

ISSUE DATE:

**September 26, 2013**



PL111148

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 2333 NSW Inc. (Marland Management Services Inc.)  
Appellant: A&W Food Services of Canada Inc.  
Appellant: Antorisa Investments (Ralph Chiodo)  
Appellant: Azuria Group; and others  
Subject: New City of Mississauga Official Plan  
Municipality: City of Mississauga  
OMB Case No.: PL111148  
OMB File No.: PL111148

IN THE MATTER OF 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 of the Regional Municipality of Peel to announce a decision respecting Proposed Official Plan Amendment No. OPA 95  
Municipality: City of Mississauga  
OMB Case No.: PL111148  
OMB File No.: PL110973

**APPEARANCES:**

**Parties**

**Counsel**

Lowes Companies Canada ULC	Calvin Lantz
City of Mississauga	Kelly Yerxa

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. E. SNIEZEK ON SEPTEMBER 20, 2013 AND PARTIAL ORDER OF THE BOARD**

[1] Lowes Companies Canada ULC appealed the City of Mississauga's Official Plan. The City of Mississauga has approved Official Plan Amendment ("OPA") Nos. 121, 130, 133 and 134. The affidavit filed by Ms. Dietrich, a registered professional planner, confirms that the amendments both individually and collectively constitute good

planning and conforms with the current policies and plans of the City of Mississauga, Region of Peel, the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement, 2005.

[2] Based upon the uncontested evidence of Ms. Dietrich, the Board concludes that the amendments before it represent “good planning” and fits within the legislative planning framework.

[3] The Board grants the appeal in part and approves OPA Nos. 121, 130, 133 and 134.

[4] The Board will withhold its final order on OPA No. 134 until notified by the City.

[5] The Board authorizes the attached Order approving OPA Nos.121, 130, and 133.

“J. E. Sniezek”

J. E. SNIEZEK  
MEMBER

**PL111148**

**Ontario Municipal Board**

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	2333 NSW Inc. (Marland Management Services Inc.)
Appellant:	A & W Food Services of Canada Inc.
Appellant:	Antorisa Investments Ltd. (Ralph Chiodo)
Appellant:	Azuria Group; and others
Subject:	New City of Mississauga Official Plan
Municipality:	City of Mississauga
OMB Case No.:	PL111148
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IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant jointly:	2188101 Ontario Inc. 1615242 Ontario Inc. and 2187308 Ontario Inc.
Subject:	Failure of the Regional Municipality of Peel to announce a decision respecting Proposed New Official Plan
Municipality:	City of Mississauga
OMB Case No.:	PL111148
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**DRAFT ORDER**

This was a prehearing conference in the form of a teleconference call for two parties, the Appellant (Lowe's Companies Canada ULC ("Lowe's")) and the City of Mississauga ("City"). The City proposes modifications to the Mississauga Official Plan ("MOP") and Lowe's has no objection to these modifications, as it no longer wishes to pursue its appeal of MOP.

In support of the modifications, the City's Planner, Angela Dietrich, filed her affidavit with the Board. Ms. Dietrich opined that the proposed modifications constitute good planning and conform to current policies of the City, the Region of Peel, the Provincial Growth Plan and the Provincial Policy Statement. The modifications which implement OPA 121, OPA 130 and OPA 133 passed under Mississauga Plan into MOP. These OPAs came into force under the old Mississauga Plan, due to Lowe's' appeal of MOP, and therefore they are housekeeping modifications.

Having considered the planner's professional evidence and opinion contained in her affidavit, the Board allows the appeal in part by approving the modifications set out in Schedule "A" and dismisses the balance of the Lowe's' appeal except that part of the appeal that applies to those

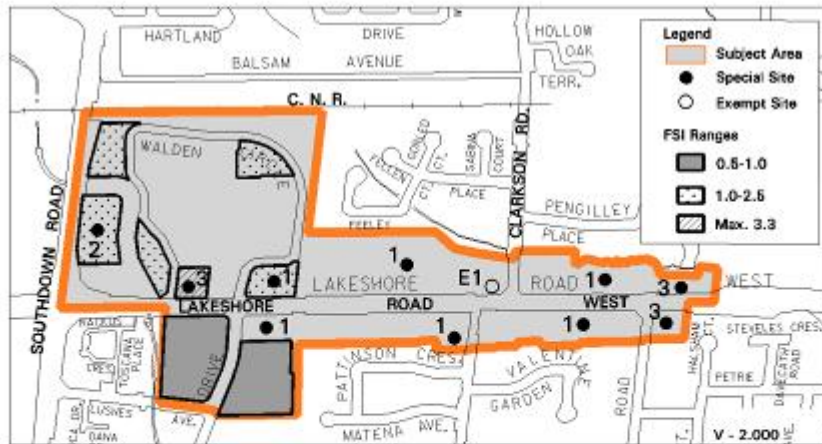
lands covered under Mississauga Plan Amendment No. 134 which will be the subject of a subsequent order of this Board.

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SCHEDULE "A"

PROPOSED MODIFICATIONS TO MISSISSAUGA OFFICIAL PLAN (MOP)

1. Policy 14.2 is modified by deleting and replacing Map 14-2 with the following:



Map 14-2: Clarkson Village Community Node Character Area

- 2. Policy 14.2.3.3 is modified by deleting the map and policies 14.2.3.3.1 and 14.2.3.3.2 replacing with the following map and policies:

14.2.3.3 Site 3



14.2.3.3.1 The lands identified as Special Site 3 are located at the northeast corner of Lakeshore Road West and Walden Circle (west) and on the north and south sides of Lakeshore Road West, east of Meadow Wood Road.

14.2.3.3.2 Notwithstanding the policies of this Plan, for the lands identified as "A", the following additional policies will apply:

- a. the maximum *floor space index (FSI)* will be 3.3 and
- b. the maximum apartment building height will be 15 storeys

14.2.3.3.3 Notwithstanding the provisions of the Mixed Use designation, drive-through facilities will not be permitted.

- 3. Policy 16.8.3.10 is modified by deleting the map and policies 16.8.3.10.1 and 16.8.3.10.2 and replacing with the following map and policies:

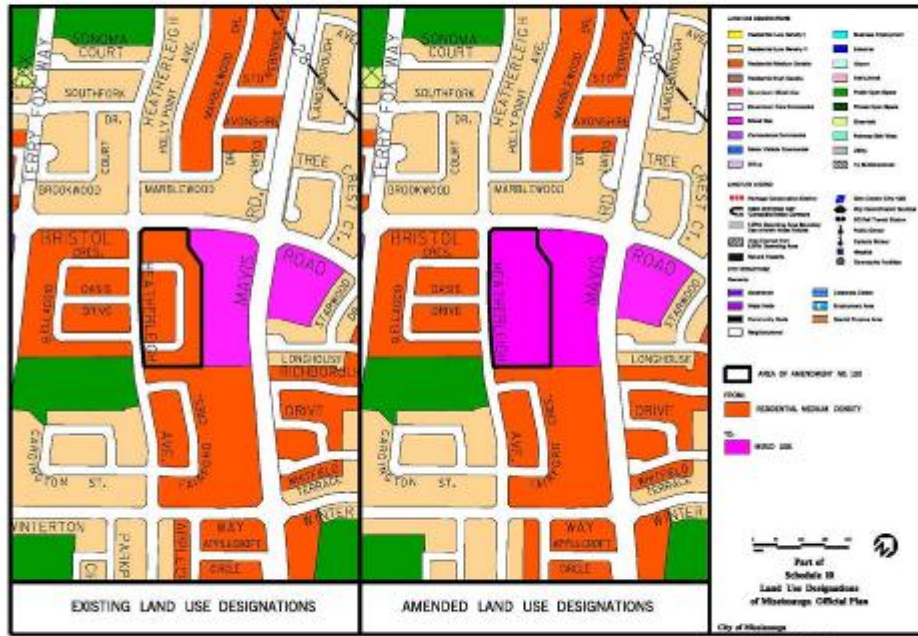
16.8.3.10 Site 10



16.8.3.10.1 The lands identified as Special Site 10 are located at the southwest corner of Bristol Road West and Mavis Road.

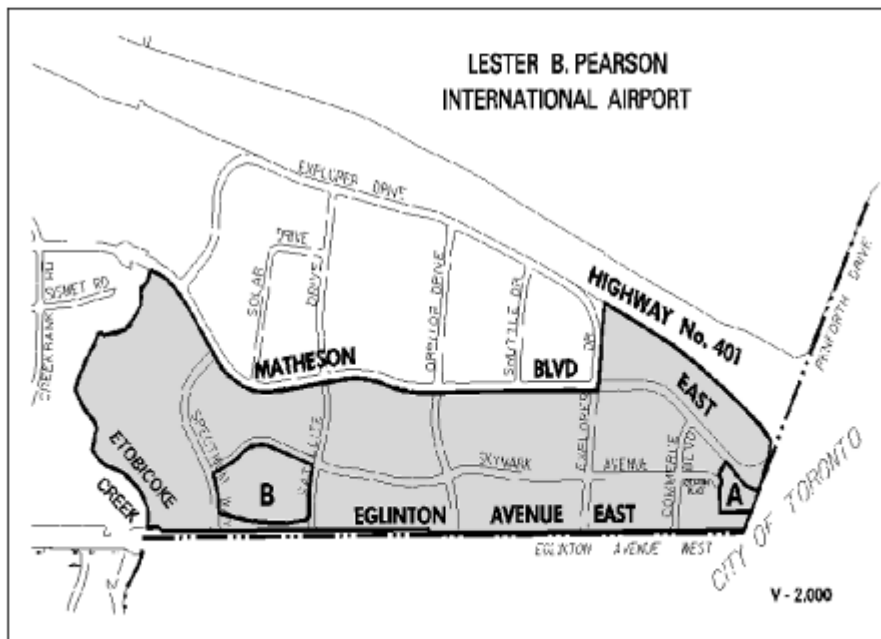
16.8.3.10.2 Notwithstanding the policies of this Plan, a service station, gas bar and car wash may be permitted.

- 4. Schedule 10: Land Use Designations is modified by changing the land use designation for the lands south of Bristol Road West and east of Heatherleigh Avenue from "Residential Medium Density" to "Mixed Use", as shown below.





- 5. Policy 15.2.2.1 is modified by deleting Special Site 1 map and replacing it with the following:



- 6. Policy 15.2.2.1 is further modified by adding the following policy:

“15.2.2.1.3 Notwithstanding 15.2.2.1.1.a and b, six free-standing, single storey restaurant buildings will be permitted on lands identified as B.”