

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** February 08, 2019

**CASE NO(S):**

PL180042  
PL170755

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	City Park (Old Barber) Homes Inc.
Subject:	Request to amend the Official Plan - Failure of City of Mississauga to adopt the requested amendment "Mixed use"
Existing Designation:	"Residential Medium Density" and "Residential Density II"
Proposed Designated:	
Purpose:	To permit a residential development
Property Address/Description:	5155 Mississauga Road
Municipality:	City of Mississauga
Approval Authority File No.:	OPA/OZ 16/011
OMB Case No.:	PL180042
OMB File No.:	PL180042
OMB Case Name:	City Park (Old Barber) Homes Inc. v. Mississauga (City)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	City Park (Old Barber) Homes Inc.
Subject:	Proposed Plan of Subdivision - Failure of City of Mississauga to make a decision
Purpose:	To permit a residential development
Property Address/Description:	5155 Mississauga Road
Municipality:	City of Mississauga
Municipality File No.:	T-M16 003
OMB Case No.:	PL180042
OMB File No.:	PL180044

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	City Park (Old Barber) Homes Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 - Refusal or neglect of City of Mississauga to make a decision "C3-12"
Existing Zoning:	"C3-12"
Proposed Zoning:	"R4-XX" and "RM6-XX"
Purpose:	To permit a residential development
Property Address/Description:	5155 Mississauga Road
Municipality:	City of Mississauga
Municipality File No.:	OPA/OZ 16/011
OMB Case No.:	PL180042
OMB File No.:	PL180043

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

Appellant:	City Park (Old Barber) Homes Inc.
Subject:	Proposed Official Plan Amendment No. 64
Municipality:	City of Mississauga
OMB Case No.:	PL170755
OMB File No.:	PL170755
OMB Case Name:	City Park (Old Barber) Homes Inc. v. Mississauga (City)

**Heard:** January 14, 2019 in Mississauga, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

City Park (Old Barber) Homes Inc.	Leo Longo
City of Mississauga	Michal Minkowski
Region of Peel	Rachel Godley

**DECISION DELIVERED BY HUGH S. WILKINS AND ORDER OF THE TRIBUNAL**

## INTRODUCTION

[1] This proceeding relates to appeals brought by City Park (Old Barber) Homes Inc. (“Appellant”) regarding a proposed development at 5155 Mississauga Road (“subject property”). The Appellant proposes building detached homes along Barbertown Road, constructing semi-detached homes adjacent to Mississauga Road, building three-storey townhomes on a private condominium road, and renovating an existing heritage building (Barber House) so that it will contain residential units. The Appellant seeks amendments to the Official Plan of the City of Mississauga (“City”), amendments to the City’s Zoning By-law No. 0225-2007 (“Zoning By-law”) and approval of a draft Plan of Subdivision. It also appeals the City’s Official Plan Amendment No. 64 (“OPA 64”). OPA 64 aims to strengthen existing Official Plan policies to protect the scenic character of Mississauga Road between Streetsville and Port Credit by, among other things, maintaining existing trees and vegetation and maintaining the road type, residential character, and heritage components along that part of the road.

[2] A Pre-hearing Conference (“PHC”) in this proceeding was held in August 2018 at which several concerned neighbours were granted Participant status. They are opposed to the proposed development.

[3] In December 2018, the Appellant informed the Tribunal that the Parties had reached a settlement of the appeals. On January 14, 2019, the Tribunal convened a settlement hearing in Mississauga at which it heard opinion evidence on behalf of the Appellant in support of the proposed settlement and heard presentations from the Participants in opposition to it. For the reasons that follow, the Tribunal grants the appeals in part and approves the proposed amendment to the Official Plan (“Official Plan Amendment”), amendment to the Zoning By-law (“Zoning By-law Amendment”) and draft Plan of Subdivision. The Tribunal dismisses the Appellant’s appeal of OPA 64.

## **PARTIES' EVIDENCE AND SUBMISSIONS**

[4] James Levac provided opinion evidence in the area of land use planning on behalf of the Appellant. He stated that the subject property is located in a primarily residential area characterized by large homes. He stated that the subject property is well served by public transit with regular bus service running along Mississauga Road and he said the Streetsville GO Transit Station is just over 500 metres away. The Barber House heritage building sits on the subject property. It is designated under Part IV of the *Ontario Heritage Act*. Mr. Levac said it would be reduced to its 1860s footprint and preserved with more recent non-heritage designated additions removed. Until recently, a restaurant was operated in the building.

[5] Mr. Levac stated that the Appellant's original development proposal was filed with the City in September 2016. He said it has been significantly revised to take into account comments made by the City's planning staff. These changes include a reduction in the number of dwelling units, more open space along Mississauga Road with better visual exposure of the Barber House, garden features, and modifications to the proposed dwellings adjacent to Mississauga Road so that they are more compatible with the streetscape. Many of these aspects are set out in a draft site plan that has been prepared by the Appellant, but is not before the Tribunal in this proceeding.

[6] Mr. Levac said the revised proposed development would consist of the development of four freehold single detached units along Barbertown Road, two semi-detached units (adjacent to Mississauga Road), 14 townhouse units, and four "back-to-back" townhouse units within the Barber House heritage building. In total, the proposed development would consist of 24 dwelling units. The two semi-detached units and all the townhouses would be on a common element condominium road with access to Mississauga Road. To comply with the intent of Mississauga Road Scenic Route policies as envisioned in OPA No. 64, Mr. Levac said the two semi-detached units adjacent to Mississauga Road are each designed to maintain the appearance of a large detached dwelling so that they are more compatible with existing neighbouring

dwellings on Mississauga Road.

[7] Mr. Levac stated that the subject property is currently designated as “Mixed Use” on Schedule 10 (“Urban Use Designations”) and “Neighbourhood” on Schedule 1 (“Urban System”) of the City’s Official Plan. He noted that the Mixed Use designation does not permit detached and semi-detached dwellings, which has led to the need for the proposed Official Plan amendments. The Appellant proposes that the subject property be re-designated from “Mixed Use” to “Residential Medium Density”. It would be designated “Residential Low Density II” in the Central Erin Mills Neighbourhood Character Area. A site-specific designation would also be added to allow for semi-detached units with an internalized driveway.

[8] Mr. Levac stated that the subject lands are currently zoned as C3-12” in the Zoning By-law. This zoning only permits a restaurant and an outdoor garden accessory to a retail store. He stated that the Appellant proposes that the subject property be rezoned from “C3-12” to “R4-65 (Detached Dwellings)” and “RM6-19 (Townhouse Dwellings on a Common Element Condominium – private road)”. Mr. Levac stated that the proposed R4-65 zoning would have site specific exceptions relating to minimum lot area (interior lot), maximum lot coverage and minimum front yard. He stated that the proposed RM6-19 zoning would permit the townhouses and two semi-detached dwellings on a common element condominium road, with provisions regarding the maximum number of dwelling units, height, balcony areas, parking, and other aspects. He stated that both changes in zoning would be subject to a Holding Symbol, which may only be removed upon the delivery of an executed development agreement, submission of a revised heritage permit to reflect noise attenuation fencing, confirmation of satisfactory arrangements for adequate municipal services to the proposed development, submission of a satisfactory updated noise study, and delivery of an executed agreement under s. 37 of the *Planning Act* for community benefits.

[9] Regarding the proposed draft Plan of Subdivision, Mr. Levac stated that it consists of:

- four detached dwellings (lots 1 to 4) as freehold units with frontage on Barbertown Road;
- a block for two common element condominium semi-detached units;
- two blocks for common element condominium townhouses;
- a block for the heritage building converted into condominium townhouses;  
and
- two blocks consisting of the condominium common elements, including visitor parking, driveways, fencing and landscaping; and

[10] Mr. Levac stated that traffic impact and parking studies, a noise feasibility study and a heritage impact assessment have been completed, reviewed and approved by the City. He noted the proposed renovations to the heritage building have been reviewed and recommended by the City's Heritage Advisory Committee.

[11] Mr. Levac opined that the proposed Official Plan Amendment, Zoning By-law Amendment, and draft Plan of Subdivision ("proposed instruments") are consistent with the Provincial Policy Statement, 2014 ("PPS") and conform to the Growth Plan for the Greater Golden Horseshoe, 2017 ("Growth Plan"), the Region of Peel Official Plan ("Region's Official Plan") and the City's Official Plan. He stated that the proposed instruments facilitate a compact and efficient form of development, which can be supported by existing infrastructure. He said the proposed development is pedestrian friendly and supported by public transit, provides for appropriate intensification, and preserves cultural heritage. He said it provides for a variety of housing types and directs development to an intensification area under the Region's Official Plan.

[12] He opined that the proposed instruments otherwise conform with the City's Official Plan. He stated that the proposed development consists of housing types that contribute to affordable housing alternatives and provides for a transition to the

surrounding neighbourhood of single detached dwellings. He said that traffic and parking impacts of the proposed development have been studied and approved by the City.

[13] Regarding the proposed draft Plan of Subdivision, Mr. Levac addressed the criteria set out in s. 51(24) of the *Planning Act*. He stated that the proposed draft Plan of Subdivision is in the public interest in that it reuses a heritage resource and provides a range of different housing types and is not premature. He said there are schools in the area and that traffic impacts have been studied and approved by the City and there are no parking restrictions proposed.

[14] Mr. Levac also opined that the proposed instruments conform to OPA No. 64. He said the proposed semi-detached dwellings resembling large detached dwellings adjacent to Mississauga Road, the internalized driveway access to Mississauga Road with a minimum number of access points, the proposed landscaping, and the visual exposure of the Barber House all conform with it. He opined that the proposed development is compatible in terms of height, massing and scale with neighbouring land uses and helps complete the neighbourhood. He also stated that the City's planning staff had reviewed the proposed development and found that it conforms to OPA No. 64. The Appellant requests that should the revised proposal be approved, that the Appellant's appeal of OPA No. 64 be dismissed.

[15] Mr. Levac also addressed matters of provincial interest as set out in s. 2 of the *Planning Act* as they relate to the proposed instruments, noting that the proposed development makes use of available community infrastructure and systems, provides for a range of housing, and conserves cultural and historical features.

[16] The City and the Region stated that they both support the Appellant's development proposal as reflected in the proposed settlement.

## **PARTICIPANTS' SUBMISSIONS**

[17] The Tribunal heard presentations from Sajid Aziz, June Samaras, and Brian Ashford, each of whom was granted Participant status at the PHC in August 2018. At the settlement hearing, the Tribunal received, and granted, a request for Participant status from Mary Kosta-Cadas. She also made a presentation.

[18] Ms. Kosta-Cadas raised traffic concerns associated with the proposed development, stating that a person was killed on Mississauga Road and that there will be many young families living in the area with pedestrians attempting to cross this road. She noted that impacts on traffic at the intersection of Eglinton Avenue and Mississauga Road should be considered and that a more comprehensive traffic study should be undertaken. She raised parking concerns and issues that the proposed development is not in character with the neighbourhood.

[19] Mr. Ashford raised concerns regarding conformity with the Mississauga Road Scenic Route policies and consistency with the established neighbourhood. He said community members would prefer the development of two-storey single family homes in the area rather than townhouses. He expressed concern that the proposed development may create a precedent for other developments along Mississauga Road. He submitted that the Tribunal must carefully consider the conformity of the proposed development with the Mississauga Road Scenic Route policies.

[20] Ms. Samaras raised concerns that the proposed development may adversely impact the area's natural and cultural heritage. She expressed concerns that public inputs in decision making often have no impact and that positive policies are often not adhered to. She expressed concerns that changes to heritage resources can negatively impact social well-being, economic vitality and quality of life. She said these heritage resources must be preserved, protected and managed. She said negative impacts to cultural heritage resources include the removal of trees, isolation of a heritage attribute from its surrounding environment or context, and obstruction of views of built and



natural features, among other impacts. She stated that these impacts must be properly evaluated and assessed and she expressed concerns that this has not been done in the present case. She submitted that the City's Mississauga Road Scenic Route policies are not intended to encourage the development of blocks of townhouses. She submitted these policies have not been properly applied in this case. She also raised traffic and parking concerns, noting that Mississauga Road has a limited capacity for increased traffic.

[21] Mr. Aziz stated that the proposed instruments would unreasonably exploit and impact the nature and character of the neighbourhood. He said that many neighbours are concerned about the proposed development and are frustrated. He stated that the proposed development should be for fewer units and submitted that the scenic route issues relating to the Appellant's appeal of OPA No. 64 should be adjudicated before the other appeals are addressed. He submitted that the proposed development does not conform with the Mississauga Road Scenic Route policies, particularly with respect to their restrictions on building height. He said the proposed density of the development is not compatible with the community. He also voiced the traffic concerns raised by the other Participants.

## **ANALYSIS AND FINDINGS**

[22] Based on the uncontradicted opinion evidence of Mr. Levac, the Tribunal finds that the proposed instruments are consistent with the PPS and conform with the Growth Plan, the Region's Official Plan, the City's Official Plan, and OPA No. 64. The Tribunal finds that they facilitate a compact and efficient form of development, provide for a variety of housing types and are supported by existing infrastructure and public transit. The Tribunal finds that they provide for appropriate intensification and preserve cultural heritage. The Tribunal has had regard to matters of provincial interest set out in s. 2 of the *Planning Act* as they relate to the proposed instruments. The Tribunal has also had regard to the criteria set out in s. 51(24) of the *Planning Act* and finds that the proposed draft Plan of Subdivision appropriately addresses them and that the proposed

conditions of approval are reasonable.

[23] The Tribunal recognizes the traffic, parking, cultural heritage and neighbourhood compatibility concerns raised by the Participants, but finds that these concerns have been appropriately addressed by the Appellant and the City through the traffic impact study, heritage impact assessment study and revisions made to the development proposal in order to ensure that it conforms to the City's Mississauga Road Scenic Route policies and OPA 64. The Tribunal emphasizes the importance of preserving cultural heritage features such as the Barber House and the implementation of the City's Mississauga Road Scenic Route policies. Based on the opinion evidence before it, the recommendations of the City's Heritage Advisory Committee, and the recommendations of the City's planning staff, the Tribunal finds that the proposed development will ensure that the key cultural heritage features of the Barber House are preserved and the Mississauga Road Scenic Route policies are implemented.

## **ORDER**

[24] The Tribunal grants the Official Plan Amendment, Zoning By-law Amendment, and draft Plan of Subdivision appeals in part and approves the Official Plan Amendment as attached as Appendix 1 to this Decision, Zoning By-law Amendment as attached as Appendix 2 to this Decision, draft Plan of Subdivision as attached as Appendix 3 to this Decision, and conditions of draft Plan of Subdivision as attached as Appendix 4 to this Decision.

[25] The Tribunal dismisses the appeal of OPA 64.

*“Hugh S. Wilkins”*

HUGH S. WILKINS  
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.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
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# **APPENDIX 1**

**Amendment No. 81**

**to**

**Mississauga Official Plan**

**Amendment No. 81**  
**to**  
**Mississauga Official Plan**

The following text and Map "A" attached constitute Amendment No. 81.

## **PURPOSE**

The purpose of this Amendment is to change the land use designation of the subject lands from Mixed Use to Residential Medium Density.

## **LOCATION**

The lands affected by this Amendment are located at the northeast corner of Mississauga Road and Barbertown Road. The subject lands are located in the Central Erin Mills Neighbourhood Character Area, as identified in Mississauga Official Plan.

## **BASIS**

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Local Planning Appeal Tribunal.

The subject lands are designated Mixed Use which permits residential, retail stores, commercial parking facilities, conference centres, recreation facilities, financial institutions, funeral establishment, motor vehicle rental, motor vehicle sales, restaurants, personal service establishment, among other uses.

An Official Plan amendment is required to allow 24 residential dwelling units on the subject site, consisting of two semi-detached dwellings and 14 townhouses on a common element condominium road, four detached dwellings on Barbertown Road and four back to back dwelling units within the existing heritage building (Old Barber House).

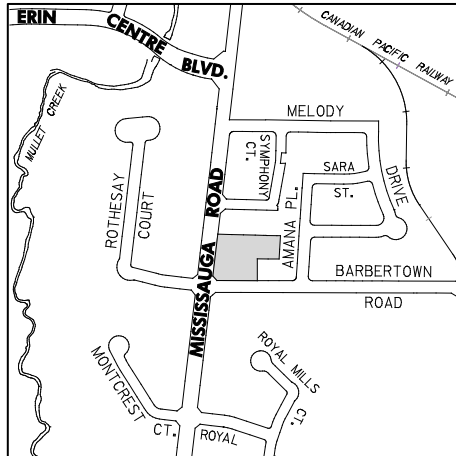
The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposal is a redevelopment of an underutilized mixed used site for residential uses that is compatible with the surrounding neighbourhood.
2. The proposal includes the adaptive reuse of the existing heritage building for residential uses, which is supported by the City's Heritage Advisory Committee.
3. The proposal provides a range of housing choices and opportunities for a diverse housing preference.

## DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 16.3, Central Erin Mills Neighbourhood, of Mississauga Official Plan, is hereby amended by adding Special Site 2 on Map 16-3: Central Erin Mills Neighbourhood Character Area, in accordance with the Special Site Policies.
2. Section 16.3.1, Special Site Policies, Central Erin Mills Neighbourhood Character Area, of Mississauga Official Plan, is hereby amended by adding the following:

### 16.3.1.2 Site 2



16.3.1.2.1 The lands identified as Special Site 2 are located at the northeast corner of Mississauga Road and Barbertown Road.

16.3.1.2.2 Notwithstanding the policies of this Plan, detached and semi-detached dwellings will be permitted.

3. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the subject lands from Mixed Use to Residential Medium Density, as shown on Map "A" of this Amendment.

## IMPLEMENTATION

Upon receipt of the Local Planning Appeal Tribunal's Final Order, Mississauga Official Plan will be amended in accordance with the Order.

The lands will be rezoned as part of the same Tribunal Order.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan March 21, 2018.

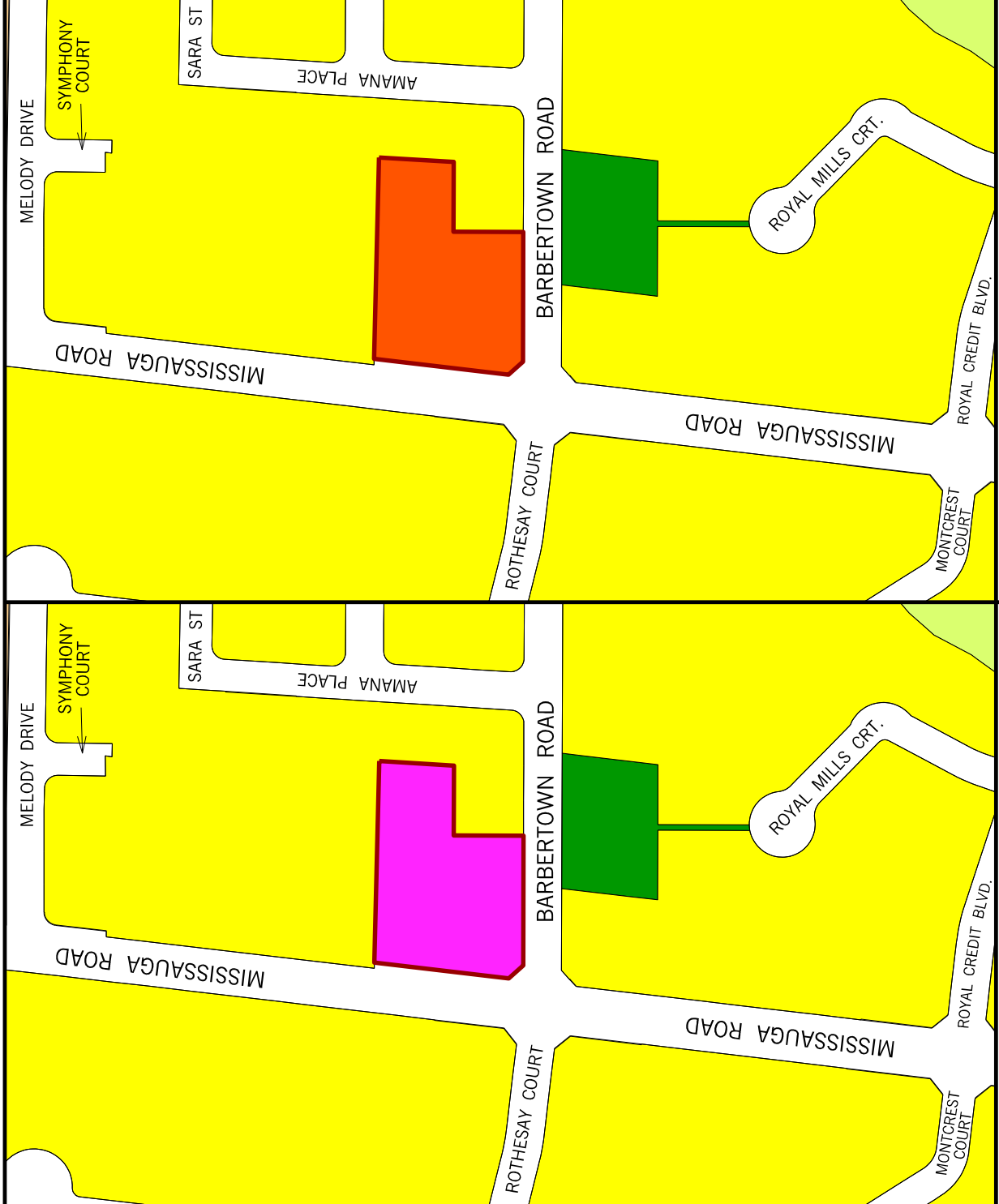
## **INTERPRETATION**

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

[http://teamsites.mississauga.ca/sites/18/mopa/oz\\_16\\_011.mopa\\_81.lpat.my.jmcc.docx](http://teamsites.mississauga.ca/sites/18/mopa/oz_16_011.mopa_81.lpat.my.jmcc.docx)





LAND USE DESIGNATIONS

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

- AREA OF AMENDMENT
- FROM: MIXED USE
- TO: RESIDENTIAL MEDIUM DENSITY



MAP 'A'

Part of Schedule 10  
Land Use Designations  
of Mississauga Official Plan



AMENDED LAND USE DESIGNATION

EXISTING LAND USE DESIGNATION

## APPENDIX 2

SCHEDULE "A" TO

LOCAL PLANNING APPEAL TRIBUNAL

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

LPAT Case No. PL180042

LPAT File No. PL180043

City Park Homes (Old Barber) Homes Inc.

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

4.2.5.65	Exception: R4-65	Map # 38W	By-law:
In a R4-65 zone the permitted <b>uses</b> and applicable regulations shall be as specified for a R4 zone except that the following <b>uses/regulations</b> shall apply:			
<b>Regulations</b>			
4.2.5.65.1	The regulation of Line 12.4 contained in Table 4.2.1 of this By-law shall not apply		
4.2.5.65.2	Minimum <b>lot area - interior lot</b>		315 m <sup>2</sup>
4.2.5.65.3	Maximum <b>lot coverage</b>		47%
4.2.5.65.4	Minimum <b>front yard</b>		4.5 m
4.2.5.65.5	All site development plans shall comply with Schedule R4-65 of this Exception		

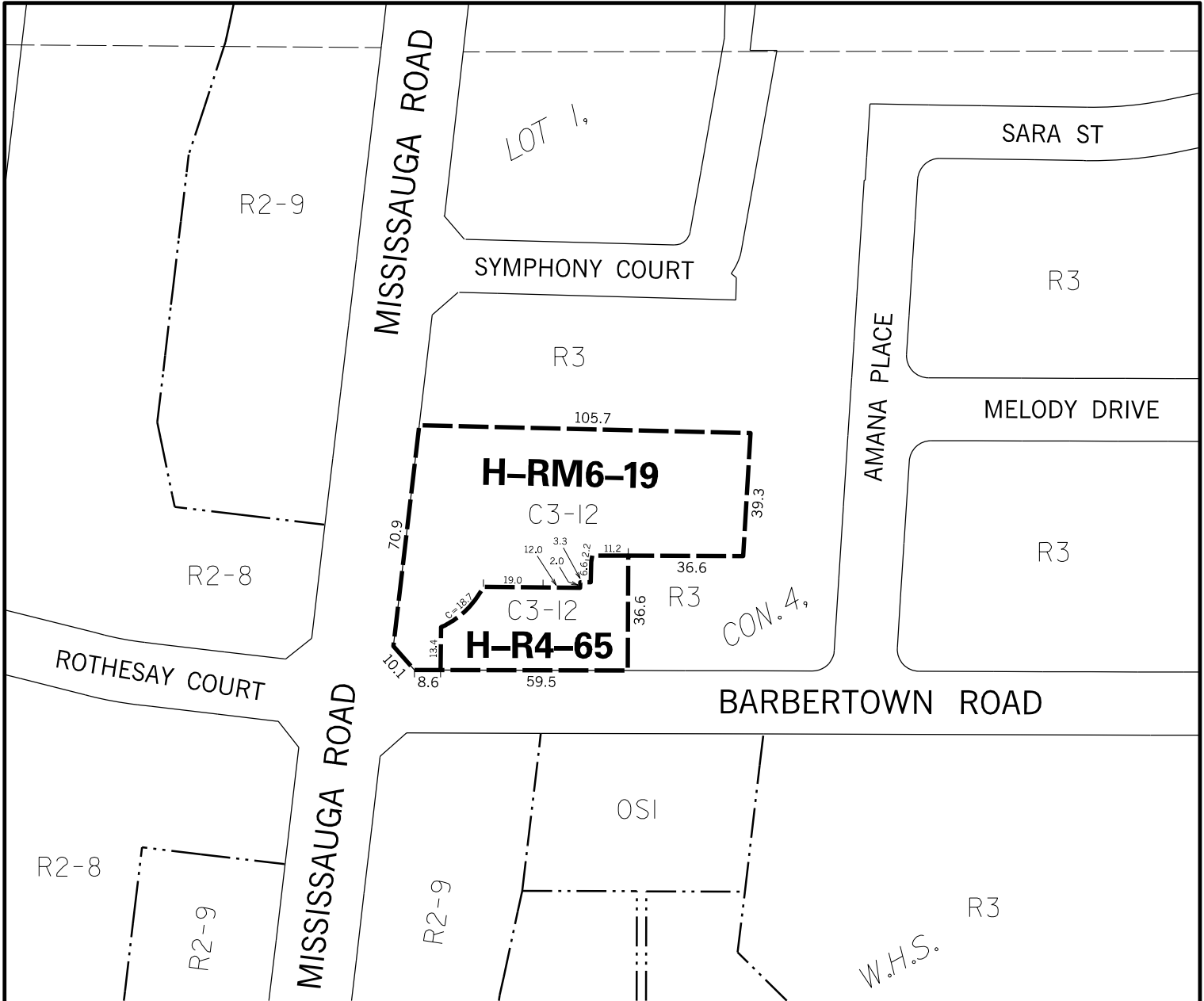
4.2.5.65	Exception: R4-65	Map # 38W	By-law:
<b>Holding Provision</b>			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-R4-65 by further amendment to Map 38W of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none"> <li>(1) delivery of an executed development agreement;</li> <li>(2) submission of a revised heritage permit to reflect the noise attenuation fencing;</li> <li>(3) confirmation that satisfactory arrangements have been made with the Region of Peel (the Region) and the City of Mississauga (the City) with regard to the adequacy and provision of municipal services (water, sanitary and stormwater management where applicable) to the proposed development;</li> <li>(4) submission of an updated noise study to the satisfaction of the City and the Region;</li> <li>(5) delivery of an executed agreement for community benefits pursuant to section 37 of the <i>Planning Act</i>, as amended, in a form and on terms satisfactory to the City.</li> </ol>			

2. By-law Number 0225-2007, as amended, is further amended by adding the following Exception Table:

4.12.2.19	Exception: RM6-19	Map # 38W	By-law:
<p>In a RM6-19 zone the permitted <b>uses</b> and applicable regulations shall be as specified for a RM6 zone except that the following <b>uses/regulations</b> shall apply:</p>			
<p><b>Additional Permitted Uses</b></p>			
4.12.2.19.1	(1) Back to back townhouse on a <b>CEC - road</b> (2) <b>Semi-detached</b> on a <b>CEC - road</b>		
<p><b>Regulations</b></p>			
4.12.2.19.2	<p>The provisions contained in Article 2.1.3.1, Subsection 2.1.14, and the regulation of Line 13.1 contained in Table 4.12.1 of this By-law shall not apply</p>		
4.12.2.19.3	Minimum width of a sidewalk	1.5 m	
4.12.2.19.4	<p>Lands identified as Area 'A' on Schedule RM6-19 of this Exception shall only be used for back to back townhouses and shall comply with the following:</p> <p>(1) maximum number of <b>dwelling units</b> 4</p> <p>(2) minimum number of resident <b>parking spaces</b> for back to back townhouses 7</p> <p>(3) all <b>parking spaces</b> for back to back townhouses shall be provided on the paved <b>parking area</b></p> <p>(4) "Back to Back Townhouse" means a <b>building</b> with four or more <b>dwelling units</b> divided vertically, including a common rear wall, each with an independent entrance and has a <b>yard</b> abutting at least one exterior wall of each <b>dwelling unit</b></p>		
4.12.2.19.5	<p>Lands identified as Area 'B' on Schedule RM6-19 of this Exception shall only be used for <b>semi-detached</b> and shall comply with the following:</p> <p>(1) maximum number of <b>dwelling units</b> 2</p> <p>(2) maximum <b>height - highest ridge</b> 12.8 m</p> <p>(3) minimum area of a <b>balcony</b> over an attached <b>garage</b> 10 m<sup>2</sup></p>		

4.12.2.19	Exception: RM6-19	Map # 38W	By-law:
4.12.2.19.5 (continued)	(4) the <b>main front entrance</b> for Unit 1 shall face Mississauga Road		
	(5) the <b>main front entrance</b> for Unit 2 shall face the <b>CEC - road</b>		
	(6) Access for <b>semi-detached</b> shall be via a CEC - shared driveway		
	(7) "CEC - Shared Driveway" means a designated access for <b>semi-detached</b>		
4.12.2.19.6	Lands identified as Area 'C' on Schedule RM6-19 of this Exception shall only be used for <b>townhouses</b> and shall comply with the RM6 zone regulations except:		
	(1) maximum encroachment of a <b>balcony</b> into the required <b>rear yard</b>		1.7 m
	(2) maximum <b>height</b>		10.9 m and 3 storeys
4.12.2.19.7	All site development plans shall comply with Schedule RM6-19 of this Exception		
<b>Holding Provision</b>			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-RM6-19 by further amendment to Map 38W 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 executed development agreement;</li> <li>(2) submission of a revised heritage permit to reflect the noise attenuation fencing;</li> <li>(3) confirmation that satisfactory arrangements have been made with the Region of Peel (the Region) and the City of Mississauga (the City) with regard to the adequacy and provision of municipal services (water, sanitary and stormwater management where applicable) to the proposed development;</li> <li>(4) submission of an updated noise study to the satisfaction of the City and the Region;</li> <li>(5) delivery of an executed agreement for community benefits pursuant to section 37 of the <i>Planning Act</i>, as amended, in a form and on terms satisfactory to the City.</li> </ol>			

3. Map Number 38W 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 "C3-12" to "H-R4-65" and "H-RM6-19", the zoning of Part of Lot 1, Concession 4, West of Hurontario Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-R4-65" and "H-RM6-19" 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-R4-65" and "H-RM6-19" zoning indicated thereon.
  
4. This By-law shall not come into force until Mississauga Official Plan Amendment Number 81 is in full force and effect.



This is not a Plan of Survey. For accurate boundary information refer to Draft Plan of Subdivision by Rady-Pentek & Edwards Surveying Inc., dated June 1, 2016.

**CITY OF MISSISSAUGA**

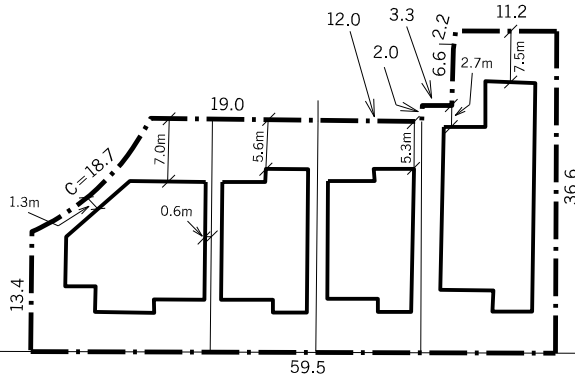
**THIS IS SCHEDULE "A" TO  
SCHEDULE "A" OF LPAT**

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

**LPAT CASE NO. PL180042**

**LPAT FILE NO. PL180043**

MISSISSAUGA ROAD



BARBERTOWN ROAD



**BUILDABLE AREA**



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

This is not a Plan of Survey.

**THIS IS SCHEDULE "R4-65"  
AS ATTACHED TO  
SCHEDULE "A" OF LPAT**

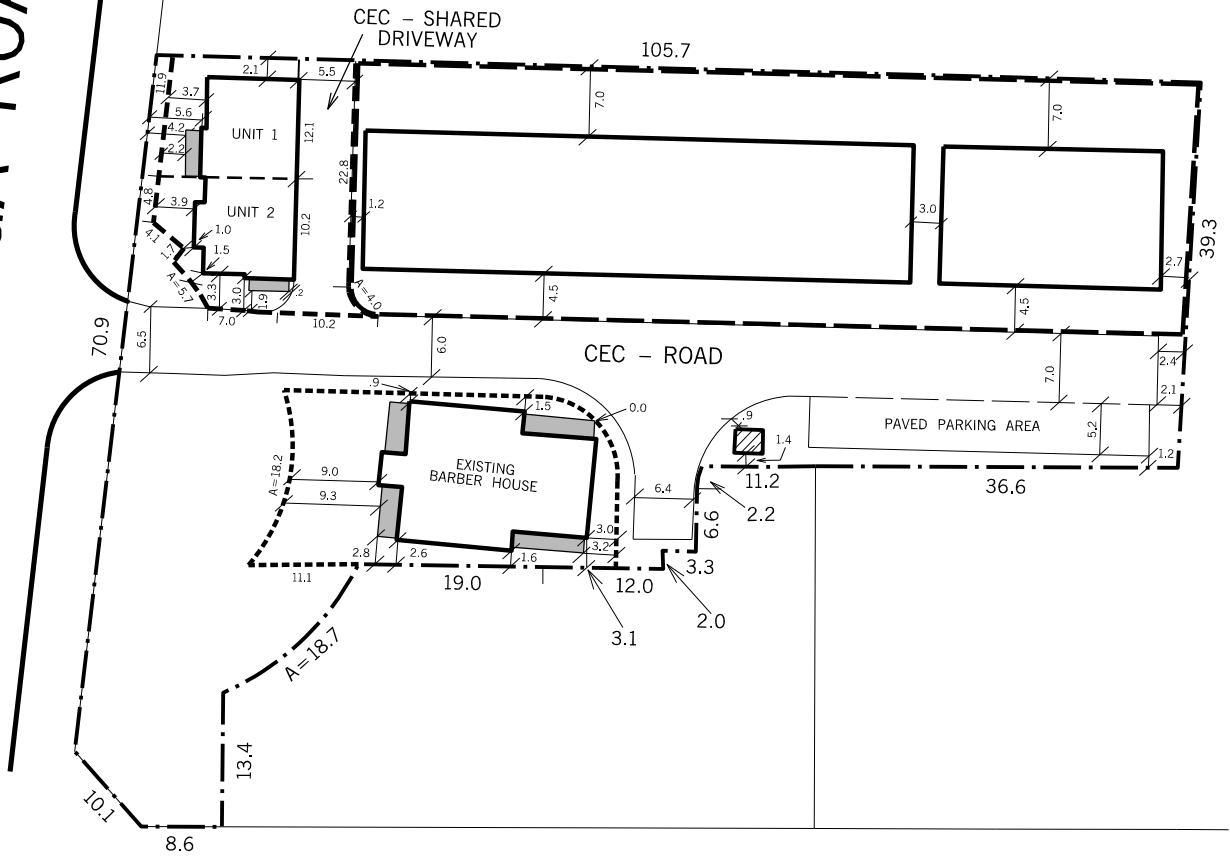
**ORDER DATED** \_\_\_\_\_

**LPAT CASE NO.** PL180042





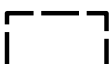
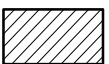
**LPAT FILE NO.** PL180043



MISSISSAUGA ROAD



BARBERTOWN ROAD

-  BUILDABLE AREA
-  PORCH
-  AREA 'A'
-  AREA 'B'
-  AREA 'C'
-  HERITAGE BUILDING



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

This is not a Plan of Survey.

**THIS IS SCHEDULE "RM6-19"  
AS ATTACHED TO  
SCHEDULE "A" OF LPAT**

**ORDER DATED** \_\_\_\_\_  
**LPAT CASE NO.** PL180042  
**LPAT FILE NO.** PL180043

## **APPENDIX "A" TO SCHEDULE "A" OF**

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

LPAT Case No. PL180042

LPAT File No. PL180043

### Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to permit the redevelopment of the property that contains an existing heritage building (Old Barber House).

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "C3-12" (General Commercial - Exception) to "H-R4-65" (Detached Dwellings - Typical Lots - Exception with a Holding Provision) and "H-RM6-19" (Townhouses - Exception with Holding Provision).

"C3-12" only permits a restaurant use.

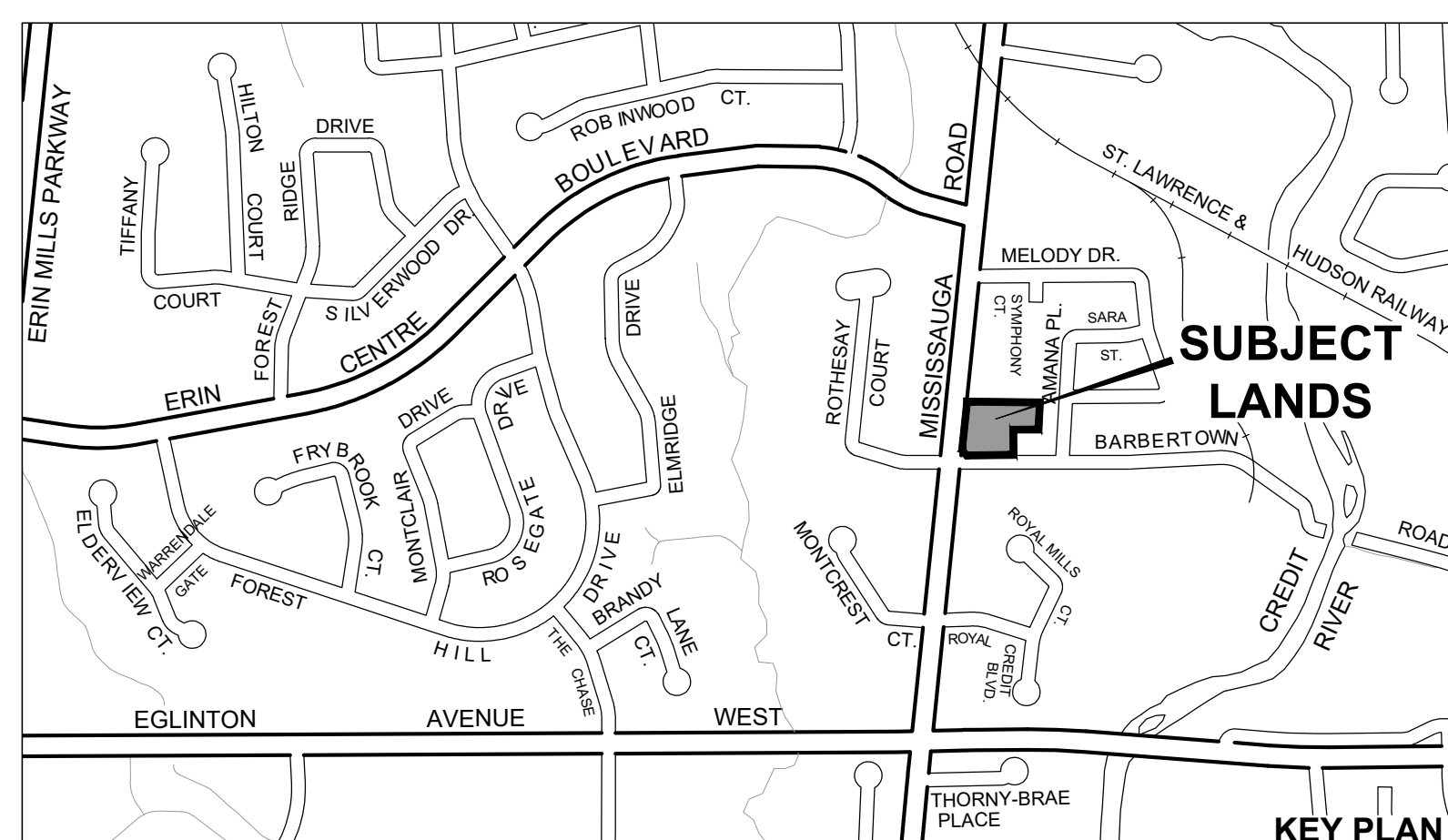
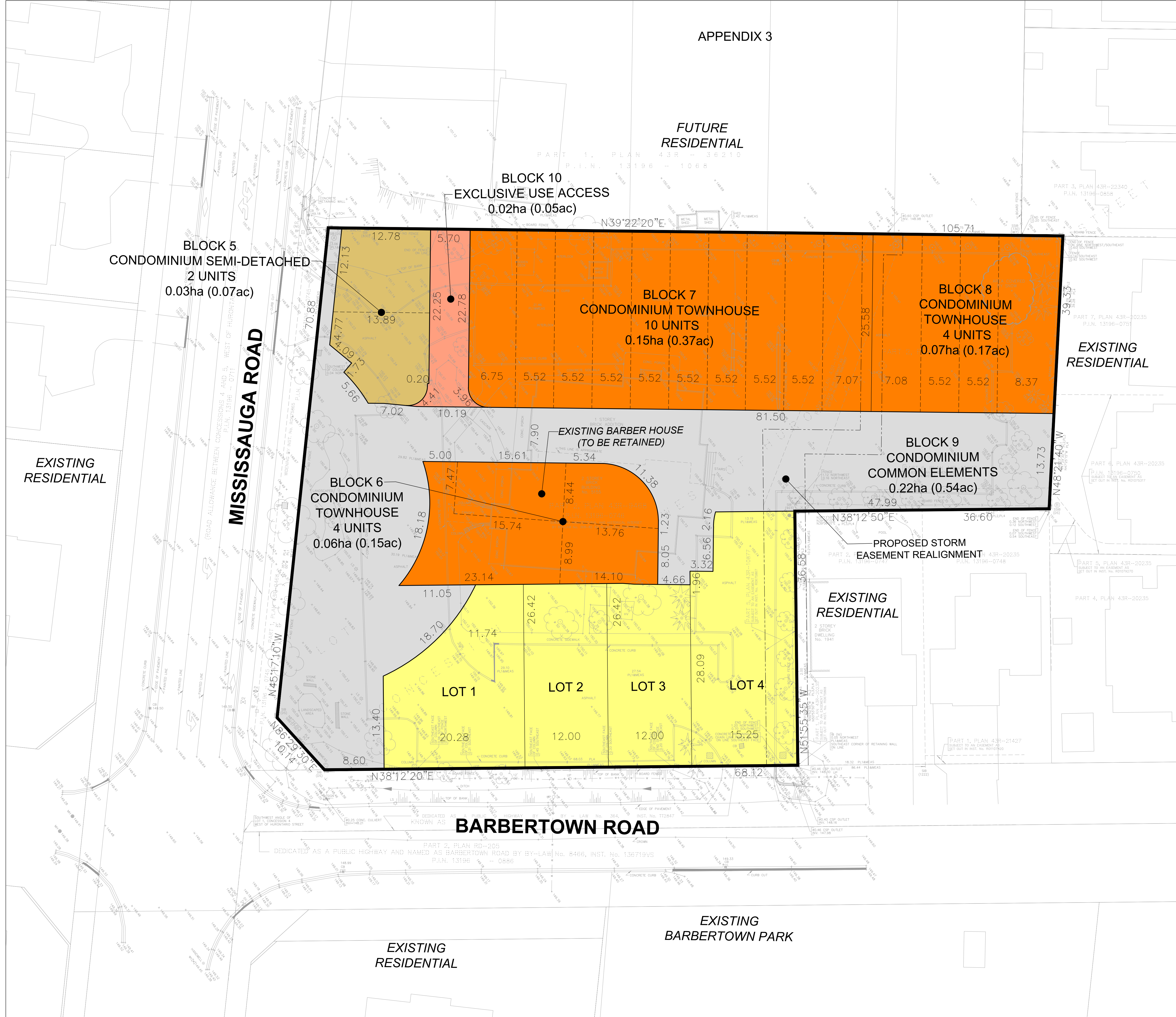
Upon removal of the "H" provision, the "R4-65" zone will permit four detached dwellings on Barbertown Road, and the "RM6-19" zone will permit two semi-detached dwellings, four back to back townhouses, 14 townhouses and a shared internal roadway.

### Location of Lands Affected

Northeast corner of Mississauga Road and Barbertown Road, in the City of Mississauga, as shown on the attached Map designated as Schedule "A".

[http://teamsites.mississauga.ca/sites/18/Bylaws/OZ 16 011.by-law.LPAT.my.jmcc.docx](http://teamsites.mississauga.ca/sites/18/Bylaws/OZ%2016%20011.by-law.LPAT.my.jmcc.docx)






**DRAFT PLAN OF SUBDIVISION**  
**FILE # 21T-M16003 W11**  
**CITY PARK (OLD BARBER) HOMES INC.**

5155 MISSISSAUGA ROAD,  
 PART 1, PLAN OF PART OF LOT 1,  
 CONCESSION 4, W.H.S.  
 (GEOGRAPHIC TOWNSHIP OF TORONTO)  
 CITY OF MISSISSAUGA  
 REGIONAL MUNICIPALITY OF PEEL

**OWNERS CERTIFICATE**

I HEREBY AUTHORIZE GLEN SCHNARR & ASSOCIATES INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF MISSISSAUGA FOR APPROVAL.

SIGNED  DATE   JUNE 1, 2016    
**CHRIS ZEPPA, PRESIDENT**  
 CITY PARK (OLD BARBER) HOMES INC.

**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN.

SIGNED  DATE   JUNE 3, 2016    
**JOE WAHBA, O.L.S.**  
 RADY-PENK & EDWARD SURVEYING LTD.  
 643 CHRISLEA ROAD, UNIT 7  
 WOODBRIDGE ON, L4L 8A3  
 PHONE: (416) 635-5000  
 PHONE: (905) 264-0881

**ADDITIONAL INFORMATION**

(UNDER SECTION 51(17) OF THE PLANNING ACT) INFORMATION REQUIRED BY CLAUSES A,B,C,D,E,F,G,J & L ARE SHOWN ON THE DRAFT AND KEY PLANS.

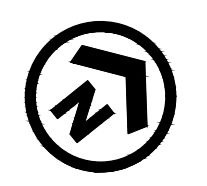
- H) MUNICIPAL AND PIPED WATER TO BE PROVIDED
- I) SANDY LOAM AND CLAY LOAM
- K) SANITARY AND STORM SEWERS TO BE PROVIDED

**LAND USE SCHEDULE**

LAND USE	LOTS / BLOCKS	AREA (ha)	AREA (ac)	UNITS
STREET DETACHED RESIDENTIAL	1-4	0.16	0.40	4
CONDOMINIUM SEMI-DETACHED	5	0.03	0.07	2
CONDOMINIUM TOWNHOUSE	6-8	0.27	0.67	18
CONDOMINIUM COMMON ELEMENTS	9	0.22	0.54	
EXCLUSIVE USE ACCESS	10	0.02	0.05	
<b>TOTAL</b>	<b>10</b>	<b>0.70</b>	<b>1.73</b>	<b>24</b>

**NOTES**

- EXISTING HERITAGE STRUCTURE TO BE RETAINED



SCALE: 1:250  
 (24 x 36)  
 DECEMBER 20, 2018

**GLEN SCHNARR & ASSOCIATES INC.**  
 URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS  
 10 KINGSBRIDGE GARDEN CIRCLE, SUITE 700, MISSISSAUGA, ON L5R 3K6  
 TEL. (905) 568-8888 • FAX (905) 568-8894 • www.gsa.ca






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**SCHEDULE A  
CONDITIONS OF APPROVAL**

**FILE:** T-M 16003 W11

**SUBJECT:** Draft Plan of Subdivision  
5155 Mississauga Road  
Northeast corner of Mississauga Road and Barbertown Road  
City of Mississauga  
City Park (Old Barber) Homes Inc.

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Approval of a draft plan of subdivision granted under Section 51 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, will be valid until approval is either withdrawn or the plan is registered. Approval may be withdrawn by the Commissioner, Planning and Building Department if approval of the final plan has not been given three (3) years after the date of approval of the draft plan.

**NOTE:** City is "The Corporation of the City of Mississauga"  
Region is "The Regional Municipality of Peel"

**The City has not required either the dedication of land for park or other public recreational purposes, or a payment of money in lieu of such conveyance as a condition of subdivision draft approval authorized by Section 51.1 of the *Planning Act*, R.S.O. 1990, c.P13 as amended. The City will require payment of cash-in-lieu for park or other public recreational purposes as a condition of development for each lot and block, prior to the issuance of building permits pursuant to Section 42(6) of the *Planning Act*, R.S.O. 1990, c.P13, as amended, and in accordance with the City's policies and by-laws.**

- 1.0 Approval of the draft plan applies to the plan dated April 18, 2018.
- 2.0 That the owner agree, in writing, to satisfy all the requirements, financial and otherwise of the City and the Region.
- 3.0 That the applicant/owner shall enter into a Subdivision Agreement and any other necessary agreements, satisfactory to the City, Region or any other appropriate authority, prior to ANY development within the plan. These agreements may deal with matters including, but not limited to, the following: engineering matters such as municipal services, road widenings, construction and reconstruction, signals, grading, fencing, noise mitigation, and warning clauses; financial issues, such as cash contributions, levies (development charges), land dedications or reserves, securities, or letters of credit; planning matters such as residential reserve blocks, buffer blocks, site development plan and landscape plan approvals and conservation. THE DETAILS OF THESE REQUIREMENTS ARE CONTAINED IN COMMENTS IN RESPONSE TO THE CIRCULATION OF THE PLAN FROM AUTHORITIES, AGENCIES, AND DEPARTMENTS OF THE CITY AND REGION WHICH HAVE BEEN FORWARDED TO THE APPLICANT OR HIS CONSULTANTS, AND WHICH COMMENTS FORM PART OF THESE CONDITIONS.

- 4.0 All processing and administrative fees shall be paid prior to the registration of the plan. Such fees will be charged at prevailing rates of approved City and Regional Policies and By-laws on the day of payment.
- 5.0 The applicant/owner shall agree to convey/dedicate, gratuitously, any required road or highway widenings, 0.3 m (1 ft.) reserves, walkways, sight triangles, buffer blocks and utility or drainage easements to the satisfaction of the City, Region or other authority.
- 6.0 The applicant/owner shall provide all outstanding reports, plans or studies required by agency and departmental comments.
- 7.0 That a Zoning By-law for the development of these lands shall have been passed under Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and be in full force and effect prior to registration of the plan.
- 8.0 The proposed streets shall be named to the satisfaction of the City and the Region. In this regard, a list of street names shall be submitted to the City Transportation and Works Department as soon as possible after draft plan approval has been received and prior to any servicing submissions. The owner is advised to refer to the Region of Peel Street Names Index to avoid proposing street names which conflict with the approved or existing street names on the basis of duplication, spelling, pronunciation, and similar sounding.
- 9.0 Prior to final approval, the Engineer is required to submit, to the satisfaction of the Region, all engineering drawings in Micro-Station format as set out in the latest version of the Region of Peel "Development Procedure Manual".
- 10.0 Prior to final approval or preservicing, the developer will be required to monitor wells, subject to the homeowner's permission, within the zone of influence, and to submit results to the satisfaction of the Region.
- 11.0 Prior to final approval, the City shall be advised by the School Boards that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards for this plan.
- 12.0 Prior to final approval, the Dufferin-Peel Catholic District School Board is to be satisfied that the applicant has agreed to include in the Subdivision Agreement and all offers of purchase and sale for all residential lots, the following warning clauses:
  - 12.1 Whereas, despite the best efforts of the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside of the neighbourhood, and further, that students may later be transferred to the neighbourhood school.
  - 12.2 That the purchasers agree that for the purpose of transportation to school, the residents of the subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board.
- 13.0 Prior to final approval, the Peel District School Board is to be satisfied that the following provision is contained in the Subdivision Agreement and on all offers of purchase and sale with respect to any lots on this plan for a period of five years after registration of the plan:
  - 13.1 Whereas, despite the efforts of the Peel District School Board, sufficient accommodation may not be available for all anticipated students in neighbourhood

schools, you are hereby notified that some students may be accommodated in temporary facilities or bussed to schools outside of the area, according to the Board's Transportation Policy. You are advised to contact the School Accommodation Department of the Peel District School Board to determine the exact schools.

- 13.2 That the purchasers agree that for the purpose of transportation to school, the residents of the subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board.
- 14.0 Prior to preservicing and/or execution of the Subdivision Agreement, the developer shall name to the satisfaction of the City Transportation and Works Department the telecommunications provider.
- 15.0 Prior to execution of the Subdivision Agreement, the developer must submit in writing, evidence to the Commissioner of the City Transportation and Works Department, that satisfactory arrangements have been made with the telecommunications provider, Cable TV and Hydro for the installation of their plant in a common trench, within the prescribed location on the road allowance.
- 16.0 The applicant/owner shall establish any necessary easements in support of the development; including any required private access arrangements and parking restrictions for the semi-detached condominium units fronting Mississauga Road.
- 17.0 That prior to signing of the final plan, the Commissioner of Planning and Building is to be advised that all of the above noted conditions have been carried out to the satisfaction of the appropriate agencies and the City.

**THE REQUIREMENTS OF THE CITY WILL BE EFFECTIVE FOR THIRTY-SIX (36) MONTHS FROM THE DATE THE CONDITIONS ARE APPROVED BY THE COMMISSIONER, PLANNING AND BUILDING DEPARTMENT. AFTER THIS DATE REVISED CONDITIONS WILL BE REQUIRED. NOTWITHSTANDING THE SERVICING REQUIREMENTS MENTIONED IN SCHEDULE A, CONDITIONS OF APPROVAL, THE STANDARDS IN EFFECT AT THE TIME OF REGISTRATION OF THE PLAN WILL APPLY.**