

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: January 8, 2025

CASE NO.: OLT-23-000393

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

Applicant/Appellant: Almega Asset Management Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of three residential towers, with podium
Reference Number: OZ OPA 22-16 W7
Property Address: 60 Dundas Street East
Municipality/UT: Mississauga/Peel
OLT Case No.: OLT-23-000393
OLT Lead Case No.: OLT-23-000393
OLT Case Name: Almega Asset Management Inc. v. Mississauga (City)

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

Applicant/Appellant: Almega Asset Management Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of three residential towers, with podium
Reference Number: OZ OPA 22-16 W7
Property Address: 60 Dundas Street East
Municipality/UT: Mississauga/Peel
OLT Case No.: OLT-23-000394
OLT Lead Case No.: OLT-23-000393

PROCEEDING COMMENCED UNDER section 41(12) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant: Almega Asset Management Inc.
Subject: Site Plan

Description:	To permit the development of three residential towers, with podium
Reference Number:	SPA-92586
Property Address:	60 Dundas Street East
Municipality/UT:	Mississauga/Peel
OLT Case No.:	OLT-23-000395
OLT Lead Case No.:	OLT-23-000393

BEFORE:

C. I. MOLINARI)	Wednesday, the 8 th day of
MEMBER)	
)	January, 2025

THESE MATTERS, in respect of the lands at 60 Dundas Street East in the City of Mississauga, having come before the Ontario Land Tribunal (“Tribunal”) for a public hearing on August 19, 2024;

AND THE TRIBUNAL having issued a decision on August 28, 2024, allowing the appeals, approving the instruments in principle, and withholding its final order pending the submission by the Parties of the final form of the instruments;

AND THE TRIBUNAL having received the final form of the instruments from the Parties;

NOW THEREFORE

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” to this Order;

AND THE TRIBUNAL ORDERS that the appeal is allowed and 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.

In all other respects the Interim Decision remains as issued.

“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. 178

to

Mississauga Official Plan

Amendment No. 178
to
Mississauga Official Plan

The following text and Maps "A", "B", "C" and "D" attached constitute Amendment No. 178.

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 Greenlands and to add a Special Site within the Downtown Cooksville Character Area.

LOCATION

The lands affected by this Amendment are located on the southeast corner of Dundas Street East and Shepard Avenue. The subject lands are located in the Downtown Cooksville 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.

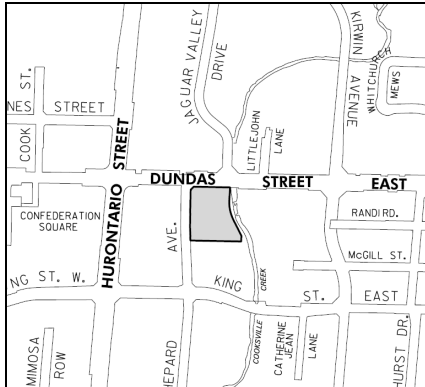
The subject lands are designated Mixed Use. The Mixed Use designation permits a combination of commercial and residential uses.

An Official Plan Amendment is required to redesignate the lands from Mixed Use to Residential High Density and Greenlands and to add a Special Site.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 12.4, Downtown Cooksville Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 9 on Map 12-4, Downtown Cooksville Character Area in accordance with the Special Site Policies.
2. Section 12.4.3, Special Site Policies, Downtown Cooksville Character Area, of Mississauga Official Plan, is hereby amended by adding the following:

12.4.3.9 Site 9



12.4.3.9.1 The lands identified as Special Site 9 are located at the southeast corner of Dundas Street East and Shepard Avenue.

12.4.3.9.2 Notwithstanding the policies of this Plan, three apartment buildings with maximum heights of 16, 31 and 32 storeys are permitted.

3. Schedule 1, Urban System, of Mississauga Official Plan, is hereby amended by removing lands from the Green System, as shown on Map "A" of this Amendment.
4. Schedule 1a, Urban System - Green System, of Mississauga Official Plan, is hereby amended by removing lands from the Green System, as shown on Map "B" of this Amendment.
5. Schedule 3, Natural System, of Mississauga Official Plan, is hereby amended by adjusting the Natural Hazards boundary line, as shown on Map "C" of this Amendment.
6. 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 and Greenlands, as shown on Map "D" 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.

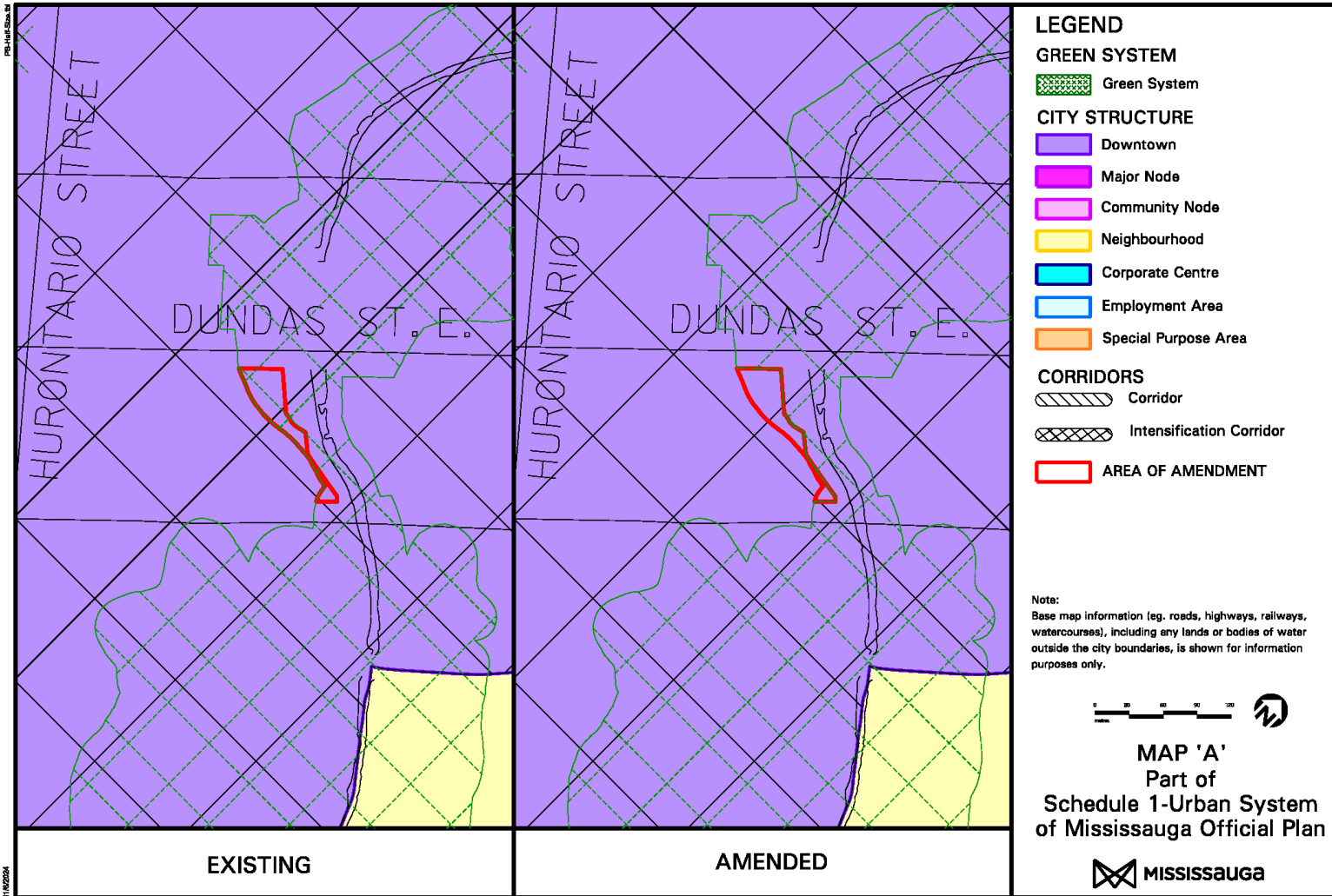
The lands will be rezoned as part of the same Tribunal Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated August 7, 2024.

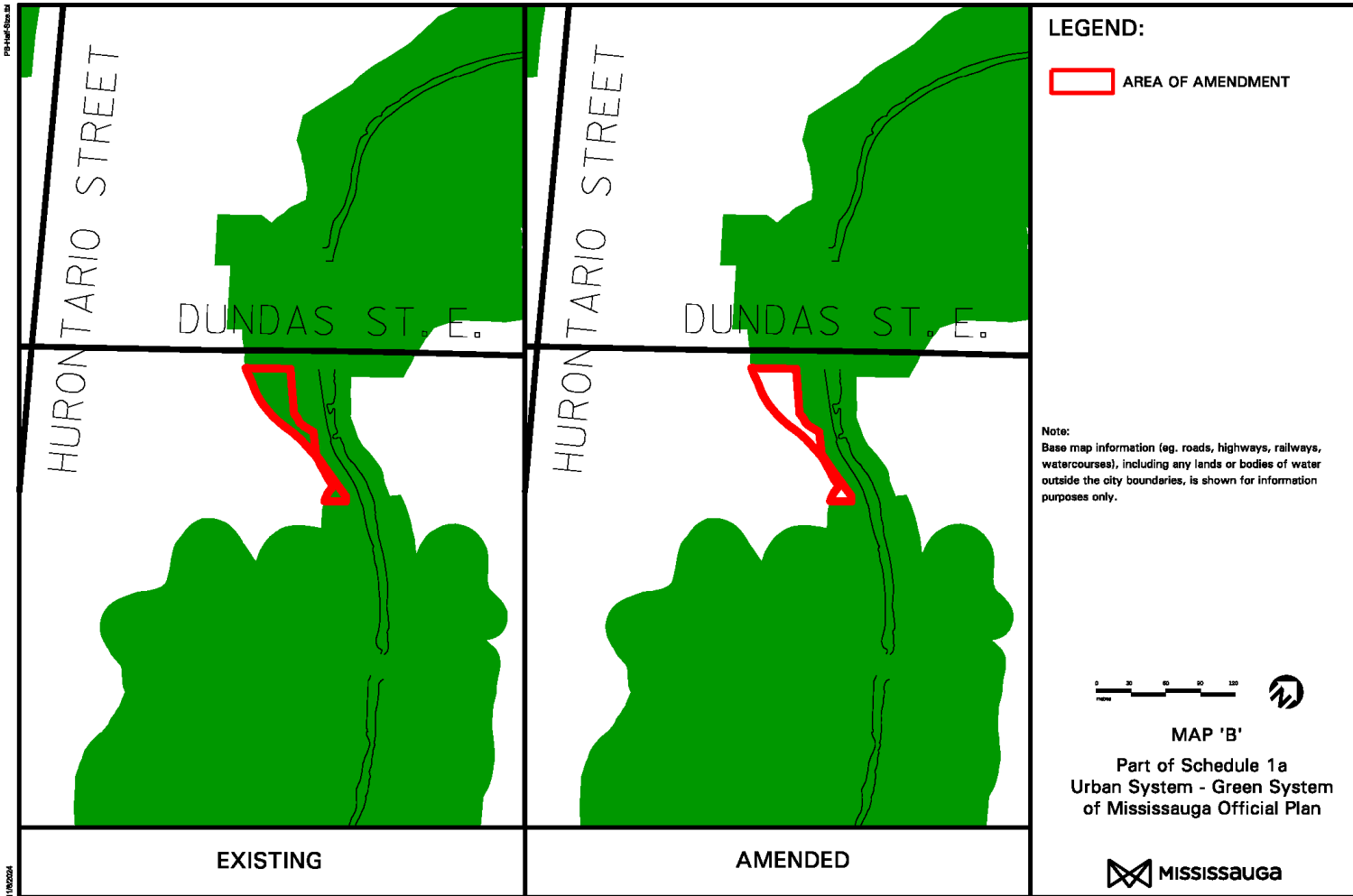
INTERPRETATION

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.



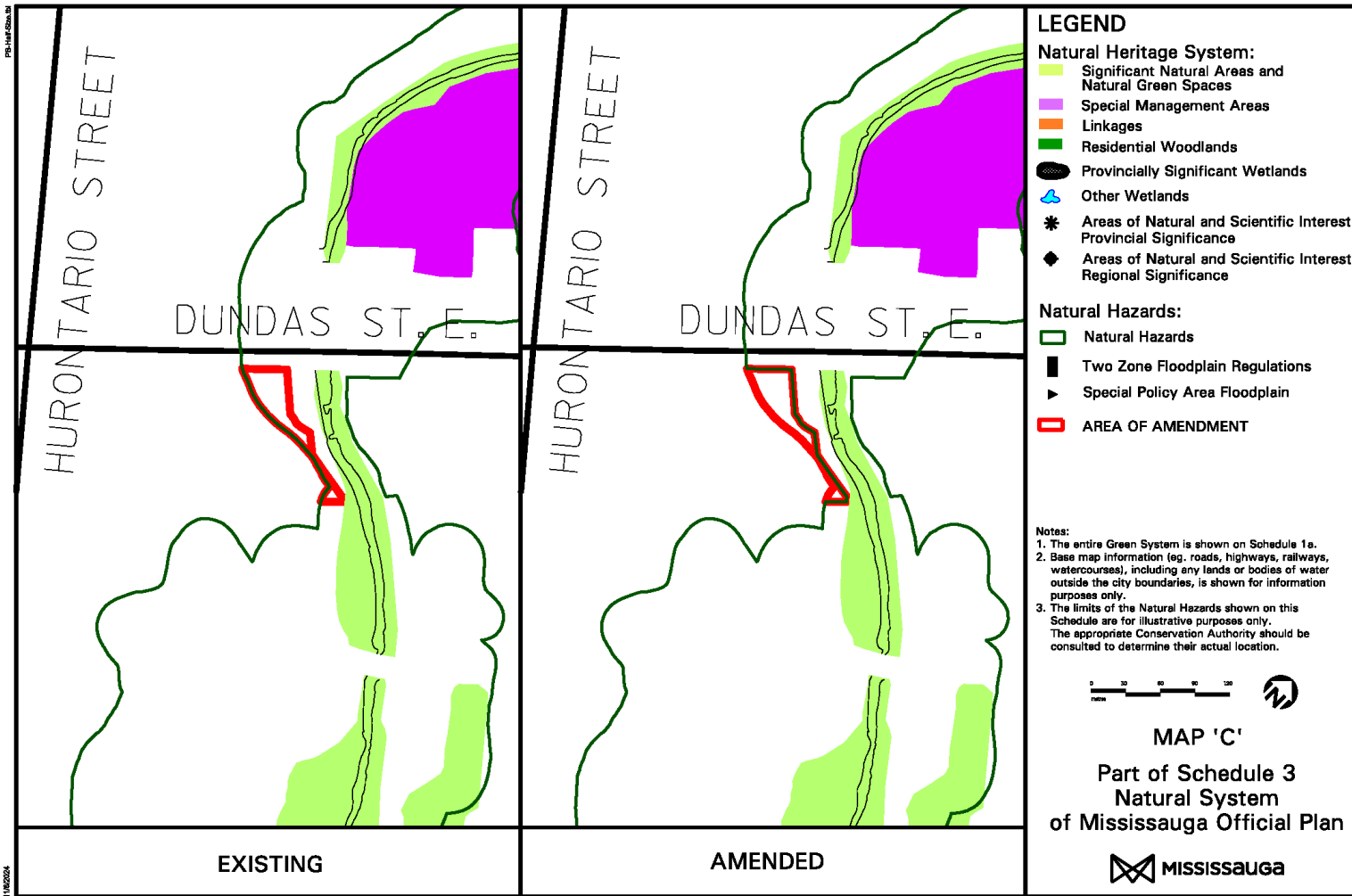
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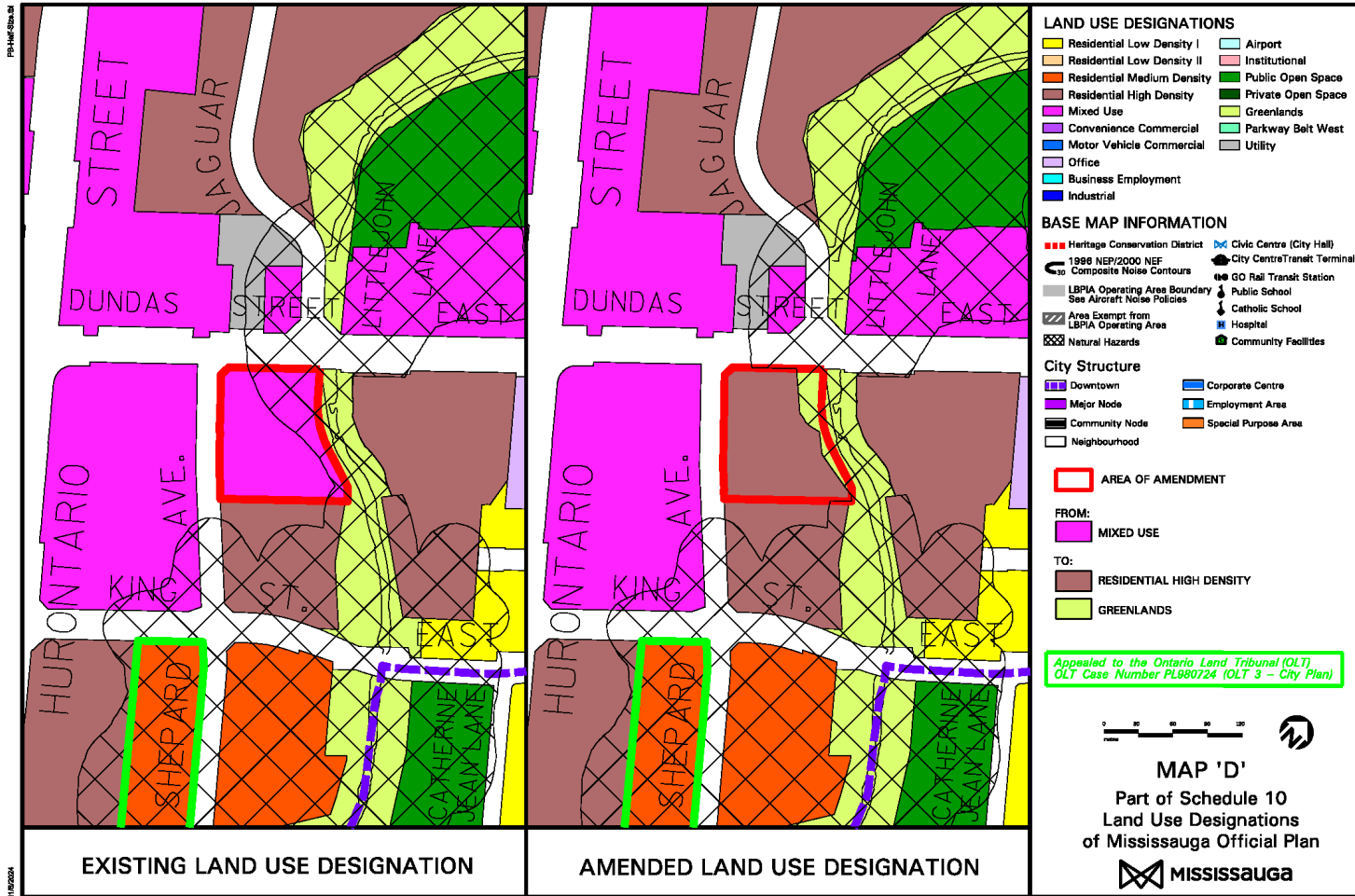


PPS-1461-2014

11/01/2024

brief





ATTACHMENT "2"

ONTARIO LAND TRIBUNAL
ORDER DATED _____

OLT Lead Case No. OLT-23-000393
OLT Case No. OLT-23-000394
Almega Asset Management 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:

4.15.6.64	Exception: RA5-64	Map # 14	By-law:
In a RA5-64 zone the permitted uses and applicable regulations shall be as specified for a RA5 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
4.15.6.64.1	(1) Restaurant (2) Take-out Restaurant (3) Recreational Establishment (4) Day Care		
Regulations			
4.15.6.64.2	The provisions contained in Tables 2.1.14 and 2.1.30, Article 4.1.8.1 and the regulations of Lines 11.1, 11.3, 13.5, 15.1, 15.2, 15.3, 15.4 and 15.5 contained in Table 4.15.1 of this By-law shall not apply		
4.15.6.64.3	The uses contained in Article 4.1.15.1 of this By-law and Sentence 4.15.6.64.1 of this Exception shall not be permitted above the sixth storey of Buildable Area 'A1' , and above the first storey of Buildable Areas 'A2' and 'A3' identified on Schedule RA5-64 of this Exception		
4.15.6.64.4	Dwelling units shall not be permitted on the first storey of an apartment, long-term care building or retirement building in Buildable Area 'A1'		
4.15.6.64.5	Maximum floor space index - apartment zone	8.3	
4.15.6.64.6	Minimum total gross floor area - non-residential of Buildable Areas 'A1' and 'A4' identified on Schedule RA5-64 of this Exception	650 m ²	

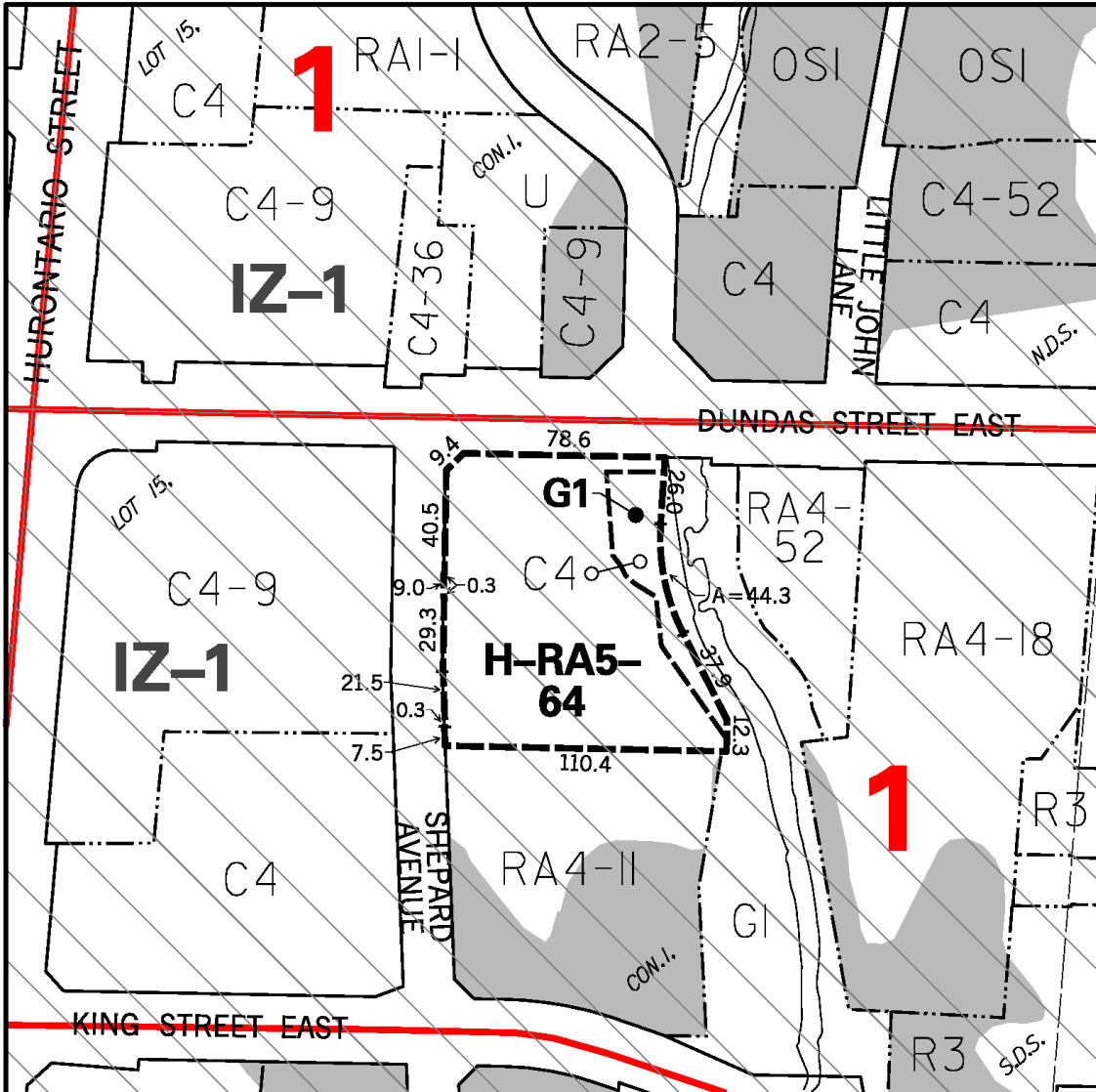
4.15.6.64	Exception: RA5-64	Map # 14	By-law:									
4.15.6.64.7	Minimum and maximum building heights of a podium in Buildable Areas 'A4' and 'A5' identified on Schedule RA5-64 of this Exception shall comply with the following: <table border="1" data-bbox="485 447 1101 609" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th data-bbox="485 447 612 520">Area</th> <th data-bbox="612 447 855 520">Minimum Height of a Podium</th> <th data-bbox="855 447 1101 520">Maximum Height of a Podium</th> </tr> </thead> <tbody> <tr> <td data-bbox="485 520 612 562">A4</td> <td data-bbox="612 520 855 562">3 storeys and 10.5 m</td> <td data-bbox="855 520 1101 562">6 storeys and 21.4 m</td> </tr> <tr> <td data-bbox="485 562 612 609">A5</td> <td data-bbox="612 562 855 609">3 storeys and 10.5 m</td> <td data-bbox="855 562 1101 609">6 storeys and 21.4 m</td> </tr> </tbody> </table>			Area	Minimum Height of a Podium	Maximum Height of a Podium	A4	3 storeys and 10.5 m	6 storeys and 21.4 m	A5	3 storeys and 10.5 m	6 storeys and 21.4 m
Area	Minimum Height of a Podium	Maximum Height of a Podium										
A4	3 storeys and 10.5 m	6 storeys and 21.4 m										
A5	3 storeys and 10.5 m	6 storeys and 21.4 m										
4.15.6.64.8	Maximum tower floor plate for Buildable Area 'A1' identified on Schedule RA5-64 of this Exception	1 166 m ²										
4.15.6.64.9	Maximum tower floor plate for Buildable Areas 'A2' and 'A3' identified on Schedule RA5-64 of this Exception	800 m ²										
4.15.6.64.10	Notwithstanding Sentence 4.15.6.64.14 of this Exception, maximum encroachment of a balcony located above the first storey into a required yard	1.5 m										
4.15.6.64.11	Notwithstanding Sentence 4.15.6.64.14 of this Exception, maximum encroachment of a window, pilaster, cornice, balustrade, roof eaves or architectural features into a required yard	1.0 m										
4.15.6.64.12	Minimum amenity area	4.0 m ² per dwelling unit										
4.15.6.64.13	"Podium" means the base of a building, structure or part thereof, located at or above established grade that projects from the exterior wall of the tower of the building											
4.15.6.64.14	All site development plans shall comply with Schedule RA5-64 of this Exception											









4.15.6.64	Exception: RA5-64	Map # 14	By-law:
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-RA5-64 by further amendment to Map 14 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"> <li data-bbox="488 537 1149 1100">(1) delivery of an executed Development Agreement in a form and on terms satisfactory to The Corporation of the City of Mississauga ("City") and the Credit Valley Conservation ("CVC"), which among other matters, addresses the required works to facilitate necessary natural hazard management, including flood control and protection and erosion control, all restoration works, in accordance with and as is necessary to fulfill the requirements of the submission made to the CVC on March 4, 2024, comprised of the CF Crozier and Associates Inc. Technical Memorandum dated February 28, 2024, which includes the updated model dated March 1, 2024, Grounded Engineering Inc. Slope Stability and Erosion Risk Assessment dated February 29, 2024; <li data-bbox="488 1121 1149 1318">(2) receipt of updated reports to the satisfaction of the City, including: an updated Functional Servicing and Stormwater Management Report and associated relevant drawings, updated Traffic Impact Study, updated Hydrogeological Report and updated Noise and Vibration Report; <li data-bbox="488 1339 1149 1564">(3) receipt of satisfactory environmental studies and documents, including: an updated reliance letter for the Phase One Environmental Site Assessment and a Phase Two Environmental Site Assessment Report, Remedial Action Plan, along with reliance letters to the satisfaction of the City, if determined to be necessary; 			

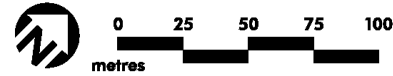
4.15.6.64	Exception: RA5-64	Map # 14	By-law:
Holding Provision (continued)	(4)	gratuitous dedication of hazard lands, in fee simple, and their associated buffers, including restoration plans except for the erosion access allowance, in accordance with and as is necessary to fulfill the requirements of Clause (1) to the satisfaction of the City;	
	(5)	conveyance of a surface easement as the erosion access allowance in accordance with and as is necessary to fulfill the requirements of the reports and documents referenced in Clause (1) to the satisfaction of the City.	

2. Map Number 14 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-RA5-64" and "G1", and deleting therefrom a portion of the Greenlands Overlay from the zoning of Part of Lot 15, Concession 1, South of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RA5-64" and "G1" zoning shall only apply to the lands which are shown on the attached Schedule "A", and the Greenlands Overlay shall not apply to a portion of 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-RA5-64" and "G1" zoning indicated thereon and the Greenlands Overlay deleted therefrom.
3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 178 is in full force and effect.

I:\pzd\Projects\Report\Map\227410_OZ_OPA_22-16_W7_RFT\Vector\Aug2024\22-16 - 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
-  ARROW FOR PROPOSED ZONING
-  GREENLANDS OVERLAY



This is not a Plan of Survey. Dimensions shown taken from Survey prepared by McConnell, Maughan Limited (OLS) dated March 16, 1989.

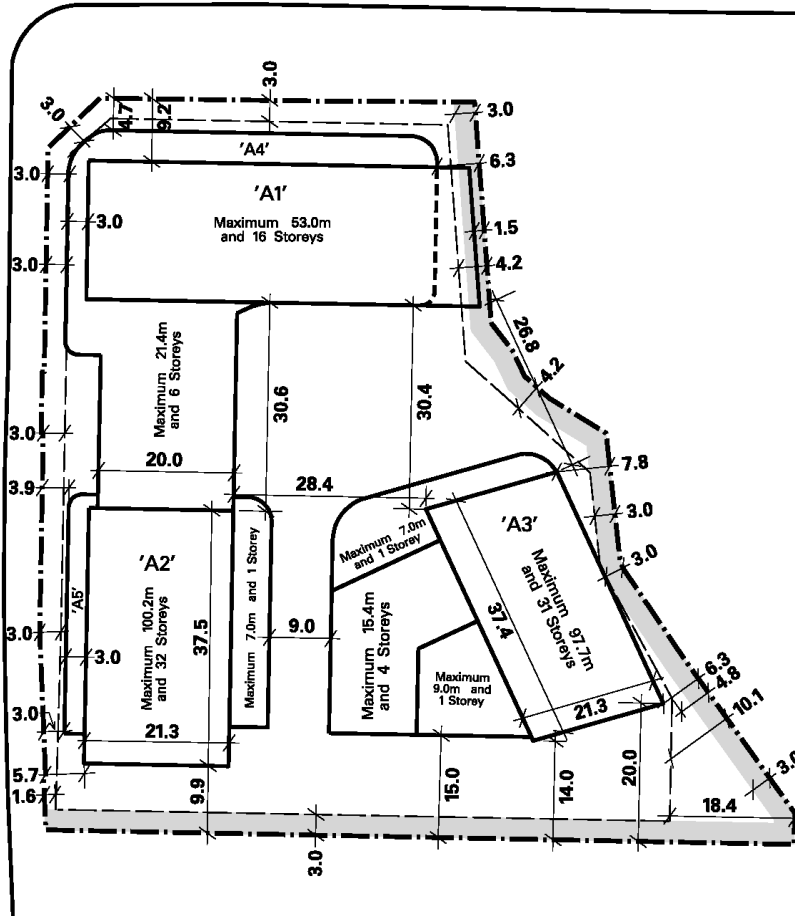
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A" TO
OLT ORDER DATED _____
OLT LEAD CASE NO. OLT-23-000393
OLT CASE NO. OLT-23-000394

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


DUNDAS STREET EAST

SHEPARD AVENUE



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

This is not a Plan of Survey.

-  BUILDABLE AREA
-  BUILDABLE AREA AT GRADE
-  LIMIT OF UNDERGROUND PARKING
-  ZONE BOUNDARY
-  LANDSCAPED BUFFER

THIS IS SCHEDULE "RA5-64" TO

OLT ORDER DATED _____

OLT LEAD CASE NO. OLT-23-000393

OLT CASE NO. OLT-23-000394