

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



**ISSUE DATE:** July 18, 2017

**CASE NO(S):** PL160562

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Astra Capital Properties Incorporated  
Appellant: Bodycote Canada Property Inc.  
Subject: Proposed Official Plan Amendment No. OPA 40  
Municipality: City of Mississauga  
OMB Case No.: PL160562  
OMB File No.: PL160562  
OMB Case Name: Astra Capital Properties Incorporated v. Mississauga (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Astra Capital Properties Incorporated  
Appellant: Bodycote Canada Property Inc.  
Subject: By-law No. 0097-2016  
Municipality: City of Mississauga  
OMB Case No.: PL160562  
OMB File No.: PL160563

**Heard:** June 26, 2017 at Mississauga, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

City of Mississauga

Michal Minkowski

Bodycote Canada Property  
Inc.

Jessica Boily

**MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN ON  
JUNE 26, 2017**

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[1] Mississauga City Council adopted Official Plan Amendment No. 40 (“OPA 40”) as an update and enhancement to the policies governing the Sheridan Park Corporate Centre employment planning area. Two appeals were taken to OPA 40. These appeals were initially dealt with by the Ontario Municipal Board (the “Board”), by way of a Pre-hearing Conference held on November 21, 2016. At that time, the Board confirmed that both appeals were being treated as site-specific and separated the appeals to be heard under separate Procedural Orders and at different times.

[2] Since that time, one of the Appellants, Bodycote Canada Property Inc. (“Bodycote”), and the City have been dealing with each other regarding the issues arising out of the Bodycote appeal and have come to terms on the resolution of that appeal.

[3] Consequently, the session this day proceeded as a settlement hearing.

[4] The evidence heard by the Board was tendered through Lisa Christie, a senior planner in the City of Mississauga (the “City”) Planning Department. Ms. Christie testified that at the time of adopting OPA 40, although one of the objectives of the exercise was to identify the Green System, the City did not have precise data sufficient to properly map the Greenlands in Sheridan Park. In fact, the boundaries of the Greenlands as shown on the mapping to OPA 40 proceeded based upon data from the City’s Natural Areas Survey. This gives a rough approximation of the areas, which have the characteristics of Greenland but is only approximate at best. Proper mapping requires on-site inspection of natural and habitat features. In conjunction with Bodycote’s consultant, Dillon Consulting, that inspection has been undertaken in the interim since the last Pre-hearing and with the knowledge which comes from that on-site inspection and assessment, the mapping has been revised and now better reflects the natural feature limits.

[5] Essentially, the documents put before the Board for approval with respect to OPA 40 are maps, which reflect the now delineated Green System within the Bodycote lands in Sheridan Park. Specifically, these are: Schedule 1, Urban System of the Mississauga Official Plan (“MOP”), Schedule 1a, Urban System- Green System of the MOP, Schedule 3, Natural System of the MOP, Schedule 4, Parks and Open Space of the MOP and Schedule 10, Land Use Designations of the MOP. Those maps are attached hereto in Attachment “1” to this Decision.

[6] The Board was also provided with information regarding the zoning of the Bodycote lands and with a draft form of zoning by-law amendment to reflect the map changes settled upon between the Parties. That draft amendment is attached hereto as Attachment “2”. It consists of a text change to the holding provision applicable to the Bodycote lands as well as modified mapping to reflect the agreed upon H-E2-5, G1 and G2 zoning to apply to the Bodycote lands.

[7] Ms. Christie addressed the policy context for these amendments. She asserted that the amendments strike a balance between the need to ensure the provision of employment lands and to protect and preserve natural features. She touched upon these policy objectives in the Provincial Policy Statement 2014 (“PPS”) and in the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) and opined that the proposed amendments were consistent with the PPS and conform with the Growth Plan.

[8] Ms. Christie then addressed the provisions of the Region of Peel Official Plan, which similarly seek a vital economic base while also protecting ecosystem features. Her opinion is that these goals are in proper balance in this instance.

[9] The City OP has parallel policies which deal with a strong economy, Section 10 of MOP, the Green System in Section 5.2, and with environmental protection throughout Section 6.

[10] On the basis of the policy compliance and implementation which she spoke to, she recommended to the Board the approval of the OP modifications and the zoning amendment as reflecting the application of good planning principles. Counsel for Bodycote took no exception to the City position. The Board accepts the uncontroverted opinion evidence of Ms. Christie.

[11] Mr. Minkowski advised the Board that as part of the settlement, the City had undertaken to remove certain restrictions, which are presently registered on title to the Bodycote lands. These restrictions appear in favour of the City as Instrument PR726514 on two parcel registers in the Peel Land Registry Office. Mr. Minkowski requested that the Board withhold issuance of its final order on the planning amendments until further advised by the City that the restrictions have been deleted from these parcel registers. As of preparing this Decision, the Board has received the communication from Mr. Minkowski that the restrictions have now been deleted and that the Board is at liberty to formalize its Order.

[12] Accordingly, the Board hereby confirms that it accepts the settlement between the Parties as being in the public interest and will authorize and approve the OP amendments noted above (which were set forth in Tab 5 of Exhibit 3 in the proceeding) in the form set forth in Attachment "1" to this Decision, and will, under the authority of s. 34(26)(b) of the *Planning Act*, direct the amendment of City of Mississauga Zoning By-law 0225-2007, as amended, in the terms of Attachment "2" to this Decision (which was set forth in Tab 8 of Exhibit 3 in the proceeding).

[13] So Orders the Board.

*“Gerald S. Swinkin”*

GERALD S. SWINKIN  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**ATTACHMENT 1****MISSISSAUGA OFFICIAL PLAN AMENDMENT NO. 40 MODIFICATION**

The following modifications will amend Official Plan Amendment No. 40

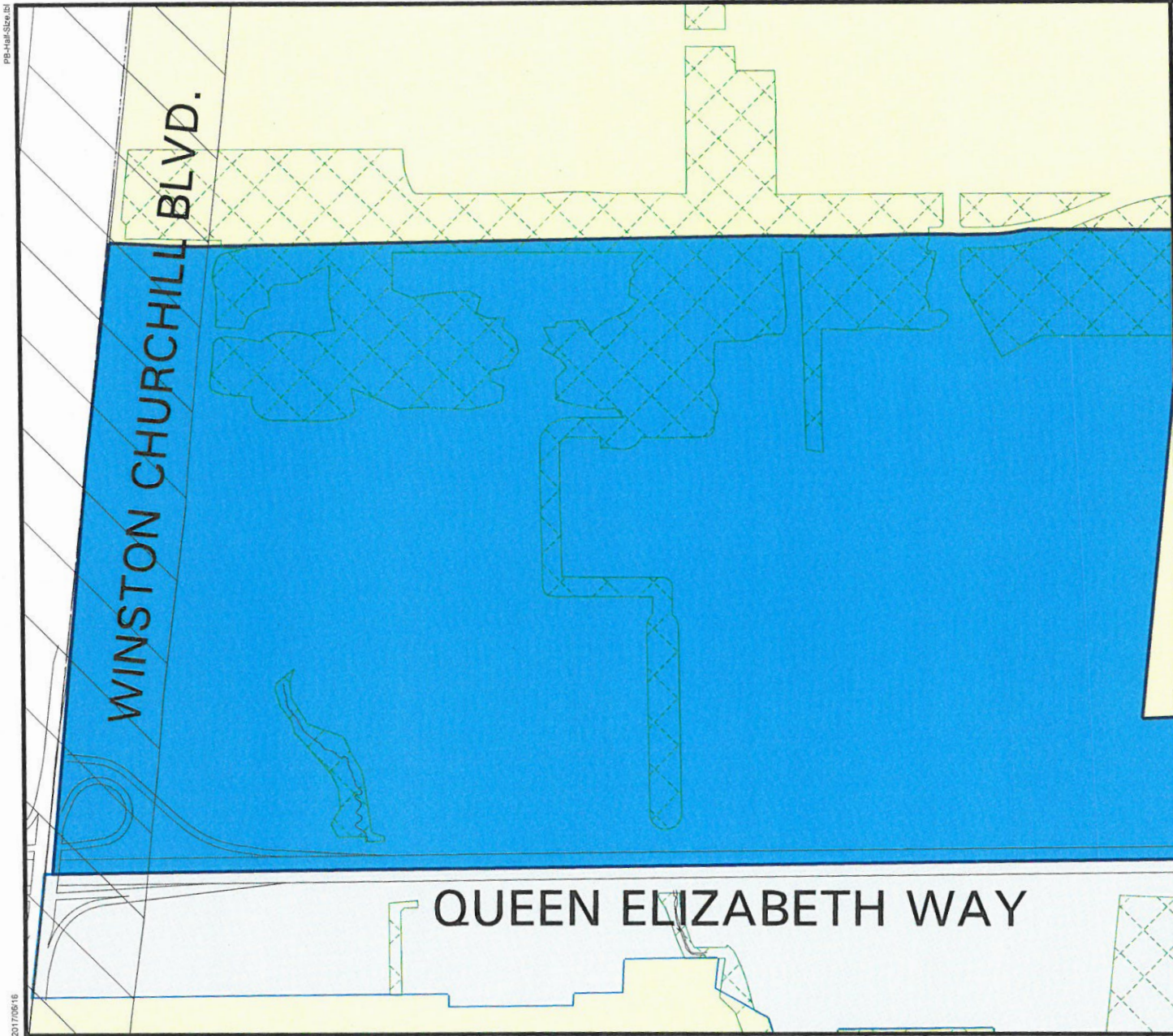
1. Schedule 1, Urban System, of Mississauga Official Plan, is hereby amended by deleting lands from the Green System, as shown on Map "A" of this Amendment.
2. Schedule 1a, Urban System - Green System, of Mississauga Official Plan, is hereby amended by deleting lands from the Green System, as shown on Map "B" of this Amendment.
3. Schedule 3, Natural System, of Mississauga Official Plan, is hereby amended by adding and deleting lands to and from the Green System, as shown on Map "C" of this Amendment.
4. Schedule 4, Parks and Open Spaces, of Mississauga Official Plan, is hereby amended by adding and deleting lands to and from Public and Private Open Spaces as shown on Map "D" of this Amendment.
5. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by deleting and adding the land use designation of the subject lands from Business Employment to Greenlands, as shown on Map "E" of this Amendment.

**IMPLEMENTATION**

Upon receipt of the Ontario Municipal Board's Final Order, Mississauga Official Plan will be amended in accordance with the Order.

If the Ontario Municipal Board approves the Amendment, the lands will be rezoned as part of the same Board Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated March 13, 2017.



**LEGEND**

**GREEN SYSTEM**

Green System

**CITY STRUCTURE**

Downtown

Major Node

Community Node

Neighbourhood

Corporate Centre

Employment Area

Special Purpose Area

**CORRIDORS**

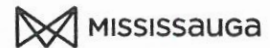
Corridor

Intensification Corridor

Note:  
Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.



**MAP 'A'**  
Part of  
Schedule 1-Urban System  
of Mississauga Official Plan

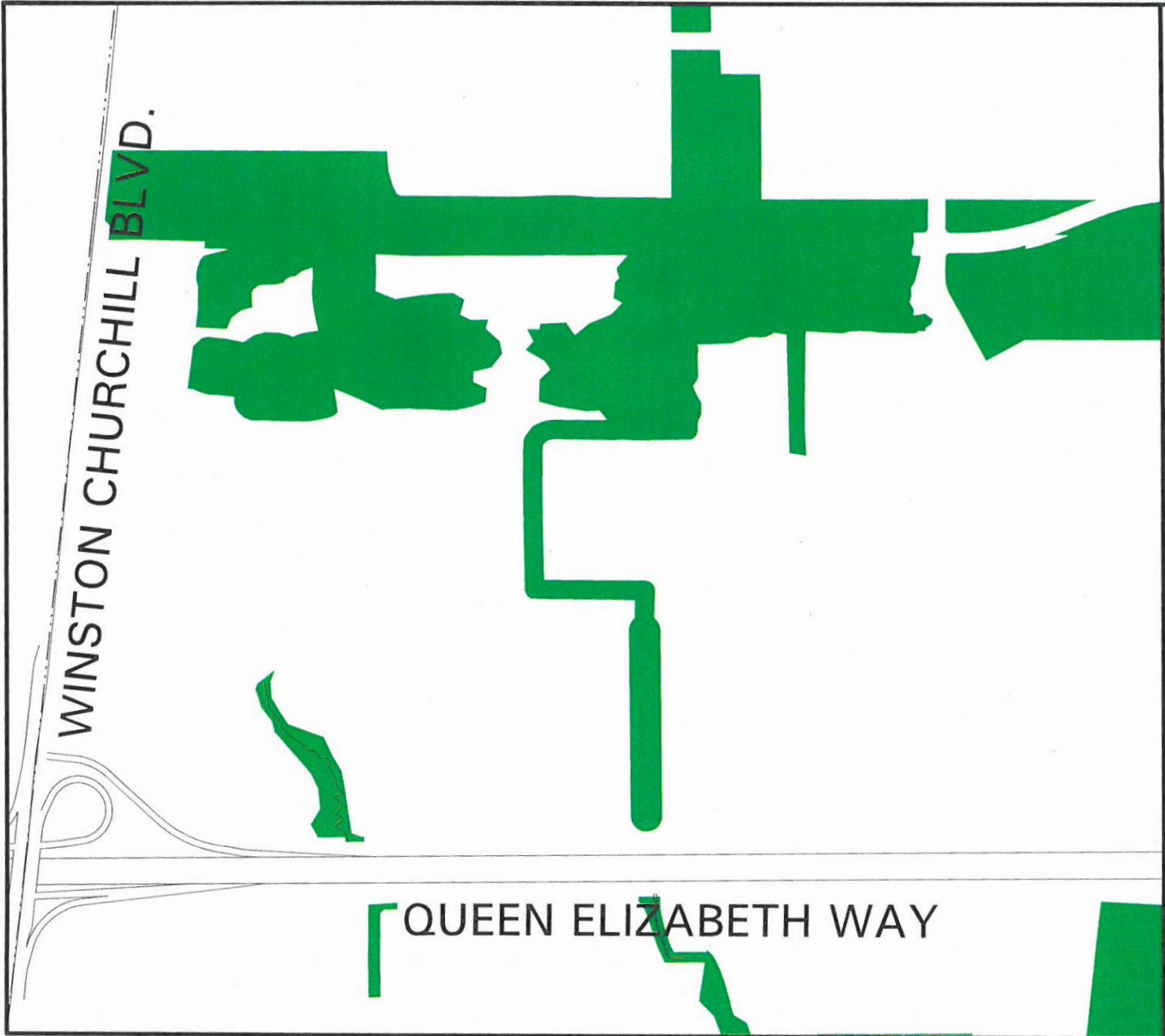


PP-Hall-Size.tbl

20170616

scott





LEGEND:

Note:  
 Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.



MAP 'B'  
 Part of Schedule 1a  
 Urban System - Green System  
 of Mississauga Official Plan





PB-Hal-She.dwg

WINSTON CHURCHILL BLVD.

QUEEN ELIZABETH WAY



### LEGEND

#### NATURAL HERITAGE SYSTEM:

- Significant Natural Areas and Natural Green Spaces
- Special Management Areas
- Linkages
- Residential Woodlands
- Provincially Significant Wetlands
- Other Wetlands
- Areas of Natural and Scientific Interest Provincial Significance
- Areas of Natural and Scientific Interest Regional Significance

#### NATURAL HAZARDS

- Natural Hazards
- Two Zone Floodplain Regulations
- Special Policy Area Floodplain

#### Notes:

1. The entire Green System is shown on Schedule 1a.
2. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
3. The limits of the Natural Hazards shown on this Schedule are for illustrative purposes only. The appropriate Conservation Authority should be consulted to determine their actual location.



MAP 'C'

Part of Schedule 3  
Natural System  
of Mississauga Official Plan



2017/06/21

scotta

PB-H4-Size 04

WINSTON CHURCHILL BLVD.

QUEEN ELIZABETH WAY

LEGEND

-  Public and Private Open Spaces
-  Parkway Belt West
-  Educational Facilities
-  Utilities

Notes:

1. The entire Green System is shown on Schedule 1a.
2. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
3. The Public and Private Open Spaces identified on this Schedule include lands designated Public Open Space, Private Open Space and Greenbelt as shown on Schedule 10.



MAP 'D'

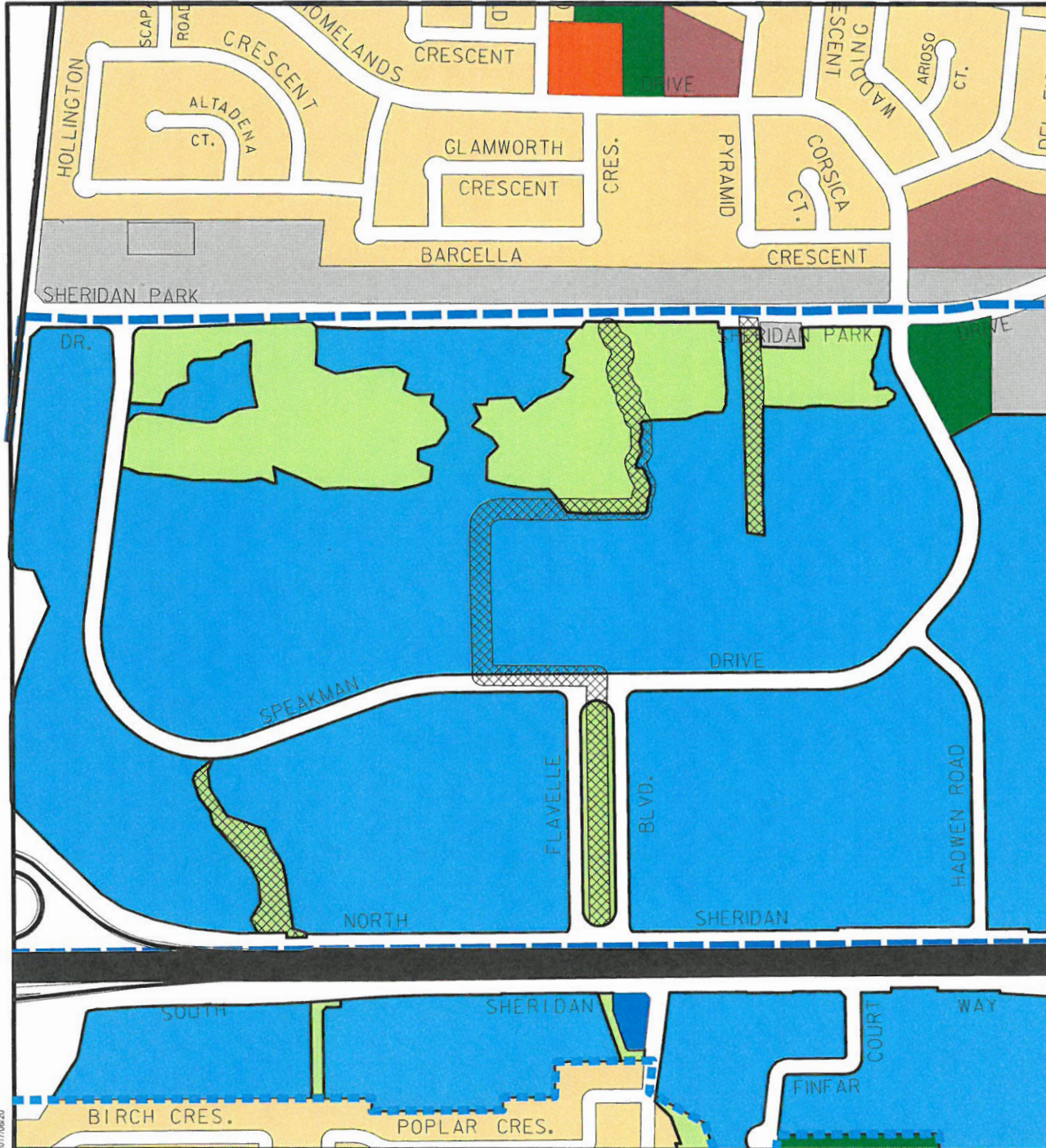
Part of Schedule 4  
Parks and Open Spaces  
of Mississauga Official Plan



2017/06/19

scotta





### LAND USE DESIGNATIONS

- |                            |                       |
|----------------------------|-----------------------|
| Residential Low Density I  | Airport               |
| Residential Low Density II | Institutional         |
| Residential Medium Density | Public Open Space     |
| Residential High Density   | Private Open Space    |
| Mixed Use                  | Greenlands            |
| Convenience Commercial     | Parkway Belt West     |
| Motor Vehicle Commercial   | Utility               |
| Office                     | Special Waterfront    |
| Business Employment        | Partial Approval Area |
| Industrial                 |                       |

### BASE MAP INFORMATION

- |   |                              |
|---|------------------------------|
| Heritage Conservation District                            | Civic Centre (City Hall)     |
| 1996 NEP/2000 NEF Composite Noise Contours                | City Centre Transit Terminal |
| LBPIA Operating Area Boundary See Aircraft Noise Policies | GO Rail Transit Station      |
| Area Exempt from LBPIA Operating Area                     | Public School                |
| Natural Hazards   | Catholic School              |
|   | Hospital                     |
|   | Community Facilities         |

### City Structure

- |                |                      |
|----------------|----------------------|
| Downtown       | Corporate Centre     |
| Major Node     | Employment Area      |
| Community Node | Special Purpose Area |
| Neighbourhood  |                      |



## MAP 'E'

Part of Schedule 10  
Land Use Designations  
of Mississauga Official Plan



**ATTACHMENT 2**

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

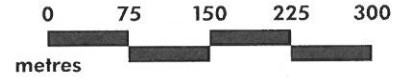
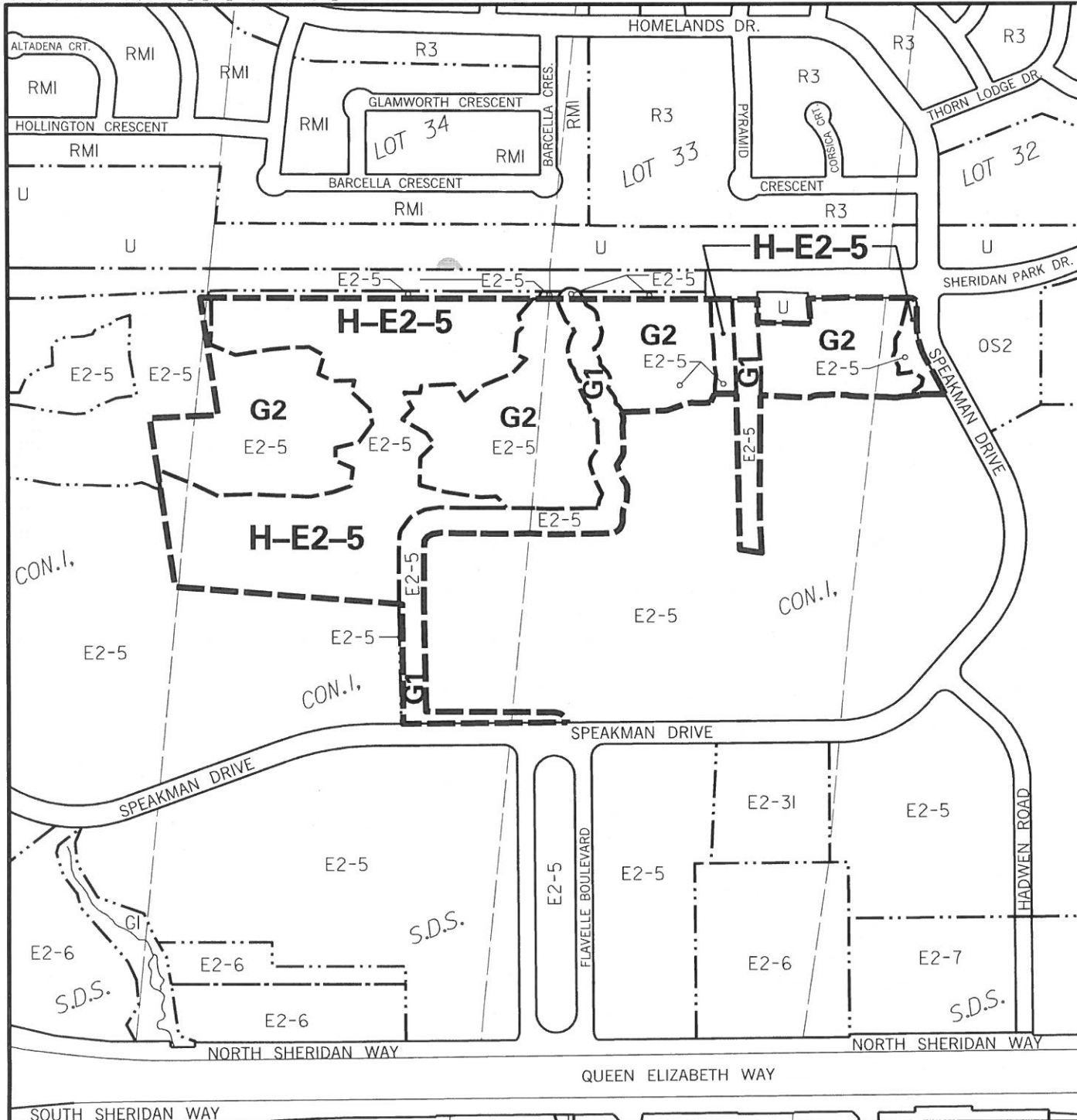
OMB Case No. PL160562  
 OMB File No. PL160563  
 Bodycote Property Canada Inc.

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by deleting the Holding Provision in Exception Table 8.2.3.5 and substituting the following therefor:

8.2.3.5	Exception: E2-5	Map # 18	By-law: 0097-2016/OMB Order 2016 December 01
<b>Holding Provision</b>			
<p>The holding symbol H is to be removed from the whole or only a portion of the lands zoned H-E2-5 by further amendment to Map 18 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none"> <li>(1) delivery of an Environmental Impact Study for all or part of the lands subject to the H-E2-5 zone that is satisfactory to the City Transportation and Works and Community Services Departments and Credit Valley Conservation, identifying the portion(s) of the lands which are to be considered for development;</li> <li>(2) delivery of a complete site plan application for the lands which are the subject of the above-noted Environmental Impact Study; and,</li> <li>(3) completion of actions or works, or entering into an agreement for the completion of action or works required to implement the recommendations of the approved Environmental Impact Study, and posting of securities associated thereto, for all or part of the lands subject to the H-E2-5 zone.</li> </ol>			

2. Map Number 18 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "E2-5", "H-E2-5", "G1" and "G2" to "H-E2-5" and "G2", the zoning of Part of Lots 32, 33, 34 and 35, Concession 1, South of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-E2-5" and "G2" zoning shall only apply to the lands which are shown on the attached Schedule "A", which is deemed to be an integral part of this By-law, outlined in the heaviest broken line with the "H-E2-5" and "G2" zoning indicated thereon.
3. This By-law shall not come into force until the Ontario Municipal Board approves an amendment to Mississauga Official Plan Amendment Number 40 with respect to the lands identified on the attached Schedule "A" and that portion of Mississauga Official Plan Amendment Number 40 is in full force and effect.





GREENLANDS OVERLAY

This is not a Plan of Survey.

**CITY OF MISSISSAUGA**

**THIS IS SCHEDULE "A" TO  
SCHEDULE "A" OF O.M.B.**

**39**

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

**O.M.B. CASE NO. PL 160562**

**O.M.B. FILE NO. PL 160563**



**APPENDIX "A" TO SCHEDULE "A" OF****OMB ORDER DATED \_\_\_\_\_** ——— OMB Case No. PL160562

OMB File No. PL160563

Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to implement the appropriate zoning for the revised boundaries of the Business Employment and Greenlands land use designations for the subject property in Sheridan Park Corporate Centre.

This By-law amends the boundaries of the zoning categories on the property known as the "Bodycote lands", shown on the attached Schedule "A", so that the "H-E2-5" (Employment - Exception - Holding Provision) and "G2" (Greenlands - Natural Features) zones correspond with the revised Business Employment and Greenlands designations.

Upon removal of the "H" provision, the "E2-5" zone will permit a range of employment uses, maintaining a science and technology component, with a floor space index ranging from 0.4 to 0.6 times the lot area, depending on the type of uses.

"G1" permits flood control, stormwater management, erosion management and natural heritage features and areas conservation.

"G2" permits natural protection area and natural heritage features and areas conservation.

Location of Lands Affected

Portions of the Sheridan Park Corporate Centre, in the City of Mississauga, as shown on the attached Map designated as Schedule "A".