

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 12, 2024

CASE NO(S): OLT-22-004676

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

Applicant/Appellant: Miss BJL Corp.
Subject: Official Plan Amendment
Description: To permit a 9 storey apartment building
with non-residential uses at grade
Municipal Reference Number: OP 22-9 W11
Property Address: 21-51 Queen Street N
Municipality: Mississauga/Peel
OLT Lead Case No.: OLT-22-004676
OLT Case No.: OLT-22-004676
OLT Case Name: Miss BJL. Corp v. Mississauga (City)

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

Applicant/Appellant: Miss BJL Corp.
Subject: Zoning By-law Amendment
Description: To permit a 9 storey apartment building
with non-residential uses at grade
Municipal Reference Number: OZ 22-9 W11
Property Address: 21-51 Queen Street N
Municipality: Mississauga/Peel
OLT Lead Case No.: OLT-22-004676
OLT Case No.: OLT-22-004677
OLT Case Name: Miss BJL. Corp v. Mississauga (City)

Heard: March 28, 2024, in Writing

APPEARANCES:**Parties****Counsel**

Miss BJL Corp.

A. Toumanians
N. Smith

City of Mississauga

L. Magi

DECISION DELIVERED BY S. TOUSAW AND ORDER OF THE TRIBUNAL

[1] This Decision approves an Official Plan Amendment (“OPA”) and a Zoning By-law Amendment (“ZBA”) as settled between Miss BJL Corp. (“Applicant”/“Appellant”) and the City of Mississauga (“City”) through Tribunal-led mediation and follow-up discussions.

[2] This Decision is founded on the following documents filed by the Parties on consent:

- the Affidavit of David Sajecki, a Registered Professional Planner whom the Tribunal hereby qualifies to provide opinion evidence in land use planning;
- the OPA in final form; and
- the ZBA in final form.

[3] On its 0.97 hectare property at 21-51 Queen Street North (“site”) in Mississauga, the Appellant plans to replace the existing commercial plaza and surface parking with an apartment building, including retail at grade. The settlement results in a 10 storey height with stepbacks; 456 dwelling units ranging in size from studio units to three-bedroom units; below-grade parking for the apartments and surface parking for the non-residential uses; and amenity areas, pedestrian paths, and landscaped buffers.

[4] Across Queen Street North, the site faces one-storey retail uses and the GO train yard and railway corridor. Both sides of the site connect with low-rise commercial uses and surface parking. The site backs onto the rear yards of detached dwellings within an established subdivision.

[5] On the uncontested planning evidence supporting the settlement, the Tribunal finds that the proposed development represents good planning in the public interest, having suitably and sufficiently addressed all necessary considerations, including:

- the intensification of an underutilized site that adds to the range and scale of available housing;
- an appropriate location for growth, contributing to an orderly, safe and walkable community;
- use of existing infrastructure and support for existing transit;
- a well-designed built form that adds to a sense of place; and
- setbacks and stepbacks appropriate for its backing onto a low-density neighbourhood.

[6] The Tribunal finds that the revised OPA and ZBA arising from the Parties' settlement: have regard for provincial interests; are consistent with the Provincial Policy Statement, 2020; conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020; and conform with the Region of Peel Official Plan ("ROP") (both the 1996 and 2022 ROPs). Further, the Tribunal finds that the OPA furthers the intentions of the City of Mississauga Official Plan ("MOP") and the ZBA conforms with the MOP, as amended by the OPA.

[7] The Tribunal congratulates the Parties on their settlement. It enables a development that the Tribunal considers both a functional and visual asset within the City.

ORDER

[8] **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 Attachment 1.

[9] **THE TRIBUNAL ORDERS** that the Appeal is allowed in part, and Zoning By-law 0225-2007 of the City of Mississauga is amended as set out in Attachment 2.

[10] **THE TRIBUNAL** authorizes the City Clerk to format and assign numbers to these amendments for record keeping purposes.

“S. Tousaw”

S. TOUSAW
VICE-CHAIR

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 1

**Amendment No. 170 to
Mississauga Official Plan**

**Amendment No. 170 to
Mississauga Official Plan**

The following text and Map "A" attached constitute Amendment No. 170.

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 a Special Site to permit a 10 storey apartment dwelling with ground floor commercial uses within the Streetsville Neighbourhood Character Area.

LOCATION

The lands affected by this Amendment are located on the east side of Queen Street North, north of Britannia Road West, in the City of Mississauga. The subject lands are located in the Streetsville 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.

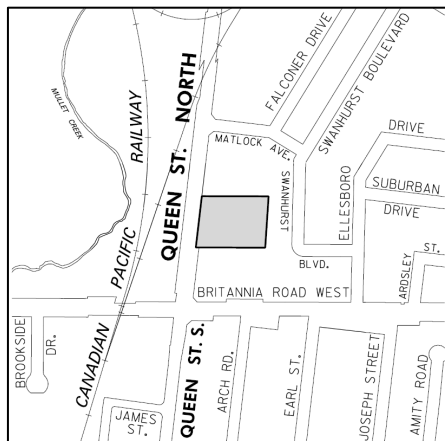
The subject lands are designated Mixed Use which permits a combination of residential and commercial uses.

An Official Plan Amendment is required to change the land use designation of the subject lands from Mixed Use to Residential High Density and to add a Special Site to permit the increased height and floor space index (FSI).

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 16.24, Streetsville Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 9 on Map 16-24: Streetsville Neighbourhood Character Area, in accordance with the Special Site Policies and by removing the **floor space index (FSI)** range from the subject site.
2. Section 16.24.5, Special Site Policies, Streetsville Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding the following:

16.24.5.9 Site 9



16.24.5.9.1 The lands identified as Special Site 9 are located on the east side of Queen Street North, north of Britannia Road West.

16.24.5.9.2 Notwithstanding the policies of this Plan, an apartment dwelling with a maximum height of 10 storeys and a maximum FSI of 3.1 will be permitted.

3. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use of the subject lands from Mixed Use to Residential High Density, as shown on Map "A" 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.

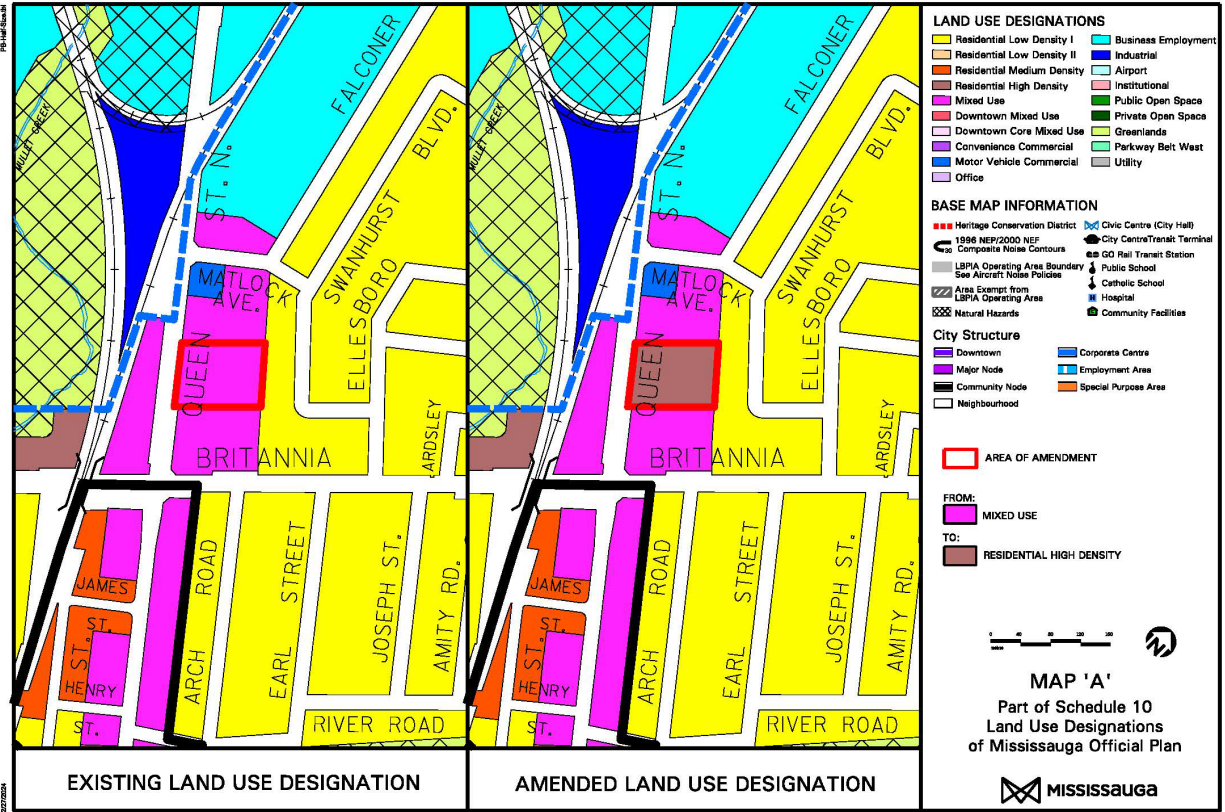
The lands will be rezoned as part of the same Tribunal Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated July 27, 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.



ATTACHMENT 2

ONTARIO LAND TRIBUNAL
004676 ORDER DATED _____

OLT Lead Case No. OLT-22-
OLT Case No. OLT-22-
004677
Miss BJL Corp.

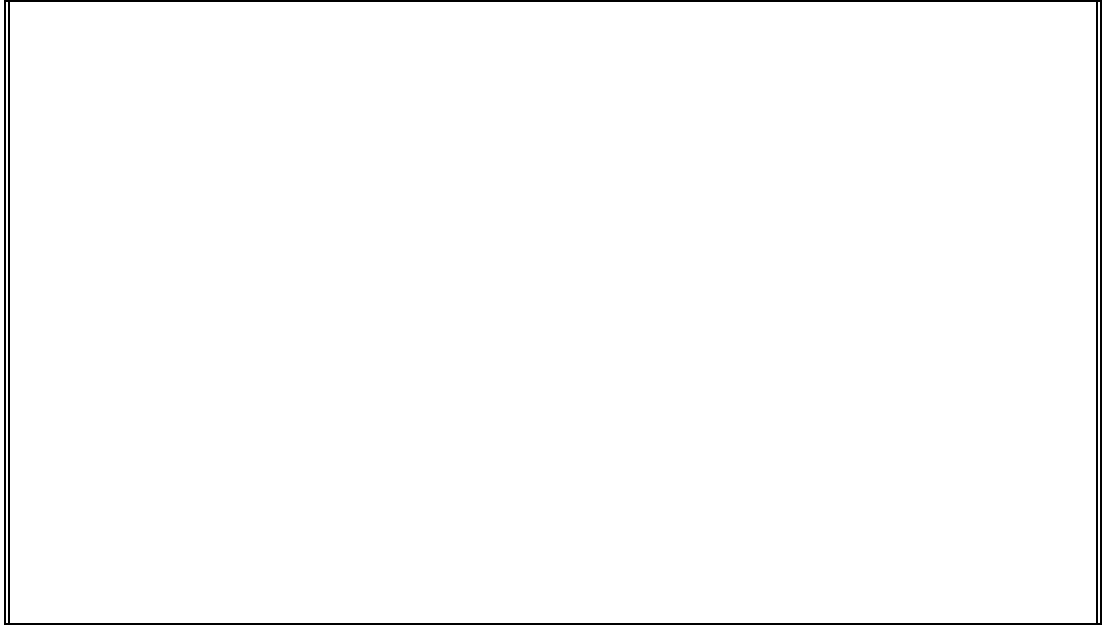
1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

4.15.3.65	Exception: RA2-65	Map # 45W	By-law:
In a RA2-65 zone the permitted uses and applicable regulations shall be as specified for a RA2 zone except that the following uses /regulations shall apply:			
Additional Permitted Uses			
4.15.3.65.1	(1) Restaurant (2) Convenience Restaurant (3) Take-Out Restaurant (4) Veterinary Clinic (5) Animal Care Establishment (6) Medical Office (7) Recreational Establishment (8) Entertainment Establishment (9) Private Club		
Regulations			
4.15.3.65.2	The provisions contained in Subsection 2.1.14, Sentences 3.1.1.4.3 and 3.1.1.4.4 of this By-law shall not apply		
4.15.3.65.3	Uses contained in Sentence 4.15.3.65.1 of this Exception shall not be permitted above the first storey		
4.15.3.65.4	The uses contained in Sentence 4.15.3.65.1 of this Exception shall only be located within a building, structure or part thereof, used for an apartment, long-term care building, retirement building , or any combination thereof		
4.15.3.65.5	Maximum number of condominium apartment studio dwelling units	164	
4.15.3.65.6	Maximum floor space index - apartment zone	3.1	

4.15.3.65.7	Minimum gross floor area - non-residential	1 200 m ²
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4.15.3.65	Exception: RA2-65	Map # 45W	By-law:
4.15.3.65.8	Notwithstanding Sentence 4.15.3.65.28 of this Exception, wing walls shall be permitted in the side and rear yards		
4.15.3.65.9	Notwithstanding Sentence 4.15.3.65.28 of this Exception, maximum encroachment of a canopy above the main front entrance of the first storey or second storey into a required front yard		3.5 m
4.15.3.65.10	Notwithstanding Sentence 4.15.3.65.28 of this Exception, maximum encroachment of a canopy above the main front entrance of the first storey or second storey into the northerly interior side yard		2.1 m
4.15.3.65.11	Notwithstanding Sentence 4.15.3.65.28 of this Exception, maximum encroachment of a canopy into a required interior side yard and rear yard		1.5 m
4.15.3.65.12	Notwithstanding Sentence 4.15.3.65.28 of this Exception, maximum encroachment of architectural features into a required yard		2.1 m
4.15.3.65.13	Notwithstanding Sentence 4.15.3.65.28 of this Exception, maximum projection of a balcony located above the first storey measured from the outermost face or faces of the building from which the balcony projects		2.1 m
4.15.3.65.14	Notwithstanding Sentence 4.15.3.65.28 of this Exception, maximum projection of a canopy above the main front entrance of the first storey or second storey , measured from the outermost face or faces of the building into a required front yard		3.5 m
4.15.3.65.15	Notwithstanding Sentence 4.15.3.65.28 of this Exception, maximum projection of a canopy above the main front entrance of the first storey or second storey , located outside the buildable area along the northerly side lot line		2.1 m
4.15.3.65.16	Notwithstanding Sentence 4.15.3.65.28 of this Exception, maximum projection of a canopy measured from the outermost face or faces of the building into a required interior side yard and rear yard		1.5 m
4.15.3.65.17	Notwithstanding Sentence 4.15.3.65.28 of this Exception, maximum projection of architectural features measured from the outermost face of the building into a required yard		2.1 m

4.15.3.65	Exception: RA2-65	Map # 45W	By-law:
4.15.3.65.18	<p>The calculation of resident parking spaces shall be in accordance with the following:</p> <p>the greater of</p> <p>0.74 resident parking spaces per studio condominium apartment dwelling unit, plus</p> <p>0.95 resident parking spaces per one-bedroom, two-bedroom, and three-bedroom condominium apartment dwelling units</p> <p>or</p> <p>0.87 resident parking spaces per condominium apartment dwelling unit</p>		
4.15.3.65.19	<p>For the visitor component, a shared parking arrangement may be used for the calculation of required residential visitor/non-residential parking in accordance with the following:</p> <p>the greater of</p> <p>0.13 visitor parking spaces per dwelling unit</p> <p>or</p> <p>4.3 parking spaces per 100 m² of gross floor area - non-residential located in the same building or on the same lot as the residential use, except restaurant over 220 m² gross floor area - non-residential</p> <p>Parking for a restaurant over 220 m² gross floor area - non-residential, shall not be included in the above shared parking arrangement and shall be provided in accordance with applicable regulations contained in Table 3.1.2.2 of this By-law</p>		

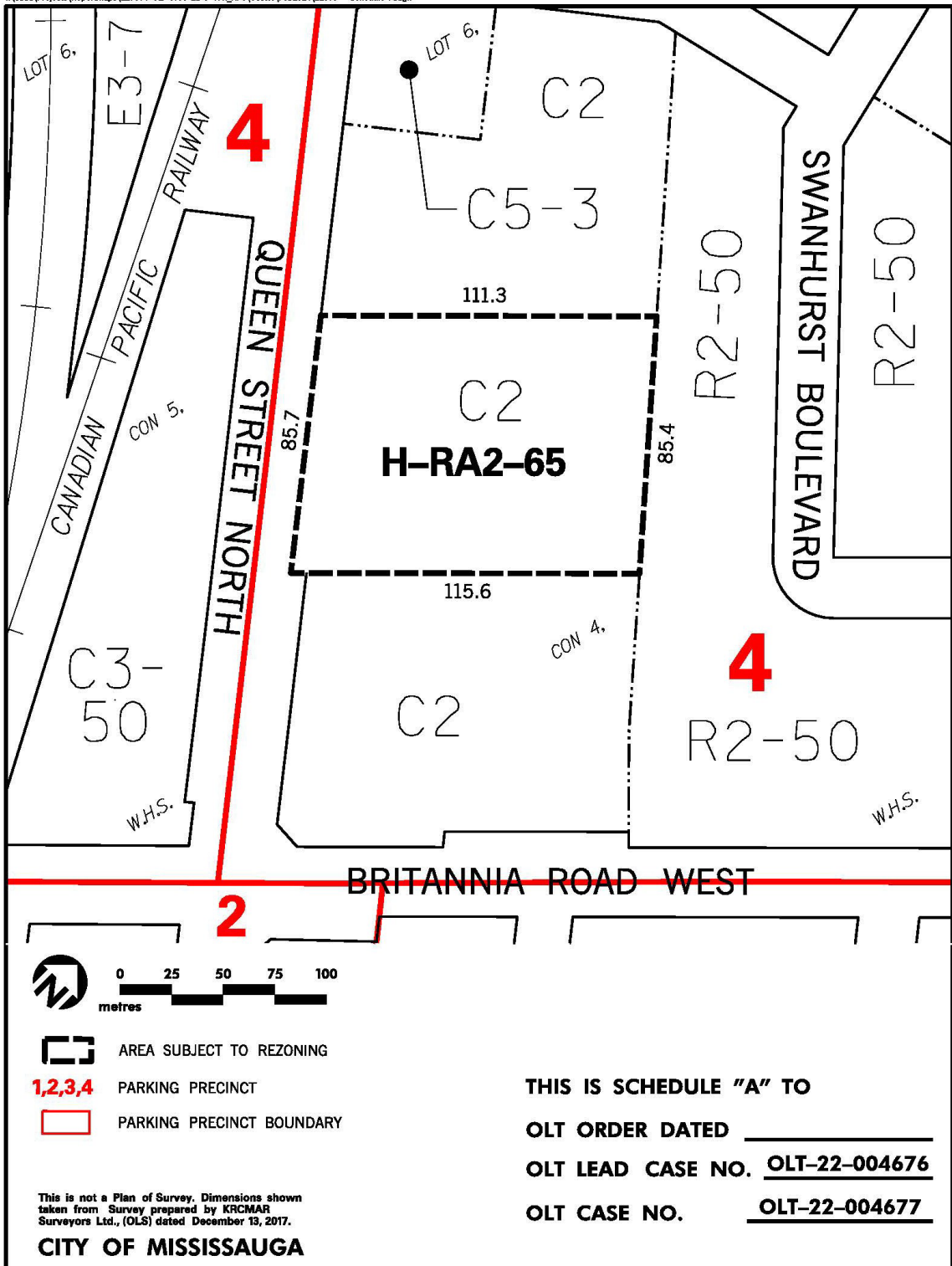


4.15.3.65	Exception: RA2-65	Map # 45W	By-law:
4.15.3.65.20	Notwithstanding Sentence 3.1.1.4.2 of this By-law, total number of parallel parking spaces having a minimum width of 2.0 m and a minimum length of 5.2 m		3
4.15.3.65.21	Notwithstanding Sentence 3.1.1.4.1 of this By-law, a tandem parking space shall have a minimum length of 5.0 m		
4.15.3.65.22	Maximum percentage of required residential parking spaces that may be tandem		6.5%
4.15.3.65.23	Minimum landscaped area		37% of the lot area
4.15.3.65.24	Notwithstanding Sentence 4.15.3.65.28 of this Exception, ventilation shafts and bicycle parking spaces shall be permitted to encroach into a landscaped buffer		
4.15.3.65.25	Minimum depth of a landscaped buffer abutting the northerly lot line		1.8 m
4.15.3.65.26	Minimum depth of a landscaped buffer abutting the southerly lot line		2.0 m
4.15.3.65.27	"Terrace" means an accessible, external platform situated wholly on the rooftop of the structure below with no access to the ground		
4.15.3.65.28	All site development plans shall comply with Schedule RA2-65 of this Exception		

4.15.3.65	Exception: RA2-65	Map # 45W	By-law:
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-RA2-65 by further amendment to Map 45W of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none"> (1) delivery of an executed Development Agreement in a form and on terms satisfactory to The Corporation of the City of Mississauga ("City"); (2) delivery of an executed Easement Encroachment Agreement for the proposed works within the storm sewer easement to the satisfaction of the City; (3) delivery of an executed Easement Encroachment Agreement for the proposed works within the Region of Peel sanitary easement; (4) submission of the following, in a form and on terms satisfactory to the City: an updated Noise and Vibration Report, updated Transportation Impact Study, revised and updated Civil Engineering Plans, updated Functional Servicing and Stormwater Management Report, updated Phase 2 Environmental Site Assessment (ESA), a well decommissioning letter prepared by a Professional Engineer, and a Storm Sewer Use By-law Acknowledgement Letter; (5) completion and filing of a Record of Site Condition (RSC) with the Ministry of Environment; (6) submission of an updated Sun/Shadow Study to the satisfaction of the City's Planning and Building Department; (7) submission of an updated Pedestrian Level Wind Study to the satisfaction of the City's Planning and Building Department. 			

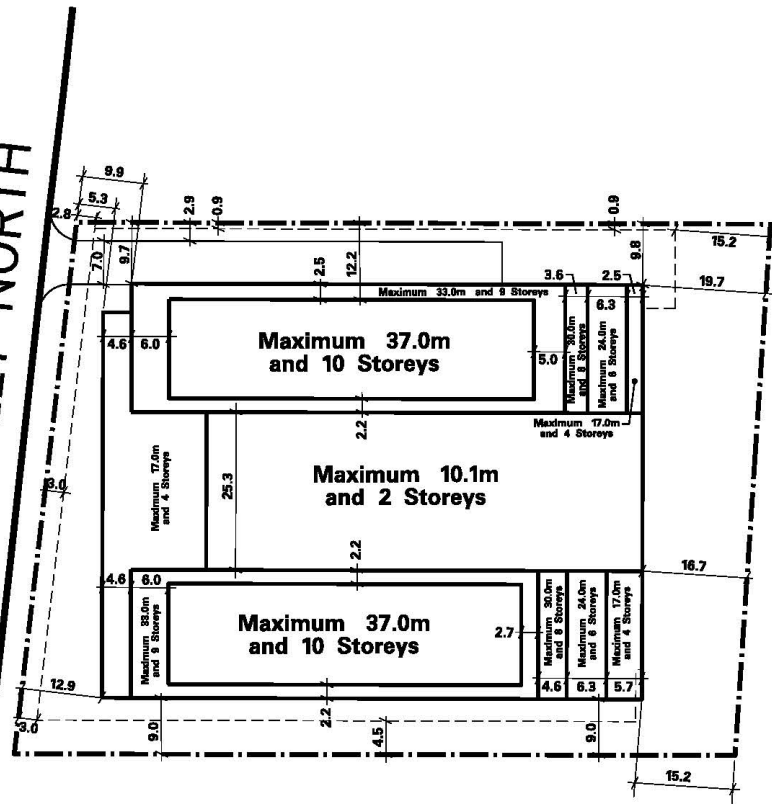
2. Map Number 45W of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "C2" to "H-RA2-65", the zoning of Part of Lot 6, Concession 4, West of Hurontario Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RA2-65" 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-RA2-65" zoning indicated thereon.
3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 170 is in full force and effect.

i:\cadd\Projects\ReportMaps\227304 OZ OPA 22-9 W11_RPT\Vector\Feb2024\22009 - Schedule A.dgn



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QUEEN STREET NORTH



Note:
 All measurements are in metres and are minimum setbacks or dimensions, unless otherwise noted.

This is not a Plan of Survey.

- BUILDABLE AREA
- - - ZONE BOUNDARY
- · · UNDERGROUND PARKING LIMITS

THIS IS SCHEDULE "RA2-65" TO
OLT ORDER DATED _____
OLT LEAD CASE NO. OLT-22-004676
OLT CASE NO. OLT-22-004677