

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 24, 2026 **CASE NO(S).:** OLT-25-000906

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

Applicant and Appellant:	EMTC Holdings Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To redevelop the property with nine residential tower-on-podium buildings of various heights, organized around a central public park and an urban plaza, through five phases of development
Reference Number:	OZ-OPA 24-15 W9
Property Address:	5100 Erin Mills Parkway
Municipality/UT:	Mississauga/Peel
OLT Case No.:	OLT-25-000906
OLT Lead Case No.:	OLT-25-000906
OLT Case Name:	EMTC Holdings Inc. v. Mississauga (City)

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

Applicant and Appellant:	EMTC Holdings Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To redevelop the property with nine residential tower-on-podium buildings of various heights, organized around a central public park and an urban plaza, through five phases of development
Reference Number:	OZ-OPA 24-15 W9
Property Address:	5100 Erin Mills Parkway
Municipality/UT:	Mississauga/Peel
OLT Case No.:	OLT-25-000907
OLT Lead Case No.:	OLT-25-000906

PROCEEDING COMMENCED UNDER subsection 9(1) of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6

Request by: Sen Hu and Yuxin Tian
Motion for: Directions

Heard: September 18, 2026, by video hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
EMTC Holdings Inc.	D. Artenosi N. Ast
City of Mississauga	L. Magi LeBlanc K. Pfaff, <i>in absentia</i>
Peel District School Board	M. Tersigni B. Sully, <i>in absentia</i>
Sen Hu and Yuxin (Austin) Tian	R. Haq*

DECISION DELIVERED BY C. HARDY AND ORDER OF THE TRIBUNAL

BACKGROUND

[1] This Decision and Order involves two appeals filed by EMTC Holdings Inc. (the “Appellant”) pursuant to ss. 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (“*Planning Act*”) from the failure of the City of Mississauga (“City”) to render decisions within prescribed timelines regarding applications for an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) (together referred to as “applications”). The applications pertain to lands municipally known as 5100 Erin Mills Parkway in the City (together referred to as the “subject property”).

[2] On October 31, 2024, the Appellant filed the applications with the City, seeking permission to redevelop the northwest quadrant of the subject property with eight residential buildings containing nine towers of varying heights organized around a central public park and urban plaza (“original proposal”). On March 18, 2025, a community consultation meeting was held prior to the statutory public meeting on April 28, 2025. On November 13, 2025, the Appellant filed the appeals with the Tribunal. Throughout the process, ongoing discussions were taking place regarding concerns and issues raised by the City and the public, including the creation of complete communities, master planning, building height and servicing.

[3] On February 18, 2026, the Tribunal convened a Case Management Conference (“CMC”) wherein the Tribunal granted Party status to Peel District School Board (“PDSB”) and Participant status to 14 individuals. The Tribunal also scheduled a second CMC to take place on August 24, 2026, and a 20-day merit hearing to commence on March 22, 2027.

[4] Following the first CMC, the Parties engaged in mediation, following which, the PDSB confirmed that it was no longer seeking a school site as part of the proposed development. On June 17, 2026, a without prejudice offer was made by the Appellant to the City, which included a revised Site Plan, underground plan and updated Master Plan. The settlement offer was accepted by City Council on June 24, 2026.

[5] On July 31, 2026, the Appellant advised the Tribunal and the Participants that a settlement had been reached and requested that the second CMC be cancelled and the merit hearing dates be released. The Appellant further requested that the Tribunal schedule a one-day hearing to consider the proposed settlement. The Tribunal granted the requests and on August 4, 2026, issued a Notice scheduling a hearing to consider the proposed settlement to take place on September 18, 2026.

[6] On August 27, 2026, a Participant briefing was held to present the settlement proposal to the Participants and on August 30, 2026, the settlement offer was circulated to the Tribunal, Parties and Participants.

SITE CONTEXT

[7] The Erin Mills Town Centre mall lands (“mall lands”) are comprised of approximately 34 hectares (“ha”) in total. The subject property is located in the northwest corner of the mall lands and comprises approximately 4.29 ha of the overall mall lands. The subject property has approximately 255 metres (“m”) frontage along Glen Erin Drive and approximately 317 m of frontage along Erin Centre Boulevard. The subject property is currently improved with two one-storey commercial buildings and approximately 532 parking spaces. The remainder of the subject property is undeveloped and occupied by grassed open spaces.



[8] The subject property is designated Mixed Use in the City of Mississauga Official Plan, 2051 (“City OP”), is located in the Central Erin Mills Growth Node and is zoned C3-General Commercial, pursuant to the City of Mississauga Zoning By-law 0225-2007 (“ZBL 0225-2007”).

[9] The subject property is surrounded by a mix of built form typologies, including residential, commercial, service, institutional and parks and open spaces. Located immediately north of the subject property is a secondary school and a two-storey townhouse development. Directly west, on the opposite side of Glen Erin Drive, is a secondary school, library and community centre. Immediately east of the subject property is Erin Mills Town Centre and the north wing of the shopping mall parking lot, along with three residential apartment buildings to the northwest and a bus transit terminal near the shopping mall's east facing entrance. Directly south of the subject property are outparcel commercial buildings, restaurants and financial institutions.

[10] The subject property is well served by existing transit and road networks. Highway 403 is located approximately 2 kilometres south of the subject property. Next to Highway 403 is the Erin Mills Transitway Station, which connects to regional transit lines, including the Erin Mills 403 Bus Rapid Transit. East of the subject property is the Erin Mills Town Centre Bus Terminal, which includes service between Clarkson GO Station and Meadowvale Bus Terminal. The subject property is surrounded by roadways identified as Strategic Growth roads associated with the Central Erin Mills Growth Node in the City OP.

MOTION FOR PARTY STATUS

[11] On September 1, 2026, one of the Participants, Sen Hu, requested that his status in these proceedings be changed from Participant to Party. Counsel for the Appellant subsequently advised the Tribunal that the Appellant intended to oppose Mr. Hu's request for Party Status. Given the proximity of the hearing scheduled to consider the proposed settlement, there was insufficient time for the Tribunal to schedule and hear Mr. Hu's request in advance of that hearing. Accordingly, the Tribunal directed Mr. Hu to bring a Motion for Party Status, returnable at the hearing scheduled for September 18, 2026. The Tribunal also established deadlines for the delivery of Motion materials by the Parties.

[12] On September 4, 2026, the Tribunal received a Motion for Party Status (“Motion”) brought on behalf of both Mr. Hu and a second Participant, Yuxin Tian (together the “Moving Parties”). The Motion was filed by Ramsha Haq, BGS, LLB, who identified herself as acting “on behalf of” the Moving Parties. In response to an inquiry from counsel for the Appellant, Ms. Haq advised in an email dated September 9, 2026, that although she is a lawyer, she had been authorized by the Moving Parties to act as their representative and was not acting as their legal counsel.

[13] Prior to the hearing, Ms. Haq filed Commencements of Authorization Forms, authorizing her to act as the representative of Mr. Hu and Mr. Tian in these proceedings. At the hearing, the Tribunal noted that Ms. Haq had failed to sign Mr. Tian’s form and directed Ms. Haq to file a completed and properly executed form following the hearing. Mr. Tian attended the hearing and, notwithstanding the discussion regarding the incomplete authorization form, did not make any submissions concerning Ms. Haq’s authority to act on his behalf. In these circumstances, and for the purposes of the hearing, the Tribunal was satisfied that it was appropriate to permit Ms. Haq to act as the representative of the Moving Parties. As of the date of the issuance of this Order, Ms. Haq had not complied with the Tribunal’s direction and had not filed a completed authorization form on behalf of Mr. Tian.

[14] At the commencement of the Motion, Ms. Haq responded to an inquiry from the Tribunal and confirmed that she was a member in good standing with the Law Society of Ontario (“LSO”). Given Ms. Haq’s indication that she was acting in a non-legal capacity, the Tribunal reminded her that, notwithstanding the capacity in which she appeared, she remained subject to the obligations and responsibilities of a licensee under the LSO’s governing by-laws and rules. The Tribunal further suggested that Ms. Haq may wish to consult with the Lawyer’s Professional Indemnity Company regarding her representation of the Moving Parties before the Tribunal. Ms. Haq confirmed that she understood these responsibilities. Following this discussion, counsel for the Appellant advised the Tribunal that they had conducted due diligence inquiries and had

been unable to locate Ms. Haq in any law society directory. The Tribunal again asked Ms. Haq whether she was a member in good standing with the LSO, at which point she corrected her earlier answer and acknowledged that she was not.

[15] This sequence of events caused the Tribunal concern regarding the accuracy of the information initially provided by Ms. Haq in response to a direct inquiry from the Tribunal respecting her status with the LSO. Notwithstanding these concerns, the Tribunal proceeded to hear and determine the Motion on its merits. The Tribunal did not draw any adverse inference against the Moving Parties arising from Ms. Haq's responses regarding her status with the LSO and remained focused on the relief requested in the Motion and the submissions before it.

[16] The Moving Parties submit that the proposed settlement of the appeal "constitutes a material change in the procedural posture of the case that arose after the original deadline for requesting Party status" had passed. In particular, they note, that the City had previously participated in opposition to the applications and submit that, in light of the proposed settlement, their full participation is now necessary to ensure that the Tribunal is able to fully consider and adjudicate the issues raised by the appeals and the settlement proposal. The Moving Parties further submit that, if granted Party Status, they are prepared to proceed without delay.

[17] The Moving Parties sought an Order of the Tribunal granting Mr. Hu and Mr. Tian Party Status, thereby permitting them to participate as Parties at the Hearing and any subsequent hearing events relating to the proposed settlement. In the alternative, the Moving Parties requested limited Party Status, restricted to matters relating to the proposed settlement and settlement materials.

[18] The Appellant filed a Responding Motion Record requesting the Tribunal dismiss the Motion and proceed with the settlement hearing as scheduled. The Appellant submits that the Moving Parties had been aware since at least February 2026 that the Parties intended to participate in mediation, but the Moving Parties did not seek Party

Status until August 2026. At the first CMC, the Moving Parties indicated that they were satisfied that the City was advancing the broader public interest concerns associated with the applications. The Appellant argued that it is not appropriate for the Moving Parties to seek Party Status at this late stage of the proceedings simply because they are dissatisfied with the manner in which the City has exercised its public interest mandate or with the outcome of the settlement negotiations. The Appellant referred the Tribunal to *Lafarge Canada Inc. v. 1341665 Ontario Ltd.* 2004 CanLII 9072 (ON SCDC), where the Ontario Municipal Board concluded that “the City could adequately protect the public interest and would take into account the interests of neighbouring properties in presenting the case to the Board”.

[19] The Appellant further submits that the Moving Parties do not have a direct interest in the appeals, noting that they reside approximately 1.6 and 2.5 kilometers from the subject property. The Appellant also submits that the Moving Parties do not intend to call witnesses or adduce evidence in support of their position and have already articulated their concerns in detail through their Participant statements.

[20] The Appellant argued that the Parties to the proceeding would suffer prejudice if the Motion were granted as it would disrupt the settlement proposal, that the Parties had worked diligently to reach, and would undermine the Tribunal’s objectives of encouraging mediation and resolving proceedings in a fair, just, expeditious and cost-effective manner.

[21] The Tribunal considered the written and oral submissions of the Moving Parties and, while the Tribunal has the discretion to add a person or entity as a Party to a proceeding, the Tribunal does not find that this is an appropriate case in which to exercise its discretion for the following reasons.

[22] At the CMC, the Statutory Parties explained that they were engaged in mediation discussions and anticipated pursuing private mediation following the CMC. This information was reflected in the Tribunal’s CMC decision, issued on February 24, 2026.

Accordingly, the Moving Parties were put on notice that settlement discussions were underway. If they wished to protect their interests and participate in those discussions, they could have sought Party Status at that time, which would have enabled them to take part in the settlement and/or mediation process.

[23] Further, settlement remains a possibility at any stage of contested proceedings. Individuals and entities seeking to ensure that their specific concerns are addressed should not rely on other parties to raise or advance those issues on their behalf. The Moving Parties elected to seek Participant Status rather than Party Status. In the circumstances, their request for Party Status comes too late in the proceedings, after the Parties have spent several months working to resolve the outstanding issues through settlement discussions and mediation efforts.

[24] The issues raised by the Moving Parties in the Motion were largely repetitive of those raised in their participant statements. The Tribunal is satisfied that these issues have been satisfactorily addressed by the studies and reports, in addition to the very detailed responses set out in the Affidavit presented as part of the hearing to consider the settlement proposal. Further, the Tribunal finds that the Moving Parties have been afforded an opportunity to be heard as they have articulated their concerns in very detailed participant statements which have been considered by the planning witness in the proposed settlement.

[25] Based on the submissions, the Moving Parties participation in the proceedings as Parties would not result in any new evidence being presented to the Tribunal that would assist the Tribunal in making a determination on the appeals. While it is not a requirement to present expert evidence at a hearing, the expectation is that some reliable and objective evidence will be led to assist the Tribunal in coming to a decision.

[26] In balancing the interests of the Parties and the public interest, the Tribunal finds that granting the Moving Parties Party Status would prejudice the Statutory Parties and adversely affect the efficient adjudication of the appeals. The Tribunal accepts that the

Statutory Parties have expended considerable time and resources advancing these proceedings, including participating in mediation and negotiating a resolution of the issues in dispute. Granting Party Status at this late stage of the proceedings would not further the fair, just and expeditious determination of the matters before the Tribunal. The Tribunal also denies the Moving Parties' alternative requested relief. It is unclear how limiting Party Status to matters relating to the proposed settlement would, in practice, differ from the broader relief sought. In the Tribunal's view, the alternative requested relief amounts to a distinction without a meaningful difference.

HEARING

[27] The materials that the Tribunal had before it in considering the settlement proposal were: the Affidavit of Bruce McCall-Richmond, sworn on September 11, 2026, together with composite exhibits, which was marked as Exhibit 3, the Participants Statements, which were together marked as Exhibit 4, and a draft Interim Order.

[28] Mr. McCall-Richmond is a registered professional planner with approximately 15 years of experience in planning matters. He is a Senior Associate with Glen Schnarr and Associates Inc., and he was qualified by the Tribunal, on consent, to provide opinion evidence on land use planning matters.

[29] In addition to his detailed written Affidavit, Mr. McCall-Richmond provided *viva voce* contextual and planning rationale in support of the proposed development and draft instruments. He provided a thorough analysis of the proposed development against relevant policies and concluded that the draft OPA and draft ZBA (together "proposed instruments") that will facilitate the proposed development have sufficient regard for matters of provincial interest set out in s. 2 of the *Planning Act*, are consistent with the Provincial Planning Statement, 2024 ("PPS"), conform with the relevant Official Plans and constitute good planning.

Settlement Proposal

[30] The original proposal was modified through an iterative mediation process resulting in a settlement proposal which includes a new Conceptual Site Plan and Conceptual Underground Plan (“settlement proposal”). The main differences between the original proposal and the settlement proposal are set out in the table below:

Element	Original Proposal	Settlement Proposal
Units	3,162	3,162
Residential Gross Floor Area	202,920 square metres	202,920 square metres
Building Height	20-44 storeys	20-37 storeys
Non-Residential Gross Floor Area	0 square metres	2,047 square metres
Public Park Size	4,306 square metres	4,206 square metres
Floor Space Index (net)	5.26	5.4

[31] The modifications included in the settlement proposal include adjustments to building heights, massing and placement of buildings and modifications from an exclusively residential development to a mixed-use development.

[32] The proposed OPA, attached as **Attachment 1** to this Order, amends the City OP to introduce a public park into the Official Plan mapping and introduce site-specific policies to facilitate the settlement proposal. In particular, the proposed OPA will add a Special Site Policy to the Central Erin Mills Growth Node to increase maximum permitted heights to 37 storeys, increase maximum permitted net floor space index to 5.4, establish a minimum non-residential gross floor area of 2,047 square metres, establish minimum tower separation distances of 25 m and change the land use designation on a portion of the subject property from *Mixed Use* to *Public Open Space*. The proposed OPA also provides that the Future Municipal Right of Way (“ROW”) and parkland be secured through a Draft Plan of Subdivision application.

[33] The proposed ZBA, attached as **Attachment 2** to this Order, proposes to rezone the subject property to a site-specific RA6 – Urban Apartments zone with a portion of the subject property to OS1 – Open Space and includes site-specific regulations and a Holding (H) provision (“holding provision”). The proposed ZBA amends Map 39W to create the RA6-66 site-specific zone for the mixed-use buildings and the OS1 zone for the public park and includes a variety of site-specific standards. The holding provision requires a number of matters to be addressed prior to any development proceeding on the subject property and provides further protections for the continued operation of existing uses, buildings and parking areas, while the proposed development proceeds. Mr. McCall-Richmond opined that the holding provision is appropriate to protect the continued operation of the existing mall while each phase of the proposed development proceeds.

Policy and Regulatory Framework

[34] In his written Affidavit, Mr. McCall-Richmond reviewed s. 2 of the *Planning Act* noting that the subject property is an appropriate location for a high-density, mixed-use development on a site that is currently underutilized. The subject property is located in a Strategic Growth Area of the City and the proposed development will provide a range of new housing units, non-residential uses and an on-site park while utilizing existing infrastructure and services. The proposed development has a built form and layout supportive of public and open spaces and is located to promote transit and active transportation. Overall, Mr. McCall-Richmond opined that the settlement proposal and proposed instruments were supportive of the policy directions set out in the *Planning Act*.

[35] In his Affidavit, Mr. McCall-Richmond reviewed the PPS, noting that policy directions in the PPS are aimed at building complete communities with a mix of housing options to promote efficient development. Mr. McCall-Richmond explained that many of the PPS policies relate back to the subject property being located within a Strategic Growth Area where intensification and growth should be directed. Further, the subject

property is currently underutilized, and the settlement proposal will provide residential intensification and integrate well with the existing commercial, recreational, retail and public service uses existing on the surrounding lands. Consistent with policies 2.1.1.6, 2.4.1.2, and 3.2, the settlement proposal and proposed instruments will contribute to the creation of complete communities by introducing housing options and commercial and recreational opportunities in a manner that is both transit supportive and pedestrian friendly. It was Mr. McCall-Richmond's opinion that the proposed instruments are consistent with relevant policies in the PPS and with the PPS overall.

[36] The Official Plans relevant to the original proposal have undergone significant changes. In brief, the Region of Peel Official Plan ("Region OP") was the guiding document until July 1, 2024, when the Region of Peel became an upper tier municipality without planning responsibilities. At that point in time, the City assumed carriage of the Region OP, which was repealed and replaced by the City OP in March 2026. The March 2024 consolidation of the Mississauga Official Plan (2010) ("former City OP") is no longer in effect, being replaced by the City OP. Policies from the former City OP relevant to the subject property were incorporated into the City OP. Mr. McCall-Richmond was clear throughout his testimony that the settlement proposal will amend the "new" City OP.

[37] During closing submissions, counsel for the Appellant addressed the timing of the applications. The original proposed OPA was filed to amend the former City OP, which was subsequently repealed and replaced with the City OP. Counsel explained that the City had agreed to treat the proposed OPA as an amendment to the City OP. Pursuant to subsections 9(1) and 9(4) of the *Ontario Land Tribunal Act*, S.O. 2021, c. 4 Sched 6, the Tribunal has jurisdiction to grant the relief sought and amend the City OP, notwithstanding that the original OPA application was filed in relation to the former City OP.

[38] The subject property is located within the Strategic Growth Area, which is an area intended to be intensified and developed with higher densities to efficiently utilize

existing services and infrastructure. The subject property is also located in the Central Erin Mills Growth Node and is designated Mixed Use, which designation will be maintained by the OPA along with the introduction of a new *Public Open Space* designation relating to the public park component of the proposed development. Mr. McCall-Richmond reviewed the City's vision set out in policy 2.4 of the City OP opining that the settlement proposal promotes sustainable development through the upgrade of existing roadways and future ROW which will include sidewalks, bicycle lanes and landscaped plantings to improve connections to nearby transit, the shopping center and surrounding community services, all of which conforms with the policy direction set out in policy 7.3.2. Further, the settlement proposal and proposed instruments respond to policy 10.2.6.3 in complementing the existing commercial and retail services on the surrounding mall lands through the use of pedestrian connections and linkages to not undermine the planned function of the Mixed Use lands.

[39] Mr. McCall-Richmond opined that the proposed settlement conforms with the policy direction in policy 8.6 of the City OP by providing appropriate separation distance between the tall portions of the buildings and reorienting the buildings as proposed in the original proposal to now face the public realm and future public park. In concluding that a 25 m separation distance was appropriate, Mr. McCall-Richmond noted that, although policy 8.6.1.8 directs that separation distances between buildings be a minimum of 30 m, the City subsequently amended ZBL 0225-2007 to require a minimum 25 m separation distance which he observed is consistent with the settlement proposal.

[40] In Mr. McCall-Richmond's opinion, the phasing of the settlement proposal is appropriate and consistent with policy 14.1.1.12 noting that updated studies will be required as the proposal proceeds through site plan approval. In addition, policy 18.6 of the City OP addresses holding provisions. The proposed ZBA includes a holding provision which requires further reports to be completed to the satisfaction of the City before the holding provision can be lifted. It is Mr. McCall-Richmond's opinion that the phasing and the holding provision conform with the policy direction in the City OP.

[41] Policy 14.2.1 of the City OP introduces the Central Erin Mills Growth Node. Mr. McCall-Richmond opines that the proposed settlement effectively introduces residential uses into the Growth Node without disrupting the planned function, as is required pursuant to this policy. While the settlement proposal proposes a maximum building height in excess of the maximum set out in policies 14.2.1.3.1 and 14.2.1.3.2, Mr. McCall-Richmond opined that these policies have been satisfied through the modifications made to the original proposal which reduced building heights, revised the tower placement and relocated the public park.

[42] Following a thorough review of a large number of policies in his written affidavit, Mr. McCall-Richmond concluded that the settlement proposal and the proposed instruments conform with the general policy directions in the City OP and the proposed OPA is appropriate and supportive of the planning objectives of the City OP.

[43] Mr. McCall-Richmond explained that the proposed ZBA is required to facilitate the settlement proposal as the zoning currently permits only commercial uses. The proposed ZBA purposes to rezone the subject property to RA6-Mixed Use Apartments, which Mr. McCall-Richmond opined is appropriate.

Participant Statements

[44] In his written affidavit, Mr. McCall-Richmond provided a detailed and fulsome review and response to the concerns raised by the Participants in their original requests and the updated statements filed by 11 of the Participants following the Participant Briefing Session held on August 27, 2026. In his oral testimony, Mr. McCall-Richmond also reviewed and provided responses to the Supplementary Participant Statement filed by Mr. Zikar in response to Mr. McCall-Richmond's Affidavit entered as Exhibit 3.

[45] The concerns raised include *inter alia* transportation, traffic, parking, height, density, school capacity, infrastructure, housing types, deferred studies, wind, noise and

settlement process. Mr. McCall-Richmond explained that a Participant Briefing Session was held on August 27, 2026, with settlement plans being provided to the Participants on August 30, 2026.

[46] With respect to transportation issues raised, Mr. McCall-Richmond explained that the Transportation Impact Assessment ("TIA") prepared in support of the original proposal found that the existing road network can accommodate the proposal. With respect to parking, the settlement proposal includes a reduction in the residential rate of 0.90 spaces, whereas the TIA was prepared based on 0.95 spaces. Mr. McCall-Richmond opined that the revised proposed ratio is generally consistent with the study findings in the TIA. Further, pursuant to the settlement terms and through each phase of development the required Site Plan Approval application will be supported by a revised TIA to the satisfaction of the City, which will ensure that transportation issues are anticipated and addressed. He explained that the reduced parking ratio is reflective of the pedestrian-oriented and transit-supportive development that current planning policies direct for underutilized auto-dominated shopping mall sites such as the subject property.

[47] Mr. McCall-Richmond provided his opinion in support of the proposed building heights throughout his Affidavit. Intensification of sites located in the Central Erin Mills Growth Node, a Strategic Growth Area, such as the subject property, are opportunities for the provision of additional housing. The impacts from the height of the buildings have been mitigated through the siting and orientation of the tower components.

[48] Mr. McCall-Richmond explained that the reorientation of the buildings and the reduction in heights were in response to the issues raised with the original proposal by the City and the Participants. He explained that even with a reduction in building height, the gross floor area remained the same in the settlement proposal, which reflects the location of the subject property within a Strategic Growth Area and thereby supports and implements provincial and municipal policy directions to intensify the underutilized subject property.

[49] Mr. McCall-Richmond noted that the phasing of the development and the holding provision included in the ZBA require additional levels of review before the development can continue to proceed. For example, Mr. McCall-Richmond explained that the phasing of the proposed settlement over 10-15 years allows school boards to review requirements at each phase. Further, PDSB withdrew its original requirement for a school site, as the subject property was determined to be unsuitable for a new school site.

[50] Overall, Mr. McCall-Richmond opined that the proposed instruments have regard for matters of provincial interest, are consistent with the PPS, conform with the City OP and have addressed comments received from City staff. When considered as a whole, the OPA and ZBA represent good planning and are in the public interest. Mr. McCall-Richmond recommended that the Tribunal allow the appeals, in part, and approve the proposed instruments in principle, withholding its Final Order until various preconditions have been satisfied.

ANALYSIS AND DISPOSITION

[51] At the outset, the Tribunal finds that it has the jurisdiction to grant the proposed amendment to the City OP, notwithstanding that the original OPA application was considered by City Council in relation to the former City OP. The Tribunal heard evidence from Mr. McCall-Richmond regarding the relationship between the Region OP, former City OP and City OP and is satisfied that the proposed OPA can be appropriately implemented through an amendment to the City OP. The Tribunal accepts that the relevant policy framework from the former City OP has been substantially carried forward into the City OP and finds that requiring the filing of a new application solely as a consequence of the City's adoption of a new City OP would be inefficient and a waste of resources. Accordingly, the amendments approved by the Tribunal in this Decision and Order shall be made to the City OP.

[52] The Tribunal accepts the uncontested opinion evidence of Mr. McCall-Richmond and finds that the draft OPA and ZBA have appropriate regard for matters of provincial interest pursuant to s. 2 of the *Planning Act*, are consistent with the PPS and conform with the policy direction in the City OP. The Tribunal finds the evidence and opinions of Mr. McCall-Richmond credible and persuasive.

[53] The Tribunal finds that the proposed development promotes and facilitates the achievement of numerous provincial and local planning policy directives that increase housing supply through a balanced intensification of the subject property with a transit-supportive mixed-use development. The Tribunal was persuaded by Mr. McCall-Richmond's evidence that the modifications implemented in the settlement proposal, including the height redistribution and relocation of the public park, improve pedestrian connections and addresses concerns related to wind and streetscape.

[54] The concerns related to traffic were addressed in the TIA prepared in support of the original proposal, and, as part of the settlement proposal, the Appellant is required to provide a revised TIA to the satisfaction of the City prior to the issuance of the Tribunal's Final Order. With respect to parking, the Tribunal was persuaded by the evidence presented relating to the pedestrian-oriented development in close proximity to transit and finds that the parking ratio is appropriate in this context

[55] The OPA and ZBA which will facilitate the settlement proposal both assist and further the achievement of matters of provincial interest set out in s. 2 of the *Planning Act* through the redevelopment of an underutilized site to support the orderly development of safe and healthy communities on lands well served by existing services and a future public park.

[56] The Tribunal accepts the opinions of Mr. McCall-Richmond in response to concerns raised by the Participants and appreciates the detailed review that he conducted to respond to and opine on the concerns. The Participants' statements, including the Supplementary Participant Statement of Mr. Zikar, did not diminish the

substantive evidence and opinions proffered by Mr. McCall-Richmond. The Tribunal finds that the Participants' concerns have been adequately addressed and/or mitigated through the revisions to the original proposal, the request for an Interim Order and through the use of the holding provision in the ZBA. In addition, the Tribunal's Order is not the end of the process; rather, there are numerous reports and studies which must be completed to the satisfaction of the City and other approval authorities prior to the issuance of a Final Order and, further, before each phase of the development can proceed.

[57] The Tribunal finds that the draft OPA and ZBA which will facilitate the settlement proposal represent good land use planning in the public interest. The Tribunal will allow the appeals, in part, and approve the draft OPA and ZBA, in principle, for the reasons set out above. The Tribunal will withhold issuance of its Final Order until it has been notified by the Parties that the preconditions set out in paragraph [60] below have been satisfied.

ORDER

[58] **THE TRIBUNAL ORDERS THAT** the Motion for Party Status by Sen Hu and Yuxin (Austin) Tian is dismissed.

INTERIM ORDER

[59] **THE TRIBUNAL ORDERS THAT** the appeals are allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph [60] below, and the Official Plan Amendment set out in Attachment 1 to this Interim Order and the Zoning By-law Amendment set out in Attachment 2 to this Interim Order are hereby approved in principle.

[60] The Tribunal will withhold the issuance of its Final Order contingent upon confirmation of the City solicitor, of the following pre-requisite matters:

- a) the Tribunal has received, and approved, the final form and content of the draft Official Plan Amendment, confirmed to be to the satisfaction of the City Solicitor;
- b) the Tribunal has received, and approved, the final form and content of the draft Zoning By-law Amendment, confirmed to be to the satisfaction of the City Solicitor
- c) the Tribunal is advised that the owner has at its sole cost and expense:
 - i. submitted a revised Traffic Impact Assessment, acceptable to the Executive Manager Development Engineering and Construction, or their equivalent, and that such matters arising from such study have been secured, if required;
 - ii. filed a complete application with the City for a Plan of Subdivision to establish the development block, a block for the Future Municipal ROW and a block for the new public park.

[61] The Tribunal 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.

[62] The Parties shall either request a Final Order or provide the Tribunal with a written status update on or before **Friday, September 17, 2027**, as to the timing of the expected confirmation and submission of the final form of Zoning By-law Amendment and issuance of the Final Order by the Tribunal.

[63] The Tribunal Member may be spoken to if any issues arise implementing this Order.

"C. Hardy"

C. HARDY
VICE CHAIR

Ontario Land Tribunal

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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. 10

to

Mississauga Official Plan 2051

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The following text and Map “A” attached constitute Amendment No. 10.

PURPOSE

The purpose of this Amendment is to add a Special Site Policy to the Central Erin Mills Growth Node to increase the maximum permitted heights and Floor Space Index (FSI) and to change the land use designation on a portion of the subject lands from Mixed Use to Public Open Space.

LOCATION

The lands affected by this Amendment are located at the southeast corner of Glen Erin Drive and Erin Centre Boulevard and the northwest quadrant of the Erin Mills Town Centre Mall lands. The subject lands are within the Central Erin Mills Growth Node, as identified in the Mississauga Official Plan 2051 ("MOP 2051").

BASIS

The Mississauga Official Plan, 2051 came into effect on March 24, 2026, as approved with modifications by the Minister of Municipal Affairs and Housing.

The subject lands are designated Mixed Use which permits residential apartment buildings with non-residential uses on the ground floor.

An Official Plan Amendment is required to introduce a new Special Site to the Central Erin Mills Growth Node to permit:

- a range of building heights between 20 and 37 storeys
- a minimum of non-residential gross floor area
- a maximum Floor Space Index of 5.4
- a minimum tower separation distance of 25 metres

A portion of the site would be redesignated from Mixed Use to Public Open Space, as identified on Map "A"

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

TEXT AMENDMENTS TO THE PLAN

1. Chapter 17, Special Sites, of the Mississauga Official Plan 2051, is hereby amended by adding Special Site 197 to Map 5 – Special Sites
2. Chapter 17, Special Sites, of the Mississauga Official Plan 2051, is hereby amended by adding the following:

Site 197 (Central Erin Mills Growth Node)



- 17.197.1 The lands identified as Special Site 197 are located at the southeast corner of Glen Erin Drive and Erin Centre Boulevard.
- 17.197.2 Notwithstanding the policies of this Plan, the following additional policies will apply:
 - a. a minimum of 2,047 square metres of ground related non-residential uses shall be provided;

- b. building heights up to 35 storeys shall be permitted in Area A and building heights up to 37 storeys shall be permitted in Area B;
 - c. a maximum floor space index (FSI) of approximately 5.4;
 - d. a minimum separation distance of 25 metres between the tower portion of tall buildings; and,
 - e. public streets and parkland will be secured through a draft plan of subdivision.
- 3 Schedule 7/7E, Land Use Designations of the Mississauga Official Plan 2051, is hereby amended by changing the land use designation on a portion of the subject lands from Mixed Use to Public Open Space, as shown on Map "A" of this Amendment.

IMPLEMENTATION

Upon receipt of the Ontario Land Tribunal's Final Order, Mississauga Official Plan, 2051 will be amended in accordance with the Order.

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

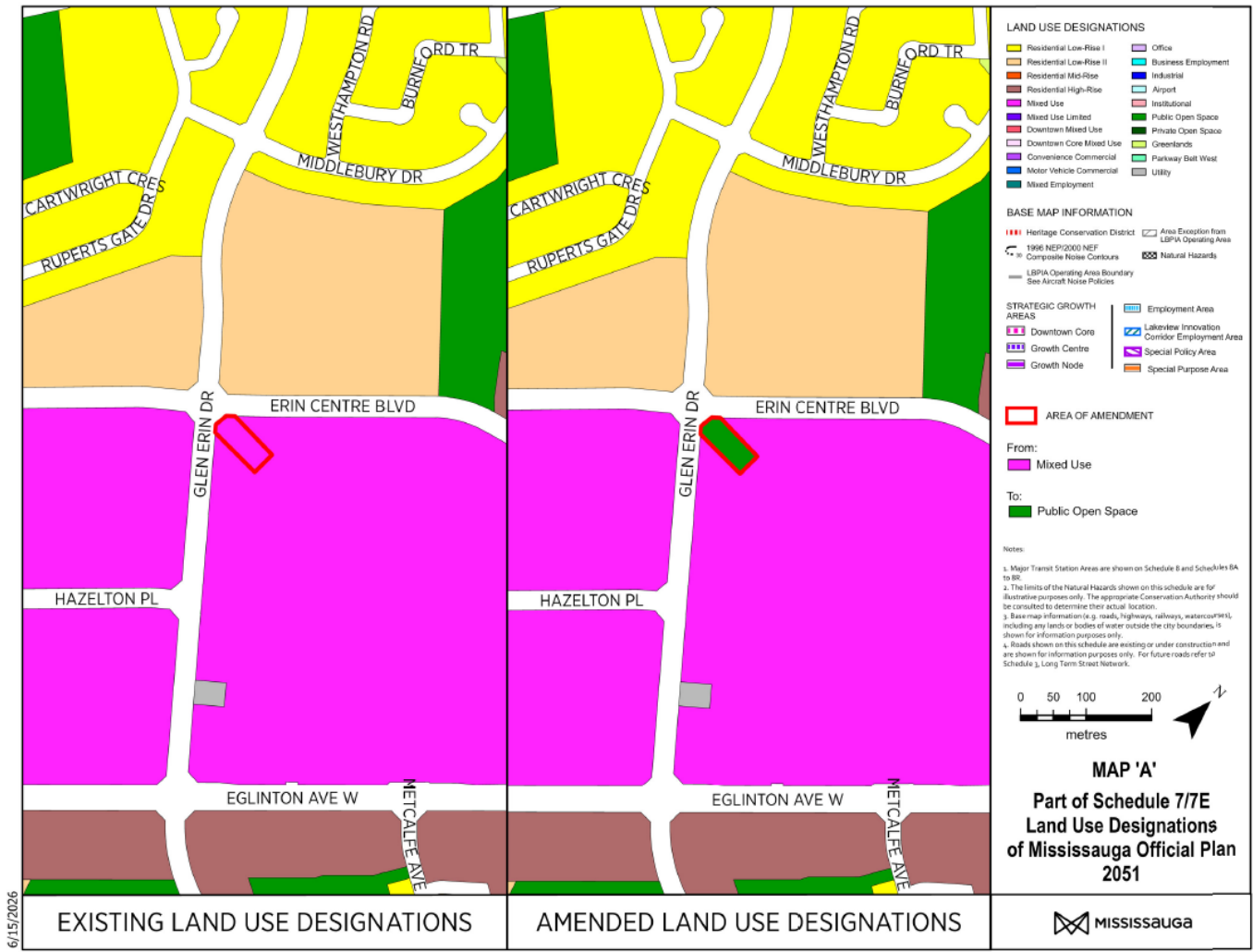
This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan 2051 dated March 24, 2026.

INTERPRETATION

The provisions of Mississauga Official Plan 2051, 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 2051.

Map "A"

6/15/2026
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Attachment 2

ONTARIO LAND TRIBUNAL

OLT Lead Case No. OLT-25-000906

ORDER DATED _____

OLT Case No. OLT-25-000907

EMTC Holdings 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:

4.16.2.66	Exception: RA6-66	Map # 39W	Bylaw:
In a RA6-66 zone the permitted uses and applicable regulations shall be as specified for a RA6 zone except that the following uses/regulations shall apply:			
Regulations			
4.6.2.66.1	The regulations contained in Table 4.16.1 Line 9.1 and Line 11.2, Articles 4.1.15.7, 4.16.1.2, 4.16.1.4, 4.16.1.5, and Subsection 2.1.4 of this By-law shall not apply		
4.6.2.66.2	Additional uses permitted by Article 4.16.1.1 shall be located along the Non-Residential Area Frontages identified on Schedule RA6-66		
4.6.2.66.3	Minimum gross floor area - non-residential for additional uses permitted by Article 4.16.1.1—along the Non-Residential Area Frontages identified on Schedule RA6-66	2 047 m ²	
4.6.2.66.4	Maximum tower floor plate	1 100 m ²	
4.6.2.66.5	Minimum amenity area	4.0 m ² per dwelling unit	
4.6.2.66.6	The ground floor of a building containing commercial or retail use(s) shall be required to provide 40% glazing over of the first storey streetwall		
4.6.2.66.7	Required number of parking spaces for residential uses	0.90 resident spaces per unit	
4.6.2.66.8	Minimum number of shared visitor and non-residential parking spaces	0.15 visitor spaces per unit	

4.16.2.66	Exception: RA6-66	Map # 39W	Bylaw:
4.16.2.66.9	Notwithstanding Sentence 4.16.2.66. 12 of this Exception, maximum projection of a balcony beyond the buildable area		2.0 m
4.16.2.66.10	Notwithstanding Sentence 4.16.2.66. 12 of this Exception, maximum projection of a canopy located on the first storey beyond the buildable area		3.0 m
4.16.2.66.11	For the purposes of this By-law, all lands zoned RA6-66 shall be considered one lot		
4.16.2.66.12	All site development plans shall comply with Schedule RA6-66 of this Exception		
Holding Provision			

- (1) The holding symbol H shall not prevent the **use** of **buildings** and **structures**, or part thereof, legally **existing** on the date of enactment and passing of this By-law (...) or the change of any use of legally existing buildings and structures for any non-residential **use** permitted by the previous C3 zone as it read immediately prior to the date of enactment and passing of this By-law (.....)
- (2) The non-residential **uses** permitted in provision (1) of the Holding Provisions of this By-law shall comply with the zoning regulations of the previous C3 zone as read immediately prior to the date of enactment and passing of this By-law (.....)
- (3) The holding symbol H is to be removed from the whole or any part of the lands zoned H-RA6-66 by further amendment to Map 39W of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction to the with the Corporation of the City of Mississauga's ("City") Planning and Building Department, of the following requirements:
 - (3.1) the Plan of Subdivision Agreement has been executed and registered on title
 - (3.2) the lands have been designated as Class 4 Area pursuant to NPC-300
 - (3.3) Record of Site Condition (RSC) Acknowledgement Letter
 - (3.4) A Phase One Environmental Site Assessment (ESA) Report and
 - (3.5) a Reliance Letter
 - (3.6) Functional Servicing Report
 - (3.7) Stormwater Management Report
 - (3.8) Hydrogeological Report
 - (3.9) Transportation Impact Study

2. Map Number 39W 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" to "H-RA6-66" and "OS1", the zoning of Part of Lots 1 and 2, Concession 6, West of Hurontario Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RA6-66" and "OS1" 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-RA6-66" and "OS1" zoning indicated thereon.
3. This By-law shall not come into force until Mississauga Official Plan 2051 Amendment Number 10 is in full force and effect.

