

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



**ISSUE DATE:** December 14, 2020

**CASE NO(S):** PL190103  
PL070625

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

Appellant: Orlando Corporation  
Subject: Proposed Official Plan Amendment No. OPA 67  
Municipality: City of Mississauga  
LPAT Case No.: PL190103  
LPAT File No.: PL190103  
LPAT Case Name: Orlando Corporation v. Mississauga (City)

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

Appellant: Orlando Corporation  
Subject: By-law No. 0225-2007  
Municipality: City of Mississauga  
LPAT Case No.: PL070625  
LPAT File No.: R070126

**Heard:** December 8, 2020 by telephone conference call

**APPEARANCES:**

**Parties**

Orlando Corporation

City of Mississauga

**Counsel**

Leo F. Longo

Michal Minkowski

Greater Toronto Airports Authority      Chris Barnett

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON  
DECEMBER 08, 2020 AND ORDER OF THE TRIBUNAL**

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[1]      The matter before the Tribunal is an appeal under s. 17(24) of the *Planning Act* from the City of Mississauga's (the "City") approval of Official Plan Amendment No. 67 ("OPA 67") and an appeal under s. 34(19) of the *Planning Act* from the City's approval of Zoning By-law No. 225-2007 ("ZB") by the Orlando Corporation (the "Appellant").

[2]      The Tribunal received Minutes of Settlement endorsed by all Parties to the proceedings. The Minutes of Settlement were marked as Exhibit 1 (the "Settlement").

[3]      The Settlement included revisions to the ZB to address day care uses within the Lester B. Pearson International Airport ("LBPIA") Operating Area and the withdrawal of the Appeal against OPA 67.

[4]      The Tribunal considered the uncontroverted evidence of Lisa Christie, a qualified land use planner, in support of the Settlement.

[5]      The Tribunal, in consideration of the Settlement and the testimony of Ms. Christie, allows the appeal in part of the ZB and permits the withdrawal of the Appeal against OPA 67 in accordance with the terms of the Settlement for the reasons set out as follows.

**SUBMISSIONS**

[6]      Mr. Longo advised the Tribunal that the Parties have endorsed a Settlement which has been filed with the Tribunal as Exhibit 1. The Settlement proposes revisions to the wording of the provisions relating to day care use within the LBPIA Operating Area and a schedule to define the specific areas within the Operating Area impacted to be included in the ZB.

[7] The Settlement also includes the Appellant agreeing to withdraw their Appeal against OPA 67 subject to the City and the Greater Toronto Airport Authority (“GTAA”) acknowledging and agreeing that:

1. The approval of OPA 67 be strictly without prejudice to, and not have the effect of limiting, any application that the Appellant may make with respect to the development or redevelopment of any of its lands within the Airport Operating Area, such that the Appellant will be fully at liberty to challenge whether the policies of OPA 67 should apply to such lands and the Appellant is not precluded from seeking to change such policies in the future; and
2. The City and the GTAA will not rely on the withdrawal of the OPA 67 appeal and the approval of OPA 67 to argue that any future applications or appeals brought by the Appellant ought to be dismissed for that reason.

[8] Mr. Longo confirmed that the Appellant is requesting the Tribunal withdraw their Appeal against OPA 67 as set out in the terms of the Settlement.

[9] Mr. Minkowski confirmed the submissions of Mr. Longo and noted that a copy of City Council Resolution 368-2020 adopting the Settlement was filed with the Tribunal.

[10] Mr. Barnett confirmed that the GTAA supports the Settlement.

## **PLANNING EVIDENCE**

[11] Ms. Christie reviewed Schedule A to Exhibit 1 which sets out the proposed wording for the amendments to the ZB and includes a schedule which delineates the areas to which the amended provisions apply. She explained that the schedule identifies the Airport Operation Area where sensitive land uses including day cares are not permitted, the exception areas where sensitive land uses are permitted, and the specific areas where day care uses are permitted only as an accessory use to a permitted use.

[12] Ms. Christie testified that she has considered the Settlement in the context of the Provincial Policy Statement (“PPS”) and A Place to Grow: Growth Plan for Greater Golden Horseshoe (“Growth Plan”) and is satisfied that the amendments to the ZB are consistent with the PPS and conform to the Growth Plan.

[13] Ms. Christie considered the policies of the Regional Municipality of Peel Official Plan (the “Region OP”), specifically the Noise Policies as they relate to the LBPIA Operating Area, and opined that the Settlement conforms to the objectives and goals of the Region OP.

[14] In consideration of the City Official Plan (the “City OP”), Ms. Christie testified that the amendments to the ZB as set out in the Settlement implement the City OP and conforms to OPA 67.

[15] Ms. Christie opined that the Settlement represents good planning and should be approved.

## **ANALYSIS AND FINDINGS**

[16] The Tribunal has noted the Appellant’s withdrawal of the Appeal against OPA 67 under Case No. PL190103 acknowledging the Parties agreement that:

1. The approval of OPA 67 be strictly without prejudice to, and not have the effect of limiting, any application that Orlando Corporation may make with respect to the development or redevelopment of any of its lands within the Airport Operating Area, such that Orlando Corporation will be fully at liberty to challenge whether the policies of OPA 67 should apply to such lands and Orlando Corporation is not precluded from seeking to change such policies in the future; and

2. The City and the GTAA will not rely on the withdrawal of the OPA 67 appeal and the approval of OPA 67 to argue that any future Orlando Corporation applications or appeals ought to be dismissed for that reason.

[17] The Tribunal, having considered the uncontroverted planning opinion evidence of Ms. Christie and the Settlement, is satisfied that the Settlement in respect to the ZB appeal is consistent with the PPS, conforms to the Growth Plan and the Region OP, and conforms to the City OP. The Tribunal finds the amendments proposed to the ZB within the Settlement has regard for the matters of provincial interest as set out in s. 2 of the *Planning Act* and further that it represents good planning and is in the public interest.

[18] The Tribunal allows the appeal of the ZB under Case No. PL070626 in part and the ZB is amended as set out in Schedule A to Exhibit 1.

[19] The Tribunal confirms that the appeal against Official Plan Amendment 67 is withdrawn by the Appellant pursuant to the terms of the Settlement and the Tribunal's file shall accordingly be closed.

## **ORDER**

[20] The Tribunal Orders that the appeal against Zoning By-law No. 225-2007 of the City of Mississauga is allowed in part, and Section 2.1.23 together with Schedule 2.1.23 setting out the Operating Area Restrictions and Section 8.1.2 of Zoning By-law No. 225-2007, are amended as set out in Attachment 1 to this Order. In all other respects, the Tribunal Orders that the appeal is dismissed. The municipality is hereby authorized to assign a By-law or other number to this document for record-keeping purposes.

[21] The Tribunal may be spoken to in the event any matter or matters should arise in connection with the implementation of this Order.

*"David Brown"*

DAVID BROWN  
MEMBER

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please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

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# ATTACHMENT 1

## **2.1.23 Lester B. Pearson International Airport (LBPIA) Operating Area Restrictions**

Notwithstanding any other provisions of this By-law, a **day care**, hospital, **long-term care dwelling**, **public school** or **private school** shall not be permitted within the Lester B. Pearson International Airport Operating Area identified on Schedule 2.1.23 of this Subsection.

**2.1.23.1** Notwithstanding Subsection 2.1.23 of this By-law, a **day care**, hospital, **long-term care dwelling**, **public school** or **private school** shall be permitted in the hatched areas identified on Schedule 2.1.23 of this Subsection, subject to the regulations of the Base and/or Exception Zone.

**2.1.23.2** Notwithstanding Subsection 2.1.23 of this By-law, a **day care** shall be permitted on the same **lot** accessory to a permitted use, in the cross hatched areas identified on Schedule 2.1.23 of this Subsection, subject to the regulations of the Base and/or Exception Zone.

## **8.1.2 Accessory Uses in Employment Zones**

**8.1.2.1** An **accessory use** shall only be permitted accessory to an **office building** or **medical office building** and shall be contained wholly within the **office building** or **medical office building**. (0379-2009)

**8.1.2.1.1** Permitted **accessory uses** shall include laboratories and associated facilities for medical diagnostic and dental purposes, medical supply and equipment store, pharmacy, **motor vehicle rental facility**, **retail store** less than 600 m<sup>2</sup> and a **personal service establishment**. In an E1 zone, permitted **accessory uses** shall also include a **restaurant** and **take-out restaurant**. In an E1 and E2 zone, permitted **accessory uses** shall also include a **day care**. (0379-2009)

**8.1.2.1.2** A maximum of 20% of the total **gross floor area - non-residential** of an **office building** or **medical office building** may be used for **accessory uses**. (0379-2009)

**8.1.2.1.3** An accessory **day care** shall only be permitted in an E1 and E2 zone, subject to the provisions contained in Subsection 2.1.23 of this By-law. (0325-2008), (0379-2009)

# Toronto-Lester B. Pearson International Airport Operating Area Restrictions

LPAT CASE NO. PL070625



**THIS IS SCHEDULE "2.1.23"  
TO LPAT ORDER  
DATED \_\_\_\_\_**

FILE NO: R070126

- Toronto-Lester B. Pearson International Airport Operating Area
- See Article 2.1.23.1
- Area above the 35 NEP/NEF Composite Noise Contour
- See Article 2.1.23.2



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