M6L 1A9 Canada  
Tel: 416-863-2400 Fax: 416-863-2653

Gerald S. Swinkin  
Partner  
Dir: 416-863-5846  
gerald.swinkin@blakes.com

Reference: 67519/2

October 20, 2011

VIA E-MAIL and  
COURIER

Ms. Carol Reid  
Regional Clerk, Legislative Services  
Region of Peel  
10 Peel Centre Drive  
Suite A, 5<sup>th</sup> Floor  
Brampton, Ontario  
L6T 4B9

RECEIVED

OCT 21 2011

REGION OF PEEL  
CLERKS DEPT.

Re: Mississauga Official Plan  
Region File No: P13-MOP 08.0, and  
Re: Notice of Appeal by Eight Acres Limited

Dear Ms. Reid:

We are counsel to Eight Acres Limited, the registered owner of lands lying on the east and west side of Shepard Avenue, south of King Street East and north of Palsley Boulevard East, in the City of Mississauga. In fact, our client's lands are specifically identified as Site 1 in the special site policies for the Downtown Hospital Character Area as particularly identified in Section 12.5.4.1 of the new Mississauga Official Plan.

There is a long planning history associated with these lands and there remains before the Ontario Municipal Board an undisposed of appeal with respect to an earlier proposed Official Plan Amendment to the Cooksville District Plan relating to this site. That appeal is referenced as OMB Case No. PL980724.

The lands of our client had originally been designated for high density residential purposes in the Township of Toronto Official Plan. Various attempts to down-designate these lands were made by prior Councils of the City of Mississauga, which actions were either deflected, deferred or appealed.

The designations for these lands on Schedule 10 to the new City of Mississauga Official Plan are Residential Medium Density, Residential Low Density and Greenbelt. Consistent with the treatment of adjacent lands to the west and north on Schedule 10 and consistent with the planning intention for these lands back to the Township of Toronto Official Plan, our client is of the view that its lands should



Page 2

be designated for High Density Residential purposes and Greenbelt as it relates to the relevant portion of the Cooksville Creek.

Consequently, our client objects to the designations on the Schedule 10 Land Use Designations Plan and objects to the references in Section 12.5.4.1.2 of the Downtown Hospital Character area policies to the designations of Residential Low Density 1 and Residential Medium Density. Our client objects to any other references on plans or in text elsewhere in the Mississauga Official Plan to a land-use designation other than Residential High Density on its lands save and except for the relevant portion of the Cooksville Creek for greenbelt purposes. With reference to the Site 1 policies in section 12.5.4.1, our client also challenges the appropriateness of the provisions in clause (d) in section 12.5.4.1.2 with specific reference to the need for housing forms that provide for the stepping of densities and building heights from higher at the north and west ends of the site to lower at the south and east ends of the site.

As an aid to understanding the planning history associated with these lands and the as yet unresolved determination of appropriate land use designation for the site, I am enclosing a copy of the decision of the Ontario Municipal Board Issued April 22, 2005 with respect to an application by the City of Mississauga regarding the outstanding appeal against OPA 3 to the Cooksville District Plan. Our client maintains its view that proper planning would identify its lands for high density residential purposes and this appeal is intended to ensure that the record reflects this continuing intention and that our client is not taken to accede to the designations shown on the land use schedule or in the policy text within the new Mississauga Official Plan.

In accordance with the requirements of the *Planning Act*, our firm cheque in the amount of \$125.00 payable to the Minister of Finance is enclosed as the appeal fee.

Our client fully reserves its rights to identify any further or other text or schedules to the Mississauga Official Plan which are connected to its objection as they may relate to the site 1 lands identified in the Official Plan.

In the event that you require any further material regarding this matter, please feel free to contact me.

Yours very truly,



Gerald S. Swirkin

GSS/kw

c: J. Humeniuk (via email)  
G. Broll (via email)

22161778

2



**WESTON CONSULTING GROUP INC.**  
'Land Use Planning Through Experience and Innovation'

October 21 2011

RECEIVED  
FILE NO. 5040

OCT 24 2011

PW-09-08-IP  
ON FL. TO P.C. AREA  
REGION OF PEEL

Regional Municipality of Peel  
Office of the Regional Clerk  
10 Peel Centre Drive, Suite A, 5<sup>th</sup> Floor  
Brampton, Ontario  
L6T 4B9

21-10-11P12:26 RCVD

**ATTENTION: Ms. Carol Reid, Regional Clerk**

Dear Ms. Reid:

**Re: Notice of Appeal of City of Mississauga By-law # 305-2010  
To Adopt the City of Mississauga Official Plan**

Weston Consulting Group Inc. (WCGI) are the planning consultants to Mr. Raffi Konlalian, registered owner of the above-referenced 1.78 hectare (4.4 acre) property situated at 2167 Gordon Drive in the City of Mississauga. Until May of this year, the City of Mississauga had been processing subdivision and rezoning applications under files OZ 06/011 W7 and T-M06002 W7 on behalf of the owner (Ann-Marie Janoscik) to permit detached dwellings on a private condominium road. The property has since changed ownership with our client Mr. Konlalian having taken ownership of the lands in May of this year. As the new authorized agents, WCGI are currently preparing a revised rezoning submission to the City of Mississauga for the subject lands

On October 14, 2010, a submission was made (see attached) by Ruth Victor on behalf of the owner of these lands requesting that the newly adopted Mississauga Plan should not apply to the development of these lands. The new owner wishes to carry forward this request as it pertains to these lands and the forthcoming rezoning proposal. As such, please consider this as our formal appeal of By-law # 305-2010. To avoid interfering with the balance of the new Official Plan, we wish to limit our appeal to the provisions of the following policies:

- Section 16.1.2.1 (Neighbourhoods Policies);
- Section 16.6.5.4.2 - Special Site 4 (Cooksville Neighbourhood Character Area Policies).

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REGION OF PEEL  
CLERK'S DEPT.

OCT 21 2011

The reasons for the requested appeal are as follows:

1. Policy 16.1.2.1 (Neighbourhoods Policies) applies not only to the subject lands, but to all lands designated Low Density I and II throughout the City of Mississauga. As such, it discourages infill redevelopment and intensification that is different from the prevailing freehold lot frontages, lot areas and built forms. This is not the appropriate

Since  
1981

Vaughan Office: 201 Millway Avenue, Unit 19,  
Vaughan, Ontario, L4K 5K8  
Tel. 905-738-8080

Oakville Office: 1660 North Service Road East, Suite 114,  
Oakville, Ontario, L6H 7G3  
Tel. 905-844-8749

method of determining "compatibility" and is inconsistent with provincial policies on intensification and redevelopment.

2. There is uncertainty as to whether the proposed policies apply to common element condominiums or their associated creation of parcels of tied lands as they only deal with lot creation through consent or draft plan of subdivision.
3. The policies do not recognize the numerous existing detached condominium developments which are currently built and occupied in the City of Mississauga. As such this amendment will result in multiple zoned sites which are not in compliance with the Official Plan.
4. Such further and other grounds as may be advised.

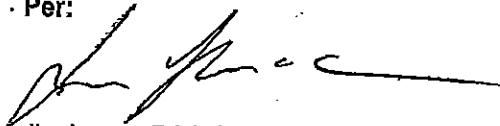
In support of the requested Notice of Appeal, please find enclosed the following:

- Completed Ontario Municipal Board Appellant Form (A1);
- A money order in the amount of \$125.00, payable to the Minister of Finance.

Please call me at (905) 738-8080 ext. 289 if you have any questions or require any additional information. Thank you.

Yours truly,  
Weston Consulting Group Inc.

Per:



Jim Levag, BAA, MCIP, RPP  
Senior Associate

Encl.

cc: Raffi Konlallan  
John B. Keyser, QC, Keyser Mason Ball LLP  
Marianne Cassin, City of Mississauga



October 14, 2010

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OCT 21 2010

City - 6th Fl, 100 Rte  
REGION OF PEEL

Mr. Brock Criger  
Manager, Development Control  
Region of Peel  
10 Peel Centre Drive  
Suites A and B  
Brampton ON L6T 4B9

Dear Mr. Criger

Re Notice of Approval - Official Plan Review City of Mississauga

Please be advised that I act on behalf of Ms. Anne-Marie Janoscik with respect to a draft plan of subdivision and zoning amendment for the lands known as 2167 Gordon Drive, Mississauga (OZ06/011 W7 and T-M06002). These applications were originally filed in 2006. We anticipate these applications will be considered by City Council in the spring of 2011.

We understand that the City of Mississauga has adopted a new Official Plan recently.

It is our view that the existing (in force and effect) Official Plan is the operative document by which the application must be considered. The policies of the recently adopted Mississauga Plan should not apply in the approval of the proposed development project.

Please accept this letter as our formal request to be notified of the approval of the new Mississauga Official Plan by the approval authority, the Region of Peel.

I look forward to hearing from you on this matter.

Yours truly,

  
Ruth Victor, MICP RPP



1243 VALLEYBROOK DRIVE, OAKVILLE, ONTARIO L6H 4Y1

T: 905.257.3590 ■ F: 905.257.1521

**AIRD & BERLIS LLP**

Barristers and Solicitors

Leo F. Longo  
Direct: 416.866.7778  
E-mail: llongo@airdberlis.com

14

October 26, 2011

File No. 105621

**DELIVERED AND EMAILED**

**RECEIVED**

Regional Municipality of Peel  
Office of the Regional Clerk  
10 Peel Centre Drive  
Suite A, 5th Floor  
Brampton, ON L6T 4B9

**OCT 27 2011**

PW-09, CS JP  
6th Fl. 10 PCO, Suite A  
REGION OF PEEL

Attention: Ms. Carol Reid, Regional Clerk  
carol.reid@peelregion.ca

**RECEIVED**

Dear Ms. Reid:

**OCT 26 2011**

Re: Notice of Decision  
Mississauga Official Plan

**REGION OF PEEL  
CLERKS DEPT.**

~~Notice of Appeal~~  
~~Orlando Corporation~~

We have been retained by Orlando Corporation in the above-captioned matter.

Pursuant to subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, we hereby appeal the above-captioned decision and the portions of Mississauga Official Plan as set out in this letter. This appeal consists of the following:

1. a completed and signed A1 - Appellant Form;
2. this letter; and
3. our firm cheque in the amount of \$125.00 to cover the applicable appeal fee.

Orlando Corporation owns a significant amount of property within the City. Through its planning consultant, our client participated during both the City and Regional processing of the new Mississauga Official Plan and provided written submissions.

In no particular order, our client hereby appeals the following policies, matters and Schedules of the Mississauga Official Plan as approved by the Region:

1. Lands municipally known as 5855 Terry Fox Way and 850 Matheson Boulevard ought to be redesignated from "Business Employment" to "Mixed Use". These sites, located within the East Credit Neighbourhood ought not to continue to be designated Business Employment. These lands are not located within an Employment Area. Policy 16.1.5.1 recognizes that such a designation in residential areas is not appropriate in the long term. Finally, the City has refused to add mention of the East Credit Neighbourhood in Policy 17.1.4.1. These sites

October 26, 2011  
Page 2

ought to be designated "Mixed Use" and form part of the abutting Heartland Town Centre lands which straddle the East Credit Neighbourhood and Gateway Employment Area. The Plan needs to recognize the "Mixed Use" designation within the East Credit Neighbourhood. The existing business employment uses on these lands ought to be recognized as a permitted use within the requested "Mixed Use" designation.

2. We object to policy 5.3.6.5 and suggest that such policy ought to only apply to employment areas, rather than to all employment lands.
3. We object to policy 8.4.7(b) and (d). These proposed policies introduce a level of inflexibility in responding to current and future business needs. The proposed policies require certain revisions to make them more appropriate and acceptable.
4. The Pearson International Airport ought to be specifically mentioned and included in policy 6.1.9.
5. Policy 5.1.1.4 ought to be amended to allow daycares in free-standing buildings set within a campus-style development.
- ~~6. Policy 15.3.1-2(i) ought to "encourage" rather than "require" compliance with same.~~
7. We object to policy 18.2 of the proposed Plan. We object to the introduction and definition of an "airport influence area". If such an area is to be established, it should only match the current Federal Airport Zoning Regulation ("AZR") and the current Airport Operating Area. There is no basis nor justification for establishing a much broader airport influence area. We object to the depiction of an airport influence area and its boundary as shown on Appendix F, Maps 2 and 3. In addition, it appears that the AZR is not correctly depicted on these Maps.
8. As Tables form part of the Official Plan, mention of such tables ought to be included in the Plan's Table of Contents.
9. A policy should be introduced that if any public parks within any business employment areas are deemed surplus and sold, such sites shall be redesignated to Business Employment without the necessity of an Official Plan Amendment.
10. Policy 1.1.4(c) makes mention of a "development master plan" to be prepared by a development proponent. There is insufficient definition and policy respecting the content of such a plan and the process under which such a plan is to be prepared by a proponent and considered by the City. As such a plan might influence lands not owned by a proponent, how are other landowners to be notified of such a proposal and provided with an opportunity to provide comment respecting same? The Official Plan should specify in greater detail what a development master plan is? When it can be called for? Who is involved in its preparation? What public notification is there of same?
11. Policy 1.1.4(v) should add the words "or practicable";

October 26, 2011  
Page 3

- (y) Should add the words "is permitted";
  - (ll) Why cannot the concept of phasing also be applied to a private landowner's development approach?
  - (nn) Please add the Growth Plan definition of "Community Infrastructure" within the enumerated list of definitions. Under that same clause, the definition of "Major Office" is missing the word "generally" which is used within the Provincial Document. The Plan's definition should include that word.
12. Policy 2.2 ought to assess the Regional Official Plan, as amended, and relate the Mississauga Official Plan's content in a more detailed fashion.
  13. Section 2.1.1 should be revised to properly identify the *Planning Act* as being R.S.O. 1990; c.P.13, as amended.
  14. Our client objects to that portion of Policy 5.1 found within the second full paragraph at page 5-2, wherein "development master plans" are discussed. It is believed that this policy is ill-conceived and not appropriate.
  15. ~~Our client objects to Policy 19.4.6 for the inclusion of "development master plan" within the required list of studies [in fact it is mentioned twice].~~
  16. Our client objects to Policy 19.4.5. We believe that an accepted pillar of sustainability is economics; and market conditions are and do influence matters of sustainability. To completely disregard same as a planning justification is not appropriate.
  17. Please review our May 10 (2011) letter to the Region respecting Orlando's lands located within the Meadowvale Business Park Corporate Centre. Our client's planning consultant's May 10 letter elaborates upon the existing approved Official Plan and Zoning policies that apply to our client's lands and requested that the Mississauga Official Plan contain a site-specific policy maintaining those current approvals. We request that the Plan be revised to achieve that result.
  18. Policy 4.5 makes reference to "sustainable design" an undefined term which we believe requires greater clarity and definition. As well, that policy speaks of developing priority routes for the efficient movement of goods. We submit that an Official Plan schedule or appendix ought to identify such routes. In addition, this policy fails to include reference to the intensification of industrial areas as per our client's past requests. We believe failure to mention such intensification is contrary to Peel ROPA No. 24. Finally, how is it that the City intends its Official Plan to support "existing and future office, industrial, institutional and commercial businesses as same is mentioned on page 4-11 of the Plan?
  19. For consistency, population and employment "projections" ought to be referred to as "forecasts", which is the term utilized by both the Province and the Region. As well, the "projected" in Policy 5.1.3 ought to be replaced with "forecasted".

October 26, 2011  
Page 4

20. How will Mississauga achieve Policy 5.3.6.2 without being sensitive to and relying upon market conditions?
  21. As noted above Policy 5.3.6.5 should only apply to the conversion of employment lands which are located in Employment Areas.
  22. We recommend a new policy 5.3.6.10 be introduced to the plan which provides "Intensification within Employment Areas may be considered where the proposed development is compatible in built form and scale to surrounding development, enhances the existing or planned development and is consistent with the policies of this Plan".
  23. Policy 10.1.4(c) should only refer to the conversion of employment lands "within Employment Areas".
  24. We believe that "Community Infrastructure" ought to be mentioned as being required in Policy 5.3.7 in meeting the needs of "Special Purpose Areas".
  25. The text under figure 5.18 ought to be revised at its end by adding the words "and development will not be restricted where it provides future opportunity to achieve longer-term design objectives".
- 
26. We object to Policy 6.1.10(a) and suggest that this policy requires greater clarity.
  27. We object to Policy 6.9.2.1 and its reference to the Airport Influence Area.
  28. Policy 6.9.2.5 should refer to the "gateway corporate" character area.
  29. Policy 8.2.1.1(e) should add the words "where permitted" pursuant to the *Planning Act*, as should Policy 8.2.1.5.
  30. While Policies 9.2.1.26, 9.2.1.38 and 9.2.1.39 are acknowledged, and potentially achievable in the long term, in the interim, new development, redevelopment and infill ought to be designed in such manner and permitted should same not prevent the long-term achievement of urban form objectives through phasing. A similar recognition ought to be inserted in Policies 9.2.2.7(b), (c) and (e).
  31. Policy 5.12 ought to be amended with the inclusion of an additional policy which provides "development may be phased in accordance with market conditions, as long as development had the longer-term functional and design capability to achieve the objectives of this plan".
  32. Policy 9.3.1.5 fails to recognize that certain elements of the design of existing and new streets within corporate centres and employment areas have unique characteristics which are required to meet the functional requirements of the permitted land uses located within such areas. A similar concern relates to Policy 9.5.4.2 as well as 9.5.1 and 9.5.3.
  33. Section 10, fifth paragraph should properly refer to the "Gateway Corporate" area.

October 26, 2011

Page 5

34. Figure 10.3 Incorrectly identifies/labels Toronto as part of Peel Region.
35. Policy 10.1.8 ought to include the phrase "where appropriate".
36. How will Local Area Plans determine the appropriate amount of ground floor retail uses within office buildings? Will market conditions be taken into account?
37. Policy 15.3.3.2(a) should refer to the "principle entry feature" in the singular, as opposed to the plural as proposed.

Our client intends to elaborate upon this appeal and its supporting reasons respecting all of the above at the eventual Ontario Municipal Board hearing.

Acknowledgement of receipt of this appeal would be greatly appreciated.

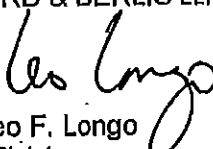
Should you require any further information or clarification respecting any aspects of this appeal, please do not hesitate to contact the undersigned.

Please provide us with notice of any future Council or Committee meetings and any staff reports that deal with the Mississauga Official Plan, this appeal or the Ontario Municipal Board proceedings respecting same.

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Yours truly,

AIRD & BERLIS LLP

  
Leo F. Longo  
LFL/ek

Encls: Cheque  
A-1 Appellant Form

- c. Orlando Corporation  
Phillip Stewart, MCIP, RPP, Pound & Stewart Associates Limited  
Crystal Greer, Clerk, City of Mississauga  
Mary Ellen Bench, Solicitor, City of Mississauga  
Ed Sajeckl, Director of Planning, City of Mississauga

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