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February 6, 2023

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

**Attention: Chair and Members of Council**

Dear Sirs/Mesdames:

**Re: Agenda Item 13.1 – City of Mississauga Major Transit Station Area Official Plan  
Amendments 142, 143, 144 and 146: Regional Staff Review and Recommendations  
City of Mississauga Official Plan Amendment Nos. 142, 143 and 144**

We are solicitors for the owner of the property known municipally in the City of Mississauga (the “City”) as 1535 Dundas Street East (the “Property”). We write on behalf of our client to express its strong objections to the City Official Plan amendments that are before Regional Council (the “City OPAs”).

As outlined further below, the City OPAs suffer from fundamental flaws that undermine Regional objectives, policy direction in the newly-approved Region of Peel Official Plan (the “ROP”), and explicit direction that the Minister of Municipal Affairs and Housing (the “Minister”) provided in modifying the ROP. In particular, the proposed approach of including height limits within certain PMTSAs contravenes Ministerial modifications to the ROP and, if approved, would result in the need to accommodate more housing in other areas of the Region that are less able to accommodate it. Furthermore, Regional staff have not evaluated whether the height policies conform to provincial policy or the ROP, as they have limited the scope of their review only to ensuring minimum densities are met.

In addition, we note that changes in circumstances since City Council first adopted the City OPAs make it unfair and inappropriate to approve the City OPAs without giving City Council a further opportunity to consider them. In particular:

- The version of the ROP that Council used to evaluate the City OPAs at the time of adoption has now been superseded with an approved version that is different in important ways following the Minister’s modifications;
- The Province has released new housing targets which call for the City to accommodate 120,000 new homes by 2031, which has significant implications on the amount of intensification to be accommodated within the City’s major transit station areas (“MTSAs”); and

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

- As a result of the intervening election, City Council as currently constituted has not had an opportunity to consider the City OPAs (which were adopted by the previous Council with different members).

In these circumstances, our client strongly urges Regional Council to refuse to approve the City OPAs and remit them to the City for further consideration.

### **The Policies Pertaining to Maximum Heights are Inappropriate**

Our client has particular concerns with the policies in the City OPAs providing direction on heights and the maximum heights identified in associated mapping. The imposition of maximum heights does not conform with provincial policy or direction provided from the Minister in approving the ROP. Further, the approach to assessing heights in the City OPAs, as opposed to as part of a broader review of the City's Official Plan, is inappropriate, does not appropriately balance all planning policies relevant to the consideration of heights in these locations, and could be interpreted as preventing appropriate revisions in the future through private official plan amendment applications.

### **The Maximum Height Policies do not Conform with Provincial or Regional Policy**

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. Under provincial policy, it is not enough simply to allow some degree of intensification in these areas – the Growth Plan provides that it is imperative that existing and planned transit be optimized to support more compact built form and ensure growth is accommodated in the right locations. The ROP mirrors this direction. Policy 5.4.18.6 provides that the Region's objective is "[t]o optimize all intensification opportunities across the Region and maximize development within Strategic Growth Areas."

The importance of the direction to optimize MTSAs is apparent in the modifications the Minister made to the ROP before approving it. Specifically, the Minister struck language in the ROP that required lower-tier municipalities, in planning for their MTSAs, to address maximum heights at their discretion. Following the Minister's modification, the only direction in the ROP pertaining to heights for PMTSAs is that lower-tier municipalities are to establish minimum heights. Indeed, the direction to provide for minimum heights in MTSAs is the only reference to building height in the entirety of the ROP.

Importantly, the City OPAs were adopted before the Minister had reviewed and modified the ROP. Accordingly, at the time the City OPAs were adopted, the ROP policies that City Council was evaluating the City OPAs against permitted the imposition of maximum heights in MTSAs. It no longer does so. In these circumstances, at a minimum, City Council must have an opportunity to consider the City OPAs against the new policy framework that now applies, including in light of the Minister's removal of policy language in the ROP pertaining to maximum heights.

Furthermore, even if maximum heights were permitted, the proposed maximums set out in the City OPAs are inappropriate. The maximum heights are woefully unresponsive to both provincial and Regional policy direction. Maximum building heights at these levels do not optimize the public investment in higher-order transit, nor do they maximize development within MTSAs as strategic



growth areas. Suppressing building heights, and therefore new housing stock, to such an extent along areas with existing and planned rapid transit within the City will have knock-on effects elsewhere in the Region, increasing growth pressures in areas of the City without such infrastructure and in other municipalities. The City OPAs cannot be considered to conform with provincial or Regional policy and therefore must not be approved.

### **Conclusion**

The imperative of optimizing available supply of land to support complete, mixed-use communities in the vicinity of higher-order transit is clear, both in provincial policy and the ROP. Unfortunately, the City OPAs do not adequately reflect this fundamental direction. Further, any consideration of maximum heights should be considered on a City-wide basis, and not with such a narrow focus, to balance City-wide policies and enable future modifications where appropriate.

In these circumstances, and in light of the substantial changes in circumstances since City Council (as previously constituted) adopted the City OPAs, our client urges Regional Council to refuse to approve the City OPAs and remit them to the City, with direction to reconsider the maximum height policies.

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

Yours truly,

**Goodmans LLP**

David Bronskill  
DJB/

cc: Client

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