

FOR OFFICE USE ONLY		Attention: Regional Clerk Regional Municipality of Peel 10 Peel Centre Drive, Suite A Brampton, ON L6T 4B9 Phone: 905-791-7800 ext. 4582 E-mail: council@peelregion.ca	
MEETING DATE YYYY/MM/DD 2023/02/09	MEETING NAME Regional Council		
DATE SUBMITTED YYYY/MM/DD 2023/01/06			
NAME OF INDIVIDUAL(S) Peter Gross			
POSITION(S)/TITLE(S) Lawyer			
NAME OF ORGANIZATION(S) Gowling WLG (Canada) LLP			
E-MAIL peter.gross@gowlingwlg.com		TELEPHONE NUMBER (416) 862-4459	EXTENSION
INDIVIDUAL(S) OR ORGANIZATION(S) ADDRESS 100 King St. West Suite 1600, Toronto ON M5X 1G5			
REASON(S) FOR DELEGATION REQUEST (SUBJECT MATTER TO BE DISCUSSED) Mississauga Official Plan Amendments 142, 143, and 144			
A formal presentation will accompany my delegation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Presentation format: <input type="checkbox"/> PowerPoint File (.ppt) <input type="checkbox"/> Adobe File or Equivalent (.pdf) <input type="checkbox"/> Picture File (.jpg) <input type="checkbox"/> Video File (.avi,.mpg) <input type="checkbox"/> Other <input style="width: 100px;" type="text"/> Additional printed information/materials will be distributed with my delegation : <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Attached			
Note: Delegates are requested to provide an electronic copy of all background material / presentations to the Clerk's Division if possible 72 hours, but not less than 24 hours, prior to the meeting start time. Delegation requests and/or materials received after 9:30 a.m. on the Wednesday prior to the meeting will not be provided to Members. Delegation requests received less than 72 hours prior to the meeting start time that relate to an item listed on the agenda will be added to the agenda only upon the approval of Council or Committee at the meeting. Delegates should make every effort to ensure their presentation material is prepared in an accessible format. Once the above information is received in the Clerk's Division, you will be contacted by Legislative Services staff to confirm your placement on the appropriate agenda. In accordance with Procedure By-law 56-2019, as amended, delegates appearing before Regional Council or Committee are requested to limit their remarks to 5 minutes and 10 minutes respectively (approximately 5/10 slides). Delegations may only appear once on the same matter within a one-year period, unless a recommendation pertaining to the same matter is included on the agenda within the one-year period and only to provide additional or new information. <p style="text-align: center; color: blue;">Please save the form to your personal device, then complete and submit via email attachment to council@peelregion.ca</p>			

Notice with Respect to the Collection of Personal Information
(Municipal Freedom of Information and Protection of Privacy Act)

Personal information contained on this form is authorized under Section 5.4 of the Region of Peel Procedure By-law 56-2019, as amended, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Regional Council or a Committee of Council. The completed Delegation Request Form will be redacted and published with the public agenda. The Procedure By-law is a requirement of Section 238(2) of the Municipal Act, 2001, as amended. Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. All Regional Council and Committee meetings are live streamed via the internet and meeting videos are posted and available for viewing subsequent to those meetings. Questions about collection may be directed to the Manager of Legislative Services, 10 Peel Centre Drive, Suite A, 5th floor, Brampton, ON L6T 4B9, (905) 791-7800 ext. 4462.

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December 30, 2022

Peter Gross
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Sent via email: council@peelregion.ca

Regional Chair Nando Iannicca and Members of
Region of Peel Council
10 Peel Centre Drive
Brampton, Ontario
L6T 4B9

Dear Mesdames and Sirs:

Re: A. Frank Merulla & 590816 Ontario Inc.
2935 & 2955 Mississauga Rd, Mississauga
Mississauga Official Plan Amendments 142, 143 and 144

We are counsel to A. Frank Merulla and 590816 Ontario Inc. (collectively, "**Our Client**"). A. Frank Merulla owns the lands known municipally as 2935 Mississauga Road and 590816 Ontario Inc. owns the lands known municipally as 2955 Mississauga Road, both in the City of Mississauga, Ontario (collectively, the "**Subject Lands**").

The Subject Lands are located at the southeast corner of the intersection of Mississauga Road and Dundas Street. The north side of our client's lands abut the south side of Dundas Street East where a bus rapid transit line ("**BRT**") will be constructed. Our Client plans to develop the Subject Lands with 20 stacked townhouses and a 12 storey multi-unit apartment building on a six storey podium with 196 units (the "**Development**"). In this regard, Our Client submitted planning applications to the City of Mississauga (the "**City**") for an official plan amendment and zoning by-law amendment (the "**Planning Applications**"), both of which were deemed complete in March 2022.

The *Clergy* principle¹ exempts the Planning Applications from the policies contained in Official Plan Amendments Nos. 142, 143 and 144 ("**MTSA OPAs**") adopted by City Council on August 10, 2022. Notwithstanding our position, we made oral submissions objecting to the MTSA OPAs on behalf of Our Client, prior to Council adopting the planning instruments.

We understand that, as the approval authority for the MTSA OPAs, Regional Council will be considering these planning instruments at its meeting on February 9, 2023. We write today to request modifications to the MTSA OPAs as set out below.

¹1996 CarswellOnt 5704 (OMB), aff'd 1997 CarswellOnt 5385 (Div Ct), leave ref'd 1998 CarswellOnt 451 (ONCA).

Request for Modifications to MTSA OPAs

Dundas Street Intensification Corridor Mapping

The in-force City of Mississauga Official Plan (“**MOP**”), Schedule 2 Intensification Areas, depicts the Subject Lands as being within an *Intensification Corridor*. Our client objects to revised Map A3, Part of Schedule 2 Intensification Areas which forms part of OPA 142, and removes the Subject Lands from the *Intensification Corridor*. The *Intensification Corridor* designation has been in place for many years and was removed without explanation or justification.

We respectfully request that the Region modify OPA 142 by restoring the *Intensification Corridor* designation to the Subject Lands.

Deletion of Policy 9.2.8

OPA 144 deletes policy 9.2.8 from the MOP which provides that the preferred location of tall buildings is in proximity to planned or existing MTSA. This policy aligns with Provincial policy direction and should not be deleted from the MOP.

We respectfully request that the Region modify OPA 144 such that policy 9.2.8 remains part of the MOP.

Major Transit Station Area

The Region of Peel Official Plan (the “**ROP**”) does not include the Subject Lands within the UTM MTSA boundary as shown on Schedule E-2 and E-5 of the ROP. However, in our view this is a mapping error that should be corrected by adjusting the boundary of the UTM MTSA to include the Subject Lands. The *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (the “**Growth Plan**”) defines an MTSA as:

Major Transit Station Area: *The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.*

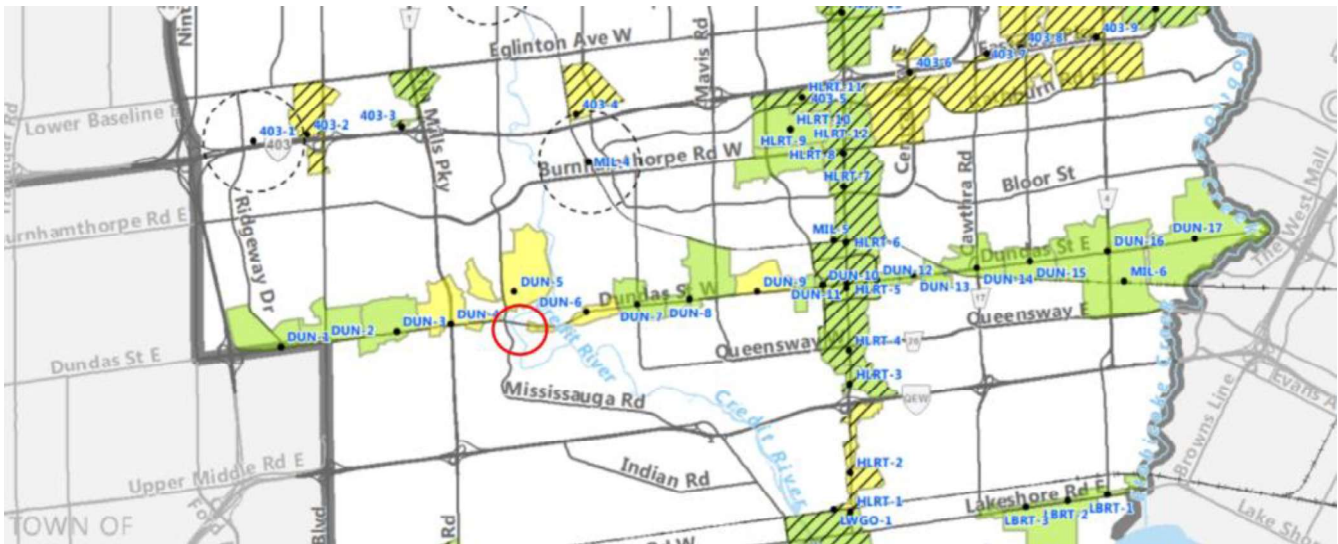
The delineated UTM MTSA boundaries outlined in Schedule E-2 and E-5, illustrate that the Subject Lands are not incorporated, despite being within the approximate 800-metre radius from a designated transit stop. The Subject Lands are approximately 775 metres from the UTM transit stop.

It was a mapping error to exclude our client’s lands from the UTM MTSA, particularly given that complete planning applications were submitted prior to adoption of the ROP. The mapping error should be rectified by adjusting the UTM MTSA boundary to include the Subject Lands in consideration of the Planning Applications in accordance with the 800-metre radius. Section 2.2.4(2) of the Growth Plan states:

2) For major transit station areas on priority transit corridors or subway lines, upper- and single-tier municipalities, in consultation with lower-tier municipalities, will delineate the boundaries of major transit station areas in a transit-supportive manner that maximizes the size of the area and

the number of potential transit users that are within walking distance of the station [emphasis added].

Below is an extract of Schedule E-5 of the ROP, demonstrating that the lands surrounding the Subject Lands are included in the UTM MTSA, whereas the Subject Lands are inexplicably excluded. The approximate location of the Subject Lands is circled in red.



This policy clearly supports adjustment of the UTM MTSA boundary to include the Subject Lands. It is appropriate to correct the mapping error by expanding the MTSA boundaries to maximize the size of the area and the number of potential transit users by taking account of the Planning Applications that propose transit-supportive development that will allow hundreds of residents to benefit from high-order transit.

The Planning Applications also conform with Section 2.2.4(8) of the Growth Plan which provides:

8) All major transit station areas will be planned and designed to be transit-supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where appropriate:

- a) connections to local and regional transit services to support transit service integration;*
- b) infrastructure to support active transportation, including sidewalks, bicycle lanes, and secure bicycle parking; and*
- c) commuter pick-up/drop-off areas.*

The Development is planned and designed to be transit-supportive by inclusion of infrastructure that supports active transportation. The Development also supports multimodal access to the site and surrounding transit stops. As the Subject Lands are proximate to the Dundas Street corridor, the Development is well connected to local and regional transit services.

In addition, the Subject Lands are appropriate for inclusion with an MTSA because the proposed Development conforms with Section 2.2.4(9)(a)(b) and (10) of the Growth Plan:

9) Within all major transit station areas, development will be supported, where appropriate, by:

a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels;

b) fostering collaboration between public and private sectors, such as joint development projects;

10) Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities

In accordance with ROP policy 7.3.10, the Region may correct mapping errors and adjust the boundary of an MTSA without amending the plan. Policy 7.3.10 provides:

An update to this Plan to correct minor errors shall be permitted without an official plan amendment, provided that the purpose, effect, intent, meaning and substance of the Plan are in no way affected. The Region is also permitted to make the following revisions without the need for a Region of Peel Official Plan Amendment:

- a) changing the numbering, cross referencing, and arrangement of the text, titles or headings, tables, schedules, figures, associated captions, or appendices;*
- b) revising or updating the base map information in schedules and figures;*
- c) altering punctuation or language for consistency;*
- d) correcting clerical, grammatical, typographical or technical mapping errors;*
- e) changing the style guide, format or font;*
- f) adding explanatory or descriptive text, sidebars and images or graphics which are included for information purposes to assist users; and*
- g) adjusting a Major Transit Station Area station or stop location, name, or code to reflect the actual built infrastructure or applicable information from technical studies.*

Conclusion

Based on the foregoing, we respectfully request that the following modifications to the MTSA OPAs:

1. Restoration of the *Intensification Corridor* designation to the Subject Lands; and
2. Re-introduce policy 9.2.8 such that it remains part of the MOP.
3. Modify all mapping within the MTSA OPAs to include the Subject Lands within the UTM PMTSA.

In addition, we respectfully request that the Region correct the mapping error in the ROP by adjusting the boundary of the UTM MTSA to include the Subject Lands.

Thank you in advance for considering our submission.

Sincerely,

Gowling WLG (Canada) LLP



Peter Gross

PG

c. Jason De Luca jason.deluca@peelregion.ca