

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 19, 2014

CASE NO(S): PL140852

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	City of Mississauga
Applicant:	The Great-West Life Assurance Company and London Life Insurance Company
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	3620-B Laird Road
Municipality:	City of Mississauga
Municipal File No.:	A 232/14
OMB Case No.:	PL140852
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Heard: November 13, 2014 by teleconference

APPEARANCES:

Parties

Counsel

City of Mississauga

M. Taggart

DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE BOARD

[1] The Great-West Life Assurance Company and London Life Insurance Company (“Applicants”) applied for a variance to permit 53% of the gross floor area (“GFA”) of units 1 – 5 at 3620-B Laird Road (“Subject Site”) in the City of Mississauga (“City”) to be used for accessory retail sales and display. The Subject Site is designated Business Employment in the City Official Plan (“OP”) and is zoned E2-24 (Employment) in By-law No. 0225-2007 (“ZBL”). The zoning permits a maximum of 20% of the GFA to be used for accessory retail sales and display and/or installation of products in this instance.

[2] The tenant in the units in question is Peel Tile and Marble Inc. (“Peel Tile”).

[3] The City of Mississauga Committee of Adjustment (“COA”) authorized the variance.

[4] The City appealed against the decision of the COA to this Board.

[5] The Board had affidavit evidence from David Ferro, whom the Board qualified to provide independent expert opinion evidence in land use planning matters.

[6] Section 2 of the *Planning Act*, R.S.O., 1990 c. P.13 (“Act”) sets out matters of Provincial interest. Section 2(k) emphasizes:

...the adequate provision of employment opportunities...

[7] The Provincial Policy Statement (“PPS”) also emphasizes the importance of employment uses at policy 1.3.1:

1.3.1 Planning authorities shall promote economic development and competitiveness by...

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses...

[8] At policy 2.2.6.2(b), the Growth Plan for the Greater Golden Horseshoe (“GGH”) contains identical language to policy 1.3.1(b) in the PPS.

[9] Peel Tile is appropriately located within the employment area. This particular business requires, and benefits from, a larger accessory area for retail sales and display than is permitted by the ZBL. The City’s concern is that the variance, as authorized by the COA, would permit some other business to lease the premises and continue to enjoy the permission of a 53% GFA for retail sales and display in circumstances where such new business might not require the space to conduct its business properly, as does Peel Tile.

[10] The City and the Applicants have now reached a settlement.

[11] The City supports the requested variance if a condition is attached that clearly limits the variance to the Peel Tile business at the Subject Site.

[12] Having regard to s.45(9) of the Act, the Board is of the opinion that it is advisable in this instance to impose the following condition, sought by the City:

That the decision is personal to "Peel Tile and Marble Inc." and shall be in effect so long as the subject premises are leased and/or occupied by the same.

[13] The Board finds that the requested variance, subject to a condition, has appropriate regard for the matters of Provincial interest as set out s. 2 of the Act, is consistent with the PPS, conforms to the GGH, maintains the general intent and purpose of the official plan, maintains the general intent and purpose of the zoning by-law, is desirable for the appropriate use of the land and is minor.

ORDER

[14] The Board orders that the variance to permit 53% of the gross floor area of units 1- 5 at 3620-B Laird Road in the City of Mississauga, now occupied by Peel Tile and Marble Inc., to be used for accessory retail sales and display is authorized subject to the condition that this decision is personal to "Peel Tile and Marble Inc." and shall be in effect so long as the subject premises are leased and/or occupied by the same.

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
VICE-CHAIR

Ontario Municipal Board

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