

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 14, 2021

CASE NO(S):

PL200411

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

Applicant and Appellant: 2726984 Ontario Ltd.
Subject: Request to amend the Official Plan - Failure of City of Mississauga to adopt the requested amendment
Existing Designation: Residential Low Density 1
Proposed Designated: Residential Medium Density
Purpose: To permit four (4) standard condominium, 4-storey townhomes
Property Address/Description: 2207 Dixie Road
Municipality: City of Mississauga
Approval Authority File No.: OZ 20/002
OLT Case No.: PL200411
OLT File No.: PL200411
OLT Case Name: 2726984 Ontario Ltd v. Mississauga (City)

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

Applicant and Appellant: 2726984 Ontario Ltd.
Subject: Application to amend Zoning By-law No. 0225-2007 - Refusal or neglect of City of Mississauga to make a decision
Existing Zoning: Residential R3
Proposed Zoning: RM4-XX with site specific modifications
Purpose: To permit four (4) standard condominium, 4-storey townhomes
Property Address/Description: 2207 Dixie Road
Municipality: City of Mississauga
Municipality File No.: OZ 20/002
OLT Case No.: PL200411
OLT File No.: PL200412

Heard: August 6, 2021 by video hearing

APPEARANCES:

Parties

2726984 Ontario Ltd.

City of Mississauga

Regional Municipality of Peel

Counsel

Mary Flynn-Guglietti

Michal Minkowski

Rachel Godley

**MEMORANDUM OF ORAL DECISION DELIVERED BY JATINDER BHULLAR ON
AUGUST 6, 2021 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] The Tribunal having been informed that parties have reached a settlement and requesting a settlement hearing conducted this settlement hearing.

[2] 2726984 Ontario Ltd. (the "Applicant") filed applications with the City of Mississauga (the "City") to amend the Official Plan ("OP") and the Zoning By-law ("ZBL") to permit the redevelopment of the lands at 2207 Dixie Road (the "Subject Lands") with four standard condominium townhomes. The City deemed the applications complete on February 13, 2020. On September 16, 2020, the Applicant filed appeals pursuant to s. 22(7) and s. 34(11) of the *Planning Act* (the "Act") against the City's failure to make a decision on the applications within the prescribed timeframes of the Act.

[3] The Subject Lands are located at the northeast corner of Dixie Road and Venta Avenue in the Sherway West area of the Lakeview Neighbourhood Character Area. The lot comprises an area of 720 m² (0.17 acres) with frontage of approximately 25 metres ("m") on Dixie Road and 30 m on Venta Avenue. The Subject Lands are

designated Residential Low Density I and are proposed to be redesignated to Residential Medium Density in the City's OP, as amended.

[4] The Lands are currently occupied by a vacant dwelling which has been unoccupied since 2017, when the lot was severed, resulting in this site being the severed lands. The subject property is zoned "R3-75", which permits detached dwellings. An amendment to the City ZBL No. 0225-2007 is required to permit the proposed townhouse development by rezoning the subject property from "R3-75" to "Townhouses - RM4-XX" with site-specific modifications.

EVIDENCE AND ANALYSIS

[5] Jim Levac was called by the Applicant/Appellant to provide expert opinion in the area of land use planning. The Tribunal received the sworn Affidavit of Mr. Levac and it was marked as Exhibit 2.

[6] Mr. Levac reviewed applicable subsections of s. 2 of the Act. He opined that the proposed development has sufficient regard for s. 2 of the Act and in particular s. 2 (f), (i) and (p).

[7] Mr. Levac reviewed the Provincial Policy Statement 2020 ("PPS 2020"). He that the proposed Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") are consistent with the PPS 2020. He specifically reviewed sections 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3 and 1.1.3.4, which call for efficient use of public infrastructure, transit supportive mix of land uses, intensification and redevelopment.

[8] Mr. Levac reviewed the Growth Plan for the Greater Golden Horseshoe 2020 (the "Growth Plan"). He opined that the proposal conforms with the Growth Plan. He reviewed in detail sections 1.2.1, 2.2.1 and 2.2.2.3. He stated these considerations call for developing complete communities designed to support healthy and active living, directing growth to settlement areas, and intensification in delineated built-up areas.

[9] Mr. Levac reviewed the Region of Peel's OP and in particular section 5.3.1 which calls for compact, transit supportive intensification in areas that efficiently utilize lands, services and infrastructure among others. He opined that the proposal development conforms with the Region of Peel Official Plan in the context of applicable policies.

[10] Mr. Levac reviewed the City's OP and in particular sections 5.3 and 5.4 which encourage compact, mixed use development that is transit supportive and in appropriate locations, and that will protect and conserve the character of stable residential neighbourhoods. He reviewed policies 16.1.1.1 and 16.1.2.1 which state that four storeys are allowed unless otherwise directed. In this regard, Mr. Levac stated that the Lakeview Local Area Plan restricts such to three storeys. He opined that the requested amendment to the City OP and the ZBL otherwise conforms with the general intent and purpose of the City OP and the ZBL respectively. He also submitted that the requested amendments have been supported by City staff and City Council.

[11] The Tribunal, having considered the uncontroverted expert planning opinion evidence in the sworn Affidavit of Mr. Levac, his uncontroverted expert opinion evidence at this hearing and all other material on file, finds that the OPA and ZBA have had regard for matters in s. 2 of the Act, are consistent with the PPS 2020, conforms with the Growth Plan, conforms to the Region of Peel and, in the case of the ZBA, conforms with the City's OP.

[12] The Tribunal further finds that the OPA represent good land use planning.

ORDER

[13] The Tribunal Orders that the appeals are allowed. The Official Plan for the City of Mississauga is amended as set out in Attachment 1 to this Order.

[14] By-law No. 0225-2007, as amended, is hereby amended as set out in Attachment 2 to this Order. The Tribunal authorizes the Municipal Clerk of the City of Mississauga to assign a number to this By-law for record keeping purposes.

"Jatinder Bhullar"

JATINDER BHULLAR
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

PL200411 – Attachment 1

**Amendment No. 121
to
Mississauga Official Plan**

The following text and Maps "A" and "B" attached constitutes
Amendment No. 121

PURPOSE

The purpose of this Amendment to change the land use designation of the subject lands from Residential Low Density I to Residential Medium Density and to increase the maximum height limit to permit four, four storey townhouses.

LOCATION

The lands affected by this Amendment are located at the northeast corner of Dixie Road and Venta Avenue. The subject lands are located in the Lakeview 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 Residential Low Density I which permits detached, semi-detached, and duplex dwellings. The site is also subject to Map 3, Lakeview Local Area Plan Height Limits which permits a maximum height of three storeys.

The Official Plan Amendment is required to redesignate the subject lands from Residential Low Density I to Residential Medium Density and to increase the maximum height limit in order to permit four townhouses that are four storeys in height.

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

1. The proposed development is compatible with the surrounding land uses and appropriate given the larger context. It represents an infill intensification development within a Neighbourhood Character Area that has been designed at a scale that respects and relates to the immediate area.
2. The proposed development will contribute to providing a mix of units and more housing choice within the surrounding neighbourhood.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the subject lands from Residential Low Density I to Residential Medium Density, as shown on Map "A" of this Amendment.
2. Map 3, Lakeview Local Area Plan Height Limits of the Lakeview Local Area Plan, of Mississauga Official Plan, is hereby amended by changing the height permission for the subject site from three storeys to four storeys as shown on Map "B".

IMPLEMENTATION

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

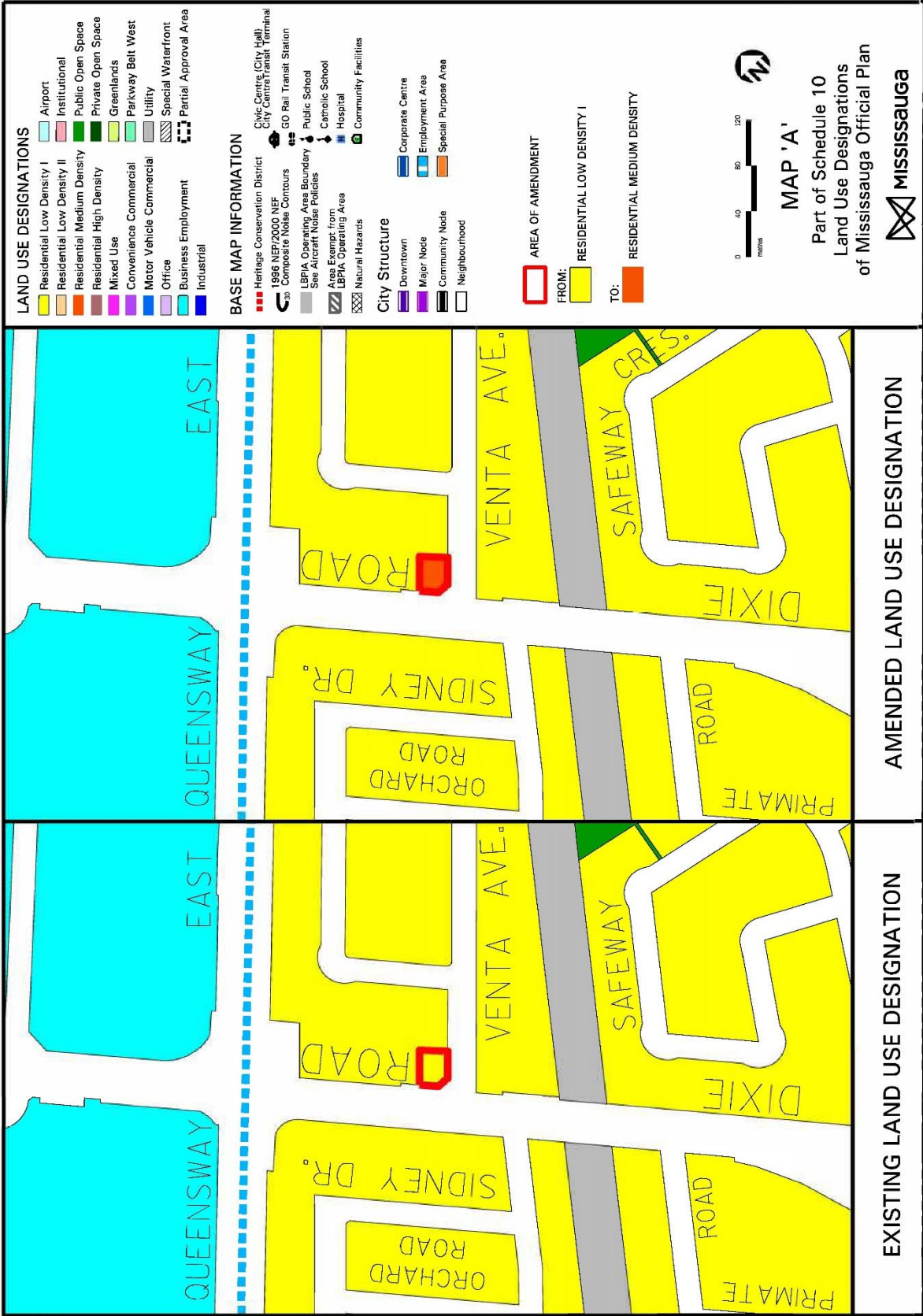
The lands will be rezoned as part of the same Tribunal Order.

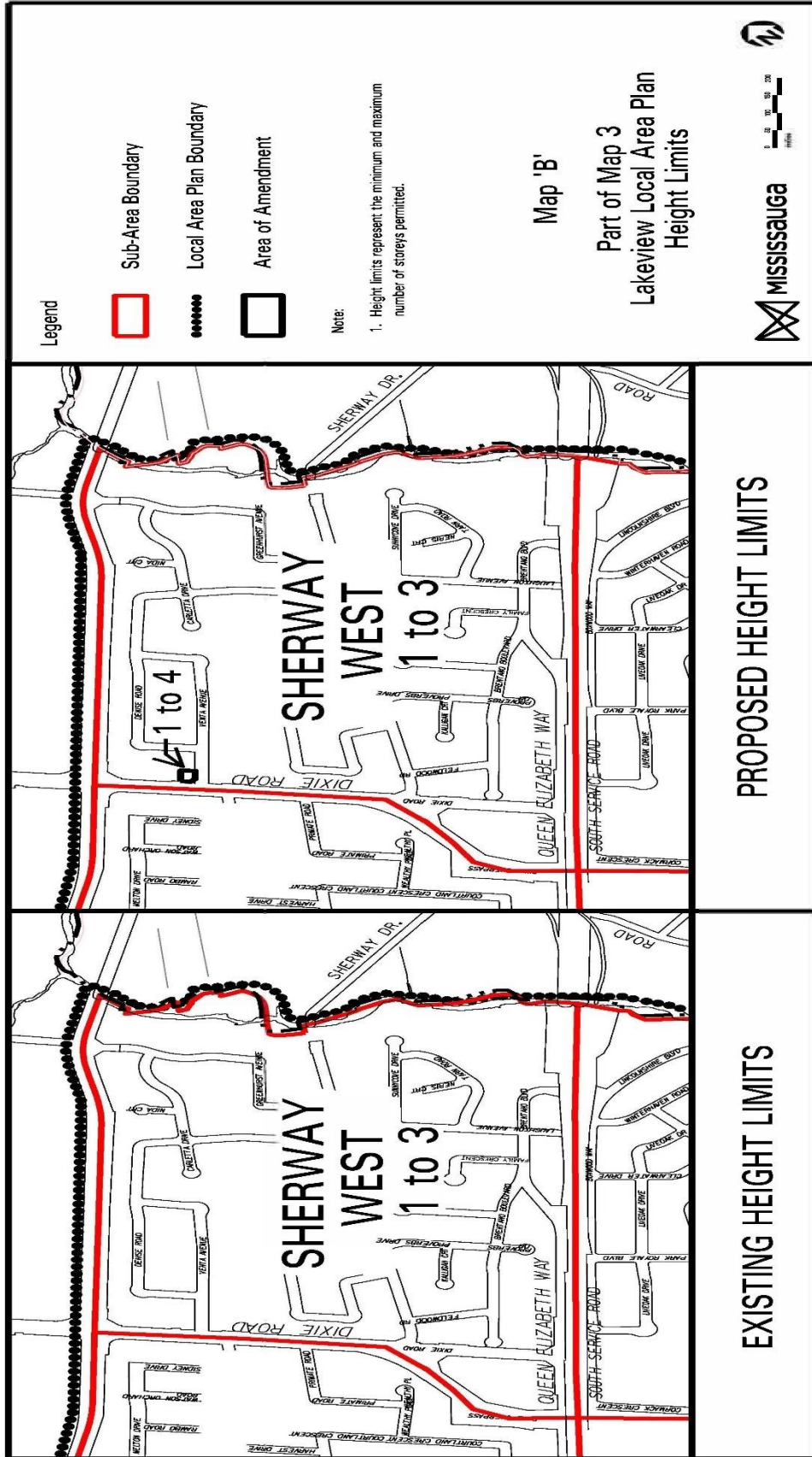
This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan September 3, 2020.

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.





PROPOSED HEIGHT LIMITS

EXISTING HEIGHT LIMITS

Legend

- Sub-Area Boundary
- Local Area Plan Boundary
- Area of Amendment

Note:

1. Height limits represent the minimum and maximum number of storeys permitted.

Map 'B'

Part of Map 3
Lakeview Local Area Plan
Height Limits



PL200411 – Attachment 2

LOCAL PLANNING APPEAL TRIBUNAL

LPAT Case No. PL200411

ORDER DATED _____

LPAT File No. PL200412

2726984 Ontario Ltd.

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

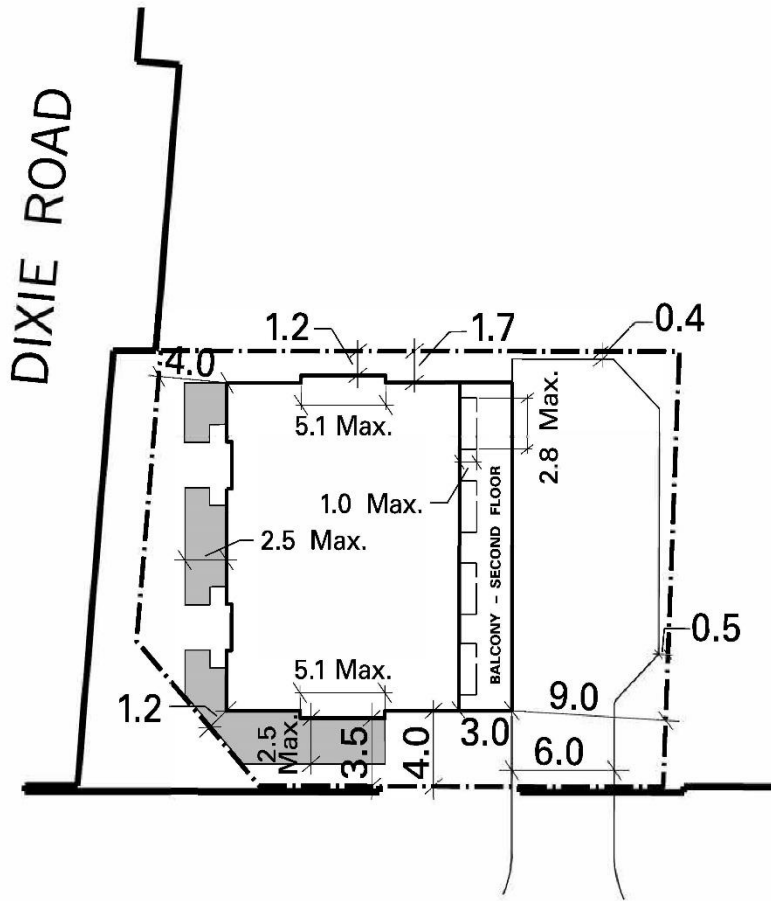
| 4.10.2.78 | Exception: RM4-78 | Map # 12 | By-law: |
|---|--|----------|----------------------|
| In a RM4-78 zone the permitted uses and applicable regulations shall be as specified for a RM4 zone except that the following uses/regulations shall apply: | | | |
| Regulations | | | |
| 4.10.2.78.1 | The provisions contained in Article 2.1.14.1, Subsection 3.1.3, Article 4.1.12.4 and the regulations of Lines 8.2, 8.7 and 11.4 contained in Table 4.10.1 of this By-law shall not apply | | |
| 4.10.2.78.2 | Minimum lot area per dwelling unit | | 175 m ² |
| 4.10.2.78.3 | Minimum lot frontage | | 23.0 m |
| 4.10.2.78.4 | Minimum dwelling unit width | | 4.4 m |
| 4.10.2.78.5 | Minimum landscaped area | | 30% of the lot area |
| 4.10.2.78.6 | The lot line abutting Dixie Road shall be deemed to be the front lot line | | |
| 4.10.2.78.7 | Notwithstanding Sentence 4.10.2.78.10 of this Exception, maximum projection of a porch inclusive of stairs attached to the front wall of a townhouse | | 2.5 m |
| 4.10.2.78.8 | Maximum height | | 11.0 m and 4 storeys |
| 4.10.2.78.9 | Notwithstanding Subsection 4.1.2 of this By-law, a mechanical room and/or under stair storage space located within a garage shall not be considered to be an accessory building or structure | | |
| 4.10.2.78.10 | All site development plans shall comply with Schedule RM4-78 of this Exception | | |

| | | | |
|--|-------------------|----------|---------|
| 4.10.2.78 | Exception: RM4-78 | Map # 12 | By-law: |
| Holding Provision | | | |
| <p>The holding symbol H is to be removed from the whole or any part of the lands zoned RM4-78 by further amendment to Map 12 of Schedule B contained in Part 13 of the By-law, as amended, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none"> <li data-bbox="639 688 1149 827">(1) delivery of an updated Functional Servicing and Stormwater Management Report to the satisfaction of the City of Mississauga ("City") Transportation & Works Department and Region of Peel ("Region"); <li data-bbox="639 831 1149 936">(2) delivery of an updated Environmental Site Assessment report to the satisfaction of the City Transportation & Works Department, and if required a Record of Site Condition; <li data-bbox="639 940 1149 1020">(3) delivery of a Temporary Discharge to Storm Sewer Commitment letter and associated City approval; <li data-bbox="639 1024 1149 1104">(4) delivery of an updated grading plan to the satisfaction of the City Transportation and Works Department; <li data-bbox="639 1108 1149 1213">(5) arrangements to the satisfaction of the Region for waste collection, which arrangements are to be consistent with the Region Waste Collection Design Standards; <li data-bbox="639 1218 1149 1323">(6) arrangements to the satisfaction of the City Transportation & Works Department concerning access widths at the street and property line and dimensions of the entrance curb radii; and <li data-bbox="639 1327 1149 1402">(7) delivery of an executed Development Agreement in a form and on terms satisfactory to the City. | | | |

2. Map Number 12 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 "R3-75" to "H-RM4-78", the zoning of Part of Lot 5, Concession 1, South of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RM4-78" 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-RM4-78" zoning indicated thereon.
3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 121 is in full force and effect.



I:\cadd\Projects\Report\Map\205663_02_20_002_W1_RPT\Vector\March2021\20002 - Excep\den\Schedule.dwg



VENTA AVENUE

-  SUBJECT LANDS
-  BUILDABLE AREA
-  FOURTH FLOOR BALCONY
-  PLANTER BOX

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

This is not a Plan of Survey.



**THIS IS SCHEDULE "RM4-78"
TO LPAT**

ORDER DATED _____

LPAT CASE NO. PL200411

LPAT FILE NO. PL200412

LPAT ORDER DATED _____ LPAT Case No. PL200411
LPAT File No. PL200412

Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to permit four condominium townhouses that are four storeys in height.

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "R3-75" (Detached Dwellings - Exception) to "H-RM4-78" (Townhouses - Exception with a Holding Provision).

"R3-75" permits detached dwellings on a public road, subject to regulations with respect to frontage, height and dwelling unit depth.

Upon removal of the "H" provision, the "RM4-78" zone will permit townhouses on a condominium road, subject to regulations with respect to frontage, dwelling unit width, landscaped area, setbacks, projections, and parking.

Location of Lands Affected

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