

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



ISSUE DATE: March 11, 2019

CASE NO(S): PL180196

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:	Port Credit West Village Partners Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment
Existing Designation:	Special Waterfront/Motor Vehicle Commercial
Proposed Designated:	Port Credit West Village Precinct within the Port Credit Local Are Plan
Purpose:	To permit mixed use development
Property Address/Description:	181 Lakeshore Road West, 70 Mississauga Road South
Municipality:	City of Mississauga
Approval Authority File No.:	OPA/OZ 16/013
OMB Case No.:	PL180196
OMB File No.:	PL180196
OMB Case Name:	Port Credit West Village Partners 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:	Port Credit West Village Partners Inc.
Subject:	Proposed Plan of Subdivision - Failure of City of Mississauga to make a decision
Purpose:	To permit mixed use development
Property Address/Description:	181 Lakeshore Road West, 70 Mississauga Road South
Municipality:	City of Mississauga
Municipality File No.:	OPA/OZ 16/013
OMB Case No.:	PL180196

OMB File No.: PL180198

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

Applicant and Appellant: Port Credit West Village Partners Inc.
Subject: Application to amend Zoning By-law No. 0225-2007 Refusal or neglect of City of Mississauga to make a decision

Existing Zoning: Zone D – vacant land not yet developed
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit to provide a number of West Village Zones that allow for retail, office, institutional, and residential development and parks and open spaces, in appropriate locations in the Port Credit West Village

Property Address/Description: 181 Lakeshore Road West, 70 Mississauga Road South
Municipality: City of Mississauga
Municipality File No.: OPA/OZ 17/012
OMB Case No.: PL180196
OMB File No.: PL180197

Heard: February 27, 2019 by telephone conference call

APPEARANCES:

Parties

Counsel

Port Credit West Village Partners Inc.	D. Baker
City of Mississauga	Q. Annibale
Region of Peel	R. Godley
Peel District School Board	J. Easto

MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON FEBRUARY 27, 2019 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This was the second Prehearing Conference (“PHC”) concerning appeals by Port Credit West Village Partners Inc. (“WVP”) of the failure of the City of Mississauga to make decisions on WVP’s applications for an official plan amendment, zoning by-law amendment, and draft plan of subdivision under the *Planning Act*. The applications are intended to facilitate WVP’s proposed development of a mixed-use waterfront community consisting of 3000 new residential units, retail, amenity spaces, parkland, and campus uses.

[2] The Peel District School Board (the “School Board”) requested party status at the outset of the PHC and there were no objections to the request from the other parties. Accordingly, the Tribunal granted the School Board’s request for party status.

[3] The parties presented the Tribunal with a draft Procedural Order (“PO”), including Issues List, appended here as Attachment 1, in support of their request for the Tribunal to schedule a 15-day hearing. The Tribunal canvassed the parties as to their intended areas of expert witness testimony and heard that the parties intend to call witnesses in the areas of land use planning, urban design, transportation, and environmental engineering. Based on this discussion, along with the Tribunal’s review of the extensive Issues List and the number of participants in this proceeding, the Tribunal was satisfied that that a 15-day hearing will be required should these appeals be fully contested.

[4] Dorothy Tomiuk, a participant in the proceeding, advised the Tribunal that the acronym for the Town of Port Credit Association is TOPCA, rather than the TPCA reflected in Attachment 1 to the Tribunal’s Memorandum of Oral Decision from the first PHC, issued on January 21, 2019. The Tribunal noted the correct acronym for its file.

[5] Based on the discussions during this PHC, the Tribunal scheduled the hearing for 15 days commencing at **10 a.m. on Tuesday, May 19, 2020** and concluding on **Monday, June 8, 2020 at:**

**City of Mississauga
Hearing Room, City Hall
300 City Centre Drive
Mississauga, Ontario**

No further notice is required.

[6] The Tribunal notes that a different panel of the Tribunal, during the first PHC in this matter, scheduled a third PHC for to take place by appearance on **Wednesday, August 7, 2019**, as the parties were hopeful that the third PHC could be converted to a settlement hearing. In this second PHC, the Tribunal directed the parties to advise the Tribunal prior to the August 7, 2019 PHC as to whether they wish to convert the PHC to a settlement hearing. Should the parties not arrive at a settlement, they should advise the Tribunal at least one week before the PHC so that the Tribunal may convert the appearance to a Telephone Conference Call (“TCC”). In the event that the parties have not reached a full settlement by the time of the next PHC, they should be prepared to report to the Tribunal on the status of both resolved and unresolved issues, in order for the Tribunal to assess whether all of the scheduled hearing days are required.

[7] The PO included as Attachment 1 to this Order shall be in full force and effect for the purposes of governing the required procedure leading up to and including the hearing scheduled to commence on **Tuesday, May 19, 2020**. Should the parties wish to request any change to the Issues List, they should do so at the **August 7, 2019** PHC.

[8] This panel is not seized.

[9] This is the Order of the Tribunal.

"S. Jacobs"

S. JACOBS
MEMBER

If there is an attachment referred to in this document,
please visit 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
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

PL180196
PL180197
PL180198



Local Planning Appeal Tribunal

Procedural Order

ISSUE DATE:

CASE NO(S). PL180196

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

Applicant and Appellant:
Subject:

Port Credit West Village Partners Inc.
Request to amend the Official Plan –
Failure of the City of Mississauga to
adopt the requested amendment
Special Waterfront/Motor Vehicle
Commercial

Existing Designation:

Port Credit West Village Precinct within
the Port Credit Local Area Plan

Proposed Designated:

To permit mixed use development
181 Lakeshore Road West, 70
Mississauga Road South

Purpose:

Property Address/Description:

City of Mississauga

Municipality:

Approval Authority File No.:

OPA/OZ 16/013

LPAT Case No.:

PL180196

LPAT File No.:

PL180196

LPAT Case Name:

Port Credit West Village Partners Inc. V.
Mississauga (City)

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

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Subject:

Port Credit West Village Partners Inc.
Proposed Plan of Subdivision – Failure
of City of Mississauga to make a
decision

Purpose:

Property Address/Description:

To permit mixed use development
181 Lakeshore Road West, 70
Mississauga Road South

Municipality:

City of Mississauga

Approval Authority File No.:

OPA/OZ 16/013

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PL180196

LPAT File No.:PL180198

PROCEEDING COMMENDED UNDER subsection 34(11) of the *Planning Act*,
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Applicant and Appellant:	Port Credit West Village Partners Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 Refusal or neglect of City of Mississauga to make a decision
Existing Zoning:	Zone D – vacant land not yet developed
Proposed Zoning:	Site Specific (to be determined)
Purpose:	To permit to provide a number of West Village Zones that allow for retail, office, institutional, and residential development and parks and open spaces, in appropriate locations in the Port Credit West Village
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Municipality:	City of Mississauga
Approval Authority File No.:	OPA/OZ 17/012
LPAT Case No.:	PL180196
LPAT File No.:	PL180197

The Tribunal orders that:

1. The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

2. The hearing will begin on May 18, 2020 at 10:00a.m. at the City of Mississauga, Hearing Room, 300 City Centre Drive, Mississauga, ON. All parties and participants shall attend the first day of the hearing.
3. The length of the hearing will be 15 days.
4. The parties and participants are listed in **Attachment 1** to this Order.
5. The Issues are set out in the Issues List attached as **Attachment 2** to this Order. There will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.

6. The order of evidence at the hearing is listed in **Attachment 3** to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument, provided any such limitation are applied equally to all parties. The length of written argument, if any, may be limited either on consent or by Order of the Tribunal.

Requirements Before the Hearing

7. All parties and participants (or their representatives) shall provide a mailing address, email address, and telephone number to the Tribunal. Any such person who retains a representative (legal counsel or agent) subsequent to the prehearing conference must advise the other parties and the Tribunal of the representative's name, mailing address, email address and phone number.
8. Expert witnesses in the same field shall have at least one (1) meeting before the hearing to try to resolve or reduce the issues for the hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all of the parties and the City Clerk on or before .
9. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal, the other parties and to the Clerk a list of the witnesses and the order in which they will be called. This list must be delivered on or before **February 10, 2020**. For expert witnesses, a party is to include a copy of the curriculum vitae and the area of expertise in which the witness is proposed to be qualified.
10. An expert witness shall prepare an expert witness statement, which shall include: an acknowledgment of expert's duty form, the area(s) of expertise, any reports prepared by the expert, or any other reports or documents to be relied on at the hearing, and a list of the issues which he or she will discuss and the witness' position on the issues. Copies of this must be provided as in section 14. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony.

11. A non- expert witness must provide to the Tribunal and the parties a witness statement on or before **March 19, 2020**, or the witness or participant may not give oral evidence at the hearing.
12. A participant must provide to the Tribunal and the parties a participant statement on or before **March 19, 2020**, or the participant may not give oral evidence at the hearing.
13. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence and his and her area of expertise, as in Section 13.
14. On or before **March 19, 2020**, the parties shall provide copies of their expert witness statements to the other parties and to the City Clerk.
15. On or before **May 4, 2020**, the parties shall provide copies of their visual evidence to all of the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
16. On or before **April 8, 2020**, Parties may provide to all other parties and file with the Clerk a written response to any written evidence.
17. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. *(see Rule 10 of the Tribunal's Rules with respect to Motions, which requires that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.)*
18. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of their record.
19. Documents may be delivered by personal delivery, facsimile, email or registered or certified mail, or otherwise as the Tribunal may direct. The delivery of documents by fax shall be governed by the Tribunal's Rules (Rule 7) on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.

20. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

This Member is [not] seized.

Attachment 1: Parties

Appellant/Party	Counsel	Contact
Port Credit West Village Partners Inc.	Denise Baker	WeirFoulds LLP 10 – 1525 Cornwall Road Oakville, ON L6J 0B2 416-947-5090 dbaker@weirfoulds.com
City of Mississauga	Quinto Annibale and Mark Joblin Lia Magi	Loopstra Nixon LLP 135 Queens Plate Drive Suite 600 Toronto, ON M9W 6V7 416-748-4757 qannibale@loonix.com 416-746-4710 x 241 mjoblin@loonix.com City of Mississauga 300 City Centre Drive 4 th floor Mississauga, ON L5B 3C1 905-615-3200 x 3086 Lia.Magi@mississauga.ca
Region of Peel	Rachel Godley	The Regional Municipality of Peel 10 Peel Centre Drive, Ste B 6 th floor Brampton, ON L6T 4B9 905-791-7800 x 7189 Rachel.Godley@peelregion.ca
Peel District School Board	Jim Easto	Keel Cottrelle LLP 36 Toronto Street, Suite 920, Toronto, ON M5C 2C5 T 416.367.7703 F 416.367.2791 jeasto@keelcottrelle.ca

Participants

Participant	Contract
Janet Glass	30 Ben Machree Drive, Mississauga janetglass@hotmail.com
Chris Mackie	50 Maple Avenue South, Mississauga chrismackie@sympatico.ca
Dorothy Tomiuk	33 Mississauga Road South, Mississauga dtomiuk@sympatico.ca
Chris Dohn	47 John Street South, Mississauga chrisdohn@sympatico.ca
Mary Simpson	61 Wesley Avenue, Port Credit marysimpson242@gmail.com
Robert Denhollander	31 Port Street West, Mississauga rdenhollander247@gmail.com
Town of Port Credit Association (TPCA)	c/o 33 Mississauga Road South, Mississauga topca@topca.net
Port Credit Heritage District Committee	c/o 47 John St. South, Mississauga chrisdohn@sympatico.ca

Attachment 2: Issues List

City of Mississauga

1. Do the official plan amendment, zoning by-law amendment and draft plan of subdivision have appropriate regard for matters of provincial interest contained at Section 2 of the *Planning Act*, including subsections a, e, f, h, i, j, k, n, o, p, q and r? **(Region of Peel)**
2. Are the official plan amendment, zoning by-law amendment and draft plan of subdivision consistent with the Provincial Policy Statement, 2014? In particular, but not limited to the following policy sections: **(Region of Peel)**
 - Policy Sections 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8 - Building Strong Healthy Communities
 - Policy Sections 2.2, 2.6 - Wise Use and Management of Resources
 - Policy Section 4 - Implementation and Interpretation.
3. Are the official plan amendment, zoning by-law amendment and draft plan of subdivision in conformity with the Growth Plan for the Greater Golden Horseshoe, 2017? In particular, but not limited to the following policy sections:
 - Policy Sections 1.2.1 – Guiding Principles
 - Policy Sections 2.2.1, 2.2.2, 2.2.6. – Where and How to Grow
 - Policy Sections 3.2.2, 3.2.3, 3.2.7, 3.2.8 – Infrastructure to Support Growth
 - Policy Sections 4.2.5, 4.2.7, 4.2.9 – Protecting What is Valuable **(Region of Peel)**
4. Do the proposed official plan amendment, and zoning by-law amendment and draft plan of subdivision conform to or maintain the intent of the Region of Peel Official Plan? In particular, but not limited to the following policy sections:
 - Sections 5.3, 5.5, 5.8 – Regional Structure **(Region of Peel)**
5. Do the proposed official plan amendment and zoning by-law amendment conform to or maintain the intent of the City of Mississauga Official Plan? In particular, but not limited to the following policy sections:
 - Sections 5.1, 5.3 – Direct Growth
 - Sections 6.1, 6.2, 6.3, 6.4, 6.7 – Value the Environment
 - Sections 7.1, 7.2, 7.3, 7.4 – Complete Communities
 - Sections 8.1, 8.2, 8.3, 8.4, 8.5 – Create a Multi-Modal City
 - Sections 9.1, 9.2, 9.3, 9.4, 9.5 Build a Desirable Urban Form
 - Section 16.1 – Neighbourhoods
 - Section 19.5 – Criteria for Site Specific Official Plan Amendments

Port Credit Local Area Plan – Sections 10.3, 13.1

6. Should the following provisions be deleted from the proposed official plan amendment?
 - a. 10.1.2
 - b. 13.1.3.2.2
 - c. 13.1.3.2.3
 - d. 13.1.3.6
7. Should the following be deleted from the proposed zoning by-law amendment?
 - a. Sales Centre from permitted uses;
 - b. Parking Lot from permitted uses;
 - c. Power Generation Facility from permitted uses;
 - d. Temporary Use provisions;
8. Is Street 'G' as a one-way private right-of-way (westbound from Street 'B' to Street 'F') appropriate, to provide appropriate connectivity and road network distribution of vehicles through the Subject Lands, as well as for waste collection and Fire & EMS response? **(Region of Peel)**
9. Are private streets appropriate (in place of continuous public rights-of-way) at the following locations:
 - a. The northern extension of Street 'D' from Street 'C' to Lakeshore Road;
 - b. The northern extension of Street 'F' from Street 'E' to Lakeshore Road.
10. Are changes to the City's approved standard elements appropriate (i.e. curbs, splash pads, etc.) in order to allow a more narrow public right of way width for Street 'B', of 22 metres (instead of 24 metres), considering street elements including but not limited to street trees, sidewalks, low impact development features, parking, bike lanes and motor vehicle lanes;
11. Does the proposed development appropriately mitigate potential vehicular impact to the existing road network?
12. Are the proposed stormwater management mitigating measures feasible based on the proposed locations and block sizes?

13. Does the Zoning By-law Amendment provide for sufficient parking standards, in particular with respect to the following uses:
 - a. Financial institutions;
 - b. Real estate offices;
 - c. Take-out restaurants;
 - d. Sit down restaurants.
14. Is the location and size of the proposed Elementary School site appropriate, or should it be relocated within the Subject Lands? **(Peel District School Board)**
15. Does the proposed development provide for appropriate affordable housing strategies for the Subject Lands, including low and middle income targets, mix of unit types, size and tenure? **(Region of Peel)**
16. Does the Campus precinct include sufficient non-residential uses? Should the first two floors of each building in the Campus be required to be non-residential uses? Should the proposed ground floor uses in the Campus be restricted to uses that help to animate the waterfront and are compatible with future Waterfront Park uses?
17. Are the proposed areas of public park appropriate with respect to quantity and location? Should Building "T", located on Block "T", be eliminated and replaced with public open space (as part of the waterfront park)?
18. Are the proposed locations and related details for Privately Owned Public Spaces (POPS) appropriate?
19. Do the proposed official plan amendment and zoning by-law amendment authorize an appropriate building height for the subject lands at the following locations:
 - a. Block "O"
 - b. Block "P", Building "P1"
 - c. Buildings at water's edge in the Campus
 - d. Buildings fronting on Mississauga Road
20. Does the proposed development provide for sufficient setback of buildings within the Campus from Lake Ontario, the waterfront park and the waterfront trail?
21. Is the proposed West Village Square appropriate for a properly defined square, in

terms of depth and the extent of enclosure by surrounding built form?

22. Do the proposed official plan amendment and zoning by-law amendment authorize an appropriate building height for properties fronting on Lakeshore Road West? Should all such properties be required to have a minimum height of two functional storeys?
23. Does the proposed development provide appropriate at grade Common Outdoor Amenity Areas for Blocks 'D', 'F', 'L', 'M' and 'Q' in keeping with the City's Outdoor Amenity Area Design Reference Note? **(Region of Peel)**
24. Does the proposed development provide appropriate setbacks, including (above and below ground) from Lakeshore Road? Are sufficient setbacks provided throughout the proposed development for underground garages to accommodate tree plantings? Are sufficient setbacks (above and below ground) provided throughout the proposed development from park blocks?
25. Does the proposed development provide for appropriate connections and view corridors through the linear park to the waterfront park and Lake Ontario?
26. Does the Remedial Action Plan provide for appropriate environmental remediation of the Subject Lands, including acceptable risk management measures, particularly for lands intended to be owned by the City? **(Region of Peel)**
27. In the event that the Tribunal allows the appeal in whole or in part, does the proposed increase in height and/or density require a contribution pursuant to Section 37 of the Planning Act? If so, what are the nature and extent of appropriate facilities, services and matters to be secured through Section 37 of the Planning Act? **(Region of Peel)**
28. If the Tribunal is to favourably consider the subject proposal, is an Order from the Tribunal premature until certain City and agency requirements are satisfied? **(Region of Peel)**
29. In the event that the Tribunal allows the appeal in whole or in part, what draft plan conditions should be imposed? **(Region of Peel)**
30. In the event that the Tribunal allows the appeal in whole or in part, should the Tribunal's Order be withheld until the final form and content of the Official Plan Amendment and Zoning By-law Amendment are to the satisfaction of the City's Planning and Building Department and the City Solicitor? **(Region of Peel)**

Regional Municipality of Peel

1. Is the Remedial Action Plan proposed for the site appropriate as it relates to Regional interests?
2. Has an adequate waste collection method been proposed for all residential units on site in accordance with the Region's Waste Collection Design Standards Manual?
3. Is the proposed provision of affordable housing on the subject site in alignment with Region of Peel Official Plan policies 5.8.1.1, 5.8.1.3, 5.8.1.4, 5.8.2.6, 5.8.2.7 and the targets identified in the Peel Housing Homelessness Plan?

Attachment 3: Order of Evidence

1. Port Credit West Village Partners Inc.
2. City of Mississauga
3. Region of Peel
4. Peel District School Board
5. Port Credit West Village Partners Inc., in Reply

Timing for Participants to be determined by Tribunal Member(s) at the outset of the hearing.