

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 14, 2024

CASE NO.: OLT-23-000390

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

Applicant/Appellant: Edenshaw SSR Developments Limited
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of a 26-storey residential building
Reference Number: OZ OPA 22-23 W1
Property Address: 49 South Service Road
Municipality/UT: Mississauga/Peel
OLT Case No: OLT-23-000390
OLT Lead Case No: OLT-23-000390
OLT Case Name: Edenshaw SSR Developments Limited v. Mississauga (City)

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

Applicant/Appellant: Edenshaw SSR Developments Limited
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of a 26-storey residential building
Reference Number: OZ OPA 22-23 W1
Property Address: 49 South Service Road
Municipality/UT: Mississauga/Peel
OLT Case No: OLT-23-000391
OLT Lead Case No: OLT-23-000390

BEFORE:

BITA M. RAJAE MEMBER)	Thursday, the 14 th
)	
)	day of November, 2024

THESE MATTERS having come before the Tribunal for a hearing, in writing, on September 20, 2024 and October 24, 2024, and the Tribunal having duly considered the materials filed on consent of the Parties,

AND THESE MATTERS, having come before the Tribunal for a Case Management Conference on September 8, 2023;

THE TRIBUNAL having been advised by the Parties, Edenshaw SSR Developments Limited (“Applicant”) and the City of Mississauga (“City”), on August 19, 2024, that a full settlement agreement had been reached between all Parties;

AND THE TRIBUNAL, having received and considered:

- i. A comprehensive Affidavit, sworn on September 16, 2024 by David Sajecki, a Registered Professional Planner and full member of the Canadian Institute of Planners;
- ii. The attached Exhibits to the sworn Affidavit of David Sajecki;
- iii. The Minutes of Settlement as between the Applicant and the City, dated September 13, 2024;
- iv. The draft Official Plan Amendment (“OPA”), received on October 24, 2024;
- v. The draft Zoning By-law Amendment (“ZBA”), received on October 24, 2024; and
- vi. A draft Order.

AND THE TRIBUNAL, having accepted the uncontradicted expert land use planning opinion evidence of David Sajecki with respect to an Official Plan Amendment (“OPA”)

and Zoning By-law Amendments (“ZBA”) before the Tribunal in relation to lands known municipally as 49 South Service Road in the City, and finding that the OPA, ZBA, and the proposal they would facilitate are consistent with, conform to, and are in keeping with applicable policies and guidelines of the Province of Ontario and the City of Mississauga, including:

- i. The *Planning Act*, R.S.O. 1990, c. P.13;
- ii. The Provincial Planning Statement, 2024;
- iii. The Provincial Policy Statement 2020;
- iv. A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020;
- v. Region of Peel Official Plan, 1996;
- vi. Region of Peel Official Plan, 2022;
- vii. City of Mississauga Official Plan, 2012; and
- viii. City of Mississauga Zoning By-law 0225-2007.

AND THE TRIBUNAL finding that the requested OPA and ZBA, as revised by the settlement agreement, meet the required legislative tests, represent good planning, are in the public interest, and warrant approval;

NOW THEREFORE

THE TRIBUNAL MAKES AN ORDER THAT the Applicant’s appeals pursuant to subsections 22(7) and 34(11) of the *Planning Act* are allowed, in part.

AND THE TRIBUNAL FURTHER ORDERS THAT:

1. The Official Plan for the City of Mississauga is amended as set out in **Attachment 1** to this Order.
2. The City of Mississauga Zoning By-law 0225-2007 is amended as set out in **Attachment 2** to this Order. The Tribunal authorizes the municipal clerk of the City of Mississauga to assign a number to this by-law for record keeping purposes.

“Euken Lui”

EUKEN LUI
ACTING 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 "1"

Amendment No. 180

to

Mississauga Official Plan

Amendment No. 180
to
Mississauga Official Plan

The following text and Map "A" attached constitute Amendment No. 180.

PURPOSE

The purpose of this Amendment is to change the land use designation of the subject lands from Residential Low Density II to Residential High Density and to add a Special Site to the Mineola Neighbourhood Character Area.

LOCATION

The lands affected by this Amendment are located on the northwest side of South Service Road, east of Hurontario Street. The subject lands are located in the Mineola 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.

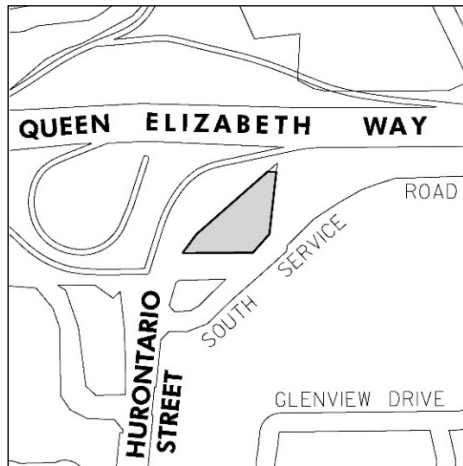
The subject lands are designated Residential Low Density II and are subject to the Mineola Neighbourhood Character Area policies, which only permit detached dwellings.

The proposed Amendment is required to change the land use designation of the subject lands from Residential Low Density II to Residential High Density to permit an apartment building on the lands. The proposed Amendment is also required to add a Special Site to permit a maximum height of 29 storeys and a maximum floor space index (FSI) of 4.9.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 16.18, Mineola Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 7 on Map 16-18: Mineola Neighbourhood Character Area, in accordance with the Special Site Policies.
2. Section 16.18.5, Special Site Policies, Mineola Neighbourhood Character Area of Mississauga Official Plan, is hereby amended by adding the following:

16.18.5.7 Site 7



16.18.5.7.1 The lands identified as Special Site 7 are located on the northwest side of South Service Road, east of Hurontario Street.

16.18.6.7.2 Notwithstanding the policies of this Plan, the following policies will apply:

- a. a maximum **floor space index (FSI)** of 4.9 will be permitted; and
 - b. the maximum apartment building height will be 29 storeys.
3. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the subject lands from Residential Low Density II to Residential High Density and removing the Community Facilities symbol, 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.

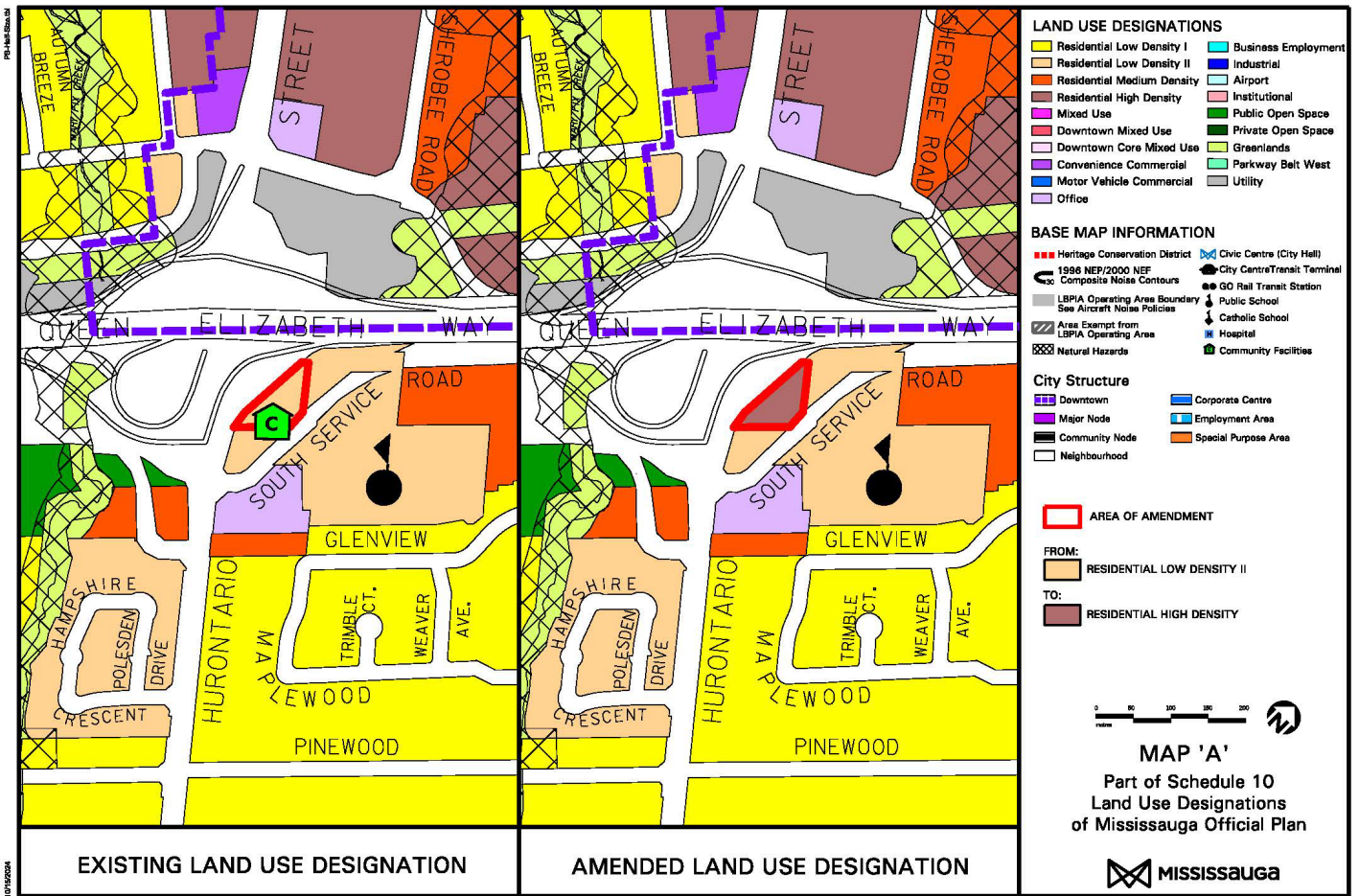
The lands will be rezoned as part of the same Tribunal Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated March 4, 2024.

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"

Zoning By-law Amendment

ONTARIO LAND TRIBUNAL
ORDER DATED _____

OLT Lead Case No. OLT-23-000390
OLT Case No. OLT-23-000391
Edenshaw SSR Developments Limited

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

4.15.6.66	Exception: RA5-66	Map # 07	By-law:
In a RA5-66 zone the permitted uses and applicable regulations shall be as specified for a RA5 zone except that the following uses/regulations shall apply:			
Regulations			
4.15.6.66.1	The provisions contained in Table 2.1.14.1, Sentences 3.1.1.4.3 and 3.1.1.4.4 and the regulations of Lines 13.6, 15.1, 15.2, and 15.3 contained in Table 4.15.1 and of this By-law shall not apply		
4.15.6.66.2	Maximum floor space index - apartment zone	4.9	
4.15.6.66.3	Maximum gross floor area - apartment zone	21 500 m ²	
4.15.6.66.4	Notwithstanding Sentence 4.15.6.66.13 of this Exception, maximum encroachment into a required yard of a balcony located above the first storey , sunroom, window, chimney , pilaster, cornice, balustrade or roof eaves, provided there is a minimum setback of 3.0 m from any lot line	2.7 m	
4.15.6.66.5	Notwithstanding Sentence 4.15.6.66.13 of this Exception, maximum projection of a balcony located above the first storey , sunroom, window, chimney , pilaster, cornice, balustrade or roof eaves, provided there is a minimum setback of 3.0 m from any lot line	2.7 m	
4.15.6.66.6	Notwithstanding Sentence 4.15.6.66.13 of this Exception, maximum encroachment into a required yard of an awning located on the first storey , provided that it shall have a maximum width of 6.0 m and there is a minimum setback of 3.0 m from any lot line	2.7 m	
4.15.6.66.7	Notwithstanding Sentence 4.15.6.66.13 of this Exception, maximum projection of an awning located on the first storey , provided that it shall have a maximum width of 6.0 m and there is a minimum setback of 3.0 m from any lot line	2.7 m	

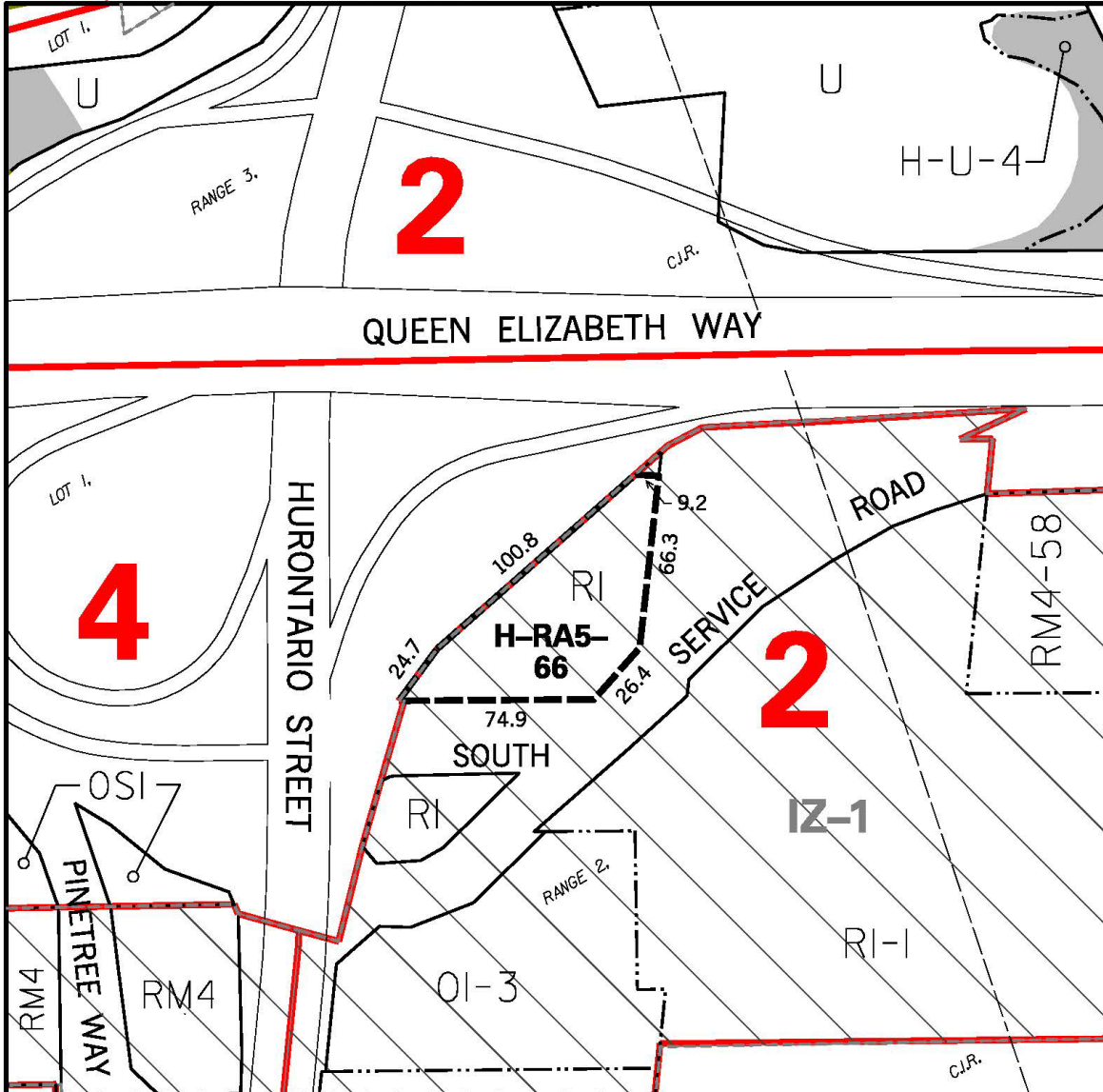
4.15.6.66	Exception: RA5-66	Map # 07	By-law:
4.15.6.66.8	Minimum setback from a parking structure completely below finished grade, inclusive of external access stairwells, to any lot line		0.9 m
4.15.6.66.9	Minimum setback from a waste enclosure/loading area to a street line		3.0 m
4.15.6.66.10	Notwithstanding Sentence 4.15.6.66.13 of this Exception, windscreens shall be permitted in a required landscaped buffer and outside of the buildable area , provided that they are not located in the Ministry of Transportation ("MTO") setback identified on Schedule RA5-66 of this Exception		
4.15.6.66.11	Minimum amenity area		4.0 m ² per dwelling unit
4.15.6.66.12	Minimum percentage of total required amenity area to be provided in one contiguous area		25%
4.15.6.66.13	All site development plans shall comply with Schedule RA5-66 of this Exception		
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-RA5-66 by further amendment to Map 07 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 a Traffic Impact Study satisfactory to the City's Transportation and Works Department and the Ministry of Transportation; (3) delivery of updated Turning Movement Diagrams to evaluate the internal site circulation and access points satisfactory to the City's Transportation and Works Department; (4) delivery of a Noise and Vibration Feasibility Study satisfactory to the City's Transportation and Works and Planning and Building Departments; (5) delivery of a Functional Servicing Report and Stormwater Management Report satisfactory to the City's Transportation and Works Department; 			








4.15.6.66	Exception: RA5-66	Map # 07	By-law:
Holding Provision (continued)	(6)	delivery of updated Engineering Plans including Grading and Servicing Plans satisfactory to the City's Transportation and Works Department;	
	(7)	receipt of satisfactory environmental documents including the Storm Sewer Use By-law Acknowledgement form and a signed letter by a Qualified Person regarding the suitability of fill materials, and the decommissioning of wells satisfactory to the City's Transportation and Works Department.	

2. Map Number 07 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 "R1" to "H-RA5-66", the zoning of Part Lot 1, Range 2, Credit Indian Reserve, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RA5-66" 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-RA5-66" zoning indicated thereon.

3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 180 is in full force and effect.

I:\cadd\Projects\ReportMap\227472 OZ OPA 22-23 W1_RPT\Vector\Sept2024\22023 - Schedule A.dgn



-  AREA SUBJECT TO REZONING
- 1,2,3,4**  PARKING PRECINCT
-  PARKING PRECINCT BOUNDARY
- IZ-#**  INCLUSIONARY ZONING AREA
-  INCLUSIONARY ZONING OVERLAY
-  ARROW FOR EXISTING ZONING
-  GREENLANDS OVERLAY



THIS IS SCHEDULE "A" TO

OLT ORDER DATED _____

OLT LEAD CASE NO. OLT-23-000390

OLT CASE NO. OLT-23-000391

This is not a Plan of Survey. Dimensions shown taken from Survey prepared by Delph and Jenkins North Ltd., dated June 16, 2017.

CITY OF MISSISSAUGA

I:\cadd\Projects\ReportMaps\227472_OZ_OPA_22-23_W1_RPT\Vector\Sept2024\22023 - Exception Schedule.dgn

