

**Ontario Municipal Board**  
 Commission des affaires municipales  
 de l'Ontario



**ISSUE DATE:** August 11, 2015

**CASE NO(S):** PL150013

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** Paulo Seguro  
**Subject:** Request to amend the Official Plan – Failure of the City of Mississauga to adopt the requested amendment

**Existing Designation:** Low Density Residential 1 – Erindale neighbourhood Character Area

**Proposed Designated Purpose:** To permit the redevelopment of lands to four single detached dwellings

**Property Address/Description:** 2466 & 2476 Sharon Crescent  
**Municipality:** City of Mississauga  
**Approval Authority File No.:** OPA 14/003  
**OMB Case No.:** PL150013  
**OMB File No.:** PL150013  
**OMB Case Name:** Seguro v. Mississauga (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** Paulo Seguro  
**Subject:** Application to amend Zoning By-law 2005-2007- Neglect of the City of Mississauga to make a decision

**Existing Zoning:** R1-9 (Residential)  
**Proposed Zoning:** R3- (Residential)  
**Purpose:** To permit the redevelopment of lands to four single detached dwellings

**Property Address/Description:** 2466 & 2476 Sharon Crescent  
**Municipality:** City of Mississauga  
**Municipality File No.:** OZ-14/003 W7  
**OMB Case No.:** PL150013  
**OMB File No.:** PL150014

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**Heard:** July 15, 2015 Mississauga, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Paulo Seguro ("Applicant/Appellant") Virginia MacLean

City of Mississauga ("City") Raj Kehar  
Husein Panju

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. JONES AND J. de P. SEABORN ON JULY 15, 2015 AND ORDER OF THE BOARD**

[1] The Board was advised at the commencement of the hearing that Minutes of Settlement ("MOS") had been signed between the parties. The MOS included two appended documents requiring the Board's consideration and approval: Amendment No. 38 to the Mississauga Official Plan ("OP") for the Mississauga Planning Area ("OPA 38") and zoning by-law amendment ("ZBA") intended to amend By-law No. 0225-2007, the comprehensive Zoning By-law for the City. Both amendments are site specific and apply to the lands owned ("subject lands") by the Applicant/Appellant, located south of Sharon Crescent in the City.

[2] OPA 38 proposes to change the Mississauga OP from Residential Low Density 1 Special Site to permit three detached dwellings. The ZBA proposes to change the zoning from R1-9 to R1 Exception to permit three detached homes on the subject lands. The subject lands will be subject to a future application for consent, dividing the property into three lots.

[3] The Mississauga OP requires that the average lot frontage and lot area of the proposed new lots reflect existing lots within 120 metres ("m") of the subject property in order to protect the character of lands designated Residential Low Density 1 and 11. Proposed OPA 38 will add a special site policy permitting a maximum of three lots, deeming those three lots compatible with the surrounding uses and that the new lots will have similar frontages to properties located within 120 m of the subject lands.

[4] The ZBA will introduce a new zone category, R1-52, which permits a minimum lot frontage of 20.0 m (22.5 m required), a reduced interior side yard of 1.2 m for a one or two storey dwelling (required; 1.2 m plus 1.6 m for each additional storey) and a minimum lot area of 740 square metres ("m<sup>2</sup>") (required: 750 m<sup>2</sup>) The other zoning standards remain largely consistent R1-9 zone.

[5] We heard that the City's planning department supported the settlement and also that the Applicant/Appellant had originally submitted applications intended to support four lots in 2014.

[6] The neighbourhood is primarily residential in character consisting of a mix of housing types and styles. It is well served with urban amenities such as schools and shops, parks and transit services. The boundaries of the neighbourhood, described as Erindale, were Dundas Street to the north, the Queensway to the south, the Mississauga Golf and Country Club to the west and Huron Park to the east.

[7] Expert planning opinion evidence was provided by Peter Chee who has been involved with this proposal from the onset. He testified that the Provincial Policy Statement 2014 ("PPS") encourages efficient development patterns, a range and mix of housing types and the more efficient use of land and infrastructure, and policy initiatives which are represented in the applications. With regard to the Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), Mr. Chee stated that the Growth Plan encourages new growth in built up areas of communities which the applications succeed in doing.

[8] With regard to the Regional Municipality of Peel's OP, Mr. Chee stated that the efficient use of urban services and infrastructure and the appropriate provision of all housing types are policies which are satisfied by the applications. Within the context of the Mississauga OP, Mr. Chee opined that appropriate infill development is encouraged to help revitalize existing communities as long as such development is compatible. He stated that the applications achieve that objective.

[9] We heard from Tania Bricel of 2417 Old Carriage Road who was a participant in the hearing. Although Ms. Bricel is not an immediate neighbour, she testified that the City has not given due regard to drainage, that building activity is proceeding without permit approval throughout the City and further, that development opportunities are at present maximized in this area of Mississauga.

[10] The Board adopts and relies upon the opinion of Mr. Chee that the applications satisfy the principles of good planning and that the proposed changes to the Zoning By-law are minor and afford a development program compatible with built-form of the neighbourhood. The Board agrees that site conditions, which relate specifically to the proposed severances and the subsequent development of the three homes, are adequately dealt with under the terms of the MOS.

#### **ORDER**

[11] The Board orders that appeals are allowed in part and approves the OPA and ZBL (Exhibit 3), set out in Attachment 1 and Attachment 2, respectively.

*"R. Jones"*

R. JONES  
MEMBER

*"J. de P. Seaborn"*

J. de P. SEABORN  
VICE CHAIR

If there is an attachment referred to in this document,  
please visit [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) to view the attachment in PDF format.

#### **Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

Amendment No. 38

to

Mississauga Official Plan

for the

City of Mississauga Planning Area

Amendment No. 38

to

Mississauga Official Plan

for the

City of Mississauga Planning Area

The following text attached constitutes Amendment No. 38.

Also attached but not constituting part of the Amendment are Appendices I and II.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated June 2, 2015, pertaining to this Amendment.

### PURPOSE

The purpose of this Amendment is to permit three detached dwellings.

### LOCATION

The lands affected by this Amendment are located on the south side of Shuron Crescent, west of Glengarry Road. The subject lands are located in the Brindale Neighbourhood Character Area, as identified in Mississauga Official Plan. The legal description of the subject lands is Lots 2 and 3, Registered Plan 393, in the City of Mississauga, Regional Municipality of Peel.

### BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for those policies and land use designations which have been appealed to the Ontario Municipal Board.

The subject lands are designated Residential Low Density I which permits detached, semi-detached and duplex dwellings. The lands are subject to a policy requiring that the average lot frontage and lot area of new lots reflect existing lots within 120 m of the subject property in order to protect the character of lands designated Residential Low Density I and II.

The proposed Amendment adds a Special Site policy to permit a maximum of three lots on the subject lands. This is acceptable from a planning standpoint and should be approved for the following reasons:

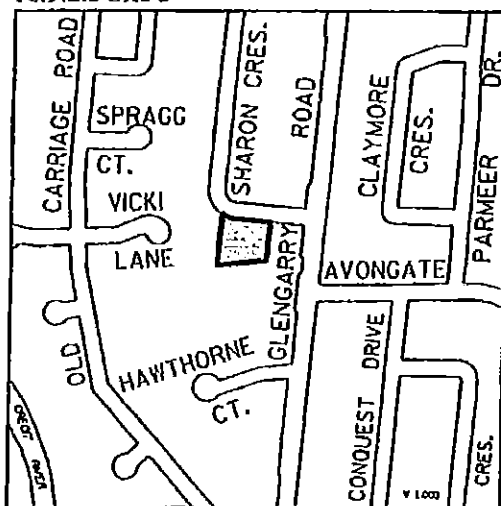
1. The proposed development is compatible with the surrounding uses.
2. The new lots have similar frontages to properties located within 120 m of the subject site.

The proposed Amendment has been approved by the Ontario Municipal Board (Case and File No.: PL150013).

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 16.9, Erindale Neighbourhood Character Area, of Mississauga Official Plan is hereby amended by revising the special site numbers on Map 16-9: Erindale Neighbourhood Character Area in accordance with the changes to the Special Site Policies.
2. Section 16.9.2, Special Site Policies, Erindale Neighbourhood Character Area of Mississauga Official Plan, is hereby amended by adding the following:

16.9.2.5 Site 5



16.9.2.5.1 The lands identified as Special Site 5 are located on the south side of Sharon Crescent, west of Glengarry Road.

16.9.2.5.2 Notwithstanding the policies of this Plan, a maximum of three detached dwellings will be permitted.

IMPLEMENTATION

Upon receipt of the Ontario Municipal Board's Final Order, Mississauga Official Plan will be amended in accordance with the Order, which will then form part of Mississauga Official Plan. The lands will be rezoned as part of the same Board Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated July 30, 2014.



### INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

APPENDIX I

PUBLIC MEETING

All property owners within a radius of 120 m of the subject lands were invited to attend a Public Meeting of the Planning and Development Committee held on June 22, 2015 in connection with this proposed Amendment.

There were no oral submissions made at the June 22, 2015 Planning and Development Committee meeting with respect to the Planning and Building Department Report dated June 2, 2015 attached to this amendment as Appendix II.

## Appendix II

**SCHEDULE "C"**

*See Attached*

ATTACHMENT 2

SCHEDULE "A" TO  
 ONTARIO MUNICIPAL BOARD  
 ORDER DATED \_\_\_\_\_

OMB File No. PL150013  
 OMB Case No. PL150013  
 Paulo and Susan Seguro

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

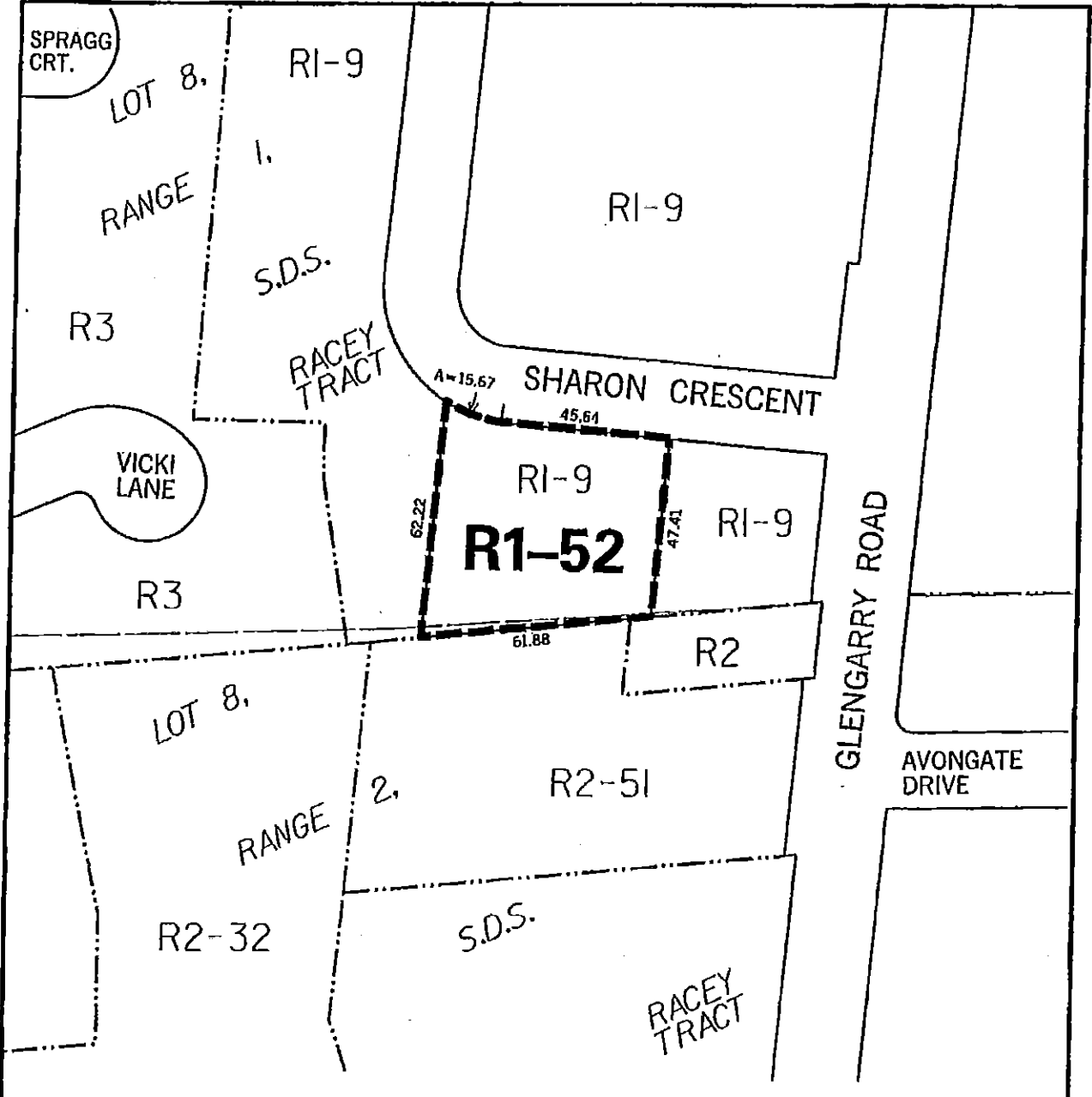
4.2.2.52	Exception R1-52	Map # 16	By-law
In a R1-52 zone the permitted uses and applicable regulations shall be as specified for a R1 zone except that the following uses/regulations shall apply:			
<b>Regulations</b>			
4.2.2.52.1	Minimum lot frontage		20.0 m
4.2.2.52.2	Maximum lot coverage		35%
4.2.2.52.3	Minimum front yard - Interior lot		9.0 m
4.2.2.52.4	Minimum interior side yard		1.2 m + 0.61 m for each additional storey or portion thereof above 2 storeys

2. Map Number 16 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "R1-9 " to "R1-52", the zoning of Part of Lot 8, Range 1 and 2, South of Dundas Street, Racey Tract, in the City of Mississauga, PROVIDED HOWEVER THAT the "R1-52" zoning shall only apply to the lands which are shown on the attached Schedule "A", which is deemed to be an integral part of this By-law, outlined in the heaviest broken line with the "R1-52" zoning indicated thereon.

**Insert Schedule "A"**

**Note:** The wording on Schedule "A" should be:

**THIS IS SCHEDULE "A" TO  
SCHEDULE "A" OF O.M.B.  
ORDER DATED \_\_\_\_\_  
OMB File No. PL150013  
OMB Case No. PL150013**



This is not a Plan of Survey. Dimensions shown taken from a Survey prepared by Gulda Papa Surveying Ltd., O.L.S., dated September 26, 2013.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A" TO  
SCHEDULE "A" OF O.M.B.

ORDER DATED \_\_\_\_\_

O.M.B. FILE NO. PL150013

O.M.B. CASE NO. PL150013

**APPENDIX "A" TO SCHEDULE "A" OF**

**OMB ORDER DATED \_\_\_\_\_**

OMB File No. PL150013

OMB Case No. PL150013

**Explanation of the Purpose and Effect of the By-law**

The purpose of this By-law is to permit three detached homes.

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "R1-9" (Detached Dwellings - Typical Lots - Exception) to "R1-52" (Detached Dwellings - Typical Lots - Exception).

"R1-9" permits detached dwellings with a minimum lot frontage of 22.5 m (73.8 ft) and regulations for lot coverage and setbacks.

"R1-52" permits detached dwellings with a minimum lot frontage of 20.0 m (65.6 ft), a minimum interior front yard of 9.0 m (29.5 ft) and reduced interior side yard setback.

**Location of Lands Affected**

South side of Sharon Crescent, west of Glengary Road, in the City of Mississauga, as shown on the attached Map designated as Schedule "A".

[http://teamsites.mississauga.ca/sites/18/Dylaws/OZ14003W7OMB\\_June.23.2015.as.docx](http://teamsites.mississauga.ca/sites/18/Dylaws/OZ14003W7OMB_June.23.2015.as.docx)\\mcc



## Schedule "D"

### Conditions of Approval

#### City of Mississauga:

1. All fees to be paid in accordance to the City's Fees and Charges By-law No. 0296-2014 as may be amended or superseded from time to time..
2. Satisfactory arrangements to be made with Enbridge Gas Distribution for servicing and meter installation.
3. When applicable, prior to the removal of any trees, a permit shall be obtained pursuant to By-law No. 254-12 (City's Private Tree By-law), as may be amended or superseded from time to time.
4. A revised Functional Servicing, Grading and Servicing Plan must be submitted to the City's Transportation and Works Department to address the following:
  - (a) all downspouts are to be splashed to grade. Foundation drains are to be sumped and pumped to grade with outlets to drain towards the front of the home.
  - (b) high points shall be shifted as far back as possible to allow for roof leaders and the side lot swales to drain to the front of lot.
  - (c) low Impact Development techniques and initiatives, in lieu of permeable pavers on the driveways, rainwater harvesting using rain barrels; discharging the rainwater leaders onto grass swales; and/or groundwater recharge using enhanced grass swales/infiltration areas shall be implemented.
5. The following clauses are to be included on the grading plan:

"The geotechnical and environmental suitability of the fill will be assessed by the Geotechnical Engineer." ; and

"All debris on site will be removed in accordance with all applicable guidelines and regulations."
7. The following revisions shall be made to the grading plan:

The grading plan shall include side yard setback dimensions and additional proposed elevations at each corner of the building, driveways, along the property line, it shall also identify the width of the proposed access driveways at the

property line and at the street line in order to determine the amount of curb works required.

8. Payment in cash or a certified cheque in the amount of \$2850.00 (6 deciduous trees at \$475.00 each, up to 60mm calliper) for street tree planting on Sharon Crescent. These calculations are subject to the Community Services Department – Park Planning's latest requirements prior to by-law enactment.

**Dufferin-Peel Catholic District School Board:**

9. The following warning clauses shall be included in all offers of purchase and sale of residential lots until the permanent school for the area has been completed:
  - (a) "Whereas, despite the best efforts of the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside of the neighbourhood, and further, that students may later be transferred to the neighbourhood school."
  - (b) "That the purchasers agree that for the purpose of transportation to school, the residents of the subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board."

**Peel District School Board:**

10. The following clause shall be placed in any agreement of purchase and sale entered into with respect to any lots on this plan, within a period of five years from the date of registration of the agreement:

"Whereas, despite the efforts of the Peel District School Board, sufficient accommodation may not be available for all anticipated students in the neighbourhood schools, you are hereby notified that some students may be accommodated in temporary facilities or bused to schools outside of the area, according to the Board's Transportation Policy. You are advised to contact the School Accommodation department of the Peel District School Board to determine the exact schools."