

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 28, 2024

CASE NO(S).:

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

Heard: August 19, 2024 by Video Hearing

APPEARANCES:

Parties

Almega Asset Management Inc.

City of Mississauga

Counsel

Matthew Helfand

Brian Duxbury
Katie Pfaff

MEMORANDUM OF ORAL DECISION DELIVERED BY C.I. MOLINARI AND INTERIM ORDER OF THE TRIBUNAL

[Link to Interim Order](#)

INTRODUCTION AND BACKGROUND

[1] This matter involves a settlement hearing related to appeals filed by Almega Asset Management Inc. (“Appellant”) pursuant to s. 22(7) and 34(11) of the *Planning Act* (“Act”) against the failure of the City of Mississauga (“City”) to make decisions within the statutory time frame regarding the Appellant’s Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications (collectively “Applications”) relating to the property known municipally as 60 Dundas Street East (“Property”).

[2] The purpose of the Applications, as filed, was to facilitate the development of the Property with three towers ranging in height from 16 to 29 storeys, with the taller towers sharing a U-shaped podium and separated by a mid-rise 14-storey residential building with retail, commercial and 'flexible' space.

[3] The appeal pursuant to s. 41(12) of the Act for the related Site Plan Approval Application ("SPA") had previously been, and continues to be, adjourned *sine die* by the Tribunal.

[4] The Property is located within the Downtown Cooksville area of the City, at the southeast corner of Dundas Street East and Shepard Avenue. It has an area of 10,722 square metres with a frontage of approximately 79 metres ("m") on Dundas Street East and approximately 108 m on Shepard Avenue.

[5] The Property is generally flat and is currently developed with a one-storey retail shopping centre with approximately 160 parking spaces. It is bounded on the east by Cooksville Creek, with a public walkway along the east property line extending south to King Street East. To the east of the creek is an approved 17-storey condominium building currently under construction. Immediately south of the Property are two retirement buildings of 18- and 10-storeys. To the west of the Property, across Shepard Avenue, is a large commercial plaza, and to the north, across Dundas Street East, are three two-storey commercial buildings and a two-storey retail/office building.

[6] The Property is located approximately 150 m east of Dundas Street and Hurontario Street, which is the intersection of the planned Dundas Bus Rapid Transit ("BRT") line and the Hazel McCallion Light Rail Transit ("LRT") line, currently under construction and slated to be completed in 2024. The Property is also served by existing public transit bus routes and is located approximately 700 m from the Cooksville GO Station, which provides regional commuter rail service between Milton Station and Union Station during weekday peak periods.

[7] The Property is currently designated 'Mixed Use', with the eastern limit identified as 'Natural Hazard'. It is also identified as being within the 'Downtown', a 'Major Transit Station Area' ("MTSA"), and the Dundas Street 'Intensification Corridor' in the City Official Plan ("COP") and is currently zoned 'C4' (Mainstreet Commercial) under Zoning By-law No. 0225-2007.

[8] The Applications were filed on March 10, 2022, and deemed complete by the City on August 16, 2022, with a resubmission filed in December 2022. The SPA was also submitted at this time and was deemed complete on January 30, 2023.

[9] The Applications, along with the SPA, were appealed to the Tribunal on April 28, 2023, followed by a statutory public meeting held on October 23, 2023, wherein a staff recommendation report was presented to the City Planning and Development Committee ("Committee"). The Committee directed the City Solicitor and City staff to attend the Tribunal hearing in opposition to the Applications and to continue discussions with the Appellant in an attempt to resolve the appeals.

[10] Case Management Conferences were held on September 12, 2023, and November 30, 2023, at which no additional Parties or Participants sought status. As such, only the Appellant and the City are Parties to the appeals.

[11] Post-appeal, a without prejudice resubmission was filed with the City on November 27, 2023, which was the subject of Tribunal-led mediation. Following mediation, a with prejudice settlement offer was submitted to the City, which included revised architectural plans intended to resolve the Appeals ("Settlement").

[12] The Settlement includes reduced tower heights, changes to vehicular and pedestrian site access, and other modifications to address the Natural Hazard lands and the limits of the Property.

[13] The Tribunal received correspondence from the Appellant in advance of the Hearing, advising that the Parties had settled the issues and requesting that the Tribunal convert the proceedings to a settlement hearing. The Parties sought approval of the proposed OPA and ZBA submitted as part of the Settlement (“Settlement OPA” and “Settlement ZBA”, together “Settlement OPA and ZBA”). The appeal of the SPA continues to be adjourned *sine die*.

[14] In accordance with Rule 12 of the Tribunal’s *Rules of Practice and Procedure*, the Tribunal convened the proceedings as a hearing on the terms of the Settlement.

LEGISLATIVE FRAMEWORK

[15] When considering appeals filed pursuant to s. 22(7) and 34(11) of the Act, the Tribunal must have regard to the relevant matters of provincial interest as set out in s. 2 of the Act. Section 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the Provincial Policy Statement, 2020 (“PPS”) and, in this case, conform to the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). The Tribunal must also be satisfied that the Applications conform with the Region of Peel (“Region”) Official Plan (“ROP”) and the COP.

[16] In consideration of the statutory requirements set out above, the Tribunal must also be satisfied that the Settlement represents good land use planning and is in the public interest.

WITNESSES

[17] Prior to the commencement of the hearing, the Tribunal received the Affidavit of Michael Bissett in support of the Settlement. The Tribunal qualified Mr. Bissett, on consent, to provide expert opinion evidence in the area of land use planning.

LAND USE PLANNING EVIDENCE

[18] Mr. Bissett provided background information on the Property, the surrounding area, the proposed use, and the history and processing of the Applications.

[19] Mr. Bissett opined that the Settlement OPA and ZBA meet the applicable regulatory and policy requirements, represent good land use planning and should be approved.

[20] In addition, Mr. Bissett submitted that the Settlement OPA and ZBA take into account and are supportive of the Metrolinx 2041 Regional Transportation Plan, which contains actions to better integrate transportation and land use planning, especially around transit stations and mobility hubs.

The Planning Act

[21] Mr. Bissett opined that the Settlement OPA and ZBA have regard to the applicable matters of provincial interest pursuant to s. 2 of the Act, as the Property is located within an identified intensification area and corridor, and is adjacent to the BRT and LRT lines as well as existing frequent bus service along Hurontario Street and Dundas Street. It was his opinion that, in this regard, the Property is an ideal location for high-density development, given its location within the downtown and its proximity to several existing and planned higher-order transit routes.

Provincial Policy Statement

[22] Mr. Bissett opined that the Settlement OPA and ZBA are consistent with the PPS, in particular, the policies relating to residential intensification and the efficient use of land and infrastructure as the PPS places increased emphasis on promoting transit-supportive development, encouraging an increase in the mix and supply of housing, protecting the environment, and supporting the economy and job creation.

Growth Plan

[23] Mr. Bissett opined that the Settlement OPA and ZBA conform with the Growth Plan, in particular, the policies relating to the creation of complete communities and optimizing the use of land and infrastructure. He noted that the Property is within a 'Strategic Growth Area' ("SGA") as defined in the Growth Plan as an appropriate location for intensification. He noted that the Growth Plan identifies that SGAs include urban growth centres and MTSAs, as well as lands along major roads, arterial roads, or other areas with existing or planned frequent transit services or higher-order transit corridors.

[24] In his Affidavit, Mr. Bissett stated that, in this regard, the Property is located in proximity to the Cooksville GO Station, the BRT and LRT lines. In addition, the Hurontario Street corridor is identified as a Priority Transit Corridor on Schedule 5 of the Growth Plan.

Region Official Plan

[25] Mr. Bissett advised that the enactment of Bill 150, the *Planning Statute Law Amendment Act, 2023* ("Bill 150"), reversed the Ministerial approval of the Region's new ROP and replaced it with the ROP as adopted by the Region, subject to a few modifications ("Bill 150 ROP"). He noted that his analysis of the Settlement OPA and ZBA addresses the Bill 150 ROP.

[26] Mr. Bissett advised that the Property is located within the delineation of an MTSA around stations and stops on the BRT and LRT lines in the Bill 150 ROP. He submitted that the Settlement OPA and ZBA conform with the Bill 150 ROP, which places considerable emphasis on intensification within the Urban System, particularly in SGAs, including MTSAs. In his opinion, the Settlement OPA and ZBA support the Region's Growth Management objectives by optimizing the use of existing land supply within the

Region and intensifying an underutilized parcel of land within the downtown and within an MTSA and an SGA. He added that the Settlement OPA and ZBA provide for a development that takes advantage of existing infrastructure and supports cost-effective development patterns.

[27] Mr. Bissett proffered that the Settlement OPA and ZBA also support the Region's objective to establish complete communities, as the proposed development will provide for new residential and non-residential uses in an area that is well-served by existing and planned transit. In addition, the Settlement OPA and ZBA also support the Region's intensification and housing goals with a compact development that offers a range of dwelling types.

City Official Plan

[28] Mr. Bissett opined that the Settlement OPA and ZBA conform to the growth management policies of the COP by providing new residential housing units and mixed-use development within an identified 'Intensification Area' that is located proximate to existing and planned higher-order transit. He added that the Settlement OPA and ZBA conform with the 'Complete Communities' policies of the COP, which encourage compact, mixed-use development, environments that foster incidental and recreational activity, and land use planning practices conducive to good public health.

[29] In addition, Mr. Bissett noted that the Settlement OPA and ZBA address the COP housing policies as the development of the Property will result in an additional 1,140 dwelling units in a tall building with a mix of unit types in a compact built form within walking distance of three higher-order transit lines. In this regard, he noted that the Settlement OPA and ZBA support the City's goals and objectives of creating well-connected communities that support walking, cycling and transit, as well as the COP policies relating to built form and the public realm.

[30] Mr. Bissett noted that, while the existing planning framework in the COP for the Downtown allows for heights up to 25 storeys on lands designated 'Residential High Density', the proposed heights of 16, 31 and 32 storeys are appropriate given the COP's direction for intensification at the greatest scale and intensity within the Downtown. He opined that, in this regard, the proposed height would maintain the hierarchy set out in the COP and would continue to provide for a downward transition of building heights from the Hurontario Street and Dundas Street intersection and the Cooksville GO Station, where taller building heights are currently planned and proposed. He added that the proposed heights are also consistent with the pattern of approved heights within the Downtown Cooksville Character Area.

[31] Mr. Bissett proffered that, subsequent to the submission of the Applications, several OPAs were adopted by the City, including OPA 144, pertaining to Protected MTSA's ("PMTSA"), maximum building heights, community infrastructure, parks, urban design, roads and pedestrian connections, among other items, which are relevant to the Applications. OPA 144 adds Schedule 11 to the COP, which places the Property in the Dundas PMTSA. He noted that, while these OPAs are determinative to his opinions, they are informative in relation to assessing the Applications.

Zoning By-law

[32] As submitted by Mr. Bissett, the Settlement ZBA proposes to rezone the majority of the Property from 'C4' to a site-specific 'RA5-XX' (Residential Apartment Five – Exception XX) zone to establish the required development standards on the Property, including permissions for permitted height, density, and setbacks, among others. It was his opinion that the proposed RA5 zone is the appropriate zoning category for the proposed development, given that the RA5 zone anticipates development in the form of tall residential buildings within intensification areas. He noted that the easterly portion of the Property adjacent to Cooksville Creek would be rezoned from 'C4' to 'G1' (Greenlands – Natural Hazards) to limit permitted uses to flood control, stormwater management, erosion management, natural heritage features and conservation areas.

[33] Mr. Bissett advised that the Settlement ZBA includes a holding provision, which requires the execution of a Development Agreement, the submission of updated reports and environmental studies and documents, as required, to the satisfaction of the City, the dedication of hazard lands and associated buffers, and the conveyance of a surface easement for an erosion access allowance.

[34] It was Mr. Bissett's opinion that the Settlement ZBA is appropriate and desirable in land use planning and urban design terms and should be approved, as it will facilitate residential intensification of an underutilized site where growth is contemplated while providing for a built form that meets the intent of the COP policies and in keeping with the existing and planned context.

Conclusions

[35] Mr. Bissett opined that the Settlement OPA and ZBA have regard for the matters of Provincial interest in s. 2 of the Act, are consistent with the PPS, conform with the Growth Plan and the Bill 150 ROP, conform with the overall policy directions of the COP, have appropriate regard for the relevant urban design guidelines, represent good land use planning and are in the public interest. He noted that the Settlement OPA and ZBA will result in the redevelopment of an underutilized parcel of land in favour of new residential buildings with commercial uses at grade, which will contribute to the provision of new housing options in the community, as well as an attractive, safe, and comfortable environment that encourages walking, strengthens local retailing, and further promotes the use of transit and active transportation.

[36] Mr. Bissett opined that the Settlement OPA and ZBA provide adequate setbacks to the floodplain associated with Cooksville Creek, ensuring the protection of natural heritage features and Natural Hazards, and mitigating risks to public safety. Additionally, the Settlement OPA and ZBA have appropriate regard for the City's urban

design guidelines, including generally respecting the angular plane in order to mitigate shadow impacts on the north side of Dundas Street East and the public realm.

[37] Based on the foregoing, it was Mr. Bissett's opinion that the Settlement OPA and ZBA are appropriate and desirable in terms of land use planning and urban design and should be approved in principle.

ANALYSIS AND FINDINGS

[38] The Tribunal accepts the uncontroverted testimony and evidence of Mr. Bissett. In consideration of his evidence and the resulting settlement of the appeals, the Tribunal is satisfied that the Settlement OPA and ZBA have sufficient and proper regard for the applicable matters of provincial interest as set out in s. 2 of the Act. The Tribunal finds that the Settlement OPA and ZBA are consistent with the PPS and are in conformity with the Growth Plan, the Bill 150 ROP and the COP, represent good land use planning and are in the public interest.

[39] The Tribunal finds that the holding symbol is appropriate for the Settlement ZBA and will ensure any outstanding technical matters are adequately addressed prior to the Proposed Development being permitted.

INTERIM ORDER

[40] **THE TRIBUNAL ORDERS** that the appeals under subsection 22(7) and 34(11) of the *Planning Act* are allowed, in part, on an interim basis, and the Official Plan Amendment and Zoning By-law Amendment set out in **Attachments 1 and 2** to this Interim Order are hereby approved in principle.

[41] The Tribunal will withhold the issuance of its Final Order until such time as the final form of the instruments satisfactory to the Parties is submitted to the Tribunal.

[42] If the Parties do not submit the final drafts of the Official Plan Amendment and Zoning By-law Amendment and do not request the issuance of the Final Order by **February 28, 2025**, the Parties shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the Amendments and request for issuance of the Final Order by the Tribunal.

[43] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadline for the submission of the final form of the instruments.

[44] **THE TRIBUNAL ORDERS** that the related Site Plan Approval appeal continues to be adjourned *sine die*. The Parties are directed to provide the Tribunal with a status update in respect of the appeal by no later than **Friday, February 28, 2025**.

[45] The Member will remain seized for the purposes of reviewing and approving the final draft of the Official Plan Amendment and Zoning By-Law Amendment and the issuance of the Final Order.

[46] The Member is not seized with respect to the Site Plan Approval appeal.

“C. I. Molinari”

C. I. MOLINARI
MEMBER

Ontario Land Tribunal

Website: 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.

ATTACHMENT 1

By-law No. _____

A by-law to Adopt Mississauga Official Plan Amendment No. XX

WHEREAS in accordance with the provisions of sections 17 or 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, ("Planning Act") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS, pursuant to subsection 17(10) of the Planning Act, the Ministry of Municipal Affairs authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. XX, in his or her opinion the amendment conforms with the Regional Official Plan and is exempt;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding Special Site Policy changes within the Downtown Cooksville Character Area;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

The document attached hereto, constituting Amendment No. XX to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this _____ day of _____, 2024.

Signed _____

MAYOR

Signed _____

CLERK

Amendment No. XX

to

Mississauga Official Plan

PURPOSE

The purpose of this Amendment is to permit three tall buildings with heights in excess of 25 storeys, as permitted by the Site-Specific Zoning By-law, and a Floor Space Index of 8.5, for Special Site 9.

LOCATION

The subject lands are located at the southeast corner of Shepard Avenue and Dundas Street East. The subject lands are located within the Downtown Cooksville Character Area, as identified in the Mississauga Official Plan.

BASIS

Notwithstanding Official Plan Amendment Number 145 and 146 (which are under appeal), the Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site-specific appeals to the Ontario Land Tribunal (OLT). The Mississauga Official Plan provides that within the City Structure, Intensification Areas are to be the principal location for future growth within the City. In this regard, the Subject Lands are located within the Downtown, within a Primary Major Transit Station Area and along an Intensification Corridor where transit-oriented development is encouraged.

As per the Downtown Cooksville Character Area, a maximum building height of six storeys is permitted directly abutting the street line, with additional height permitted 10 metres from the street line. A density is not specified. Residential High Density designated lands are subject to a height limit of 25 storeys. To specifically provide for this development within a Residential High-Density designation, a Special Site policy is proposed to be added to the Official Plan to permit the proposed building height and density. The site-specific permissions are incorporated in the enclosed implementing Official Plan Amendment.

The Subject Lands are currently designated 'Mixed Use'. The Official Plan Amendment is required to redesignate most of the Subject Lands to 'Residential High Density' and the eastern edge of the Subject Lands to 'Greenlands'. As previously stated, the Subject Lands are located within the Downtown Cooksville Character Area of the Mississauga Official Plan. This Amendment proposes to revise the Downtown Cooksville Character Area to add the Subject Lands as a Special Site. This proposed Special Site policy will permit a range of accessory, non-residential uses on the lands, with heights in excess of 25 storeys, as permitted by the Site-Specific Zoning By-law, and a Floor Space Index of 8.5. In addition to the non-residential uses permitted in the Convenience Commercial designation, commercial school and research and development uses are permitted.

The proposed Official Plan Amendment is to redesignate the Subject Lands to 'Residential High Density – Special Site' and 'Greenlands'. The proposed Amendment is acceptable from a planning perspective and should be approved for the following reasons:

1. The proposal meets the intent, goals, and objectives of the Mississauga Official Plan.

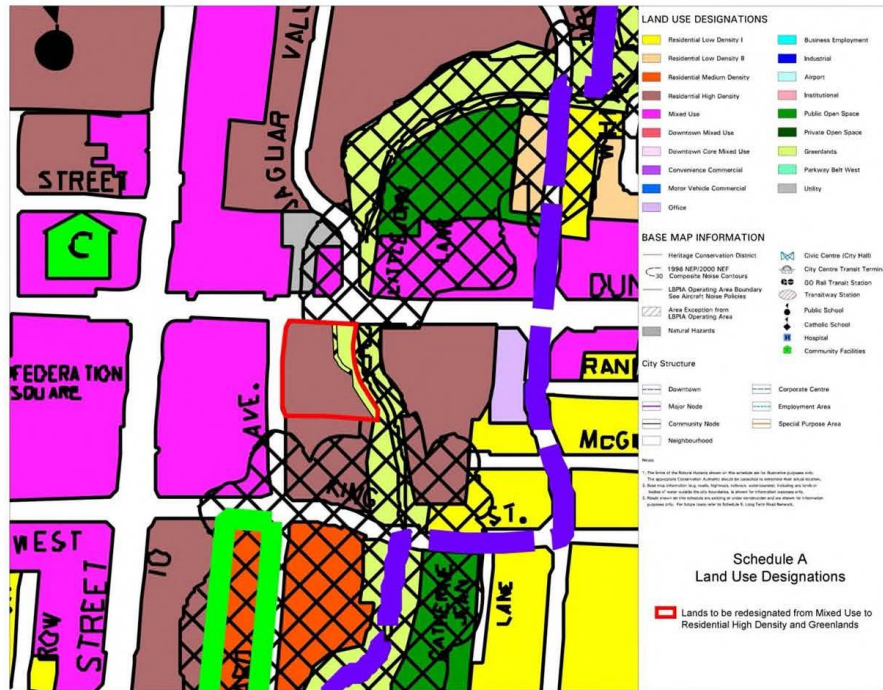
2. The site is well served by a variety of existing and planned public transportation and active transportation options, community services, public open spaces, residential, commercial, retail and employment uses.
3. The proposed development incorporates residential, office, retail and commercial uses and provides new open space. The proposed development makes efficient use of available and planned infrastructure and public service facilities.
4. The proposed densities are appropriate for the site's location along a Regional Intensification Corridor and a Primary Major Transit Station Area and is within walking distance of planned higher order transit.

The proposed built form is compatible with the planned urban character and vision for the Dundas Corridor. The proposed buildings will provide sufficient separation from the street and create visual interest along Shepard Avenue and Dundas Street East through podiums that respect the scale of the street, provide active at-grade uses and provisions adequate landscaped area for resident use and acts to buffer the proposed buildings with the adjacent commercial and residential uses. Development impact will be minimized on lands designated as *Natural Hazard Lands* to ensure appropriate flood mitigation measures can be implemented.

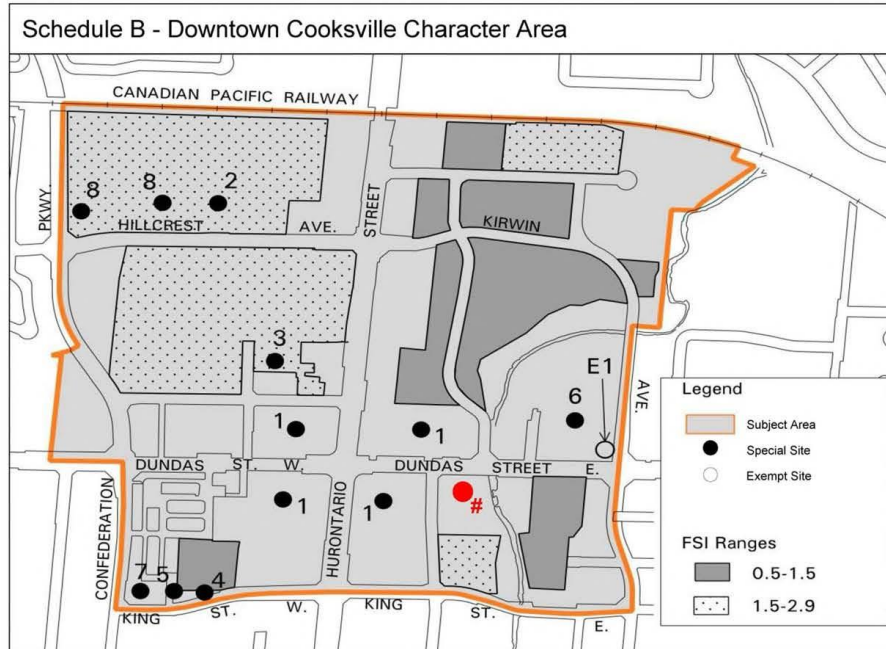
The proposed development provides new housing supply through the intensification of underutilized lands.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Schedule 10, Land Use Designations, of the Mississauga Official Plan, is hereby amended by re-designating the lands to 'Residential High Density' and 'Greenlands' and removing the lands from the 'Natural Hazards' designation.



2. Section 12.4, Downtown Cooksville Character Area, of the 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
3. Section 12.4.3, Special Site Policies Downtown Cooksville Character Area, of the Mississauga Official Plan, is hereby amended by adding the following:



12.4.3.9.1 The lands identified as Special Site 9 are located on the east side of Shepard Avenue, south of Dundas Street East.

12.4.3.9.2 Notwithstanding the provisions of the Residential High-Density designation, the Urban Design Policies, and other provisions of this Plan, the following additional policies will apply:

- three apartment buildings with maximum heights in excess of 25 storeys, as permitted by the Site-Specific Zoning By-law.
- total maximum Floor Space Index (FSI) of 8.5 will be permitted.
- in addition to the non-residential uses permitted in the Convenience Commercial designation, commercial school and research and development uses are permitted.

IMPLEMENTATION

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

The lands will be rezoned to implement this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan October 21, 2021.

INTERPRETATION

The provisions of the 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 the Mississauga Official Plan.

61415823.1

ATTACHMENT 2

DRAFT ZONING BY-LAW AMENDMENT (JULY 17, 2024)

THE CORPORATION OF THE CITY OF MISSISSAUGA BY-LAW NUMBER XXXX-2024

A by-law to amend By-law Number 0225-2007, as amended.

WHEREAS the Ontario Land Tribunal, by its Decision issued on XX and Order issued on XX in File No. OLT-23-000393, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c.P13, as amended, order the amendment of Zoning By-law 0225-2007, as amended, with respect to the lands municipally known in the year 2023 as 60 Dundas Street East;

D Whereas pursuant to Section 36 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once council removes the holding symbol "(H)" by amendment to the by-law; and

R Whereas the Official Plan for the City of Mississauga contains provisions relating to the use of the holding symbol "(H)"; and

NOW THEREFORE the Ontario Land Tribunal Orders:

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

A

4.15.6.XX	Exception RA5-XX	Map # XX	By-law: xx-XXX
In a RA5-XX zone the permitted uses and applicable regulations shall be as specified for a RA5 zone except that the following uses/regulations apply:			

F

Additional Permitted Uses	
4.15.6.XX.1	(1) Office (2) Medical Office (3) Retail Store (4) Financial Institution (5) Service Establishment (6) Restaurant (7) Take-out Restaurant (8) Townhouses (11) Day Care (12) Recreational Establishment
Regulations	
4.15.6.XX.2	The provisions of Lines 1.0 and 3.0 contained in Table 2.1.2.1, Subsection 2.1.14 and 2.1.30, and Lines , 13.2, 15.1, and 15.5 contained in Table 4.15.1 of this By-law shall not apply.

T

DRAFT ZONING BY-LAW AMENDMENT (JULY 17, 2024)**D
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4.15.6.XX.3	The uses contained in 4.15.6.XX.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.	
4.15.6.XX.4	Maximum Gross Floor Area	72,400m ²
4.15.6.XX.5	Maximum Height	See Schedule 'B'
4.15.6.XX.7	Minimum Front Yard along Dundas Street East:	See Schedule 'B'
	1) For that portion of the dwelling with a height less than or equal to 13.0m:	See Schedule 'B'
	2) For that portion of the dwelling with a height greater than 13.0 m and less than or equal to 20.0 m:	See Schedule 'B'
	3) For that portion of the dwelling with a height greater than 20.0m and less than or equal to 26.0 m:	See Schedule 'B'
	4) For that portion of the dwelling with a height greater than 26.0m:	See Schedule 'B'
4.15.6.XX.8	Minimum Exterior Side Yard along Shepard Avenue:	See Schedule 'B'
	1) For that portion of the dwelling with a height less than or equal to 13.0m:	See Schedule 'B'
	2) For that portion of the dwelling with a height greater than 13.0m and less than or equal to 20.0 m:	See Schedule 'B'
	3) For that portion of the dwelling with a height greater than 20.0m and less than or equal to 26.0 m:	See Schedule 'B'
	4) For that portion of the dwelling with a height greater than 26.0 m:	See Schedule 'B'
4.15.6.XX.9	Minimum Rear Yard:	See Schedule 'B'
	5) For that portion of the dwelling with a height less than or equal to 13.0m:	See Schedule 'B'

DRAFT ZONING BY-LAW AMENDMENT (JULY 17, 2024)

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	6) For that portion of the dwelling with a height greater than 13.0m and less than or equal to 20.0 m:	See Schedule 'B'
	7) For that portion of the dwelling with a height greater than 20.0m and less than or equal to 26.0 m:	See Schedule 'B'
	8) For that portion of the dwelling with a height greater than 26.0 m:	See Schedule 'B'
4.15.6.XX.10	Maximum encroachment of a balcony located above the first storey , sunroom, window, chimney, pilaster, cornice, balustrade or roof eaves into a required yard :	1.7 m
4.15.6.XX.11	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:	1.5 m
4.15.6.XX.13	Minimum setback from a parking structure completely below finished grade, inclusive of external access stairwells, to any lot line :	
4.15.6.XX.14	1) A landscaped Buffer of 3 metres is required along the south property line.	

DRAFT ZONING BY-LAW AMENDMENT (JULY 17, 2024)

4.15.6.XX.16	Minimum Amenity Area	4.0 m ² per dwelling unit
4.15.6.XX.17	Required Number of Bicycle Parking Spaces	Max. 740 spaces

D

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 "RA5-XX", the zoning of 60 Dundas Street East, in the City of Mississauga, PROVIDED HOWEVER THAT the "RA5-XX" 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 black line with the "RA5-XX" zoning indicated thereon.

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3. By-law 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the attached Schedule "RA5-XX", which is deemed to be an integral part of this By-law.

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

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5. Holding Provisions:

a. The lands zoned with the "(H)" symbol delineated by heavy lines on the attached Schedule "RA5-XX" and forming part of this By-law must not be used for any purpose other than those uses and buildings existing on the site as of date of passing this By-law on the lands shown on Schedule "RA5-XX" attached to this By-law until the "(H)" symbol has been removed.

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b. An amending by-law to remove the "(H)" symbol may be enacted by City Council with respect to lands when the following conditions have been fulfilled:

- i. Execution of a satisfactory Development Agreement, 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 Credit Valley Conservation Authority on March 4, 2024 comprised of the CF Crozier & 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, to the satisfaction of the Credit Valley Conservation

DRAFT ZONING BY-LAW AMENDMENT (JULY 17, 2024)

Authority and the City;

- ii. 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;
- iii. Receipt of satisfactory environmental studies and documents, including an updated Phase One ESA and a Phase Two ESA reports, and Remedial Action Plan, along with reliance letters to the satisfaction of the City, if determined to be necessary;
- iv. 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 item b.i, to the satisfaction of the City.
- v. 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 item b.i, to the satisfaction of the City.

Ontario Land Tribunal Decision and Order issued on XX in File No. OLT-23-000393.

DRIFT



Not to Scale

**THIS IS SCHEDULE "A" TO ZONING BY-LAW
AMENDMENT NO. XXX**

DRAFT ZONING BY-LAW AMENDMENT (JULY 17, 2024)**D
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