

ISSUE DATE:

FEBRUARY 25, 2008



PL070924

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Canadian Tomken Inc.
Subject:	Consent
Property Address/Description:	5050 Tomken Road
Municipality:	City of Mississauga
Municipal File No.	B 60/07
OMB Case No.	PL070924
OMB File No.	C070227

**APPEARANCES:**

**Parties**

**Counsel**

Canadian Tomken Inc.

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON  
FEBRUARY 20, 2008 AND ORDER OF THE BOARD**

Canadian Tomken Inc. (the Applicant) is seeking to convey a parcel of land with a frontage of approximately 88 metres and an area of approximately 2,650 square meters, together with an access easement in order to create a new lot for business employment purposes. No one appeared in opposition to the application.

Planner Matthew Johnston was qualified to provide his expert land use planning evidence in the case at hand. The subject property is located in an industrial employment district known as the Northeast District in the City of Mississauga and situated southwest of Pearson International Airport. The area is comprised of varying industrial uses, warehouse office and manufacturing on a range of lot sizes. The area comprises similar lot fabrics to that which the Applicant proposes (as evidenced on the aerial photo at Exhibit 3). The proposed parcel is similar to others in the area and the planner opined that it is a viable industrial parcel. Like other parcels in the area with various access easements and mutual driveway aisles, the new parcel will benefit from these conditions that facilitate development in this area.

The existing parcel is 17,684 square metres with irregularly shaped 240 metres of frontage on Tomken Road. There is an existing 5,940-square-metre multi-tenant industrial building on the site with two tenants: a data storage processing office and a warehousing and storage facility. The retained lot will be 15,172 square metres and the severed lot will be 2,650 square metres.

As this is an amended application to the original application that was submitted, the Board determines that the amended application presented today is a minor one and accordingly, by virtue of its powers under Section 53 (35.1) of the *Planning Act*, no further notice is required.

Mr. Johnston provided his planning evidence and opinion by advising the Board that the proposal is consistent with the relevant policies of the 2005 Provincial Policy Statement; has appropriate regard to the appropriate policies in the *Places To Grow* Growth Plan related to employment growth and opportunities; conforms to the Urban Systems designation that applies to the property in the Region of Peel Official Plan; conforms to the business employment designation that applies to the property in the City of Mississauga Official Plan; and requires no relief from the City's Zoning By-law No. 0225-2007. Mr. Johnston further advised the Board that the proposal meets all relevant criteria for consent applications as outlined in Section 51(24) of the Act. Mr. Johnston identified six conditions – five of which were requested by the City to be attached to a favourable Board Order to give provisional consent. Mr. Johnston suggested these six conditions as contained in Exhibit 1 Tab 18 should be attached.

With no person or party appearing in opposition to the application, and having accepted as persuasive the expert evidence of the planning witness, the Board determines that the proposed consent meets all of the requisite criteria under Section 51(24) of the *Planning Act*. The Board allows the appeal and orders that provisional consent be given as per the site plan at Exhibit 3 and the Board attaches the six conditions for approval contained in Exhibit 1 Tab 18.

So orders the Board.

“R. Rossi”

R. ROSSI  
MEMBER