

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 12, 2022

CASE NO.: OLT-22-004037
OLT-22-004044

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

Applicant and Appellant: RioTrin Properties (Burnhamthorpe) Inc.
Subject: Request to amend the Official Plan - Failure of City of Mississauga to adopt the requested amendment
Description: To permit the intensification of an underused portion of the Property with a 25-storey mixed-use building
Reference Number: OPA/OZ 15/006
Property Address: 3900-3980 Grand Park Drive
Municipality/UT: Mississauga/Peel
OLT Case No: OLT-22-004037
Legacy Case No: PL190221
OLT Lead Case No: OLT-22-004037
Legacy Lead Case No: PL190221
OLT Case Name: RioTrin Properties (Burnhamthorpe) Inc. v. Mississauga (City.)

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

Subject: Application to amend the Zoning By-law – Refusal of application
Description: To permit the intensification of an underused portion of the Property with a 25-storey mixed-use building
Reference Number: OZ 15/006
Property Address: 3900-3980 Grand Park Drive
Municipality/UT: Mississauga/Peel
OLT Case No: OLT-22-004044
Legacy Case No: PL190222
OLT Lead Case No: OLT-22-004037
Legacy Lead Case No: PL190221

BEFORE:

T. PREVEDEL)	Tuesday, the 12th
)	
MEMBER)	day of July, 2022
)	
D. CHIPMAN)	
)	
MEMBER)	

WHEREAS RioTrin Properties (Burnhamthorpe) Inc. (“Appellant”) appealed the failure of the City of Mississauga (“City”) to make decisions on applications for an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBLA”) in relation to the property at 3900-3980 Grand Park Drive (“subject property”);

AND WHEREAS the Tribunal held a hearing on the merits and issued its decision on April 30, 2021;

AND THE TRIBUNAL having allowed the appeals and withheld the issuance of the final order until the City Solicitor, with the consent of RioTrin Properties (Burnhamthorpe) Inc. has filed with the Tribunal the final form of the OPA and ZBLA;

AND THE TRIBUNAL having been provided the OPA and ZBLA in their final form, on consent of the parties, on June 29, 2022

AND THE TRIBUNAL having reviewed the proposed OPA and ZBLA and having deemed the wording and schedules satisfactory;

THE TRIBUNAL ORDERS THAT the Official Plan of the City of Mississauga be amended in accordance with Attachment “A” attached to this order (OPA 83), and the

Zoning Bylaw of the City of Mississauga (0225-2007) be amended in accordance with Attachment "B" attached to this order.

"Euken Lui"

EUKEN LUI
REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT A

Amendment No. 83

to

Mississauga Official Plan

The following text attached constitutes Amendment No. 83.

PURPOSE

The purpose of this Amendment is:

1. To add a Special Site to the Fairview Neighbourhood Character Area to permit a 25 storey apartment dwelling (with ground floor commercial uses); and
2. To add an Area A within Special Site 1 in the Fairview Neighbourhood Character Area within which residential uses are prohibited.

LOCATION

The lands affected by this Amendment are located at the southwest corner of Burnhamthorpe Road West and Grand Park Drive. The subject lands are located in the Fairview 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 Ontario Land Tribunal.

The subject lands are designated Mixed Use which permits a range of uses including retail, restaurants, overnight accommodation and residential uses. Residential uses will be combined on the same lot or same building with another permitted use. Self storage facilities and detached and semi-detached dwellings are not permitted on this site.

The Neighbourhood policies permit a maximum of four storeys. The proposed building height is 25 storeys and requires an amendment to the Plan.

In addition, the Special Site policies applicable to the property are proposed to be amended in order to prohibit residential uses in certain areas, whereas residential uses are currently permitted within Special Site 1.

The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

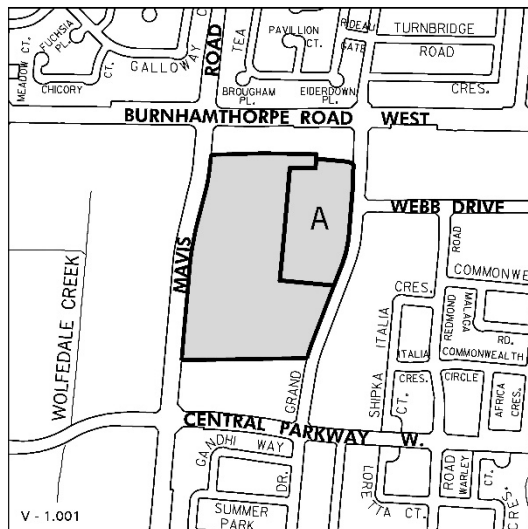
1. The proposed development is a compact, mixed use development which provides an appropriate transition between the Downtown Core to the east and the commercial and industrial developments to the west and south.
2. An apartment with ground floor commercial uses is an appropriate built form that makes efficient use of available or planned infrastructure including transit and other community services.
3. The proposed addition of an apartment with retail commercial uses at grade on an existing commercial property is appropriate as it provides intensification of an underutilized site.
4. The proposed development is compatible with surrounding land uses, including existing commercial and employment uses.

- The proposed removal of residential permissions from certain lands will ensure that an adequate buffer is retained to the existing chemical plant located on Mavis Road, south of Burnhamthorpe Road West.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

- Section 16.11, Fairview Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 4 on Map 16-11: Fairview Neighbourhood Character Area, in accordance with the Special Site Policies.
- Section 16.11.2, Special Site Policies, Fairview Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by deleting and replacing Special Site 1 map with the following:

16.11.2.1 Site 1

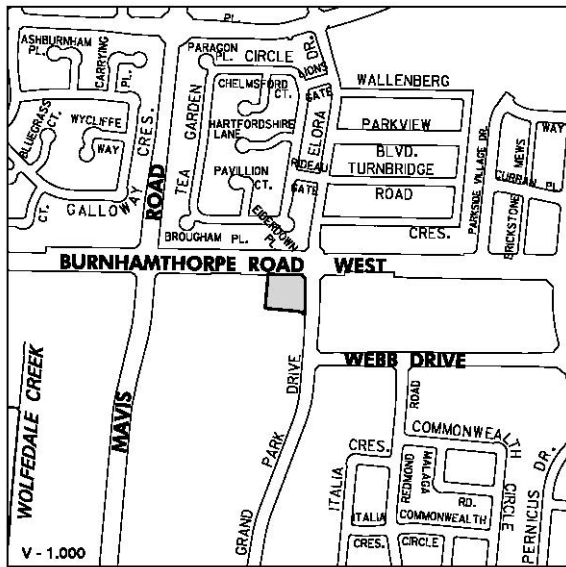


- Section 16.11.2.1, Special Site 1 Policies, Fairview Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding Policy 16.11.2.1.4 as follows:

16.11.2.1.4 Notwithstanding the policies of this Plan, on the lands identified as Area A, no residential development will be permitted until the closure of the chemical plant located on Mavis Road, south of Burnhamthorpe Road West.

- Section 16.11.2, Special Site Policies, Fairview Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 4 as follows:

16.11.2.4 Site 4



16.11.2.4.1 The lands identified as Special Site 4 are located at the southwest corner of Burnhamthorpe Road West and Grand Park Drive

16.11.2.4.2 Notwithstanding the policies of this Plan, an apartment dwelling with a maximum height of 25 storeys will be permitted.

16.11.2.4.3 Notwithstanding the policies of this Plan, non-residential uses will not be required above the ground level.

IMPLEMENTATION

Upon receipt of the Ontario Land 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 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.