

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** March 3, 2015

**CASE NO(S):** P111148

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*,  
R.S.O. 1990, c. P.13, as amended

Appellant:	White Elm Investments Ltd.
Appellant:	A & W Food Services of Canada Inc.
Appellant:	Orlando Corporation
Appellant:	Derry-Ten Limited (Omelia Richichi); and others
Subject:	Proposed Official Plan Amendment No. P13-MOP 08.0
Municipality:	City of Mississauga
OMB Case No.:	PL111148
OMB File No.:	PL111148

**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act*,  
R.S.O. 1990, c. P.13, as amended

Appellant (jointly):	2188101 Ontario Inc. et al
Subject:	Failure to announce a decision respecting Proposed Official Plan Amendment No. OPA 95
Municipality:	City of Mississauga
OMB Case No.:	PL111148
OMB File No.:	PL110973

Heard: February 25, 2015 by telephone conference call

**APPEARANCES:**

**Parties**

**Counsel**

City of Mississauga

K. Yerxa

Orlando Corporation

L. Longo

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON  
FEBRUARY 25, 2015 AND ORDER OF THE BOARD**

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[1] Orlando Corporation (“Orlando”) has appealed to the Ontario Municipal Board (“Board”) various policies of the new City of Mississauga (“City”) Official Plan (“MOP”), which was adopted on September 29, 2010. The City and Orlando had previously scoped the issues in Orlando’s appeal. The purpose of this telephone conference call (“TCC”) was to deal with some of the remaining issues in Orlando’s appeal.

[2] Orlando and the City are requesting an Order from the Board allowing the Orlando appeal of the MOP in part, as set out in Attachment 1 to this decision.

[3] The City and Orlando have reached a settlement which would resolve most of Orlando’s outstanding appeal of MOP. The settlement between the City and Orlando is threefold:

i.) Orlando withdraws its appeal of the following MOP policies: 5.1.7; 11.2.11.2; 11.2.11.4 and 11.2.11.5;

ii.) Orlando is seeking modifications to the following MOP policies: 4.5; 6.9.2.1; 15.4; 18.2 and Appendix B.

iii.) Orlando will have certain MOP policies left under appeal; including: 9.3.1.5; 15.1.1.2; 15.1.1.4 and 15.3.1.2(i).

[4] In support of the settlement the City filed the Affidavit of City Planner Angela Dietrich (Exhibit 1). The City asked the Board to abridge the time for service of the Affidavit. There was no objection to this request.

[5] In her affidavit, Ms. Angela Dietrich opined that the approval of proposed modifications to the policies conforms with current policies and plans of the Region of Peel, the *Places to Grow Act* and is consistent with the Provincial Policy Statement,

2014. As such, this proposal and modifications to MOP constitutes good planning.

[6] Having considered the evidence of Ms. Dietrich, who was qualified by the Board to provide opinion evidence in the area of land use planning, and on consent of the parties, the Board granted the requested order.

## **ORDER**

[7] The Boards allows the request for abridging the time for service of the City's affidavit.

[8] The appeal by Orlando is dismissed as it related to policies 5.1.7; 11.2.11.2; 11.2.11.4 and 11.2.11.5 of MOP, and the appeal is allowed in part and MOP is modified in accordance with Attachment 1.

*"S. Jacobs"*

S. JACOBS  
MEMBER

### **Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario

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## Attachment "1"

### Modifications Mississauga Official Plan (2011)

1. Policy 4.5 of MOP is modified by deleting the 6<sup>th</sup> bullet under "Create a Multi-Modal City" and replacing it with the following:

*"Exploring and promoting the opportunities for the efficient movement of goods;"*

2. Policy 6.9.2.1 of MOP is modified by deleting the wording and replacing it with the following:

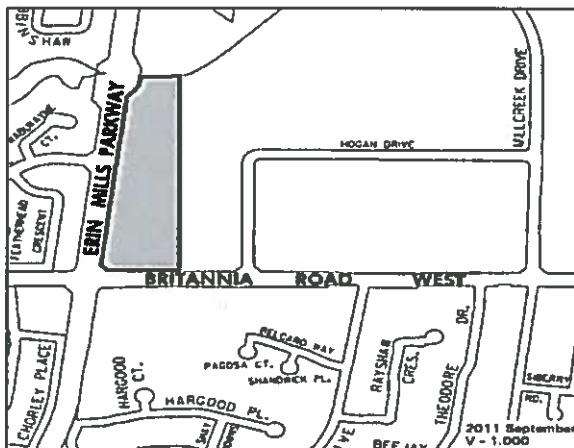
*"New residential development and redevelopment and infilling, which increases the number of dwelling units beyond that permitted by the existing zoning, will not be permitted within the Airport Operating Area outlined on Map 6-1: Airport Operating Area."*

3. Policy 15.4 of MOP is modified by adding new Special Site Policies and a new Special Site:

#### *"15.4.3 Special Site Policies*

*There are sites within this Character Area that merit special attention and are subject to the following policies*

##### *15.4.3.1 Site 1*



*15.4.3.1.1 The lands identified as Special Site 1 are located at the northeast corner of Britannia Road West and Erin Mills Parkway.*

15.4.3.1.2 Notwithstanding the policies of this Plan, the following additional policies will apply:

- a. either accessory uses and/or a retail store will be permitted within an office building up to a maximum GFA of 2,000 m<sup>2</sup> or 32% of the total GFA, whichever is less;
- b. laboratory uses will be permitted;
- c. a building with a minimum height of two storeys is required at the northeast corner of Britannia Road West and Erin Mills Parkway.
- d. one storey buildings will be permitted on the remainder of the site;
- e. freestanding restaurants and financial institutions will be permitted.”

4. Policy 18.2 of MOP is modified by deleting the wording and replacing it as follows:

*“18.2 Toronto-Lester B. Pearson International Airport*

*18.2.1 Introduction*

*It is recognized that the impacts of Airport operations, including noise, air navigation facilities and procedures, and airport obstacle limitation surface restrictions, extend beyond its geographic boundaries. This is a permanent circumstance that this Plan acknowledges.*

*Land use and development can impact the safe operation of aircraft in an area extending well beyond the limits of the Airport. New construction has the potential to impact on civil navigation for aircraft using the Airport or which has the potential to impact airport or airspace capacity due to interference with signals, communications, and instrument flight procedures.*

*Further, there are areas of Mississauga which are subject to high levels of aircraft noise. As a result, Chapter 6 contains policies which set out the restrictions on development within the areas subject to high levels of aircraft noise. The policies of this Plan are based on a six runway configuration of the Airport.*

*18.2.2 Land Use*

*18.2.2.1 Mississauga will cooperate with the Federal Government, or its assigns, to ensure that new construction is compatible with the requirements of the Airport for:*

- a. height limitations;
  - b. protection of navigational aids, surveillance equipment and communications;
  - c. visibility; and
  - d. protection from wildlife hazards.
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*18.2.2.2 Applications to amend the Official Plan or zoning by-law, draft plans of subdivision, and site development plans may be circulated to the GTAA for comments.*

*18.2.2.3 Because of the economic importance of the Airport to the city, region and province, development should be compatible with Airport operations and allow the Airport to function efficiently to achieve its economic potential having regard for:*

- a. existing and future industry;*
- b. business and employment opportunities; and*
- c. the interests of existing and future residents."*

5. MOP is modified by deleting:

*"Appendix B: Airport Influence Area"*