

ISSUE DATE:

**March 18, 2014**



PL130360

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

Mahmoud and Joanna Sous have appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 0225-2007 of the City of Mississauga to rezone lands respecting 1484 Hurontario Street from R2-4 to R2-Exception to permit medical office and residential uses  
OMB File No. PL130360

IN THE MATTER OF subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	Mahmoud and Joanna Sous
Subject:	Site Plan
Property Address/Description:	1484 Hurontario Street
Municipality:	City of Mississauga
OMB Case No.:	PL130360
OMB File No.:	PL130764

**APPEARANCES:**

**Parties**

**Counsel**

Mahmoud and Joanna Sous

C. Piersanti

City of Mississauga

R. Kehar

**DECISION DELIVERED BY R. ROSSI ON MARCH 10, 2014 AND ORDER OF THE BOARD**

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[1] Mahmoud and Joanna Sous ("Applicants") have appealed to the Ontario Municipal Board ("Board") the decision of the Committee of Adjustment ("Committee") of the City of Mississauga ("City") that failed to enact a proposed amendment to Zoning By-law No. 0225-2007 to rezone lands respecting 1484 Hurontario Street from R2-4 to R2-Exception to permit medical office and residential uses in a new building. As planner Dirk Blyleven explained, the proposed development would include an addition and an entire second-floor reconstruction atop the existing building. The ground floor would operate as a physiotherapy clinic with a rented residential apartment use proposed for the second floor. Proximity of a nearby medical use and the rental unit triggered the need for the amendment,

which is subject to the Site 2 Special Site policies of the Official Plan. Mr. Blyleven also explained that the City approved the ground-floor medical office use by way of an earlier minor variance application.

[2] Mr. Blyleven also provided the Board with all of the relevant policy excerpts and zoning performance standards in the documents (Exhibit 1) and he reviewed these for the Board, opining that the objectives of these instruments are met through the development as proposed. It was his unchallenged opinion that the proposed development of the site with the proposed amendment represents good planning. Counsel for the City, Raj Kehar, advised the Board that the City is currently working with the Applicants and their counsel to conclude a development agreement that would establish a site plan for the medical/residential use. A number of visual exhibits in the documentary package illustrate what the Applicants propose to construct. The design contained in the documents depicts a built form that is very much in character with the style of buildings along Hurontario Street and is visually appealing. The development agreement is being worked on with the Applicants as the City proposes to enliven Hurontario Street with a Light Rail Transit service that will require taking a portion of the front yard lands of a number of properties along the street including those of the Applicants.

## **ORDER**

[3] Based on the evidence before it, the Board allows the appeal in part by amending Zoning By-law No. 0225-2007 with the subject Zoning By-law Amendment as contained in Exhibit 2 (Attachment 1 to this Order). As for the site plan matter, the Board withholds its Order by providing the parties with 120 days from the date of this hearing to notify the Board whether the development agreement has been concluded. If it has, the Board will issue its Order on the site plan matter. Failing that, the parties will be required to participate in a teleconference call shortly thereafter to chart a path for the conclusion of this matter.

“R. Rossi”

R. ROSSI  
MEMBER

ATTACHMENT 1

SCHEDULE "A" TO  
 ONTARIO MUNICIPAL BOARD  
 ORDER DATED \_\_\_\_\_

OMB File No. PL130360  
 OMB Case No. PL130360  
 Dr. M Sous and J. Sous

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

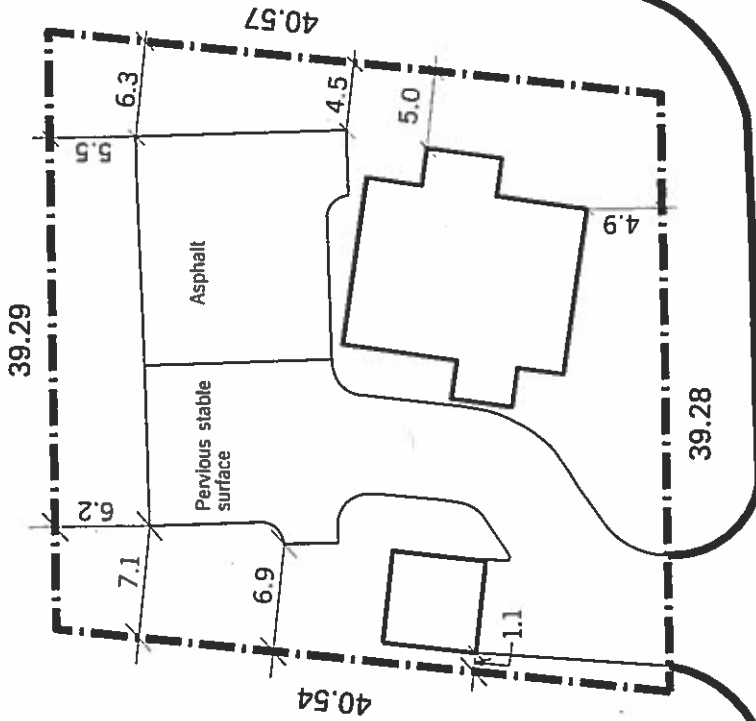
4.2.3.55	Exception: R2-55	Map # 08	By-law:
In a R2-55 zone the applicable regulations shall be as specified for a R2 zone except that the following uses/regulations shall apply:			
<b>Permitted Use</b>			
4.2.3.55.1	Lands zoned R2-55 shall only be used for the following:		
	(1) <b>Detached Dwelling</b> or (2) <b>Office</b> with one (1) <b>dwelling unit</b> or (3) <b>Medical office - restricted</b> with one (1) <b>dwelling unit</b>		
<b>Regulations</b>			
4.2.3.55.2	<b>Minimum lot frontage - corner lot</b>		35.0 m
4.2.3.55.3	<b>Minimum centre line setback from Hurontario Street</b>		19.0 m
4.2.3.55.4	An <b>office</b> and <b>medical office - restricted</b> shall comply with the R2 zone regulations contained in Subsection 4.2.1 of this By-law except that:		
	(1) <b>maximum gross floor area - non-residential</b>		175 m <sup>2</sup>
	(2) <b>maximum lot coverage</b>		15%
	(3) <b>maximum number of parking spaces that may be tandem parking spaces</b>		2
	(4) all site development plans shall comply with Schedule R2-55 of this Exception		



Note:  
All measurements are in metres  
and are minimum setbacks,  
unless otherwise noted.

□ Buildable Areas

HURONTARIO STREET



INDIAN VALLEY TRAIL

THIS IS SCHEDULE "R2-55"

AS ATTACHED TO SCHEDULE "A" OF O.M.B.

ORDER DATED \_\_\_\_\_

O.M.B. FILE NO. PL130360

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