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February 21, 2023

**VIA EMAIL**

Our File No. 171445/171473

Regional Chair Nando Iannicca and Council Members  
Region of Peel Council  
10 Peel Centre Drive  
Brampton, ON L6T 4B91

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

**Attention: Katherine Lockyer, Regional Clerk**

Dear Mr. Chair and Members of Council:

**Re: Mississauga Official Plan Amendment 144  
1041 and 1407 Lakeshore Road East**

We are legal counsel for 1407 Lakeshore Developments Inc., the owner of the properties located at 1041 and 1407 Lakeshore Road East, Mississauga. We are writing to request a site-specific deferral of decision on Official Plan Amendment 144 (“OPA 144”) for these two properties.

Our client has active Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications proposing mixed-use, mid-rise development on each site, with buildings of 10 and 9 storeys for 1041 and 1407 Lakeshore Road East respectively. The applications also propose a land use redesignation to *Residential High Density*. The proposed land uses and built form will achieve compatibility with the existing and planned context, are appropriately scaled for this corridor and will be transit supportive. The combined OPA and ZBA applications were filed with all necessary supporting studies and documentation in April 2022, and the applications were deemed complete in May 2022. We have been working collaboratively with City of Mississauga Planning Staff, Urban Design, and Transportation staff, as well as other application review groups in advance of a second submission, and we are optimistic that a positive Staff recommendation report for City of Mississauga Council’s review will be issued in early Spring 2023.

The PMTSA policies in OPA 144 – which were adopted by City of Mississauga and will be considered by Region of Peel Council after our client’s applications were submitted and deemed compete – would establish a height limit and land use framework that differs from our applications and in our opinion would not appropriately implement provincial, Regional and City policy objectives for housing, complete communities and supporting transit investments.

Our client has an active appeal of Mississauga Official Plan 131, which introduced built form and land use consideration for the Lakeview Local Area Plan. The height and land use provisions found on OPA 144 Schedule 11q (Lakefront Promenade, Dixie, Haig), are drawn directly from the height and land use policies of OPA 131. Through the OPA 131 appeal process, the City agreed to the OLT deferring approval of that OPA for our client’s properties on a site-specific basis, pending settlement and/or determination of the appeal.

The planning applications for 1041 and 1407 Lakeshore Rd E are protected by the Clergy principle of evaluating planning applications against the planning policy framework that was in force at the time of submission. We therefore consider that the policies of OPA 144 – including maximum height provisions and land uses – would not apply to our client’s properties. Nonetheless, **we believe it is appropriate to defer the decision of OPA 144 on a site-specific basis for the**

February 21, 2023  
Page 2

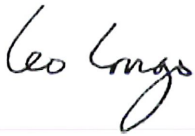
**two sites.** This approach would be consistent with the approach agreed to with the City for OPA 131.

Based on the above, we respectfully request that the Region modify its OPA 144 Decision such that:

A Decision on OPA 144 is hereby deferred as it pertains to properties municipally known as 1041 and 1407 Lakeshore Road East.

Yours truly,

AIRD & BERLIS LLP



Leo F. Longo  
LFL/ly

Attach: OPA 144 Schedule 11q – Map ‘C17’ – with 1041/1407 sites circled

OPA 131 Map 3 - with 1041/1407 sites circled

OLT Decision OPA 131 – January 6, 2023 – deferring 1041/1407 sites

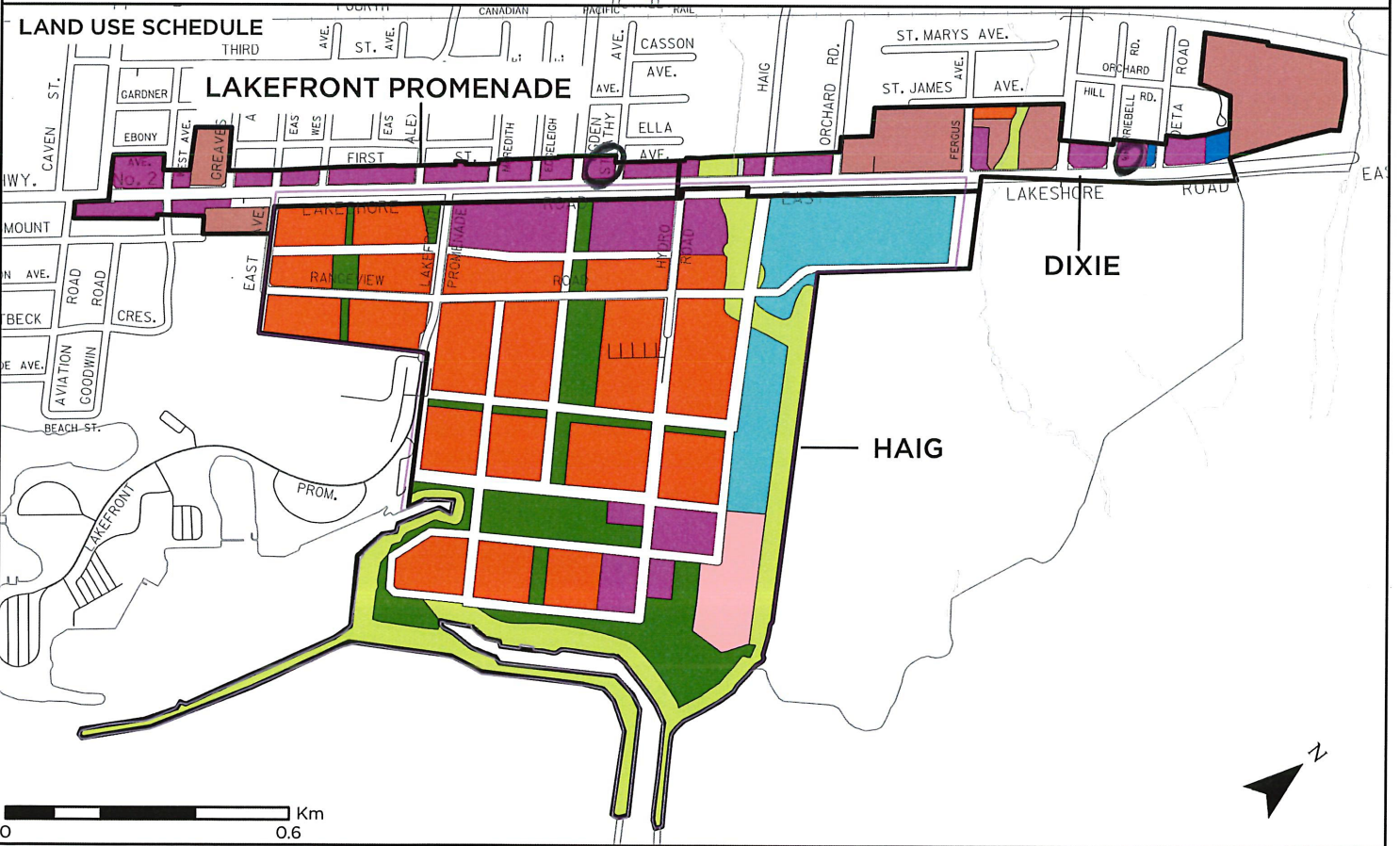
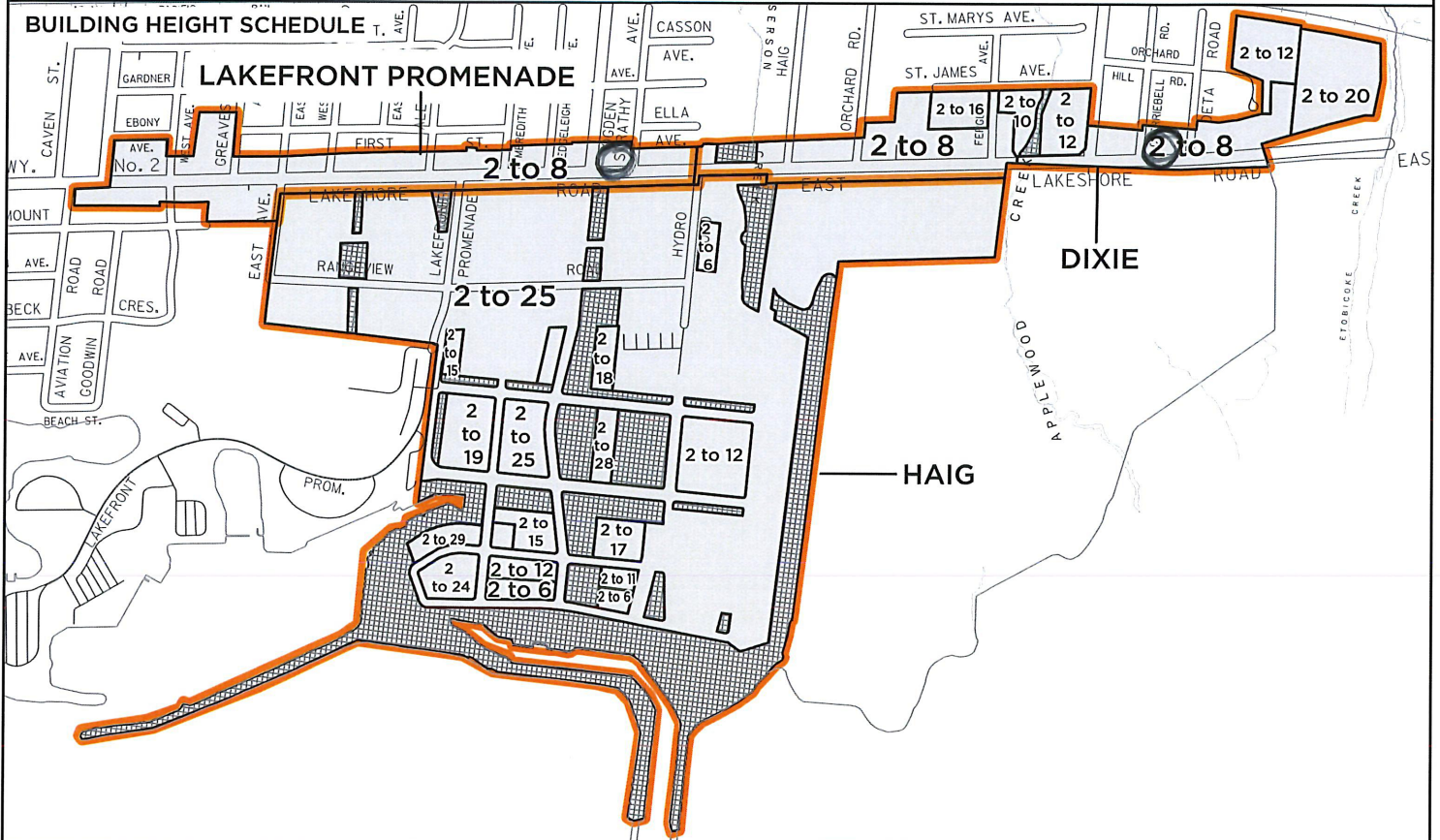
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AIRD BERLIS



# PROTECTED MAJOR TRANSIT STATION AREA (PMTSA)

## SCHEDULE 11q (LAKEFRONT PROMENADE, DIXIE, HAIG)



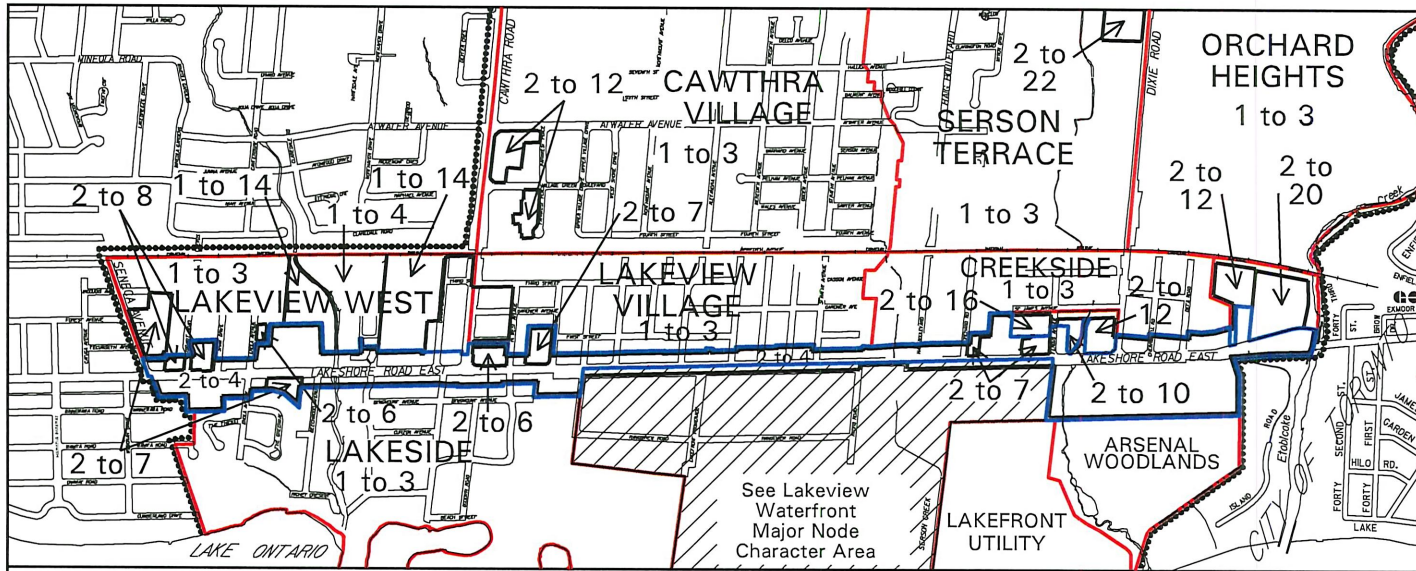
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PMTSA Boundary (Height Map)	Business Employment	Residential Medium Density	City Structure - Major Node
PMTSA Boundary (Land Use Map)	Greenlands	Residential High Density	Mixed Use
Min # to Max # (In Storeys)	Residential Low Density II	Public Open Space	Utility
Height Not Applicable			

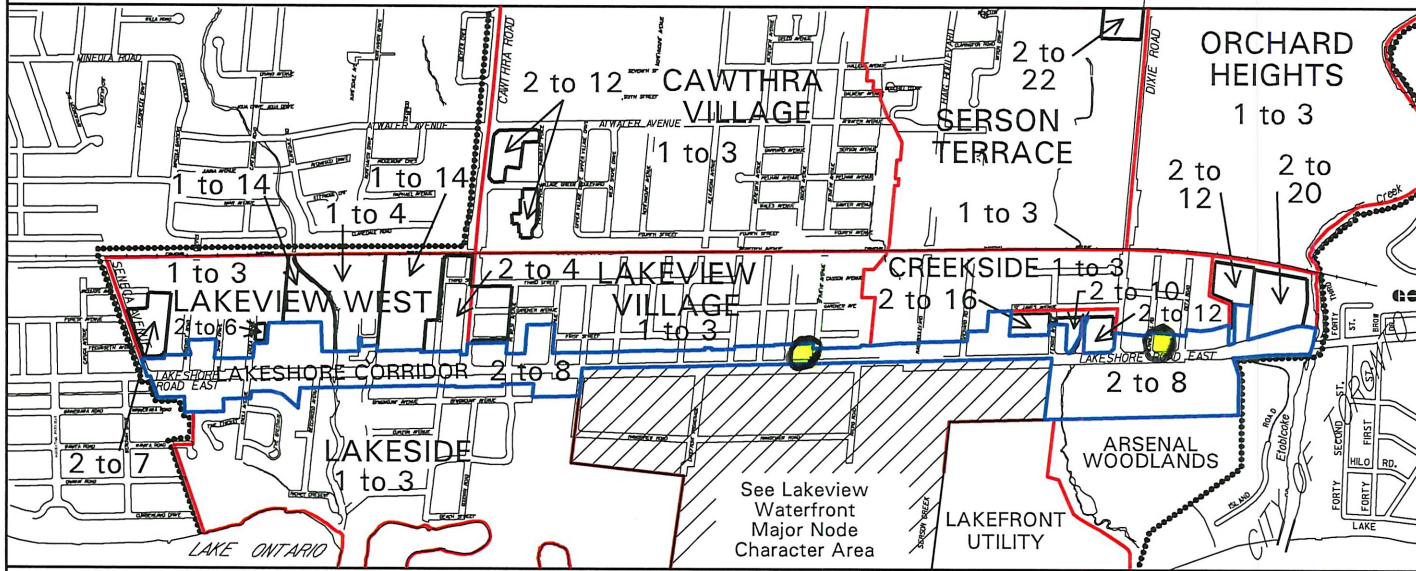
16.11-3 OPA 144

**MAP 'C17'**  
 MISSISSAUGA  
 Produced by Geospatial Solutions





**EXISTING HEIGHT LIMITS**



**PROPOSED 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.
2. Additional height information is located in the Lakeshore Corridor policies.
3. Specific building height calculations are regulated through the zoning by-law and generally exclude mechanical or architectural components; refer to the zoning by-law.

**OPA 131**

**Part of Map 3  
Lakeview Local Area Plan  
Height Limits**



City of Mississauga

V - 2.001

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** January 6, 2022

**CASE NO(S):** OLT-22-003844

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant	1407 Lakeshore Developments Inc.
Appellant	2828778 Ontario Inc.
Subject:	Proposed Official Plan Amendment
Description:	The purpose of this Amendment is to revise policies pertaining to height and urban design in the Lakeview Local Area Plan.
Reference Number:	OPA 131
Property Address:	Various Addresses
Municipality/UT:	Mississauga/Peel
OLT Case No:	OLT-22-003844
OLT Lead Case No:	OLT-22-003844
OLT Case Name:	1407 Lakeshore Developments Inc. v. Mississauga (City)

**Heard:** August 30, 2022 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

1407 Lakeshore Development Inc.	Leo Longo
2828778 Ontario Inc.	Mary Flynn Guglietti
City of Mississauga	Lia Magi

**MEMORANDUM OF ORAL DECISION DELIVERED BY CARMINE TUCCI ON  
AUGUST 30, 2022 AND ORDER OF THE TRIBUNAL**

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[1] This is the first Case Management Conference (“CMC”) for this case.

[2] The purpose of the CMC was to receive status updates from both parties to organize the hearing of these appeals.

**OVERVIEW**

[3] The purpose of this proposed Official Plan Amendment (“OPA 131”) is to revise policies pertaining to height and urban design in the Lakeview Local Area Plan of the City of Mississauga (“City”).

The lands affected by OPA 131 are located along Lakeshore Road East between Seneca Avenue and the Etobicoke Creek. The subject lands are located in the Lakeview Neighbourhood Character Area, as identified in the City’s Official Plan. Council of the City approved this amendment

**NATURE OF THE APPEALS**

[4] 2828778 Ontario Inc. plans a development on 420 Lakeshore Road East

[5] 1407 Lakeshore Developments Inc. plans a development on 1041 and 1407 Lakeshore Road East

[6] Accordingly the Appellants claim that the OPA 131’s maximum height policy is inconsistent with the Provincial Policy Statement 2020 (“PPS”) and fails to conform with the A Place to Grow: The Growth Plan for the Greater Golden Horseshoe 2019 (“Growth Plan”) and the Region of Peel Official Plan.

[7] The Tribunal was informed that in regards to 2828778 Ontario Inc.’s site specific

appeal at 420 Lakeshore Road East referenced by OLT files 21-001142 and 21-00143, a Settlement Agreement had been presented to the Tribunal.

[8] Once the settlement has been approved, the Appeal will be withdrawn.

[9] The Tribunal heard that 1407 and 1041 Lakeshore Road East are Site Specific applications calling a for proposed development height of:

a. 1041 Lakeshore Road East at 10 storeys

b. 1407 Lakeshore Road East at 9 storeys

[10] The Region of Peel Official Plan has a maximum height allowance of 8 storeys.

[11] Mr. Longo informed the Tribunal that his client will retain their appeal regarding the site specific issues at 1407 and 1041 Lakeshore Road East.

[12] The Tribunal heard that no recommendation report of the City has yet been received.

[13] The Tribunal hereby schedules a second CMC of these proceedings on **Monday January 23, 2023 at 10 a.m.**

[14] Parties are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

**GoTo Meeting:** <https://global.gotomeeting.com/join/709076365>

**Access code: 709-076-365**

[15] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be

downloaded at [GoToMeeting](https://app.gotomeeting.com/home.html) or a web application is available at:  
<https://app.gotomeeting.com/home.html>

[16] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **+1 (647) 497-9373 or (Toll-Free) 1(888) 299-1889. Access code is 709-076-365.**

[17] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

## **ORDER**

[18] **THE TRIBUNAL ORDERS AS FOLLOWS:**

1. The appeal by 1407 Lakeshore Developments Inc. against OPA 131 is limited to the properties known as 1041 Lakeshore Road East and 1407 Lakeshore Rd East.
2. The appeal by 2828778 Ontario Inc. against OPA 131 is limited to the property known as 420 Lakeshore Road East.
3. The balance of OPA 131 shall remain in force and effect.
4. The coming into force and effect of OPA 131 is without prejudice to the positions taken by the parties to any site-specific appeal, such that if those appeals proceed to a subsequent hearing or motion, either on their own or as may be consolidated with other proceedings, the City shall not be permitted



to take the position that the Tribunal ought not to approve site-specific or area-specific amendments to OPA 131 on the basis that such amendments deviate from or are inconsistent with the OPA 131 as brought into force by this Order. However, this does not affect the City's right to assert that OPA 131, to the extent brought into force by this Order, should be applied to specific sites or areas without amendment on the basis that doing so is consistent with the Planning Act and any applicable provincial policies, conforms to regional and City official plans and/or constitutes good planning.

5. Notwithstanding anything ordered above, the Tribunal retains jurisdiction to consider and approve amendments to any policies, schedules, and associated text approved as may be appropriate to dispose of any of the outstanding appeals before the Tribunal, in accordance with the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6.

[19] **THE TRIBUNAL FURTHER ORDERS** that it may be spoken to in the event of any matters that should arise in the connection with the implementation of this Order.

[20] The Member is seized.

*"Carmine Tucci"*

CARMINE TUCCI  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://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.