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September 16, 2022

**Via Email to council@peelregion.ca**

The Council of the Regional Municipality of Peel  
Regional Administrative Headquarters  
10 Peel Centre Drive, Suite A  
Brampton, Ontario

**RECEIVED**

September 16, 2022

REGION OF PEEL  
OFFICE OF THE REGIONAL CLERK

**Attention: Chair and Members of Council**

Dear Sirs/Mesdames:

**Re: City of Mississauga Official Plan Amendment Nos. 142, 143 and 144**

We are counsel to the Dundas Landowners' Association (the "**DLA**"), an incorporated not-for-profit association representing the interests of certain small businesses and owners of land in the vicinity of Dundas Street East in the City of Mississauga (the "**Dundas Corridor**"). We write on behalf of our client to express significant concerns with certain City of Mississauga Official Plan amendments that we understand will be coming forward to Regional Council for consideration in the coming months. While we recognize that these amendments are not before Regional Council at its upcoming meeting on September 22, 2022, our client is compelled to provide comments now in an effort to assist Regional staff in reporting to Council, given the troubling nature of the amendments.

As outlined further below, City of Mississauga Official Plan Amendment Nos. 142, 143 and 144 (together, the "**City OPAs**") suffer from fundamental flaws that undermine Regional objectives and the direction in the Region's newly-adopted Official Plan (the "**New ROP**"). The DLA urges Regional Council to direct Regional staff to engage with the DLA prior to providing any recommendation to Regional Council regarding the City OPAs, as the City OPAs require a rethink, along with substantial modifications.

**Background**

The DLA's members make up a portion of the many entities that own lands or operate businesses along the Dundas Corridor. As Council is aware, the Dundas Corridor is planned to accommodate new higher-order transit, facilitated through significant public investments from all levels of government. This transformational investment in turn creates transformational opportunities for both the Dundas Corridor itself and the many small businesses that operate along it. Provincial policy direction is clear that there is an imperative to optimize public investments in higher-order transit infrastructure, particularly through mixed use development, in order to support complete communities. For this reason, lands along the Dundas Corridor are not located within a provincially significant employment zone ("**PSEZ**"), and some were deliberately removed from an initially proposed PSEZ, in recognition of their importance in providing the non-employment uses that are essential to supporting planned transit infrastructure on Dundas Street East.

REFERRAL TO \_\_\_\_\_  
RECOMMENDED \_\_\_\_\_  
DIRECTION REQUIRED \_\_\_\_\_  
RECEIPT RECOMMENDED ☒

The New ROP, which was adopted in April 2022 and is now with the Minister of Municipal Affairs and Housing for approval, recognizes the role of the Dundas Corridor in this regard. Critically, the New ROP removes the Dundas Corridor from the Regional Employment Area. While other lands in the area further south without frontage on Dundas Street East remain within the Regional Employment Area, lands generally fronting on Dundas Street East were removed. This approach appropriately reflects applicable policy direction. It provides existing industrial operations the protection afforded to employment-designated lands, while also recognizing that the lands with immediate frontage on Dundas Street East must accommodate a mix of uses in order for the Dundas Corridor to achieve the objectives set out in provincial policy as well as those established by the Region.

Disturbingly, however, the City OPAs fail to implement the policy direction in the New ROP, as well as provincial policy. Indeed, aspects of the City OPAs are directly contrary to the New ROP.

### **The City's Official Plan Amendments**

As part of its official plan review, the City has adopted a series of amendments to its Official Plan. OPA Nos. 142, 143 and 144 address policies for major transit station areas, among other things. The City OPAs, which were adopted only after narrowly surviving a deferral motion initiated by Councillor Parrish, suffer from fundamental flaws that undermine higher-order policy direction, including the New ROP. The DLA strongly believes that the City OPAs require a serious rethink and corresponding modifications.

### **Land Uses**

For example, notwithstanding that the New ROP removes lands along the Dundas Corridor from the Regional Employment Area, OPA 144 applies a land use designation to these lands that would prohibit residential uses. This approach ignores applicable policy direction at every level, including the City OPAs themselves, which include policies that call for a mix of land uses that foster vibrant-transit supportive neighbourhoods in major transit station areas. Perhaps more importantly, the land use designations proposed would conflict with the New ROP. As noted above, the lands along Dundas Street East are not within an Employment Area under Schedule E-4 of the New ROP. Policy 5.8.16 of the New ROP directs local municipalities to designate Employment Areas in accordance with Schedule E-4; in other words, local official plans must include Employment Area designations that correspond to Schedule E-4. Precluding residential uses along the Dundas Corridor is inconsistent with this direction.

City staff have previously indicated that language in the New ROP which states that “[l]ocal official plans may also support employment uses outside of Employment Area designations” allows the City to designate additional lands reserved exclusively for employment uses. However, this represents a serious misreading of the New ROP. The language quoted above is not found anywhere in the operative policies of the New ROP; rather, it is in non-policy explanatory text. Such non-policy text cannot override the operative policies of the New ROP.

Members of the DLA have been following the City's planning process for the Dundas Corridor for years, through the Dundas Connects Master Plan process. That Master Plan appropriately contemplates a bold and highly urban future for the corridor, premised on a vibrant mix of uses, that will make it a

unique destination, facilitated through transit-supportive intensification. In accordance with that vision, small business owners that are part of the DLA wish to develop mixed-use buildings on their properties where their families could live above, while they operate their family businesses on the ground floor. This is precisely the type of mixed-use development that would make the Dundas Corridor a vibrant, transit-supportive corridor. Yet, OPA 144 attempts to preclude such scenarios, without justification.

The approach to land uses along the Dundas Corridor in the City OPAs is untenable and must be revised in order to conform with applicable policy. At minimum, in the event City's overarching employment areas mapping does not change, the land use designation applicable to the corridor on Map C7 of OPA 144 should be revised to Mixed Use Limited, which permits residential uses provided certain criteria are satisfied.

## **Heights**

Our client also has concerns with the policies in the City OPAs providing direction on heights and the maximum heights identified in associated mapping. The proposed maximum heights do not reflect the existing context, which in many cases includes buildings taller than the maximum heights identified. This approach does not represent good planning and is inconsistent with direction in the MOP, which calls for buildings to be designed with reference to the existing context.

More broadly, the proposed height limitations cannot be regarded as conforming with provincial policy direction. Both the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe promote intensification, particularly around transit stations, to facilitate complete communities that leverage public investment in transit and reduce reliance on vehicles. In this regard, three levels of government have committed \$675 million to transit projects in Mississauga, including the Dundas Bus Rapid transit line. With maximum heights in large portions of the Dundas corridor of 4 and 9 storeys, the proposed policies cannot be considered to conform to applicable provincial policy direction. Instead, the proposed policies squander the opportunity to create a truly vibrant, mixed-use corridor along Dundas Street East as provincial policy intends. The DLA urges Regional staff to recommend and Regional Council to direct modifications to the City OPAs to remove or significantly increase the maximum heights identified.

We also note that the City OPAs propose to delete policy 9.2.8 of the City's Official Plan, which provides that the preferred location of tall buildings will be in proximity to existing and planned major transit station areas. Although the City OPAs propose to identify maximum heights, this policy still provides important guidance in focusing tall buildings within areas in close proximity to transit, in accordance with provincial policy, and it should not be deleted.

## **Conclusion**

The imperative of optimizing available supply of land to support complete, mixed-use communities in the vicinity of higher-order transit is clear. Unfortunately, the City OPAs do not adequately reflect this fundamental principle, nor do they conform with the New ROP. In these circumstances, we ask Regional Council to direct staff to consider the modifications outlined above and engage with our client as they review the City OPAs, prior to reporting to Regional Council with recommendations.

We appreciate the opportunity to provide these comments and thank Council for its consideration.

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to read "Max Laskin".

Max Laskin  
ML/

cc: Client  
Tara Buonpensiero, Manager of Policy Development, Region of Peel

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