

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 12, 2022

CASE NO.: OLT-22-004037
OLT-22-004044

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

Applicant and Appellant: RioTrin Properties (Burnhamthorpe) Inc.
Subject: Request to amend the Official Plan - Failure of City of Mississauga to adopt the requested amendment
Description: To permit the intensification of an underused portion of the Property with a 25-storey mixed-use building
Reference Number: OPA/OZ 15/006
Property Address: 3900-3980 Grand Park Drive
Municipality/UT: Mississauga/Peel
OLT Case No: OLT-22-004037
Legacy Case No: PL190221
OLT Lead Case No: OLT-22-004037
Legacy Lead Case No: PL190221
OLT Case Name: RioTrin Properties (Burnhamthorpe) Inc. v. Mississauga (City.)

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

Subject: Application to amend the Zoning By-law – Refusal of application
Description: To permit the intensification of an underused portion of the Property with a 25-storey mixed-use building
Reference Number: OZ 15/006
Property Address: 3900-3980 Grand Park Drive
Municipality/UT: Mississauga/Peel
OLT Case No: OLT-22-004044
Legacy Case No: PL190222
OLT Lead Case No: OLT-22-004037
Legacy Lead Case No: PL190221

BEFORE:

T. PREVEDEL)	Tuesday, the 12th
)	
MEMBER)	day of July, 2022
)	
D. CHIPMAN)	
)	
MEMBER)	

WHEREAS RioTrin Properties (Burnhamthorpe) Inc. (“Appellant”) appealed the failure of the City of Mississauga (“City”) to make decisions on applications for an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBLA”) in relation to the property at 3900-3980 Grand Park Drive (“subject property”);

AND WHEREAS the Tribunal held a hearing on the merits and issued its decision on April 30, 2021;

AND THE TRIBUNAL having allowed the appeals and withheld the issuance of the final order until the City Solicitor, with the consent of RioTrin Properties (Burnhamthorpe) Inc. has filed with the Tribunal the final form of the OPA and ZBLA;

AND THE TRIBUNAL having been provided the OPA and ZBLA in their final form, on consent of the parties, on June 29, 2022

AND THE TRIBUNAL having reviewed the proposed OPA and ZBLA and having deemed the wording and schedules satisfactory;

THE TRIBUNAL ORDERS THAT the Official Plan of the City of Mississauga be amended in accordance with Attachment “A” attached to this order (OPA 83), and the

Zoning Bylaw of the City of Mississauga (0225-2007) be amended in accordance with Attachment "B" attached to this order.

"Euken Lui"

EUKEN LUI
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 A

Amendment No. 83

to

Mississauga Official Plan

The following text attached constitutes Amendment No. 83.

PURPOSE

The purpose of this Amendment is:

1. To add a Special Site to the Fairview Neighbourhood Character Area to permit a 25 storey apartment dwelling (with ground floor commercial uses); and
2. To add an Area A within Special Site 1 in the Fairview Neighbourhood Character Area within which residential uses are prohibited.

LOCATION

The lands affected by this Amendment are located at the southwest corner of Burnhamthorpe Road West and Grand Park Drive. The subject lands are located in the Fairview 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 range of uses including retail, restaurants, overnight accommodation and residential uses. Residential uses will be combined on the same lot or same building with another permitted use. Self storage facilities and detached and semi-detached dwellings are not permitted on this site.

The Neighbourhood policies permit a maximum of four storeys. The proposed building height is 25 storeys and requires an amendment to the Plan.

In addition, the Special Site policies applicable to the property are proposed to be amended in order to prohibit residential uses in certain areas, whereas residential uses are currently permitted within Special Site 1.

The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

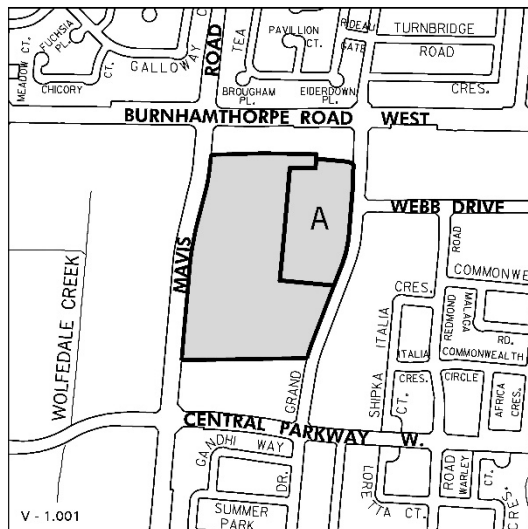
1. The proposed development is a compact, mixed use development which provides an appropriate transition between the Downtown Core to the east and the commercial and industrial developments to the west and south.
2. An apartment with ground floor commercial uses is an appropriate built form that makes efficient use of available or planned infrastructure including transit and other community services.
3. The proposed addition of an apartment with retail commercial uses at grade on an existing commercial property is appropriate as it provides intensification of an underutilized site.
4. The proposed development is compatible with surrounding land uses, including existing commercial and employment uses.

- The proposed removal of residential permissions from certain lands will ensure that an adequate buffer is retained to the existing chemical plant located on Mavis Road, south of Burnhamthorpe Road West.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

- Section 16.11, Fairview Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 4 on Map 16-11: Fairview Neighbourhood Character Area, in accordance with the Special Site Policies.
- Section 16.11.2, Special Site Policies, Fairview Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by deleting and replacing Special Site 1 map with the following:

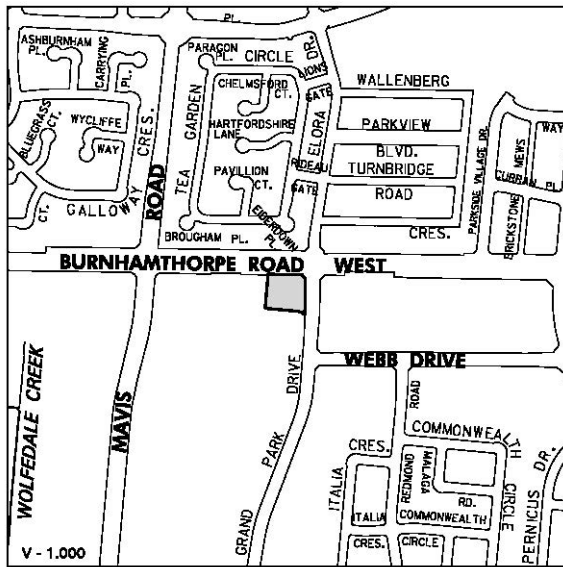
16.11.2.1 Site 1



- Section 16.11.2.1, Special Site 1 Policies, Fairview Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding Policy 16.11.2.1.4 as follows:

16.11.2.1.4 Notwithstanding the policies of this Plan, on the lands identified as Area A, no residential development will be permitted until the closure of the chemical plant located on Mavis Road, south of Burnhamthorpe Road West.
- Section 16.11.2, Special Site Policies, Fairview Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding Special Site 4 as follows:

16.11.2.4 Site 4



16.11.2.4.1 The lands identified as Special Site 4 are located at the southwest corner of Burnhamthorpe Road West and Grand Park Drive

16.11.2.4.2 Notwithstanding the policies of this Plan, an apartment dwelling with a maximum height of 25 storeys will be permitted.

16.11.2.4.3 Notwithstanding the policies of this Plan, non-residential uses will not be required above the ground level.

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.

ATTACHMENT B

ONTARIO LAND TRIBUNAL

OLT File Number PL190221

ORDER DATED _____

OLT Case No. PL190222

RioTrin Properties (Burnhamthorpe) Inc.

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law is amended by renumbering Sentences 6.2.4.5.3 and 6.2.4.5.4 to 6.2.4.5.4 and 6.2.4.5.5 and adding Sentence 6.2.4.5.3 to Exception Table 6.2.4.5 as follows:

6.2.4.5	Exception: C3-5	Map # 22	By-law:
Regulations			
6.2.4.5.3	For the purposes of this By-law, driveways, aisles, and parking spaces are permitted to be shared with abutting lands zoned C4-17		

2. By-law Number 0225-2007, as amended, is further amended by deleting Schedule C3-5 to Exception Table 6.2.4.5 and substituting the attached Schedule C3-5 therefor.
3. By-law Number 0225-2007, as amended, is further amended by adding the following Exception Table:

6.2.5.17	Exception: C4-17	Map # 22	By-law:
In a C4-17 zone the permitted uses and applicable regulations shall be as specified for a C4 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
6.2.5.17.1	(1)	Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted	
	(2)	Outdoor patio accessory to a restaurant or take-out restaurant	

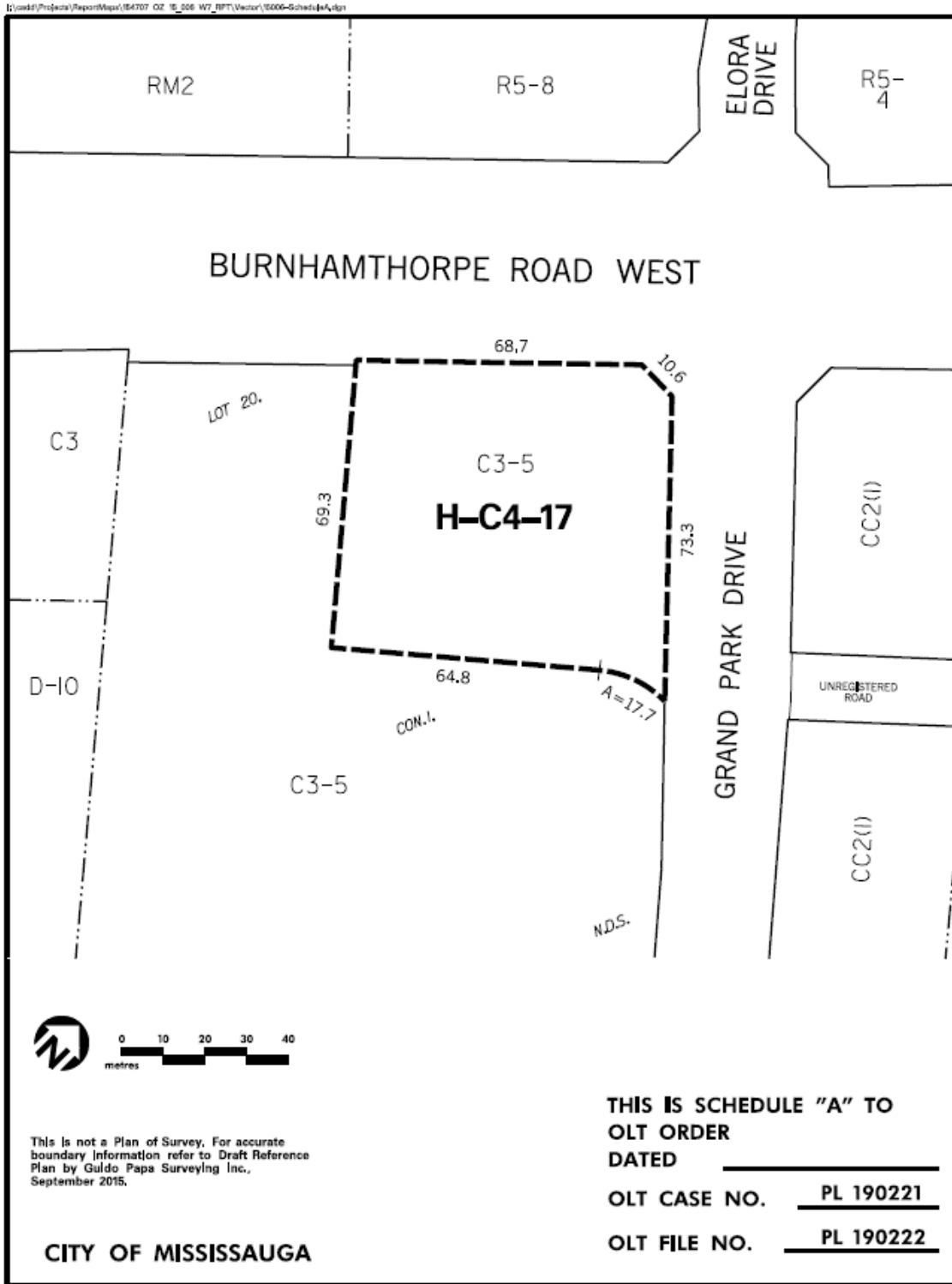
6.2.5.17	Exception: C4-17	Map # 22	By-law:
Regulations			
6.2.5.17.2	The provisions of Lines 1.0 and 3.0 contained in Table 2.1.2.1.1 of this By-law shall not apply		
6.2.5.17.3	Maximum floor space index - apartment zone	4.0	
6.2.5.17.4	Minimum gross floor area - non-residential	1 000 m ²	
6.2.5.17.5	Maximum tower floor plate	800 m ²	
6.2.5.17.6	The lot line abutting Burnhamthorpe Road West shall be deemed to be the front lot line		
6.2.5.17.7	Notwithstanding Sentence 6.2.5.17.15 of this Exception, maximum encroachment of a balcony into a required front yard or exterior side yard	1.5 m	
6.2.5.17.8	Notwithstanding Sentence 6.2.5.17.15 of this Exception, stairs, landings, planters, canopies, ventilation shafts, and bicycle racks shall be permitted to encroach into a required yard and landscaped buffer		
6.2.5.17.9	Minimum number of resident parking spaces per condominium dwelling unit	1.0	
6.2.5.17.10	Minimum number of visitor parking spaces per condominium dwelling unit	0.15	

6.2.5.17	Exception: C4-17	Map # 22	By-law:
6.2.5.17.11	<p>For the visitor component, a shared parking arrangement may be used for the calculation of required visitor/non-residential parking in accordance with the following:</p> <p>the greater of</p> <p>0.15 visitor spaces per unit</p> <p>or</p> <p>Parking required for all non-residential uses, located in the same building or on the same lot as the residential use, except entertainment establishment, overnight accommodation, place of religious assembly, recreational establishment and restaurant</p> <p>Parking for entertainment establishment, overnight accommodation, place of religious assembly, recreational establishment and restaurant 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>		
6.2.5.17.12	<p>For the purposes of this By-law, driveways, aisles, and parking spaces are permitted to be shared with abutting lands zoned C3-5</p>		
6.2.5.17.13	Minimum amenity area	4.0 m ² per dwelling unit	
6.2.5.17.14	Minimum amenity area to be provided outside	2.0 m ² per dwelling unit	

6.2.5.17	Exception: C4-17	Map # 22	By-law:
6.2.5.17.15 All site development plans shall comply with Schedule C4-17 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-C4-17 by further amendment to Map 22 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="500 583 1149 783">(1) filing of a Record of Site Condition (RSC) on the Ministry of Environment and Climate Change Environmental Site Registry, and the provision of a complete copy of the RSC and all supporting reports to the City of Mississauga ("City"); <li data-bbox="500 783 1149 1087">(2) delivery of an executed Development and/or Servicing Agreement for the provision of maintenance and operation of shared facilities and services, warning clauses, conditions of site plan approval, construction within municipal boulevard/streetscape works, land dedications and easements, on-site stormwater management, servicing connections, cash-in-lieu of parkland, school board signs, and legal matters; <li data-bbox="500 1087 1149 1224">(3) streetscaping along Burnhamthorpe Road West and Grand Park Drive including the relocation of utilities to accommodate a tree corridor on Grand Park Drive to the satisfaction of the City; <li data-bbox="500 1224 1149 1455">(4) 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; <li data-bbox="500 1455 1149 1558">(5) submission of any outstanding technical plans, studies and reports to the satisfaction of the City and the Region of Peel. 			

4. Map Number 22 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 "C3-5" to "H-C4-17", the zoning of Part of Lot 20, Concession 1, North of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-C4-17" 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-C4-17" zoning indicated thereon.

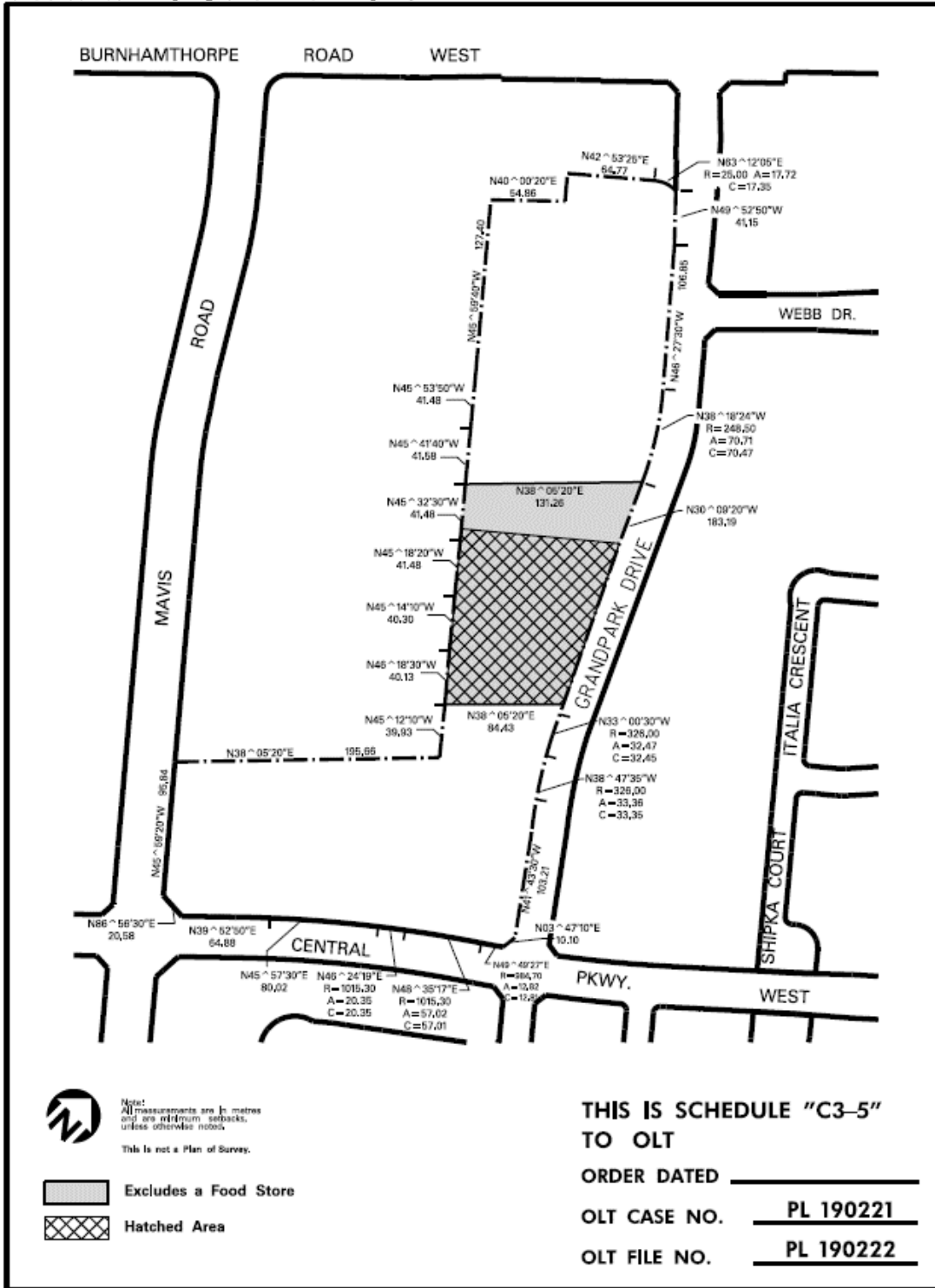
5. This By-law shall not come into force until Mississauga Official Plan Amendment Number 83 is in full force and effect.



**THIS IS SCHEDULE "A" TO
OLT ORDER
DATED _____
OLT CASE NO. PL 190221
OLT FILE NO. PL 190222**

CITY OF MISSISSAUGA

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

This is not a Plan of Survey.



Excludes a Food Store



Hatched Area

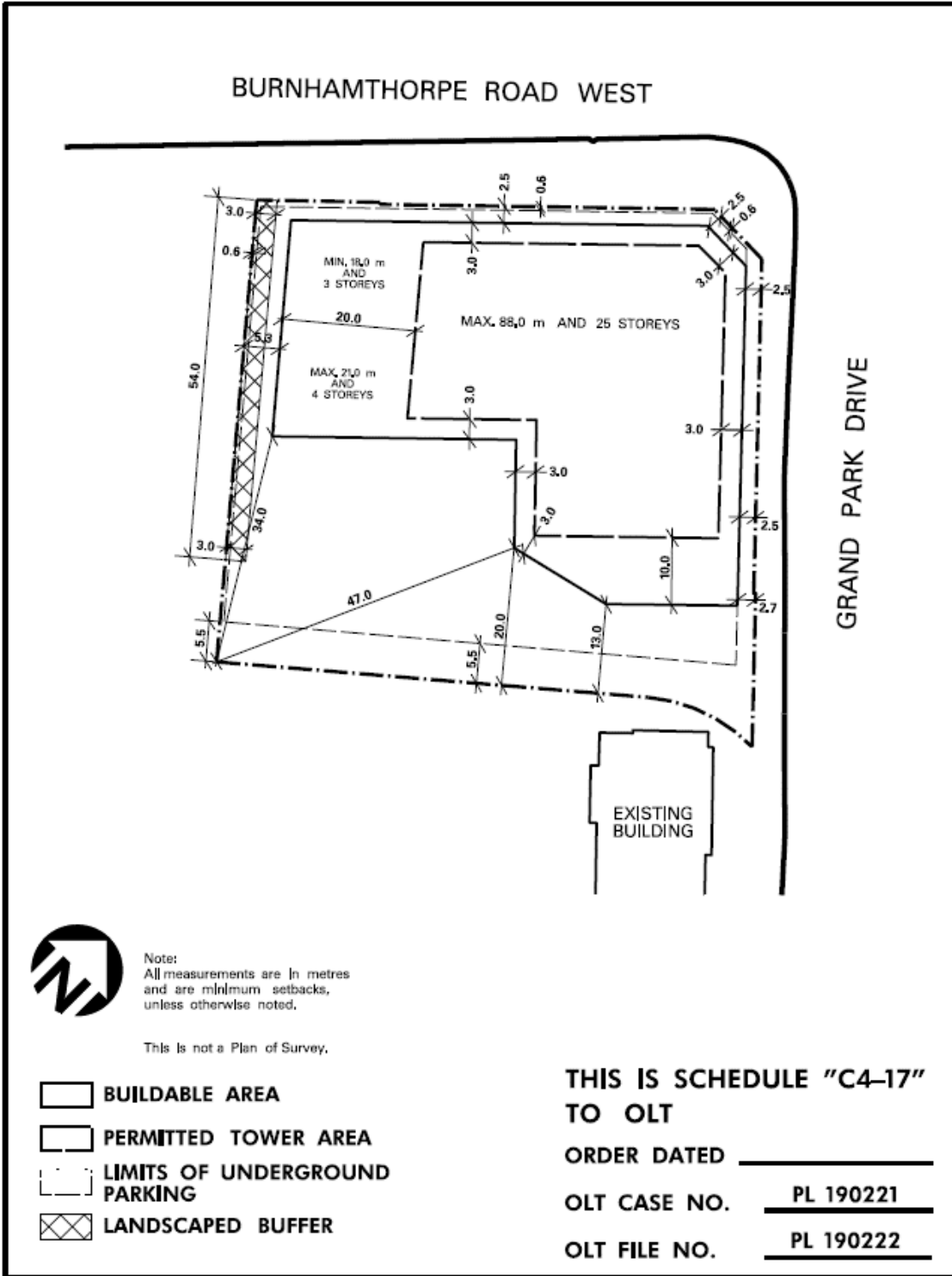
**THIS IS SCHEDULE "C3-5"
TO OLT**

ORDER DATED _____

OLT CASE NO. PL 190221





OLT FILE NO. PL 190222

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

This is not a Plan of Survey.

-  **BUILDABLE AREA**
-  **PERMITTED TOWER AREA**
-  **LIMITS OF UNDERGROUND PARKING**
-  **LANDSCAPED BUFFER**

**THIS IS SCHEDULE "C4-17"
 TO OLT**

ORDER DATED _____
 OLT CASE NO. PL 190221
 OLT FILE NO. PL 190222