

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** July 26, 2022

**CASE NO(S):** OLT-22-002361  
(Formerly PL210136)

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

Applicant and Appellant: City Park (Lakeshore) Inc.  
Subject: Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment

Existing Designation: Mixed Use  
Proposed Designated: Residential High Density and to change the maximum height permitted

Purpose: To permit retail and residential development  
Property Address/Description: 1381 Lakeshore Rd. E.  
Municipality: City of Mississauga  
Approval Authority File No.: OPA/OZ/20/018  
OLT Case No.: OLT-22-002361  
Legacy Case No.: PL210136  
OLT Lead Case No.: OLT-22-002361  
Legacy Lead Case No.: PL210136  
OLT Case Name: City Park (Lakeshore) 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: City Park (Lakeshore) Inc.  
Subject: Application to amend Zoning By-law No. 0225-2007 – neglect of the City of Mississauga to make a decision

Existing Zoning: C4 (Mainstreet Commercial)  
Proposed Zoning: RA5-Exception (Apartments – Exception)  
Purpose: To permit retail and residential development  
Property Address/Description: 1381 Lakeshore Rd. E.  
Municipality: City of Mississauga

Approval Authority File No.: OPA/OZ/20/018  
 OLT Case No.: OLT-22-002362  
 Legacy Case No.: PL210137  
 OLT Lead Case No.: OLT-22-002361  
 Legacy Lead Case No.: PL210136

**Heard:** June 30, 2022 by Video Hearing

**APPEARANCES:**

**Parties**

**Counsel**

City Park (Lakeshore) Inc.

Leo Longo

City of Mississauga

Michal Minkowski

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. ARPINO ON JUNE 30, 2022 AND ORDER OF THE TRIBUNAL**

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[1] The City Park (Lakeshore) Inc. is the owner of the property known municipally as 1381 Lakeshore Road East (“Property”). It seeks to construct an eight to 15 storey building with ground floor retail use on the Property (“Proposed Development”). The Property is located in the City of Mississauga (“City”).

[2] The Lakeview Local Area Plan policies of the City Official Plan (“City OP”) identify the Property within the Lakeshore Corridor, which restricts building heights to a maximum of four storeys. City Park (Lakeshore) Inc. (“Applicant”) submitted an application to amend the City OP (“OPA”).

[3] The Property is zoned Mainstreet Commercial pursuant to Zoning By-law No. 0225-2007 (“Zoning By-law”), the Proposed Development does not accord with the Zoning By-law.

[4] The Applicant submitted an application to amend the Zoning By-law (“ZBA”).

[5] The Applicant appealed the City's failure to make a decision regarding the ZBA and OPA within the time frame stipulated in the *Planning Act* ("Appeals").

[6] The City and the Applicant undertook mediation to resolve the Appeals. The Tribunal convened a settlement hearing at the request of the Parties.

[7] The Tribunal had before it a Document Book (Exhibit 1), a draft Zoning By-Law (Exhibit 2), and a draft OPA (Exhibit 3).

[8] The draft Zoning By-Law and draft OPA represent the Settlement Proposal, which was proffered on consent of the Parties for consideration and approval of the Tribunal ("Settlement Proposal").

[9] The Applicant called one land use planning witness, in support of the Settlement Proposal. Jim Levac was qualified by the Tribunal to provide opinion evidence in the discipline of Land Use Planning.

[10] Mr. Levac described the general neighbourhood around the Property. He testified that the City recently approved construction of a 12-storey building near the Property. There is an existing 10-storey apartment building. He stated that, east of the Property, there is a parcel that is proposed to be developed with two blocks of four-storey stacked townhouses with ground floor retail. He opined that the Proposed Development is compatible with the neighbourhood.

[11] Mr. Levac testified that the Proposed Development is strategically located near major transit. He noted that the historical arsenal building is proposed to be redeveloped as a Community Centre and Park, which would provide amenities in the neighbourhood of the Proposed Development.

[12] Mr. Levac reviewed each of the proposed ZBA and the proposed OPA in detail.

[13] Overall, it was Mr. Levac's evidence that the Settlement Proposal has regard for matters of Provincial Interest as identified in s. 2 of the *Planning Act*, is consistent with the Provincial Policy Statement, 2020 ("PPS") and conforms with the Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan"), as amended. He opined that the Settlement Proposal conforms with the Region of Peel Official Plan ("Regional OP") and the City OP.

[14] Mr. Levac recommended that the Settlement Proposal be approved.

### **ANALYSIS AND FINDINGS**

[15] The Tribunal finds on the uncontradicted planning evidence and opinions of Mr. Levac that the Settlement Proposal warrants approval.

[16] The ZBA and the OPA are consistent with the policy direction of the PPS, conforms to the planning directives of the Growth Plan, the Regional OP and the City OP.

[17] The Settlement Proposal has appropriate regard for matters of provincial interest, is consistent with the principles of good land use planning and is in the greater public interest.

### **ORDER**

[18] **THE TRIBUNAL ORDERS** that the Appeals are allowed and City of Mississauga's Zoning By-law No. 0225-2007, as amended, is hereby amended as set out in Attachment 1 to this Decision. The Tribunal authorizes the municipal clerk of the City of Mississauga to assign a number to this by-law for record keeping purposes.

[19] **THE TRIBUNAL ORDERS** that the appeal is allowed, and the City of Mississauga Official Plan is amended as set out in Attachment 2.

*“M. Arpino”*

M. ARPINO  
MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://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 1

ONTARIO LAND TRIBUNAL  
ORDER DATED \_\_\_\_\_

OLT Lead Case No. OLT-22-002361  
OLT Case No. OLT-22-002362  
City Park (Lakeshore) Inc.

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

4.15.6.60	Exception: RA5-60	Map # 05	By-law:
In a RA5-60 zone the permitted uses and applicable regulations shall be as specified for a RA5 zone except that the following uses/regulations shall apply:			
<b>Regulations</b>			
4.15.6.60.1	The provisions contained in Subsections 2.1.14 and 2.1.30, Sentence 4.1.15.1.3 and the regulations of Lines 15.2 and 15.6 contained in Table 4.15.1 of the By-law shall not apply		
4.15.6.60.2	Maximum floor space index - apartment zone		5.0
4.15.6.60.3	Minimum gross floor area - non-residential		540 m <sup>2</sup>
4.15.6.60.4	Notwithstanding Sentence 4.15.6.60.13, maximum encroachment of a balcony into a required yard		2.0 m
4.15.6.60.5	Notwithstanding Sentence 4.15.6.60.13, maximum projection of a balcony measured from the outermost face or faces of the building from which the balcony projects		2.0 m
4.15.6.60.6	Notwithstanding Sentence 4.15.6.60.5, a balcony projection will not be permitted facing Lakeshore Road East		
4.15.6.60.7	Minimum number of resident parking spaces per dwelling unit		0.92
4.15.6.60.8	Minimum number of visitor parking spaces per dwelling unit		0.20
4.15.6.60.9	Minimum aisle width within a parking structure		6.0 m
4.15.6.60.10	Minimum landscaped area		30% of the lot area
4.15.6.60.11	Minimum depth of a landscaped buffer abutting a Residential Zone		3.0 m
4.15.6.60.12	Minimum amenity area		560 m <sup>2</sup>

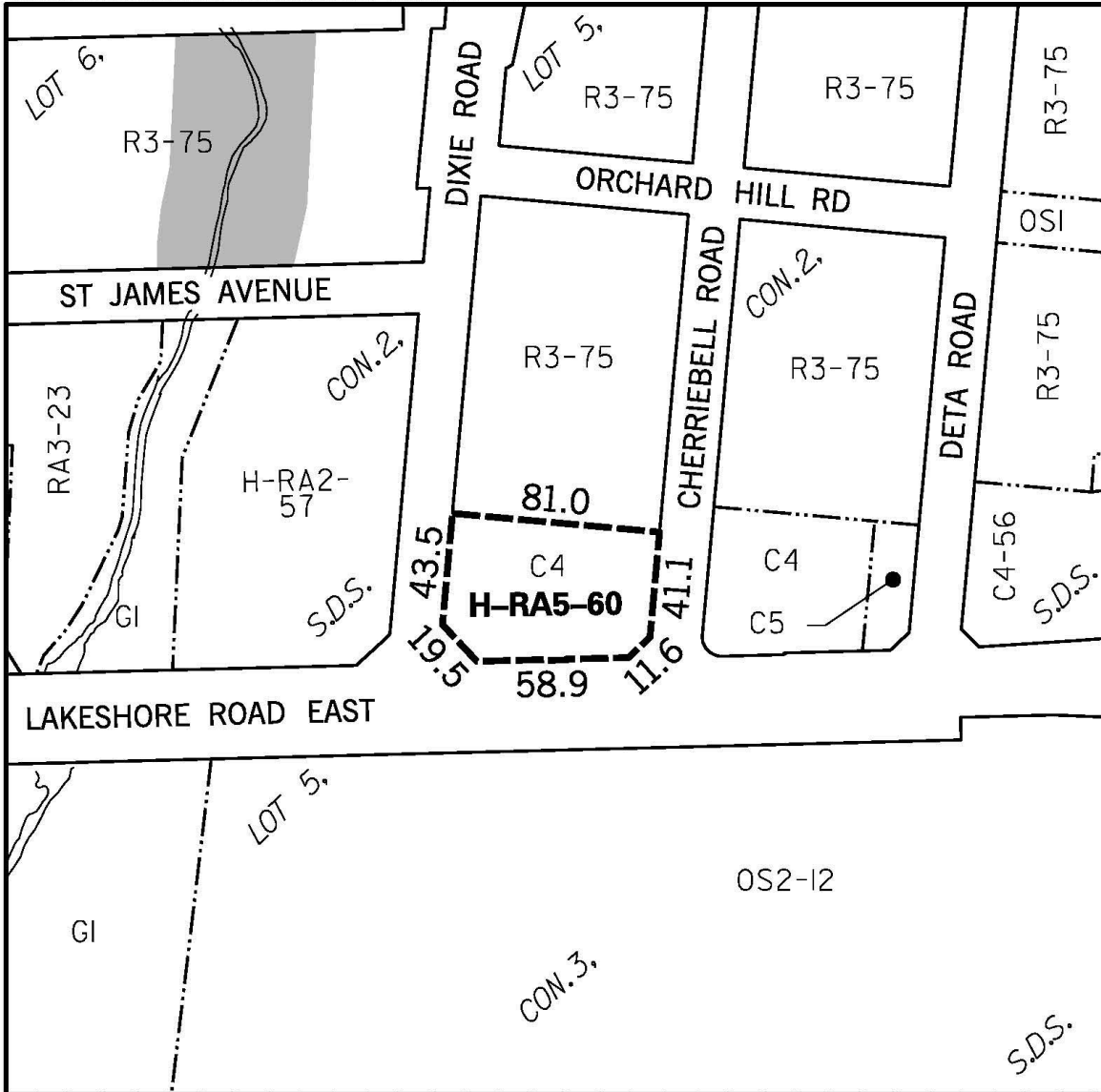
4.15.6.60	Exception: RA5-60	Map # 05	By-law:
4.15.6.60.13 All site development plans shall comply with Schedule RA5-60 of this Exception			
<b>Holding Provision</b>			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-RA5-60 by further amendment to Map 05 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <p>(1) the delivery of an executed agreement for the provision of certain facilities, services or matters, pursuant to section 37 of the <i>Planning Act</i>, as it read on the day before section 9 of Schedule 12 to the <i>More Homes, More Choices Act, 2019</i> came into force, in a form and on terms satisfactory to the City of Mississauga, with respect to the top three storeys containing residential dwelling units.</p>			

2. Map Number 05 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 "C4" to "H-RA5-60", the zoning of Part of Lot 5, Concession 2, South of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RA5-60" 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 "H-RA5-60" zoning indicated thereon.
3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 148 is in full force and effect.

[http://teamsites.mississauga.ca/sites/18/Bylaws/OZ\\_20\\_018\\_W1.by-law.df.June\\_14,\\_2022.docx](http://teamsites.mississauga.ca/sites/18/Bylaws/OZ_20_018_W1.by-law.df.June_14,_2022.docx)



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 GREENLANDS OVERLAY

This is not a Plan of Survey. Dimensions shown taken from Survey prepared by C.E. Dotterill Ltd. dated March 10, 1988.

**CITY OF MISSISSAUGA**

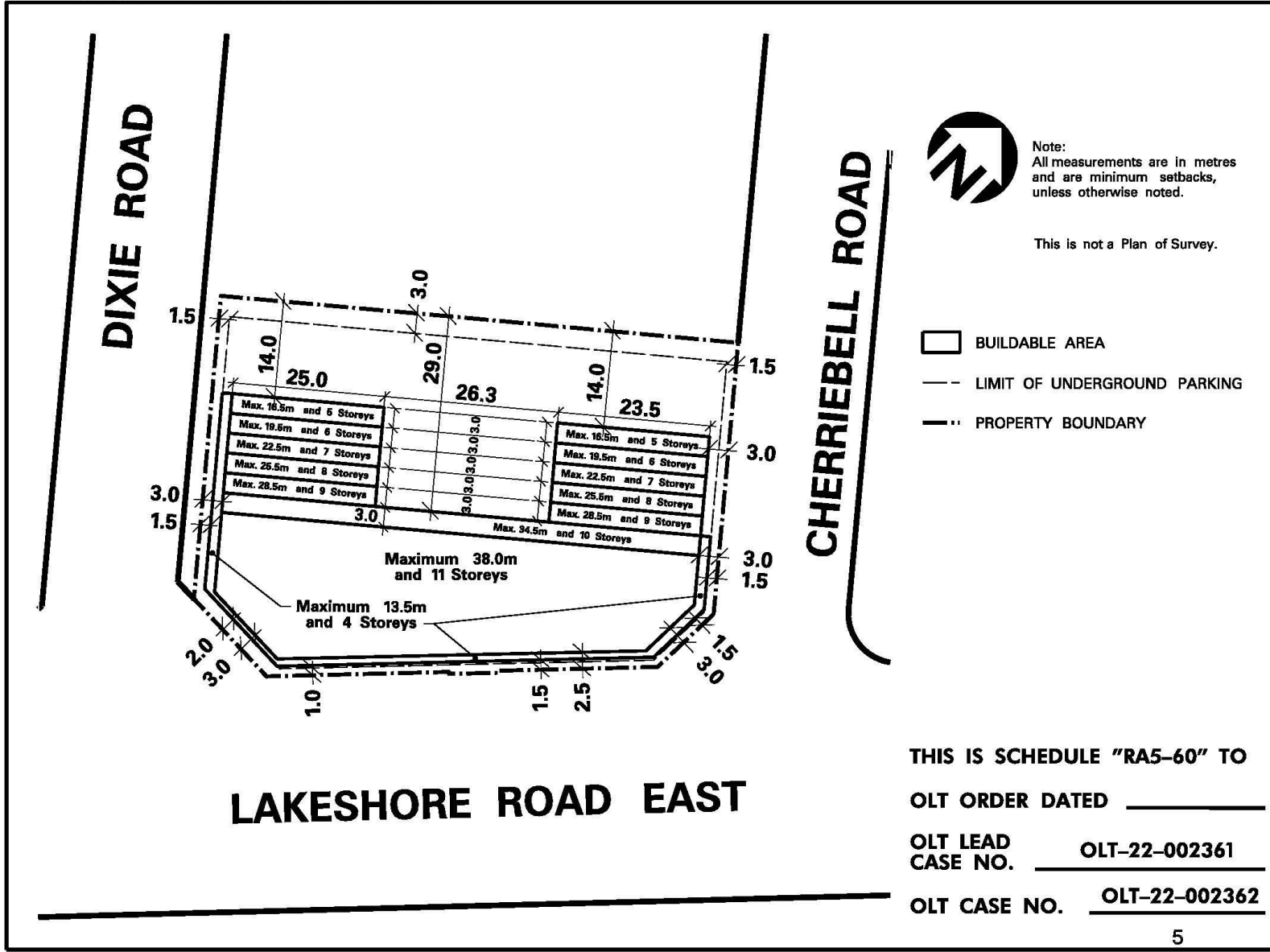
**THIS IS SCHEDULE "A" TO**

**OLT ORDER DATED** \_\_\_\_\_

**OLT LEAD CASE NO.** \_\_\_\_\_

**OLT CASE NO.** \_\_\_\_\_

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**ATTACHMENT 2**

**Amendment No. 148  
to  
Mississauga Official Plan**

**Amendment No. 148**  
**to**  
**Mississauga Official Plan**

The following text and Maps "A" and "B" attached constitute Amendment No. 148.

**PURPOSE**

The purpose of this Amendment is to change the land use designation of the subject lands from Mixed Use to Residential High Density and to add amend the Lakeview Local Area Plan Height Map and to permit an 11 storey apartment building with ground floor commercial space.

**LOCATION**

The lands affected by this Amendment are located at the northeast corner of Dixie Road and Lakeshore Road East. The subject lands are located in the Lakeview 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 combination of residential and commercial uses. Building heights are limited to between two and four storeys, as permitted by the Lakeview Local Area Plan Height Map.

An Official Plan Amendment is required to change the designation from Mixed Use to Residential High Density, in order to implement an apartment building with ground floor commercial. In addition, an amendment to the Lakeview Local Area Plan Height Map is required to permit a height of two to 11 storeys.

**DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO**

1. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the subject lands from Mixed Use to Residential High Density, as shown on Map "A" of this Amendment.
2. Map 3 of Lakeview Local Area Plan Height Limits, of the Lakeview Local Area Plan, within Mississauga Official Plan, is hereby amended by changing the height permission for the subject site from two to four storeys to two to 11 storeys as shown on Map "B" of this Amendment.

**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.

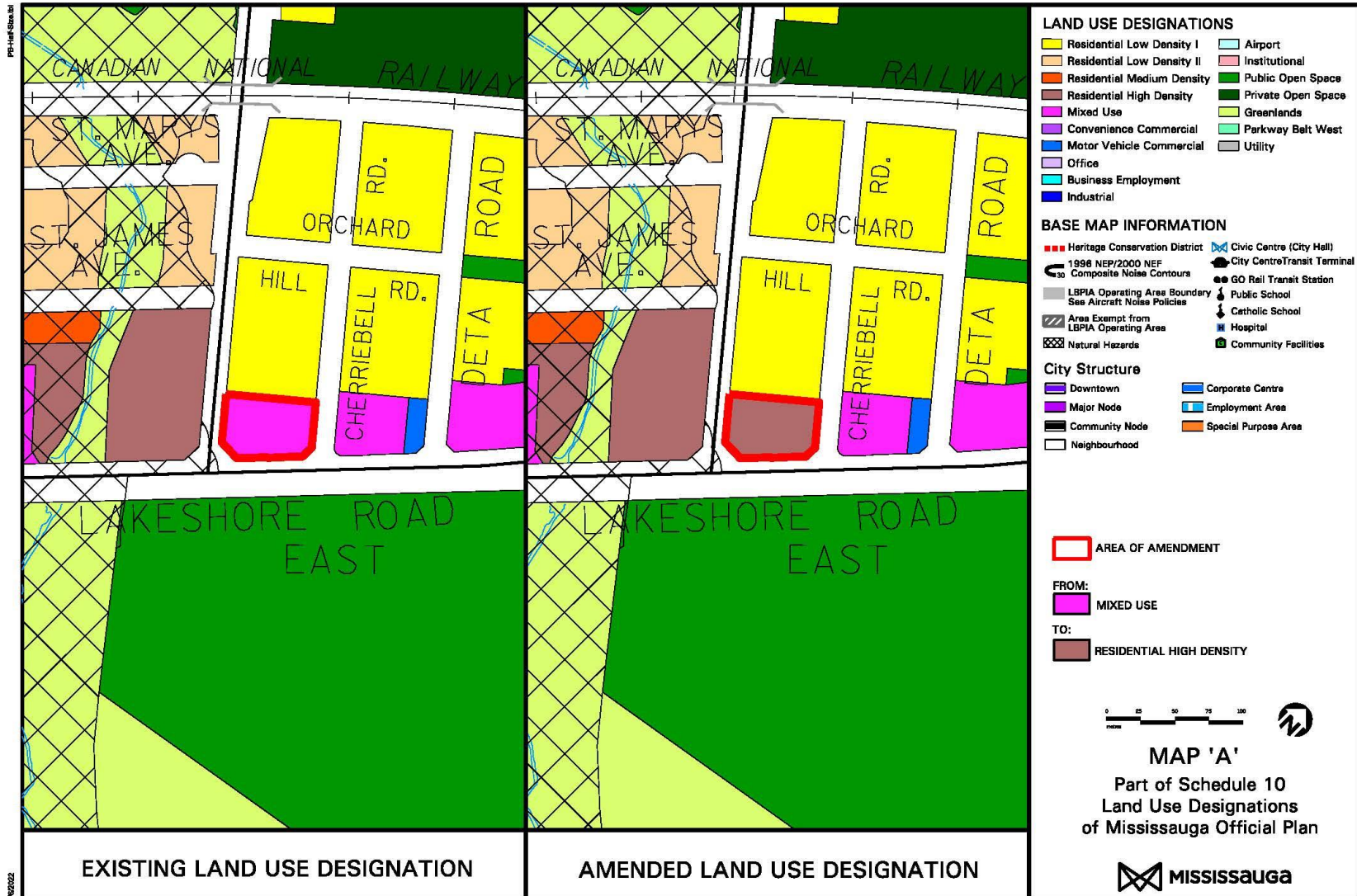
This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan October 21, 2021.

**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.

[http://teamsites.mississauga.ca/sites/18/mopa/oz 20 018 w1.mopa 148.df.june 14, 2022.docx](http://teamsites.mississauga.ca/sites/18/mopa/oz%20018%20w1.mopa%20148.df.june%2014,%202022.docx)



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