

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: March 26, 2019

CASE NO(S): PL170479

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	Maple Valley Development Corporation Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment
Existing Designation:	"Residential Low Density 1"
Proposed Designated:	"Residential Medium Density" and "Residential Low Density II" and to repeal the current Section 16.2.3 .4 ("Special Site 4") for the Applewood Neighbourhood Character Area and replace it with an amended version
Purpose:	To permit 38 three storey stacked townhouse units, 4 three storey street townhomes and a public walkway
Property Address/Description:	3111 & 3123 Cawthra Road
Municipality:	City of Mississauga
Approval Authority File No.:	OPA/OZ-16/001
OMB Case No.:	PL170479
OMB File No.:	PL170479
OMB Case Name:	Maple Valley Development Corporation Inc. 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:	Maple Valley Development Corporation Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 - Neglect of the City of Mississauga to make

Existing Zoning: a decision
 Residential Low Density 1 – Special Site 4
 Proposed Zoning: R3 (detached dwellings to RM9 - Exception
 Horizontal Multiple Dwellings
 Purpose: To permit 38 three storey stacked townhomes and
 condominium road
 Property Address/Description: 3111 & 3123 Cawthra Road
 Municipality: City of Mississauga
 Municipality File No.: OPA/OZ-16/001
 OMB Case No.: PL170479
 OMB File No.: PL170480

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Maple Valley Development Corporation Inc.
 Subject: Proposed Plan of Subdivision - Failure of City of
 Mississauga to make a decision
 Purpose: To permit 2 residential blocks, a public walkway
 and a new public road (a cul-de-sac at the end of
 Ericson Road)
 Property Address/Description: 3111 & 3123 Cawthra Rd
 Municipality: City of Mississauga
 Municipality File No.: TM-16/001
 OMB Case No.: PL170479
 OMB File No.: PL170481

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

Applicant and Appellant: Sky-Cawthra Development Inc.
 Subject: Request to amend the Official Plan - Failure of
 City of Mississauga to adopt the requested
 amendment
 Existing Designation: Residential Low Density 1
 Proposed Designated: Residential Medium Density
 Purpose: To permit 6 condominium townhouse units
 Property Address/Description: 3105 Cawthra Road
 Municipality: City of Mississauga
 Approval Authority File No.: OZ 17/011 W3
 OMB Case No.: PL180336
 OMB File No.: PL180336
 OMB Case Name: Sky-Cawthra Developments Inc. 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:	Sky-Cawthra Development Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 - Refusal or neglect of the City of Mississauga to make a decision
Existing Zoning:	"R3" Zone
Proposed Zoning:	"RM6" zone and site specific
Purpose:	To permit 6 condominium townhouse units
Property Address/Description:	3105 Cawthra Road
Municipality:	City of Mississauga
Municipality File No.:	OZ 17/011 W3
OMB Case No.:	PL180336
OMB File No.:	PL180337

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sky-Cawthra Development Inc.
Subject:	Proposed Plan of Subdivision - Failure of the City of Mississauga to make a decision
Purpose:	To permit 6 condominium townhouse units
Property Address/Description:	3105 Cawthra Road
Municipality:	City of Mississauga
Municipality File No.:	T-M 17003 W3
OMB Case No.:	PL180336
OMB File No.:	PL180338

Heard: February 27, 2019 in Mississauga, Ontario

APPEARANCES:

Parties

Counsel

Maple Valley Development Corporation Inc. ("Maple")

Mary Flynn-Guglietti

Sky-Cawthra Development Corporation Inc. ("Sky-Cawthra")

Brad Teichman

City of Mississauga ("City")

Michal Minkowski

Regional Municipality of Peel ("Region")

Rachel Godley

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON
FEBRUARY 27, 2019 AND ORDER OF THE TRIBUNAL**

PROCEEDINGS

[1] This hearing was converted to a settlement hearing upon the Parties' agreement on revised planning instruments that will permit two residential developments with a total of 38 units. The Parties acknowledge the assistance of Tribunal-led mediation and their own further post-mediation cooperation in resolving the issues.

[2] These files had been consolidated at the Pre-hearing Conference ("PHC") at the request of the Parties because the properties will share one vehicle access to a public road.

[3] Counsel advised that the two Participants granted status at the PHC are satisfied with the mediated resolution and are not attending this hearing.

[4] For the Tribunal's consideration, the Parties tendered, for each property, an Official Plan Amendment ("OPA"), Zoning By-law Amendment ("ZBA") and Draft Plan of Subdivision ("Subdivision") with conditions, comprising a total of six instruments.

[5] The two adjacent properties front onto the east side of Cawthra Road and will share a common access at the signalized intersection of Cawthra Road and Silver Creek Boulevard.

[6] On the north parcel of 0.61 hectares ("ha"), Maple Valley will develop 32 townhouses and two detached dwellings. Eight standard townhouses in two blocks will face Cawthra Road with vehicle access from a rear lane. The centre of the development will contain 24 stacked townhouses in four blocks, along with a children's play area, visitor parking and waste storage enclosure. The east limit of the property will contain two detached dwellings fronting onto a cul-de-sac extension of Ericson Road.

[7] On the south parcel of 0.14 ha, Sky-Cawthra will develop six townhouses. A front block of three units will face the street with rear garages, and a rear block of three units will face the internal road. Access will be gained over the internal road of the Maple Valley development, and the Sky-Cawthra residents will also have legal access to the children's play area, visitor parking and waste storage on the Maple Valley site.

[8] Each property will have its own condominium corporation. Reciprocal registered easements and cost-sharing agreements between the two condominium corporations will ensure access to and maintenance of the shared facilities.

[9] Two Registered Professional Planners testified on behalf of the Parties in support of the settlement, both of whom the Tribunal qualified to provide opinion evidence in the area of land use planning. James Levac was retained by Maple Valley and Ryan Mino-Leahan was retained by Sky-Cawthra.

[10] The Planners agree that the OPA, ZBA and Subdivision for their respective client's property satisfy all legislative tests under the *Planning Act* ("Act"), being regard for the provincial interests of s. 2 of the Act, consistency with the Provincial Policy Statement, conformity with the Growth Plan for the Greater Golden Horseshoe, conformity with the Region's Official Plan, conformity with the City's Official Plan ("OP"), and satisfy s. 51(24) of the Act.

[11] In support of their conclusions, the Planners note that the developments constitute intensification with a mix of housing types along a Regional Road identified as a Corridor in the OP. The area is intended for mixed use, compact and transit-supportive development that is appropriate for the neighbourhood context. The site designs respect surrounding uses, including a temple to the north, walk-up apartment to the south, cemetery to the east, and commercial uses across Cawthra Road. The two detached dwellings fronting an extension of Ericson Road respond to the lower density housing along that street. In addition, the Planners consider all relevant provincial, Region and City policies to be satisfied by, among other matters, the 4.5 metre road widening along Cawthra Road to support a multi-use pathway, the street-facing units in

support of a safe and desirable public realm, the integrated pedestrian and vehicle circulation to address public safety and transportation efficiency, and the unit density and shared services in support of the efficient use of land, community services and infrastructure. The Planners further advise that the Draft Subdivision with conditions satisfy all requirements of s. 51(24) of the Act.

[12] The Tribunal accepts the conclusions of the Planners and finds that the planning instruments to effect these developments satisfy all legislative tests as listed above. The developments represent desirable housing intensification within the built-up area at a suitable scale and design for the area context. With the consent of all Parties, the Tribunal will approve the applications as set out below.

ORDER

[13] The Tribunal orders that the appeals by Maple Valley are allowed in part and

- the OPA is approved as set out in Attachment 1;
- Zoning By-law No. 0225-2007 is amended by the ZBA set out in Attachment 2; and
- The Draft Subdivision is approved as set out in Attachment 3, and subject to the conditions set out in Attachment 4.

[14] The Tribunal orders that the appeals by Sky-Cawthra are allowed in part and

- the OPA is approved as set out in Attachment 5;
- Zoning By-law No. 0225-2007 is amended by the ZBA set out in Attachment 6; and
- the Draft Subdivision is approved as set out in Attachment 7 and subject to the conditions set out in Attachment 8.

[15] The Tribunal orders that pursuant to s. 51(56.1) of the Act, the City shall have the authority to clear the above-noted conditions attached to the draft plan approval and to administer final approval of the plans of subdivision for the purposes of s. 51(58) of the Act. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

“S. Tousaw”

S. TOUSAW
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**Amendment No. 91
to
Mississauga Official Plan**

**Amendment No. 91
to
Mississauga Official Plan**

The following text and Map "A" attached constitute Amendment No. 91.

PURPOSE

The purpose of this Amendment is to change the land use designation of the subject lands from Residential Low Density I to Residential Low Density II and Residential Medium Density and to amend Special Site 4 by removing the subject lands from the Special Site 4 map.

LOCATION

The lands affected by this Amendment are located on the east side of Cawthra Road, north of Dundas Street East. The subject lands are located in the Applewood Neighbourhood Character Area, as identified in Mississauga Official Plan.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Local Planning Appeal Tribunal.

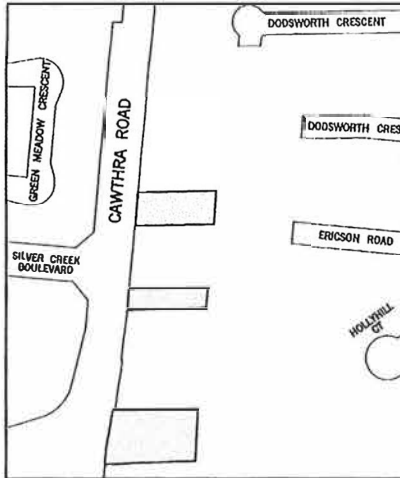
The subject lands are designated Residential Low Density I which permits detached dwellings, semi-detached dwellings and duplex dwellings. The Special Site policies permit offices and state that development approval will be subject to the approval of a tree survey which demonstrates appropriate tree preservation measures.

An Official Plan Amendment is required to permit townhouses.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 16.2.4.4, Special Site Policies, Applewood Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by replacing the Special Site 4 map with the following:

16.2.4.4 Site 4



2. Schedule 10, Land Use Designations of Mississauga Official Plan, is hereby amended by changing the land use of the subject lands from Residential Low Density I to Residential Low Density II and Residential Medium Density, as shown on Map "A" of this Amendment.

IMPLEMENTATION

Upon receipt of the Local Planning Appeal Tribunal's Final Order, Mississauga Official Plan will be amended in accordance with the Order.

The lands will be rezoned as part of the same Tribunal Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan August 1, 2018.

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.

[http://teamsites.mississauga.ca/sites/18/MOPA/OZ 16 001.MOPA 91 LPAT.as.jmcc.docx](http://teamsites.mississauga.ca/sites/18/MOPA/OZ%2016%20001.MOPA%2091%20LPAT.as.jmcc.docx)

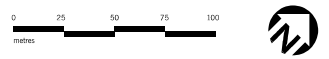


- ### LAND USE DESIGNATIONS
- Residential Low Density I
 - Residential Low Density II
 - Residential Medium Density
 - Residential High Density
 - Mixed Use
 - Convenience Commercial
 - Motor Vehicle Commercial
 - Office
 - Business Employment
 - Industrial
 - Airport
 - Institutional
 - Public Open Space
 - Private Open Space
 - Greenlands
 - Parkway Belt West
 - Utility
 - Special Waterfront
 - Partial Approval Area

- ### BASE MAP INFORMATION
- Heritage Conservation District
 - 1996 NEP/2000 NEF Composite Noise Contours
 - LBPIA Operating Area Boundary See Aircraft Noise Policies
 - Area Exempt from LBPIA Operating Area
 - Natural Hazards
 - Civic Centre (City Hall) City Centre Transit Terminal
 - GO Rail Transit Station
 - Public School
 - Catholic School
 - Hospital
 - Community Facilities

- ### City Structure
- Downtown
 - Major Node
 - Community Node
 - Neighbourhood
 - Corporate Centre
 - Employment Area
 - Special Purpose Area

- AREA OF AMENDMENT
- FROM: RESIDENTIAL LOW DENSITY I
- TO: RESIDENTIAL LOW DENSITY II, RESIDENTIAL MEDIUM DENSITY



MAP 'A'
 Part of Schedule 10
 Land Use Designations
 of Mississauga Official Plan



EXISTING LAND USE DESIGNATION

AMENDED LAND USE DESIGNATION