

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



**ISSUE DATE:** September 12, 2023

**CASE NO(S):** OLT-22-004373

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

Applicant/Appellant: RGF (Mississauga) Developments Inc.  
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment  
Description: To remove the identification of a local road and replacement with a pedestrian mews  
Reference Number: OPA 21-21 W4  
Property Address: 325 Burnhamthorpe Road West  
Municipality/UT: Mississauga/Peel  
OLT Case No: OLT-22-004373  
OLT Lead Case No: OLT-22-004373  
OLT Case Name: RGF (Mississauga) Developments Inc. v. Mississauga (City)

**Heard:** August 9, 2023 by Video Hearing

**APPEARANCES:**

**Parties**

**Counsel**

RGF (Mississauga) Developments Inc. P. DeMelo

City of Mississauga A. Whyte  
L. Magi (*in absentia*)

**MEMORANDUM OF ORAL DECISION DELIVERED BY P. TOMILIN ON AUGUST 9, 2023 AND ORDER OF THE TRIBUNAL**

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[Link To Order](#)**INTRODUCTION**

[1] This was a hearing with respect to the appeal by RGF (Mississauga) Developments Inc. (“Applicant” / “Appellant”) from the failure of the City of Mississauga (“City”) to make a decision on an application for an Official Plan Amendment (“OPA”), pursuant to s. 22(7) of the *Planning Act* (“Act”), for the property located at 325 Burnhamthorpe Road West (“Site” / “subject property”). The Parties have resolved their issues.

[2] The purpose and effect of the OPA is to amend Schedule 10 of the City’s Official Plan, and Schedules 1-5 of the Downtown Core Local Area Plan by replacing the planned local road with a pedestrian easement (“mews”).

[3] Lauren Capilongo, a Registered Professional Planner, provided a Sworn Affidavit (Exhibit 1) and was qualified by the Tribunal to provide land use planning opinion evidence in relation to the matter under appeal. Ms. Capilongo delivered a detailed contextual and land use planning rationale in support of the settlement.

**SITE CONTEXT**

[4] The Site has approximately 183 metres (“m”) of frontage along both Burnhamthorpe Road West and City Centre Drive, and approximately 101 m of frontage along both Confederation Parkway and Living Arts Drive, and comprises a total gross floor area of approximately 1.82 hectares (4.51 acres). The subject property is currently occupied by the Mississauga YMCA facility, a three-storey recreation centre on the east side, and by a surface parking lot on the west, and is located within City’s Downtown Core.

## **SURROUNDING CONTEXT**

[5] The Site is surrounded by a variety of residential, commercial, and institutional uses. The subject property is serviced by Mississauga Transit bus routes at the intersection of Burnhamthorpe Road West and Confederation Parkway, and the Square One Bus Terminal.

[6] To the north of the Site are the City Hall, Community Common Park, and residential buildings, some of them still under construction.

[7] To the east are the Hazel McCallion Central Library, Mississauga Celebration Square and Square One Shopping Centre.

[8] To the west are existing high-rise, mixed-use developments.

[9] To the south are commercial and office buildings, existing mixed-use developments and other mixed-use developments that are under construction.

## **DEVELOPMENT PROPOSAL**

[10] The redevelopment plan proposes a two-phase, mixed-use development totalling five (5) high-rise towers, a four -storey underground parking garage, a stratified public park, and a pedestrian mews bisecting the subject property.

[11] Phase One will replace the existing parking lot with three towers built on a six-storey podium, on the western half of the Site.

[12] Phase Two will consist of two towers built on a seven-storey podium, on the eastern part of the subject property.

[13] A pedestrian mews up to 14 m in width will separate two halves of the development, bordering a new 1,822.43 square metres (“m<sup>2</sup>”) stratified public park. The pedestrian mews will connect Burnhamthorpe Road West and City Centre Drive, and will provide access to building lobbies and divide the proposed development into two blocks, serving as separate phases. The proposed pedestrian mews will be constructed in the second phase of the development, will be publicly accessible and will be subject to an easement agreement registered on Title.

[14] Upon completion, the development will provide a total of 9,041 m<sup>2</sup> of space for indoor and outdoor amenities.

## **PROPOSED OPA**

[15] Ms. Capilongo explained that the agreement reached between the Appellant and the City, which includes revisions to the OPA to include identification of the proposed stratified public park and a path to revise and resolve the appeal of the Site Plan Approval (“SPA”) application. A new Special Site Policy under s.12.0 of the Downtown Core Local Area Plan (“DLAP”) is proposed to identify the general location, size, and width of the proposed pedestrian mews and the stratified public park.

[16] Ms. Capilongo proffered that no other amendments to the Mississauga Official Plan (“MOP”) or DLAP are necessary to permit the built form, height, density, or massing of the development.

[17] It is her opinion that the replacement of the planned local road with a pedestrian mews respects the overall intent and vision of the MOP and the DLAP by encouraging pedestrian and cyclist access and connectivity with adjacent blocks. She pointed out that the blocks to the north of the subject property do not have existing or planned local roads bisecting those blocks. Thus, in her opinion, it is appropriate to replace the planned local road on the Site with a pedestrian mews.

[18] Ms. Capilongo stated that the proposed development is compatible with the existing surrounding context, and meets the overall intent of provincial, regional, and municipal planning policies, and is supported by the submitted technical studies, which includes a Transportation Impact Study prepared by LEA Consulting, assessing the potential transportation impacts of replacing the planned future road with a pedestrian mews.

## **PLANNING RATIONALE**

[19] The planning documents related to these amendments are s. 2 of the Act, the Provincial Policy Statement, 2020 (“PPS”), the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”), the Peel Region Official Plan (“ROP”), the policies of the MOP and DLAP.

[20] The Tribunal accepts the following findings, based on Ms. Capilongo’s uncontroverted evidence.

[21] The proposed development has appropriate regard for the matters of Provincial interest in s. 2 of the Act, is consistent with the PPS, conforms to the ROP, MOP and DLAP and overall, represents good land use planning. For a more detailed report, please see Exhibit 1.

## **ORDER**

[22] **THE TRIBUNAL ORDERS** that the Appeal is allowed in part, and the Official Plan for the City of Mississauga is amended as set out in Schedule 1 to this Order.

[23] The Clerk of the City of Mississauga may format and number the amendments for record-keeping purposes.

*"P. Tomilin"*

P. TOMILIN  
MEMBER

**Ontario Land Tribunal**

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

**SCHEDULE 1**

**Amendment No. 161  
to  
Mississauga Official Plan**

**Amendment No. 161**  
**to**  
**Mississauga Official Plan**

The following text and Maps "A" to "I" attached constitute Amendment No. 161.



## **PURPOSE**

The purpose of this Amendment is to replace the planned local road with a pedestrian walkway and municipal easement, and add a stratified park and Special Site policy within the subject lands, to facilitate the development of a five tower mixed use development.

## **LOCATION**

The lands affected by this Amendment are located on the north side of Burnhamthorpe Road West, east of Confederation Parkway. The subject lands are located in the Downtown Core 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 Downtown Mixed Use with a proposed local road.

An Official Plan Amendment is required to replace the planned local road with a pedestrian walkway and easement to allow for the continuation of the pedestrian mews network to Burnhamthorpe Road West. A portion of the subject lands will be redesignated from Downtown Mixed Use and No Designation (local road) to Downtown Mixed Use and Public Open Space, to provide for a stratified park with underground parking below.

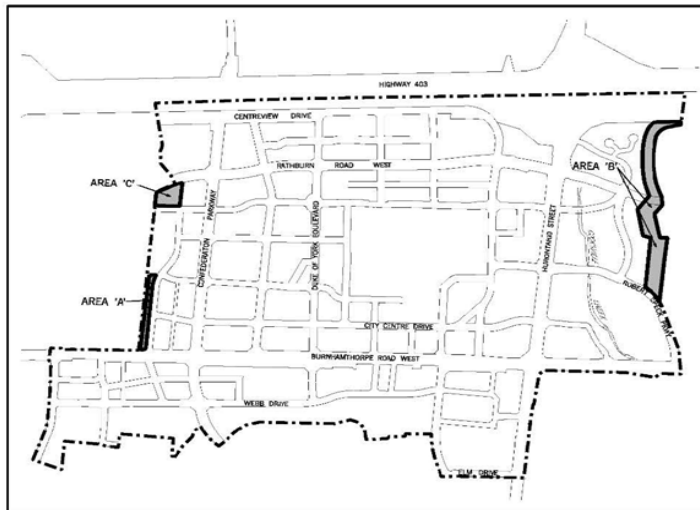
**DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO**

1. Section 1.0, How to Read the Plan, Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by deleting Map 1: The Downtown Core Local Area and replacing it with the following:



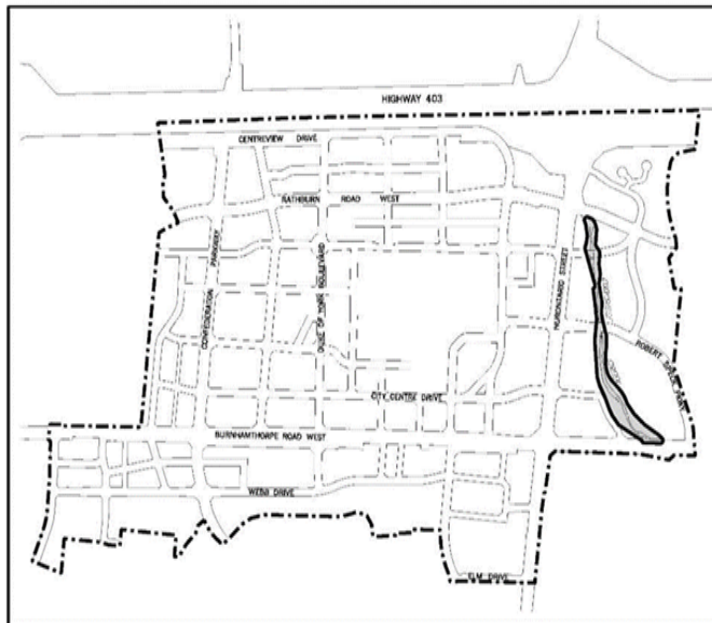
Map 1: The Downtown Core Local Area is located in central Mississauga and is identified in the City Structure as Downtown Core

2. Section 4.3.9, Transition Areas, Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by deleting Map 2: Transition Areas and replacing it with the following:



Map 2: Transition Areas

3. Section 6.2, Cooksville Creek Corridor, Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by deleting Map 3: Cooksville Creek Corridor and replacing it with the following:



Map 3: Cooksville Creek Corridor

4. Section 12.0, Special Site Policies, Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by adding Special Site 15 on Map 4: Location of Special Sites within the Downtown Local Area Plan, in accordance with the changes to the Special Site Policies.

5. Section 12.0, Special Site Policies, Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by adding the following:

12.15 Site 15



12.15.1 The lands identified as Special Site 15 are located on the north side of Burnhamthorpe Road West, east of Confederation Parkway.

12.15.2 Notwithstanding the policies of this Plan, a stratified public park with a minimum size of 0.182 hectares and a maximum size of 0.243 hectares with underground parking is permitted within the approximate location identified as Area A.

6. Schedule 1, Urban System, of Mississauga Official Plan, is hereby amended by adding lands to the Green System as shown on Map "A" of this Amendment.
7. Schedule 1a, Urban System, Green System, of Mississauga Official Plan, is hereby amended by adding lands to the Green System as shown on Map "B" of this Amendment.
8. Schedule 4, Parks and Open Spaces, of Mississauga Official Plan, is hereby amended by adding lands to the Public and Private Open Spaces as shown on Map "C" of this Amendment.
9. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the central portion of the subject lands from Downtown Mixed Use and No Designation (local road) to Downtown Mixed Use and Public Open Space, as shown on Map "D" of this Amendment.



10. Schedule 1, Downtown Core Districts, of the Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by removing the New Roads which bisects the subject lands as shown on Map "E" of this Amendment.
11. Schedule 2, Downtown Core Long Term Road Network and Classification, of the Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by removing the New Local Road which bisects the subject lands and adding Pedestrian Easements as shown on Map "F" of this Amendment.
12. Schedule 3, Downtown Core Long Term Transit Network, of the Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by removing the Road Network which bisects the subject lands and adding Pedestrian Easements as shown on Map "G" of this Amendment.
13. Schedule 4, Downtown Core A & B Street Frontage, of the Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by removing the 'B' Street which bisects the subject lands and adding Pedestrian Easements as shown on Map "H" of this Amendment.
14. Schedule 5, Downtown Core Retail Activation, of the Downtown Core Local Area Plan, of Mississauga Official Plan, is hereby amended by removing the New Roads which bisects the subject lands and adding Pedestrian Easements as shown on Map "I" of this Amendment.

**IMPLEMENTATION**

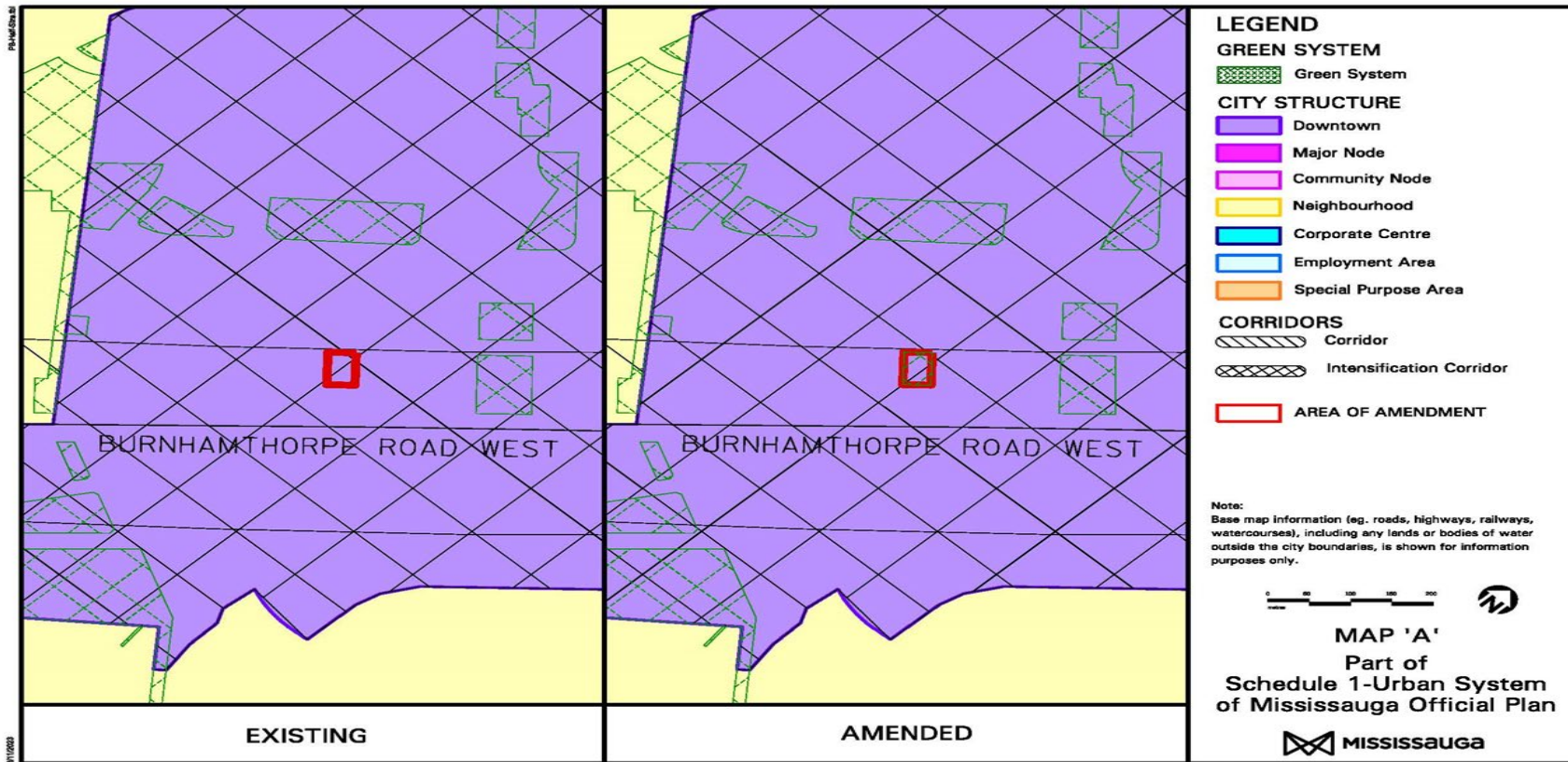
Upon receipt of the Ontario Land Tribunal's Final Order, Mississauga Official Plan will be amended in accordance with the Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated March 3, 2023.

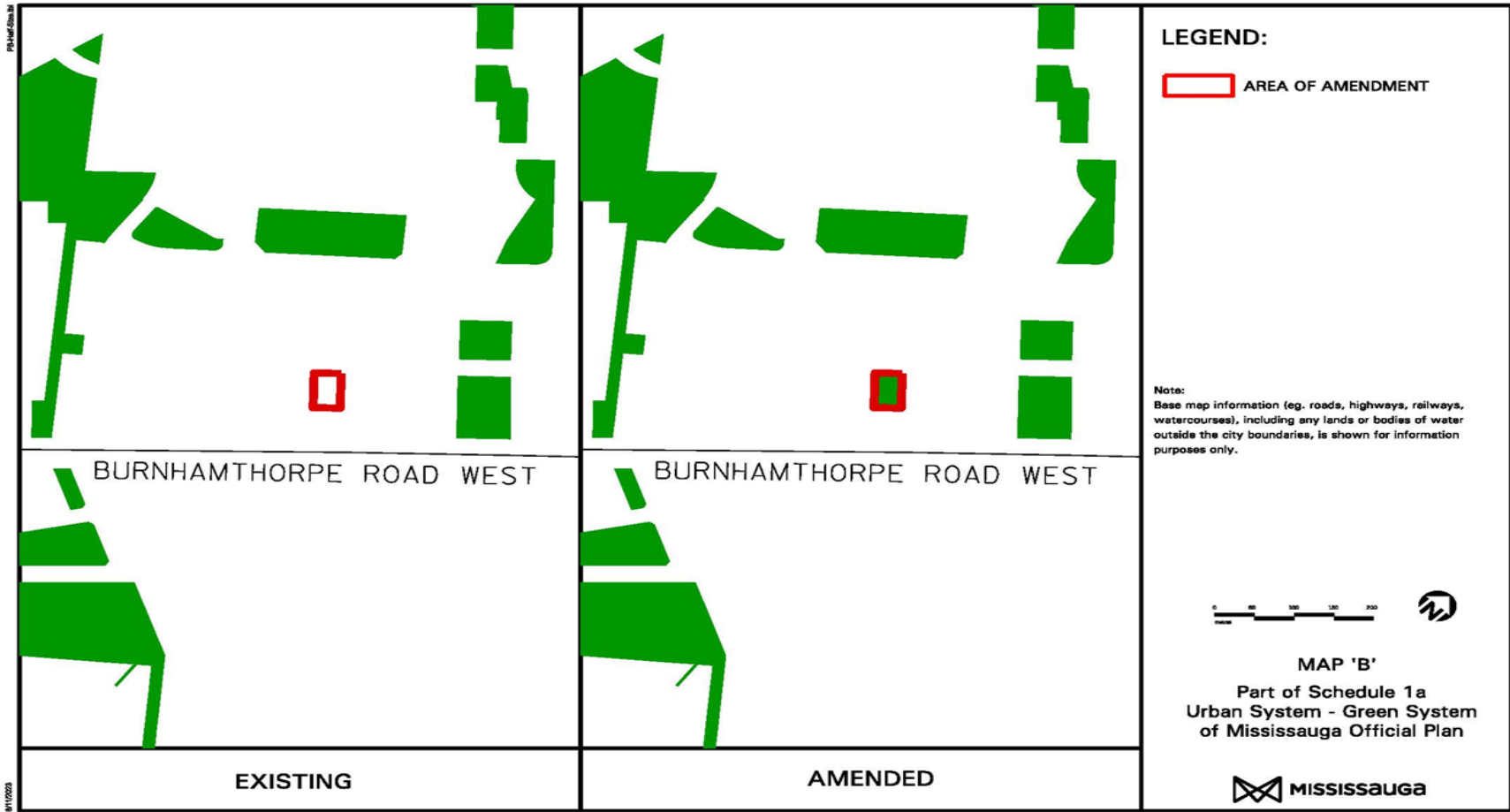
**INTERPRETATION**

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.



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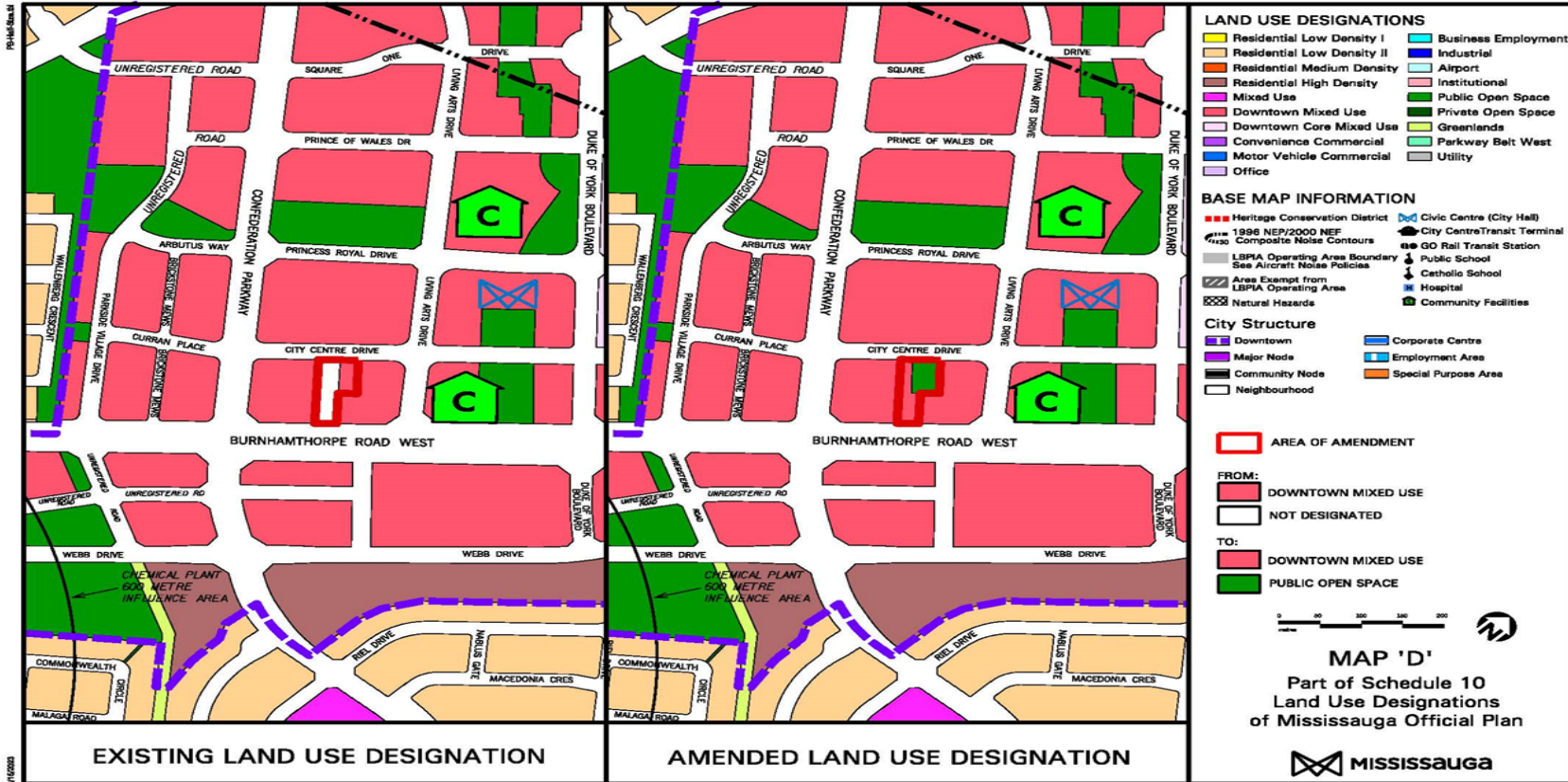
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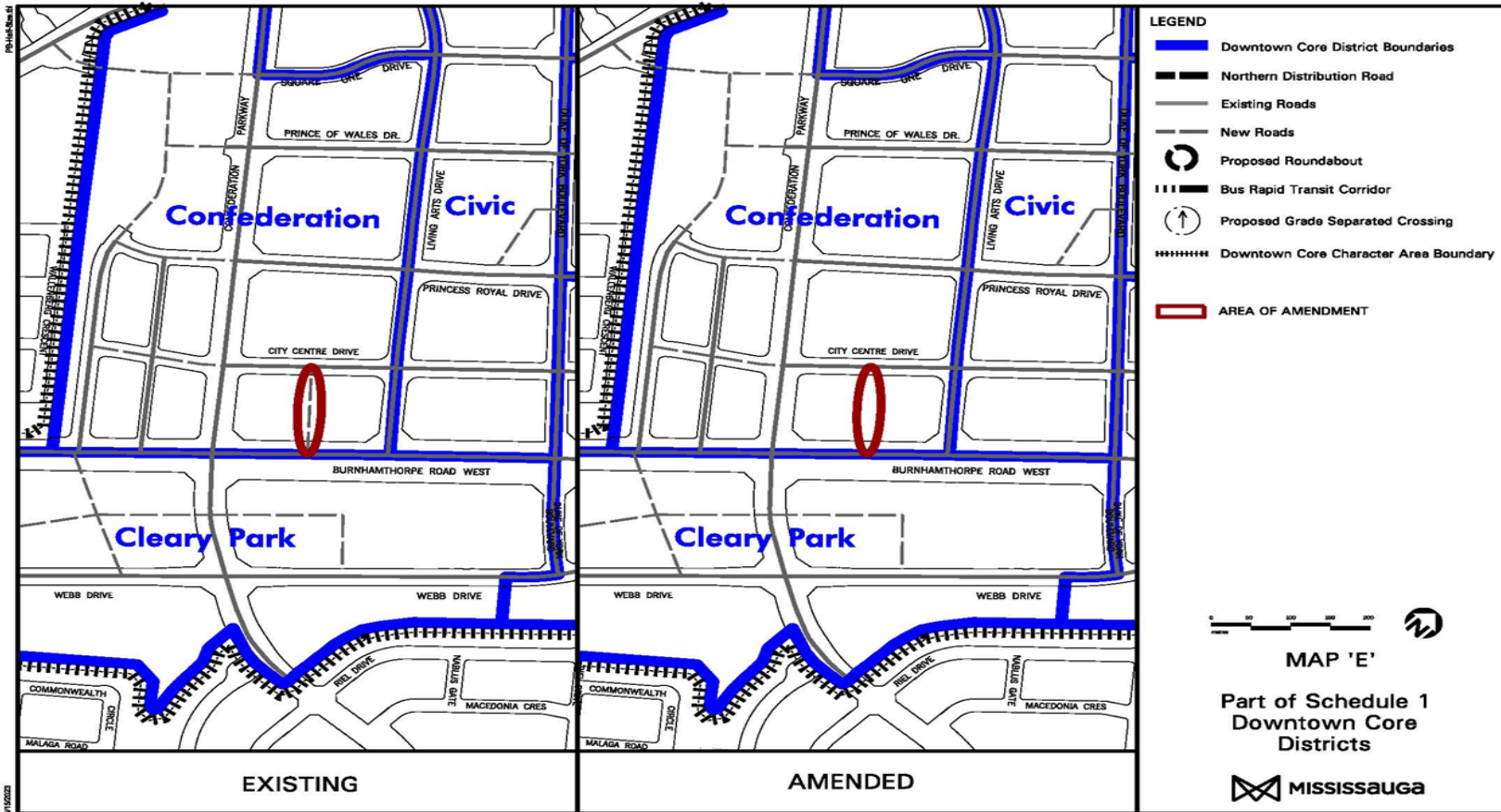


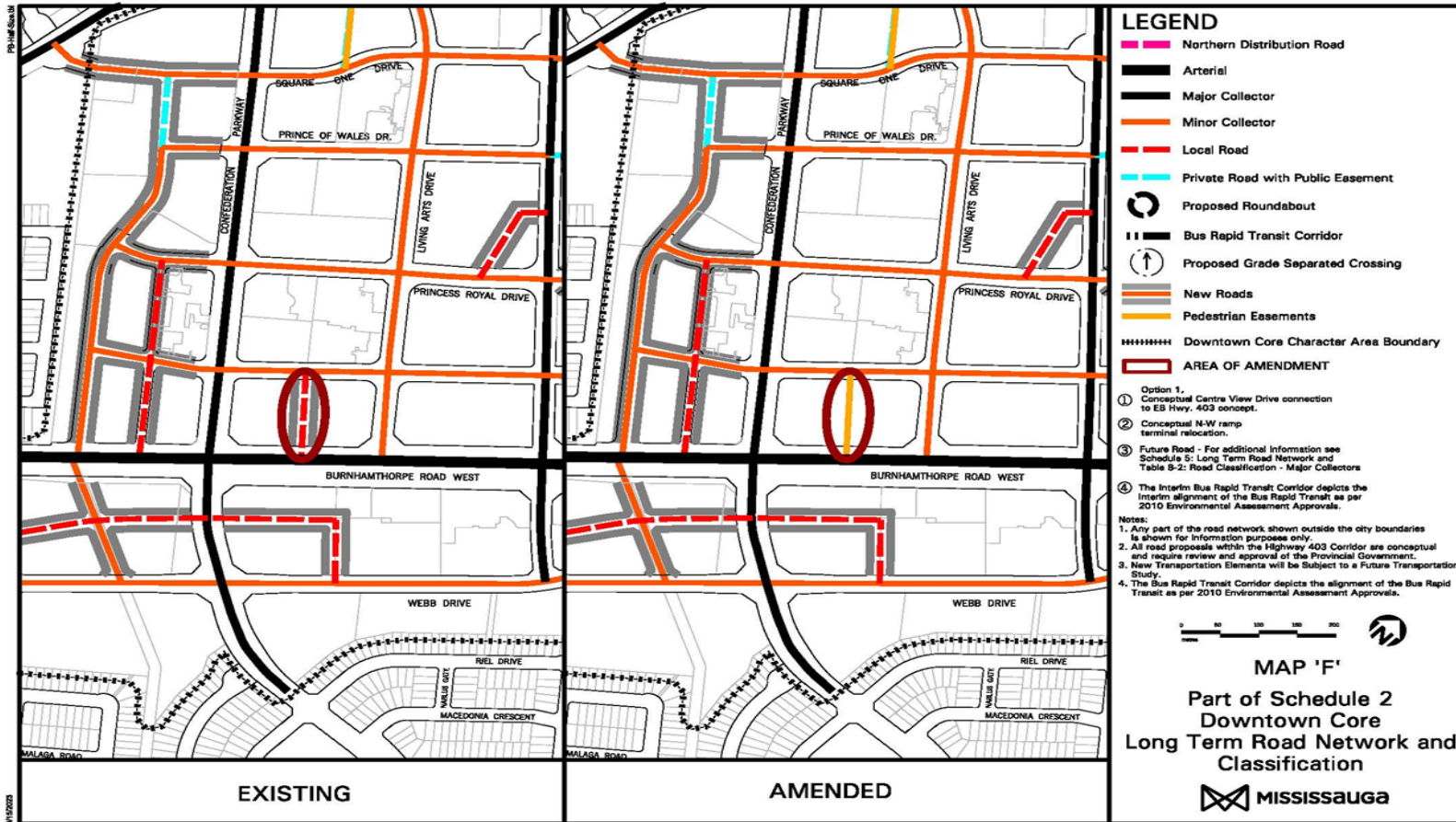


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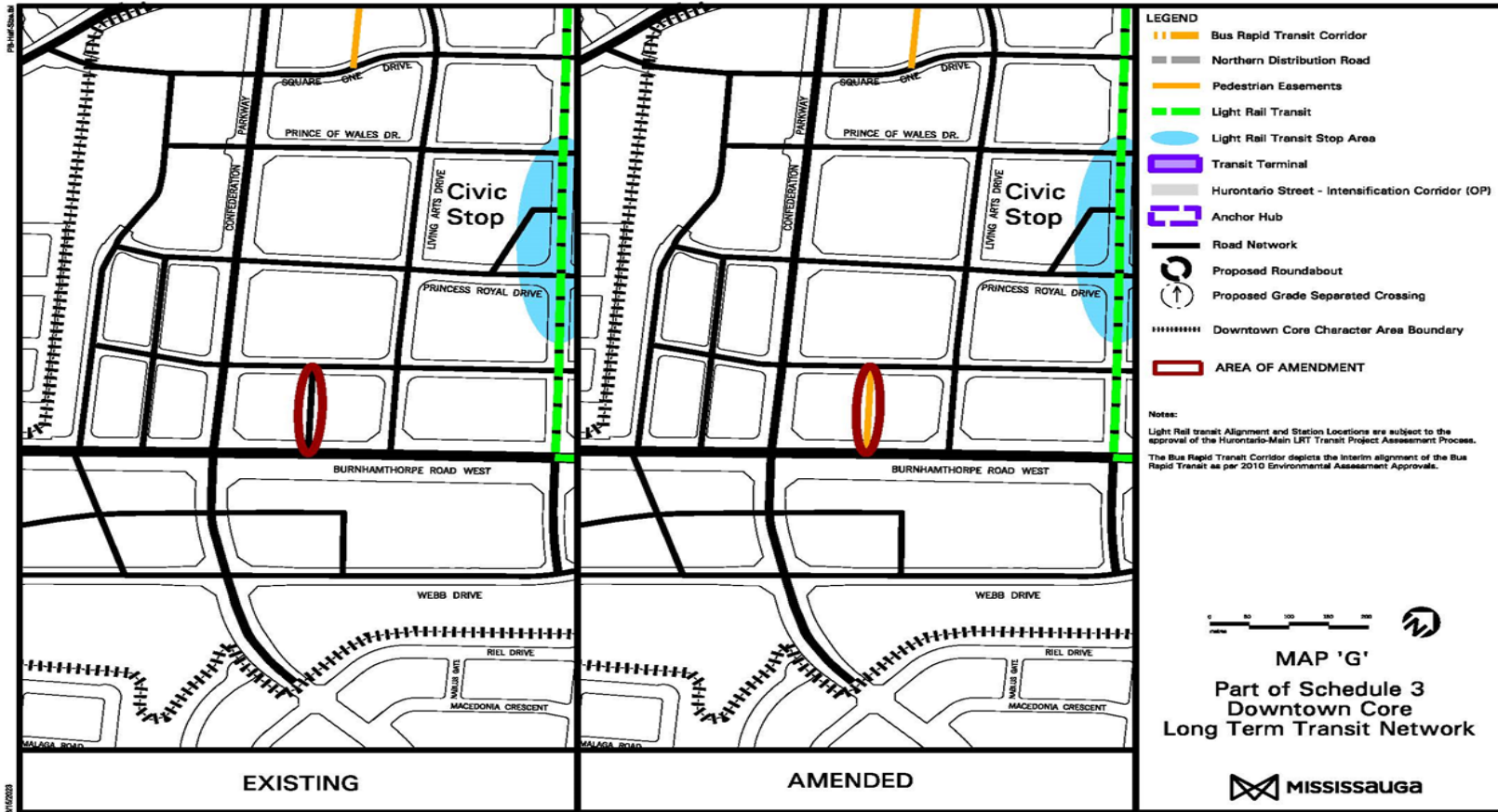
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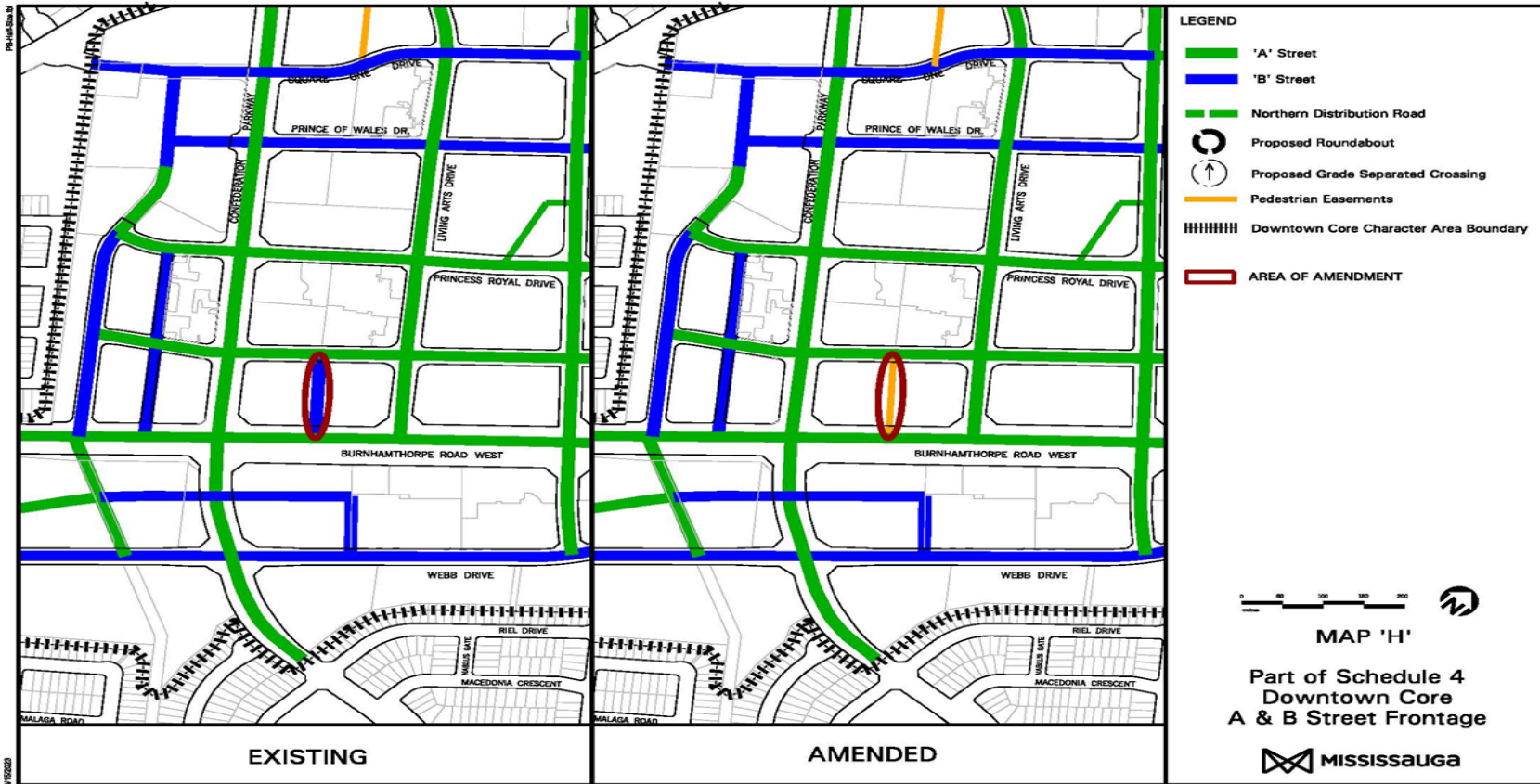












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