



Tom Halinski  
Direct: 416.865.7767  
E-mail: thalinski@airdberlis.com

**RECEIVED**  
February 9, 2023  
REGION OF PEEL  
OFFICE OF THE REGIONAL CLERK

February 9, 2023

**By E-Mail:** [Regional.clerk@peelregion.ca](mailto:Regional.clerk@peelregion.ca)

Aretha Adams  
Regional Clerk  
Region of Peel  
10 Peel Centre Drive  
Ste. A  
Brampton, ON  
L6T 4B9

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

Dear Ms. Adams:

**Re: Mississauga MTSA OPAs 142, 143, 144, 146  
65-71 Agnes Street, City of Mississauga**

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We act for 65 Agnes Inc. on behalf of 65 Agnes LP, owners of the properties municipally known as 65-71 Agnes Street, in the City of Mississauga (“the Lands”). The Lands are located within the proposed Cooksville Go Major Transit Station Area (“MTSA”) pursuant to Mississauga Official Plan Amendment 144 (“OPA 144”).

Our client, through its land use planning consultant, previously provided written comments on the above captioned, proposed official plan amendments and built form standards brought forward as part of the Downtown Fairview, Cooksville and Hospital Policy Review. Copies of those letters are enclosed.

The Lands are located within the Urban Area of the Region of Peel as per the Peel Region Official Plan (“ROP”) which was adopted by Regional Council on April 28, 2022, through By-law 20-022. Accordingly, the Lands are identified within one of the Region’s delineated Urban Growth Centres on Schedule E-1 (Regional Structure) and E-3 (The Growth Plan Policy Areas in Peel) of the ROP. The Lands are also designated Residential High Density by the City of Mississauga Official Plan.

The Lands are in close proximity to the intersection of Dundas Street and Hurontario Street. The Lands provide excellent access to two future major transit services: the Hazel McCallion Line (Hurontario LRT (light rail transit) line) along Hurontario Street and the Dundas BRT (bus rapid transit) line along Dundas Street.

The Lands are generally located within a physical and policy context where growth and intensification are directed, at transit-supportive densities, at the provincial, Regional, and local levels.

The Minister Modified ROP To Remove Height Maximums

On November 4, 2022, the Minister of Municipal Affairs and Housing issued a decision on the new ROP. 44 modifications to the ROP were made by the Minister, including a modification to

policy 5.6.19.10 (e) to remove the discretion of a local municipality to prescribe maximum building heights within an MTSA:

10. Policy 5.6.19.10 e) is modified so that it reads:

the minimum height for land uses within the *Major Transit Station Area*, **maximum heights may be established at the discretion of the local municipality;**

Despite the Minister's clear direction that local municipalities within the ROP are not intended to have the power to prescribe maximum heights within an MTSA, Regional Staff are recommending approval of OPA 144, inclusive of policies and schedules which prescribe maximum heights within an MTSA.

We respectfully request that this recommendation not be adopted by Regional Council, because OPA 144, as currently drafted, does not conform with the ROP.

#### MTSA Maximum Height Policies Do Not Conform with the ROP

In accordance with subsection 17(34.1) of the *Planning Act*, Regional Council shall not approve any part of OPA 144 if it does not, in Council's opinion, conform with the ROP. On behalf of our client, we submit that OPA 144, as currently drafted, does not conform with the ROP.

The Minister modified ROP policy 5.6.19.10 (e) to remove municipal discretion to prescribe maximum heights within an MTSA. This modification is consistent with a clear legislative and policy direction from the Province aimed at increasing overall housing supply, and encouraging transit-oriented development. Arbitrary height limitations, such as those proposed by OPA 144, conflict with Provincial direction by artificially limiting the development potential, and thus housing opportunities, for sites that are otherwise entirely appropriate for developments with tall buildings at transit-supportive densities.

The proposed maximum height of 25 storeys applicable to the Lands will not make efficient use of the numerous higher order transit services offered in proximity to the Lands, and will result in a significant loss to the overall housing that could be appropriately accommodated on the Lands.

Height maximums within an MTSA are inconsistent with provincial policy in general, and inconsistent with the Minister's intention specifically for the ROP, as expressed through his modifications to the ROP.

In their report dated February 9, 2023, Regional Planning Staff offered the following position in respect of the Ministerial modification to ROP policy 5.6.19.10 (e):

The Province's modifications to the Region's adopted MTSA-related policies included removal of text that clarified the legislative authority of the local municipalities to establish maximum densities and maximum building heights in MTSA's at their discretion. Although the policy reference has been removed, there are no Provincial policies that preclude local municipalities from including maximum building heights or densities and therefore continues to permit the City's OPAs to include maximum building heights.

This position fails to assign adequate policy or interpretive weight to the Minister's modification of policy 5.6.19.10 (e). It is not a reasonable or appropriate interpretation of the Ministerial modification to the ROP, nor does it conform with the ROP interpretation policies.

ROP policy 7.3.5 provides that "the policies contained within this Plan seek to provide the full intentions of Regional Council in planning for the Region. Where differences of opinion arise as to the meaning of any part of the plan, or in determining the significance of any action and the appropriate reaction required under the policies in this plan, an interpretation will be made by Regional Council" [emphasis added].

This interpretive policy directs that Council carefully consider the implications of the Ministerial modification rather than disregard it outright.

Through their report, Regional Staff take the position that the Minister's modification to the ROP is of no significance, and that the appropriate reaction to the Minister's decision is to give it virtually no weight. We submit that Council ought to exercise its discretion to have appropriate regard to the Minister's decision, and its impact on how to interpret the ROP, when considering whether OPA 144 conforms with the ROP.

We submit that the only reasonable interpretation of the Minister's decision demands a modification to OPA 144 to remove maximum building height prescriptions, as the Minister intended.

### Conclusion

For the reasons set out above, and on behalf of our client, we submit that Regional Council should modify OPA 144 to remove all policies and schedules which prescribe maximum building heights within an MTSA.

We appreciate the opportunity to provide comments as part of Council's consideration of this matter, and we request to be notified of Council's decision.

Yours truly,

AIRD & BERLIS LLP



Tom Halinski  
TH:tp

c: Hon. Steve Clark, Minister of Municipal and Housing  
Bousfields Inc.  
Client

52049964.1

July 5, 2022

**Via Email**

City of Mississauga, City Planning Strategies  
Planning and Building

**Attn: Karin Phuong, Planner**  
300 City Centre Drive, 8th floor  
Mississauga, Ontario L5B 3C1

**Re: *Downtown Fairview, Cooksville and Hospital Policy Review – Draft  
Official Plan Amendment and Built Form Standards***  
**File: *CD.03-DOW***  
***65-71 Agnes Street, Mississauga (Cooksville)***

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As you know, we are the planning consultants for 65 Agnes Inc. on behalf of 65 Agnes LP, the registered owner (the “owner”) of the properties municipally known as 65-71 Agnes Street (the “subject site”), which is within the boundary of the lands subject to the City-initiated Policy Review (the “policy review”).

Further to comments provided in our letter dated March 9, 2022, on behalf of the owner, we are writing to provide additional comments with respect to the final recommendation staff report dated June 10, 2022, and supporting information to be presented for endorsement at Planning and Development Committee (PDC) on July 5, 2022, including the recommended Official Plan Amendments (i.e., Official Plan Amendments 145 and 146 (OPA 145 and OPA 146)) and other draft documents.

As previously stated, in general, the owner supports the City’s concept of a “15-minute city” for Cooksville and the objective of promoting a policy framework for the area that is intended to foster a complete and mixed-use community that seeks to utilize and integrate high order transit. It is a vision that the owner shares and believes that any redevelopment of the subject site can assist by providing many of the key elements that have been conceptualized in the materials presented by City staff to date.

We are encouraged to see staff have addressed one of our comments made regarding proposed Policy 12.1.8.2.1(a) and clarifying as part of OPA 145 that the 45-degree angular plane will be measured from the property line adjacent to residential low and medium density land use designations.

However, we continue to have significant concerns that the proposed policies do not optimize the subject site’s (and surrounding properties) proximity to numerous existing, under construction and planned higher order transit services, which is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan.

In reviewing the recommended height and urban structure as illustrated by the proposed changes to Map 12-4: Downtown Cooksville Character Area Minimum to Maximum Heights by OPA 146, it would appear that heights generally step down from 30 storeys in and around Cooksville GO Transit station to 16-18 storeys along Dundas Street (and Hurontario Street). Within this height range, the subject site is recommended to have a maximum height of 25 storeys (while the property to the immediate east is recommended to have a maximum height of 28 storeys).

It is our opinion that the maximum height of 25 storeys that staff are recommending for the subject site will not make efficient use of the numerous higher order transit services offered in proximity to the subject site. Unlike properties closer to the Dundas Street and Hurontario intersection that are slightly further away from the Cooksville GO Transit station, or properties closer to the Cooksville GO Transit, but are slightly further away from the Dundas/Hurontario intersection, the subject site is ideally located within walking distance of both the Dundas Street and Hurontario Street intersection, which provides service to two future major transit services: the Hazel McCallion Line (Hurontario LRT(light rail transit) line) along Hurontario Street and the Dundas BRT (bus rapid transit) line along Dundas Street, and is just a short walking distance to the existing Cooksville GO Transit rail station. As a result, it is our opinion that the subject site should be afforded greater height and density than what is recommended.

As noted previously, we do not see a planning rationale as to why staff are recommending a maximum height of 25 storeys for the subject site, while the property immediately east of the subject site (at 45 Agnes Street) is recommended at 28 storeys, other than simply acknowledging the approval on the 45 Agnes property at 28 storeys. The subject site is generally no further away from the above-noted transit services than the 45 Agnes property, nor does it have any additional issues relating to built form impact considerations such as transition, separation and shadowing, etc. Also, both properties are designated *Residential High Density* by the Official Plan. Based on the foregoing, there is no substantive difference between the sites to justify different treatment. It is our opinion that determination of the appropriate maximum heights for the subject site and adjacent properties should be evaluated on the same basis and set of criteria, rather than on previous approvals.

Furthermore, it is also unclear as to why staff are now recommending properties to the north on the east side of Cooks Street (and on the east side of Hurontario Street) have maximum heights of up to 30 storeys, whereas the subject site (and properties on the west side of Cook Street, as well as at the northwest corner of Hurontario Street and Agnes Street) continues to be recommended at 25 storeys, while the properties to the south towards Dundas Street would have maximum heights up to 16-18 storeys. Given the amount of transit infrastructure investment into the Cooksville Downtown node, it is our opinion that in general, greater heights should be permitted in and around all three higher order transit services. Accordingly, as noted above, the subject's ideal location of being within walking distance of all three of these existing and planned transit services, the subject site and surrounding properties would be appropriate for

even greater heights given the subject site and immediate surrounding properties, arguably, have the highest level of transit accessibility within the node.

Finally, we note that whereas staff previously considered proposed Policy 12.4.6.1.3 to say, "Tall buildings will incorporate podiums that are generally a minimum of three storeys and a maximum of six storeys", the recommended wording set out in OPA 145 for proposed Policy 12.1.8.2.3 now says, "Tall buildings will incorporate podiums that are a minimum of three storeys and a maximum of six storeys". It is our opinion that heights of podiums should be considered on a site-by-site basis and continue to suggest wording to that effect. Again, limiting height of podium buildings without consideration of site-specific conditions, would potentially result in inefficient use of a site, and therefore, would not optimize a site to take full advantage of a site's access to transit.

Thank you for your consideration of this submission. While the owner continues to support the vision of creating a vibrant mixed-use community that will see positive and longstanding impact, they have objections to the recommended height limits imposed on the subject site with respect to the overall maximum height limit, as well as the maximum heights for podium buildings.

We request notice of any reports and/or decision of this matter by the Planning and Development Committee or by City Council.

Yours very truly,

**Bousfields Inc.**



David Huynh, MCIP, RPP

DH/jobs

cc. Umair Waseem, 65 Agnes Inc. on behalf of 65 Agnes LP

March 9, 2022

**Via Email**

City of Mississauga, City Planning Strategies  
Planning and Building

**Attn: Karin Phuong, Planner**

300 City Centre Drive, 8th floor  
Mississauga, Ontario L5B 3C1

**Re: *Downtown Fairview, Cooksville and Hospital Policy Review – Draft  
Official Plan Amendment and Built Form Standards***  
**File: *CD.03-DOW***  
***65-71 Agnes Street, Mississauga (Cooksville)***

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We are the planning consultants for 65 Agnes Inc. on behalf of 65 Agnes LP, the registered owner (the “owner”) of the properties municipally known as 65-71 Agnes Street (the “subject site”), which is within the boundary of the lands subject to the City-initiated Policy Review (the “policy review”).

On behalf of the owner, we are writing to provide our preliminary comments with respect to the staff report and supporting information presented at Planning and Development Committee (PDC) held on January 24, 2022, including the draft Official Plan Amendment and other draft documents, as well as at the City-led public meeting held on February 16, 2022. We characterize these comments as preliminary insofar as we are currently reviewing the proposed amendment and documents in more detail, in relation to our client’s development plans for the site, and may bring forward additional comments for consideration.

In general, the owner supports the City’s concept of a “15-minute city” for Cooksville and the objective of promoting a policy framework for the area that is intended to foster a complete and mixed-use community that seeks to utilize and integrate high order transit. It is a vision that the owner shares and believes that any redevelopment of the subject site can assist by providing many of the key elements that have been initially conceptualized in the materials presented by City staff at the two meetings.

Given the subject site’s proximity to the Dundas Street and Hurontario Street intersection, which provides service to two future major transit services: the Hazel McCallion Line (Hurontario LRT(light rail transit) line) along Hurontario Street and the Dundas BRT (bus rapid transit) line along Dundas Street, as well as the site’s

proximity to the existing Cooksville GO Transit rail station (approximately 900 metres away), the site represents an excellent opportunity for residential intensification that can contribute to the creation of a complete community within the Cooksville area. The subject site is also designated *Residential High Density* by the City's Official Plan, which permits apartment uses in a high density form. In this regard, the subject site can provide a meaningful high density residential development that is consistent with this planned function and that will be compatible with the surrounding area.

It is our opinion that greater height and density be encouraged on the subject site to facilitate growth and support the planned structure and function of the area, as well as support the higher order transit services that serve the community. However, in reviewing the draft Official Plan Amendment, as it relates to the subject site, we feel the proposed policy direction would limit the intensification opportunities on the subject site and surrounding area. Specifically, we express concern with the proposed height limitation of 25 storeys on the subject site, as shown on proposed Map 12-4.2: Downtown Cooksville Character Area Minimum to Maximum Heights. As described above, the site is located within Cooksville, which is rich with transit offerings. Limiting the height to 25 storeys would not constitute optimization of the land that is within walking distance of three major transit services. It is good planning to intensify sites such as the subject site to make efficient use of the significant investment into transit infrastructure. In this regard, it is noted that the site immediately east of the subject site, on the east side of Cook Street, is proposed to have a maximum height limit of 29 storeys. It is our opinion, notwithstanding the approval for a 28-storey apartment building on this site, that there is no planning rationale as to why 29 storeys is supportable and approved on lands immediately east of the subject site, while the subject site (and other surrounding properties) is limited to 25 storeys.

Additionally, in reviewing the proposed policies of Section 12.4.6 (Urban Form) of the draft Official Plan Amendment, it is unclear if proposed Policy 12.4.6.1.1(a) requires a 45-degree angular plane be taken from properties that are low or medium density residential or properties that are designated *Residential Low* or *Medium Density* as shown on Map E-1 (Part of Schedule 10 – Land Use Designations) of the Mississauga Official Plan. As it relates to the subject site, the properties to the immediate north are currently developed with low density residential dwellings; however, they are designated *Residential High Density* by the Official Plan and can be expected to redevelop over time. We request the rewording of this proposed policy to provide more clarity.

Also, while proposed Policy 12.4.6.1.3 states "Tall buildings will incorporate podiums that are generally a minimum of three storeys and a maximum of six storeys", we are of the opinion that it is preferable not to prescribe limits for the



heights of podiums. Rather we suggest wording that encourages an appropriate and comfortable street wall condition, which would allow for site-specific considerations in determining the appropriate heights of podiums.

Thank you for your consideration of this submission. The owner and their consultant team support the vision of creating a vibrant mixed-use community that will see positive and longstanding impact.

We request notice of any reports and/or decision of this matter by the Planning and Development Committee or by City Council.

Yours very truly,

**Bousfields Inc.**



David Huynh, MCIP, RPP

DH/jobs

cc. Umair Waseem, 65 Agnes Inc. on behalf of 65 Agnes LP