



DECLARATION

Section 17 of the Planning Act

Applicant: City of Mississauga
Municipality City of Mississauga
Our File: OPA 138

I, Sacha Smith, Deputy Clerk, solemnly declare,

1. That the decision in respect of the above-noted matter was made on July 6, 2022 when By-law Number 0185-2022 was enacted and that notice as required by Section 17 of the Planning Act was given on July 14, 2022.
2. That no appeal to the Ontario Land Tribunal of the decision in respect of the above-noted matter was received under Section 17 of the Planning Act within the time specified for submitting an appeal.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me

at the City of Mississauga

in the Regional Municipality of Peel

This 4th day of August, 2022

Commissioner of Oaths

Declarant

Sacha Smith, Manager & Deputy Clerk

Karolina Surowiec, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the City of Mississauga.
Expires January 12, 2025.



Notice of Passing of an Official Plan Amendment (OPA 138)

City-Initiated By-law affecting all lands within the City of Mississauga

Date of Decision: July 6, 2022
Date of Notice: July 14, 2022
Last Date of Appeal: August 3, 2022

TAKE NOTICE that on July 6, 2022, the Council of the Corporation of the City of Mississauga passed By-law 0185-2022, to amend the Official Plan, under Sections 17 or 21 of the Planning Act, R.S.O., 1990, c.P.13 as amended. Council has considered the written and oral submissions from the public on this matter.

THE PURPOSE AND EFFECT of the Official Plan Amendment is to add implementation policies that specify the scope of the delegated authority given to the Commissioner of Planning and Building to pass by-laws that are minor in nature under section 34, Zoning By-laws, of the *Planning Act*.

IF YOU WISH TO APPEAL to the Ontario Land Tribunal, a copy of an appeal form is available from the OLT website at <https://olt.gov.on.ca/>. An appeal may be filed by registered mail or courier addressed to the Clerk of the City of Mississauga, Attention: Diana Rusnov, 300 City Centre Drive, Mississauga, ON L5B 3C1, no later than **August 3, 2022**.

Only individuals, corporations and public bodies may appeal a by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the official plan amendment and/or by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council c/o the Planning and Building Department or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

The Notice of Appeal must:

- 1) set out reasons for the appeal;
- 2) be accompanied by the fee prescribed under the *Ontario Land Tribunal Act* in the amount of \$1,100.00 per application, payable by certified cheque or money order to the Minister of Finance. A copy of the Ontario Land Tribunal Fee Schedule may be found at <https://olt.gov.on.ca/appeals-process/fee-chart/>
- 3) be accompanied by a fee in the amount of \$300.00, payable to the City of Mississauga.

MORE INFORMATION: A copy of the Official Plan Amendment in its entirety can be found at www.mississauga.ca/portal/cityhall/publicnotices, or from **Mila Yeung** of the City of Mississauga, Planning and Building Department at (905) 615-3200 X8815.

Mailing Address for Filing a Notice of Appeal

City of Mississauga
Office of the City Clerk,
300 City Centre Drive, 2nd Floor,
Mississauga ON L5B 3C1

Amendment No. 138

to

Mississauga Official Plan

By-law No. 0185-2022

A by-law to Adopt Mississauga Official Plan Amendment No. 138

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act*, the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 138, in his or her opinion the amendment conforms with the Regional Official Plan and is exempt;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan that provide for the delegation of authority to pass amending by-laws to remove the holding provision pursuant to section 39.2, of the *Planning Act*.

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. The document attached hereto, constituting Amendment No. 138 to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this 6th day of July, 2022.

Signed Bonnie Crombie

MAYOR

Signed [Signature]

CLERK

Amendment No. 138
to
Mississauga Official Plan

The following text attached constitutes Amendment No. 138.

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 10, 2022, pertaining to this Amendment.

PURPOSE

The purpose of this Amendment is to add implementation policies that specify the scope of the delegated authority given to the Commissioner of Planning and Building to pass by-laws that are minor in nature under section 34, Zoning By-laws, of the *Planning Act*.

LOCATION

The lands affected by this Amendment are all lands in the City of Mississauga.

BASIS

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

The proposed amendments are required to modify the text of the Mississauga Official Plan to implement section 39.2 of the *Planning Act* which enables City Council to delegate its authority to pass by-laws that are minor in nature to a committee of Council, or to an individual who is an officer, employee or agent of the municipality, provided that enabling Official Plan policy is in place.

The effect of the proposed Official Plan Amendment would authorize City Council to delegate the authority to pass amending by-laws to remove holding provisions.

The proposed Amendment is acceptable because it facilitates the streamlining of the planning process for certain minor zoning matters.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 19, Implementation, of Mississauga Official Plan, is hereby amended by adding the following:

19.23 Delegated Authority

19.23.1 The City may, by by-law, delegate the authority to pass zoning by-law amendments that are of a minor nature, to a committee of Council or to an individual who is an officer or employee of the municipality.

19.23.2 Delegation of authority to pass zoning by-laws shall be limited to:

- a. a by-law to remove a holding provision

19.23.3 The delegation of authority authorized under section 19.23 may be subject to such conditions as Council may, by by-law, provide.

IMPLEMENTATION

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan October 21, 2021.

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 and residents within the City of Mississauga were invited to attend a Public Meeting of the Planning and Development Committee held on July 5, 2022 in connection with this proposed Amendment.

No deputations were made at the Public Meeting and no comments were received by the Planning and Building Department.

City of Mississauga Corporate Report



<p>Date: June 10, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: LA.07-BIL (All Wards)</p>
	<p>Meeting date: July 5, 2022</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (ALL WARDS)

Bill 13, Supporting People and Business Act – Expanded Delegated Authorities

File: LA.07-BIL (All Wards)

Recommendation

1. That the proposed Mississauga Official Plan Amendment contained in the report titled "Bill 13, *Supporting People and Business Act* – Expanded Delegated Authorities" dated June 10, 2022, be approved.
2. That authority to approve removal of holding provision applications and pass amending by-laws be delegated to the Commissioner of Planning and Building and that a by-law authorizing the delegation of authority be prepared pursuant to Section 39.2 of the *Planning Act*.
3. That a by-law be enacted to amend the Council Procedure By-law 0044-2022 to reflect the authority of the Commissioner of Planning and Building to enact by-laws to amend the Zoning By-law 0225-2007 to remove holding provisions in accordance with Section 39.2 of the *Planning Act* as outlined in the report dated June 10, 2022 from the Commissioner of Planning and Building.

Background

An information meeting was held by the Planning and Development Committee on March 7, 2022, at which time an Information Report (<https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=21168>) was received by the Committee. Recommendation PDC-0018-2022 was then adopted by Council on March 23, 2022.

1. That the report dated February 11, 2022, from the Commissioner of Planning and Building entitled "Bill 13, *Supporting People and Business Act* - Expanded delegated authorities" under file LA.07-BIL, be received for information.
2. That staff be directed to return to Planning and Development Committee (PDC) for a statutory public meeting with recommendations and draft Official Plan Amendments (OPA) to delegate approval authority for the removal of holding provision applications to the Commissioner of Planning and Building.

Since the Information Report, staff have prepared the proposed official plan policy stipulating the proposed scope of authority to be delegated to the Commissioner of Planning and Building by Council pursuant to Section 39.2 – Minor by-laws delegations of the *Planning Act*. Appendix 1 of this report, Information Report, Bill 13, *Supporting People and Business Act* – Expanded delegated authorities, contains the background and rationale for the delegation authority to the Commissioner of Planning and Building. These applications are mostly technical in nature and involve staff ensuring that the conditions of approval imposed through a rezoning application process have been met to the City's satisfaction

Comments

Bill 13 has been incorporated in the *Planning Act* as Section 39.2 – Minor by-laws – delegation and is now in full force and effect. Section 39.2 provides new discretionary authority to Council regarding the delegation of planning decisions on minor zoning by-law amendment applications such as the removal holding provisions, temporary use and extensions to temporary use by-law applications. Council can also delegate the approval of the implementing by-laws for these applications to committees of council or delegated officials, subject to criteria being established through official plan policies. Bill 13 does not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the Provincial Policy Statement (PPS), conform with and not conflict with provincial plans and conform to regional and local official plans.

Each municipality has the option to determine whether to exercise this new authority and the types of applications they choose to delegate to staff or committee. At this time, staff are only recommending that Council delegate the authority to approve applications to remove holding provisions and to approve amending by-laws to the Commissioner of Planning and Building. Staff will report back to Council about the delegation of other applications and/or zoning by-laws of a minor nature in the future.

REVISED REMOVAL OF THE HOLDING PROVISION PROCESS

Since the Information Report was presented to PDC on March 7, 2022, a further delegation of authority is now being recommended. The revised process now includes Council's delegated

authority to allow the Commissioner of Planning and Building to approve by-law amendments to remove holding provisions in addition to approving the applications. Appendix 2 of this report, contains the revised removal of the holding provision application process compared to the current application process. The proposed process is anticipated to significantly reduce application processing times from the current application process by three to four months. The formal public notice from the Commissioner of Planning and Building will identify the earliest date that the Commissioner will approve an amending by-law to remove a holding provision. Staff will also discuss and keep the applicable Ward Councillor and Council fully informed via a detailed memorandum of the development application and its status prior to passing the by-law to remove the holding provision. Since the memorandum will replace the official recommendation report, the application processing timelines will be significantly reduced, benefitting Council, staff and applicants.

COMMUNITY ENGAGEMENT

The Planning and Development Committee on July 5, 2022 will be considered the official public meeting for members of the public to comment on the proposed amendments to Mississauga Official Plan (MOP) in accordance with Bill 13, *Supporting People and Business Act* or section 39.2 of the *Planning Act*. Notice of this proposed official plan amendment has been provided in accordance with the provisions of the *Planning Act*.

PLANNING ANALYSIS SUMMARY

The delegation of authority to pass zoning by-laws of a minor nature, such as the removal of the holding provisions, does not change any notice or public meeting requirements or limit appeal rights under the *Planning Act*. It also does not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the Provincial Policy Statement (PPS), conform with and not conflict with provincial plans and conform to both the Region of Peel Official Plan and the City of Mississauga Official Plan. For the removal of the holding provision applications, a formal public meeting is not required under the *Planning Act*. A notice advising of the Commissioner of Planning and Building's intention to pass an amending by-law to remove a holding provision under subsection 36(4) of the Act must still be given in accordance with Ontario Regulation 545/06.

Appendix 3 of this report, contains the proposed amendment to the Mississauga Official Plan (MOP). This amendment is necessary to delegate application and by-law approval authority to the Commissioner of Planning and Building for holding provision removal applications.

Financial Impact

A review of planning application fees is currently underway. Should Council approve this new process, the current fee will be reviewed and amended to reflect the new process.

Conclusion

The proposed amendment to MOP conforms to the new *Planning Act* provisions under section 39.2. The proposed MOP amendment, revised application process, and the delegation of by-law approval represents a progressive approach to addressing the Provincial objective of streamlining the development approval process.

Should the proposed policies be approved by Committee, the implementing official plan policies and a by-law delegating authority to the Commissioner of Planning and Building to pass by-laws to remove holding provisions will be brought forward to Council at a future date.

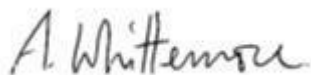
After the passage of the implementing official plan amendment and delegation By-law by Council, staff will make the necessary modifications to our ePlans system to implement the new planning application process.

Attachments

Appendix 1: Information Report

Appendix 2: Revised Removal of the Holding Provision Process

Appendix 3: Excerpt of Draft Official Plan Amendment



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Mila Yeung, Development Planner

City of Mississauga

Corporate Report



<p>Date: February 11, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: LA.07-BIL</p>
	<p>Meeting date: March 7, 2022</p>

Subject

INFORMATION REPORT (All Wards)

Bill 13, *Supporting People and Business Act* – Expanded delegated authorities

File: LA.07-BIL

Recommendation

1. That the report dated February 11, 2022, from the Commissioner of Planning and Building entitled "Bill 13, *Supporting People and Business Act* - Expanded delegated authorities" under file LA.07-BIL, be received for information.
2. That staff be directed to return to Planning and Development Committee (PDC) for a statutory public meeting with recommendations and draft Official Plan Amendments (OPA) to delegate approval authority for the removal of holding provision applications to the Commissioner of Planning and Building.

Executive Summary

- Bill 13, *Supporting People and Business Act* received royal assent on December 2, 2021 which provides a new discretionary authority to Council to delegate planning decisions dealing with zoning by-laws amendments of a minor nature to committees of council or municipal staff, subject to criteria being established through official plan policies
- Staff recommend Council consider delegating approval authority to the Commissioner of Planning and Building for holding provision removal applications
- Delegating approval authority to the Commissioner of Planning and Building on holding provision removal applications will reduce application fees and processing times by three to four months

Background

Bill 13 received royal assent on December 2, 2021 introducing process changes to the *Planning Act* for applications under Section 34 that are minor in nature. The bill provides new discretionary authority to Council to delegate planning decisions dealing with zoning by-law amendments of a minor nature; such as removal of holding provisions, temporary zoning by-law amendments and extensions to temporary use by-laws to committees of council or delegated officials, subject to criteria being established through official plan policies. Each municipality must determine whether to exercise this new authority and the types of applications they choose to delegate. This report is staff's proposed response to Bill 13 and recommended implementation measures.

PROPOSAL

Since applications to remove holding provisions are technical in nature, staff recommend Council consider delegating approval authority to the Commissioner of Planning and Building.

Comments

Bill 13 has been enacted as Chapter 34 of the Statutes of Ontario, 2021 and is in force and in full effect with the incorporation of Section 39.2– Minor by-laws – delegation into the *Planning Act*. The bill does not alter any notice or public meeting requirements or limit appeal rights. It also does not change the requirements under the *Planning Act* for land use planning decisions including consistency with the Provincial Policy Statement and conformity with Provincial Plans.

Removal of the Holding Provision Applications

Under Section 36 of the *Planning Act*, the purpose of 'H' holding provisions in a zoning by-law is to permit future uses of lands and/or buildings with specified regulations but delay development until the developer has met technical requirements and/or conditions. These requirements and conditions can include the execution of a development agreement including engineering schedules, land dedications, Section 37 agreements, environmental requirements and/or streetscape commitments. Properties with a holding provision have already been subject to a full zoning by-law amendment review process, including public consultation. The exception to this would be in our City Centre District that have holding provisions on the majority of lands. The City Centre zones and accompanying holding provisions were implemented as part of a City initiated zoning by-law amendment in 2001.

Removal of the holding provision applications are mostly technical in nature, as the applicants need only to address the conditions of holding provision removal prior to submitting an application for its removal. A formal public meeting is not required under the *Planning Act*, however, notice of Council's intention to pass the amending by-law to remove a holding provision under Subsection 36(4) of the *Planning Act* must be given in accordance with Ontario Regulation 545/06. Approval of this amending by-law is not appealable by the City or the public.

Staff recommends a revised process for removal of holding provision applications that will abbreviate the process and reduce application fees. The revised process will delegate approval authority to the Commissioner of Planning and Building Department, pursuant to Section 39.2 of the *Planning Act*. The current process to remove the holding provision involves a recommendation report from the Commissioner of Planning and Building to be prepared and presented to PDC. The revised process will entail the Planning and Building Department preparing a detailed memorandum outlining the development proposal and how the conditions of the holding provision have been met. This memorandum will be sent to Mayor and Council for their information and would simply replace the Recommendation Report that is currently prepared. This process revision is anticipated to reduce application processing times by three to four months. Formal public notice of Council's intention to remove the holding provision will still be provided in accordance with the requirements under the *Planning Act*. The proposed process is illustrated in Appendix 1 of this report. An anticipated time saving of three to four months is projected upon the implementation of this revised process. In order to implement this revised process, amendments to Mississauga Official Plan (MOP) must be presented at a Public Meeting and receive subsequent Council approval. A by-law authorizing the Commissioner of Planning and Building to become the delegated approval authority for the revised process will also need to be approved by Council.

Temporary Use By-law Extension Applications

Section 39 of the *Planning Act*, permits Council to pass by-laws regarding the temporary use of lands, buildings or structures for a maximum period of three years at a time, with the ability to grant further extensions. Staff will investigate further and report back to PDC with the recommendations to modify the temporary use by-law application process in a separate report.

Financial Impact

A review of planning application fees is currently underway. Should Council approve this new process, appropriate fee would be established.

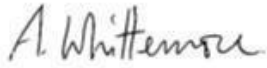
Conclusion

Mississauga's proactive approach to reviewing our planning processes would make Mississauga one of the first municipalities to implement the new Bill 13 legislation approvals. The recommended process represents a progressive approach to addressing Provincial objectives to streamline the development approval processes.

In order to implement this revised process, amendments to Mississauga Official Plan (MOP) must be presented at a Public Meeting and receive subsequent Council approval. A by-law authorizing the Commissioner of Planning and Building to be the delegated approval authority for the revised process will also need to be approved by Council. Staff will also be investigating any necessary modifications to our ePlans system to accommodate the revised approval process for removal of the holding provision applications.

Attachments

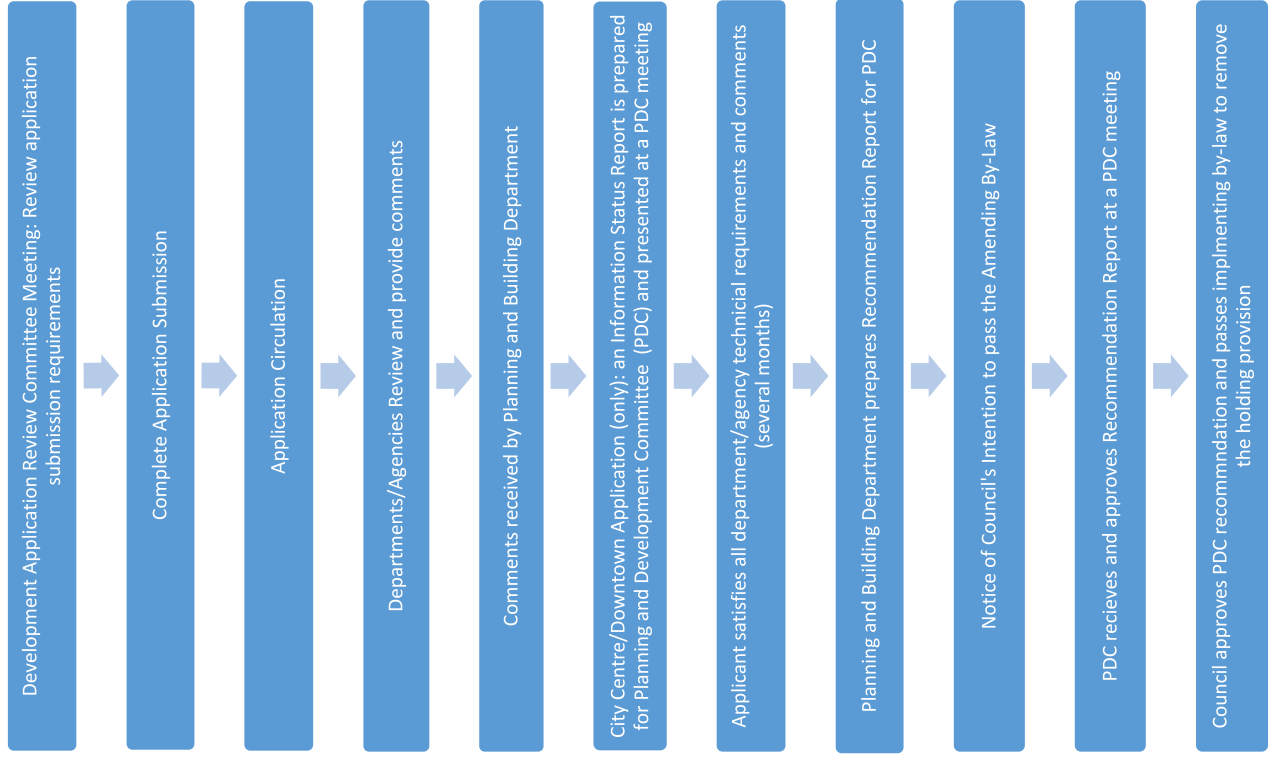
Appendix 1: Proposed Removal of the Holding Provision Process



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Mila Yeung, Development Planner

Current Removal of the Holding Provision Process – Approximately 12 Months

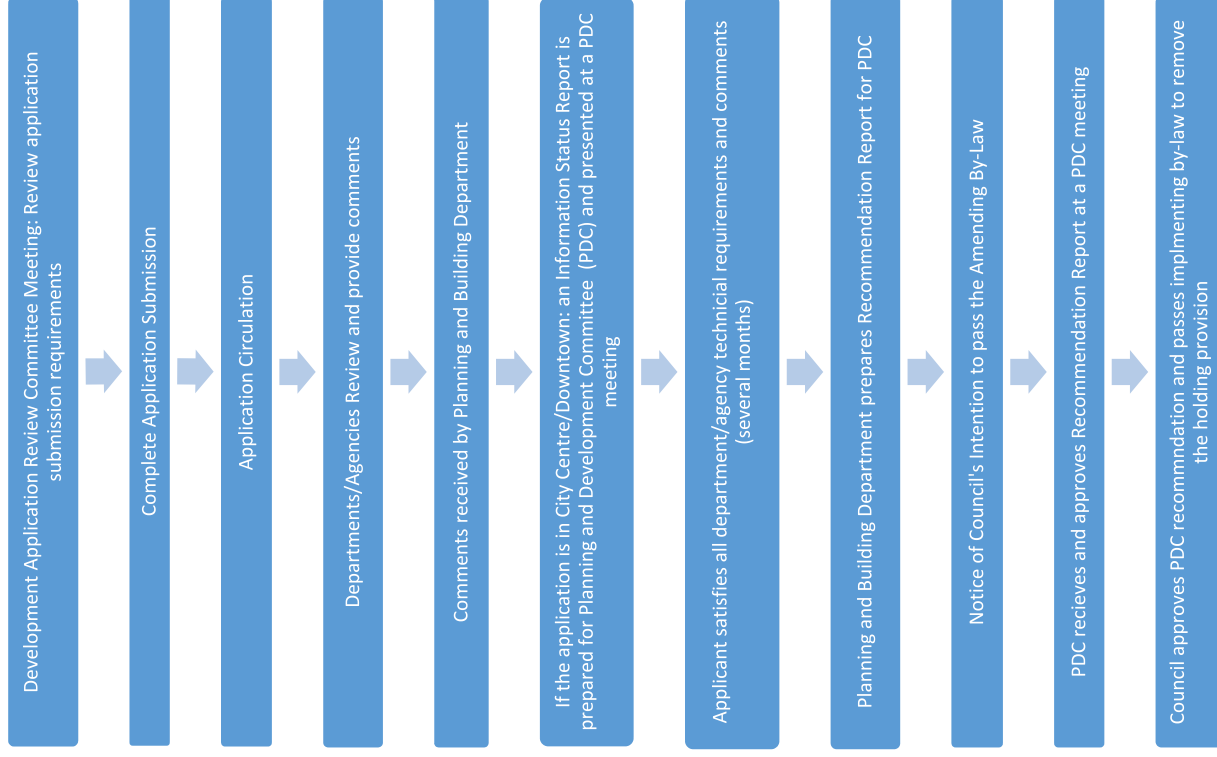


Proposed Removal of the Holding Provision Process – Approximately 8-9 Months

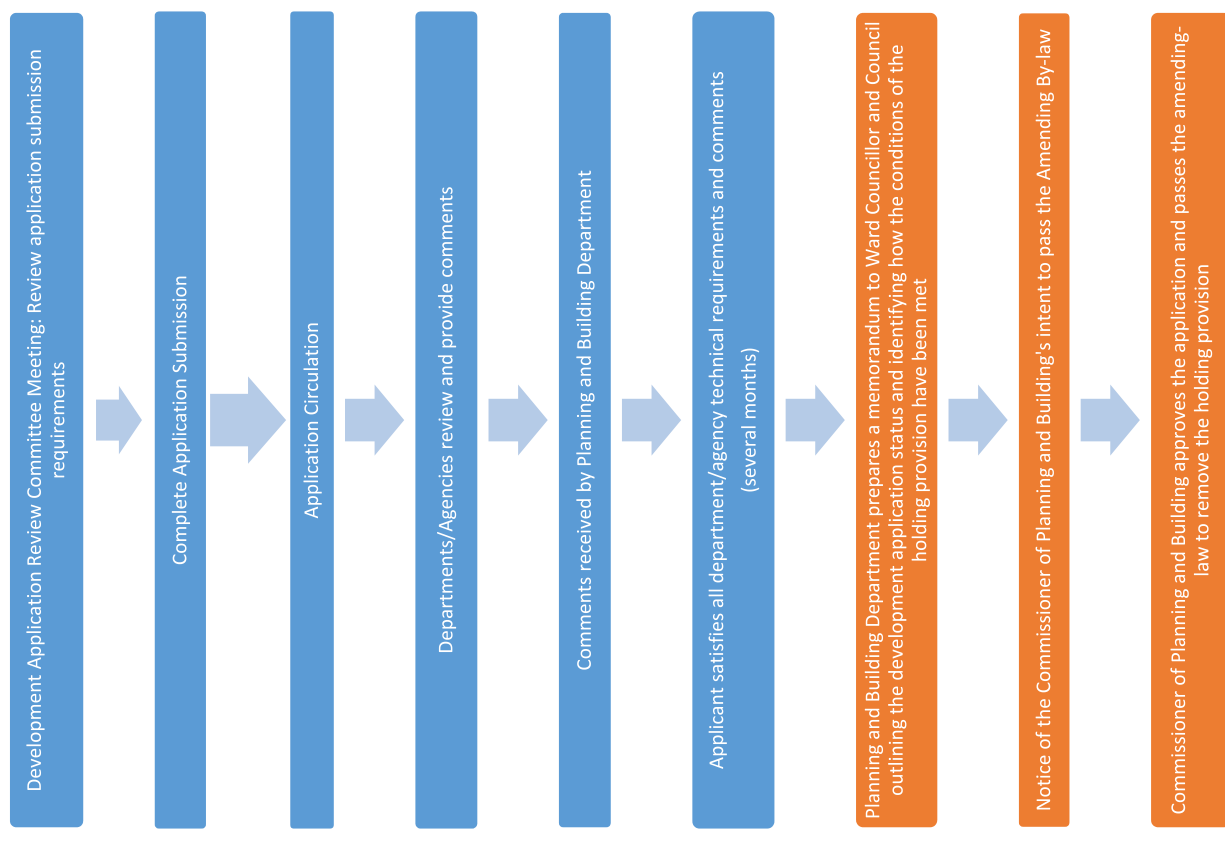


Revised Removal of the Holding Provision Process

Current Removal of the Holding Provision Process – Approximately 12 Months



Proposed Removal of the Holding Provision Process – Approximately 8-9 Months



Excerpt of Draft Official Plan Amendment

PURPOSE

The purpose of this Amendment is to add implementation policies that specify the scope the delegated authority given to the Commissioner of Planning and Building to pass by-laws that are minor in nature under section 34, Zoning By-laws of the *Planning Act*.

LOCATION

The lands affected by this Amendment are all lands in the City of Mississauga.

BASIS

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

The proposed amendments are required to modify the text of the Mississauga Official Plan to implement section 39.2 of the *Planning Act* which enables City Council to delegate its authority to pass by-laws that are minor in nature to a committee of Council, or an individual who is an officer, employee or agent of the municipality, provided enabling Official Plan policy is in place.

The effect of the proposed Official Plan Amendment would only authorize City Council to delegate the authority to pass amending by-laws to remove holding provisions.

The proposed Amendment is acceptable from a planning standpoint and should be approved since the *Planning Act* requires that the official plan contain policies that specify the delegated authority framework in order for Council to delegate its authority to pass by-laws under section 34 that are minor in nature.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 19, Implementation, of Mississauga Official Plan, is hereby amended by adding the following:

19.23 Delegated Authority

19.23.1 The City may, by by-law, delegate the authority to pass zoning by-laws amendments that are of a minor nature, to a committee of Council or an individual who is an officer or employee of the municipality.

19.23.2 Delegation of authority to pass zoning by-laws shall be limited to:

- a. a by-law to remove a holding provision;

19.23.3 The delegation of authority authorized under section 19.23 may be subject to such conditions as Council may, by by-law, provide.

IMPLEMENTATION

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan October 21, 2021.

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.