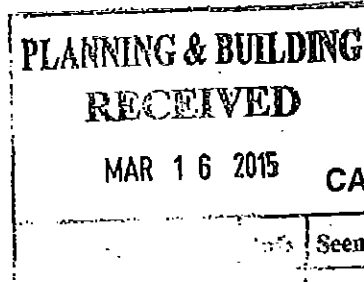


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Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: January 22, 2015

MAR 16 2015

CASE NO.: PL081064

Seen

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Subject: Existing Zoning: Proposed Zoning: Property Address/Description: Municipality: Municipal File No.: OMB Case No.: OMB File No.:	675553 Ontario Ltd Application to amend Zoning By-law No. 0225-2007 – Refusal of application by The City of Mississauga "C4-9" (Commercial) "C4=Exception (Commercial) and RM6 – Exception" (Townhouse Dwellings on a CEC –Private Street) 90 and 100 Dundas Street City of Mississauga OZ 07/22 W7 PL081064 PL081064
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PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Subject: Existing Designation: Purpose: Property Address/Description: Municipality: Approval Authority File No.: OMB Case No.: OMB File No.:	675553 Ontario Ltd Request to amend the Official Plan – Refusal of request by the City of Mississauga Main Street Commercial - Special Site 12 To permit commercial and residential development 90 and 100 Dundas Street City of Mississauga OZ 07/22 W7 PL081064 PL081067
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BEFORE:

REID ROSSI

MEMBER

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)
)

Monday, the 19th

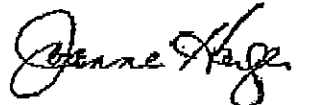
day of January, 2015

THIS MATTER having come on for public hearing, and the Board having issued its Decision on August 9, 2013, and withheld its Final Order subject to the filing of the final versions of the Official Plan and Zoning By-law Amendments and these documents having been provided to the Board by the Municipality by letter dated December 23, 2014.

THE BOARD ORDER that the Official Plan for the City of Mississauga is modified in the manner set out in Attachment "1", and as so modified is hereby approved.

THE BOARD ORDER that Zoning By-law 0225-2007 of the City of Mississauga is amended in the manner set out in Attachment "2".

The City is hereby authorized to assign the appropriate numbers to these documents for record-keeping purposes.



SECRETARY

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elt.o.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Amendment No. 14

to

Mississauga Official Plan

for the

City of Mississauga Planning Area

Amendment No. 14

to

Mississauga Official Plan

for the

City of Mississauga Planning Area

The following text and Map "A" attached hereto constitutes Amendment No. 14.

Also attached hereto but not constituting part of the Amendment are Appendices I and II.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated May 22, 2012, pertaining to this Amendment.

PURPOSE

The purpose of this Amendment is to change the land use designation of the subject lands from "Mixed Use" to "Residential Medium Density" and "Residential High Density" and to replace the Special Site 4 policies. This Amendment will permit mixed use development along Dundas Street West with retail at the ground floor and 23 residential units above. The balance of the lands subject to this amendment will permit 117 townhouse dwellings. The amendment further identifies a block for future Residential High Density development. Details are set out in Appendix II.

LOCATION

The lands affected by this Amendment are located in the Downtown Cooksville Character Area. They are located on the south side of Dundas Street West, east of Confederation Parkway on lands municipally known as 90, 100 and 110 Dundas Street West.

BASIS

The subject lands are designated "Mixed Use" and identified as "Special Site 4" which permits a maximum of 688 apartment units; 2 541 m² of office and retail uses; a 1 152 m² community centre; and an eight storey, approximately 9 580 m² existing office building.

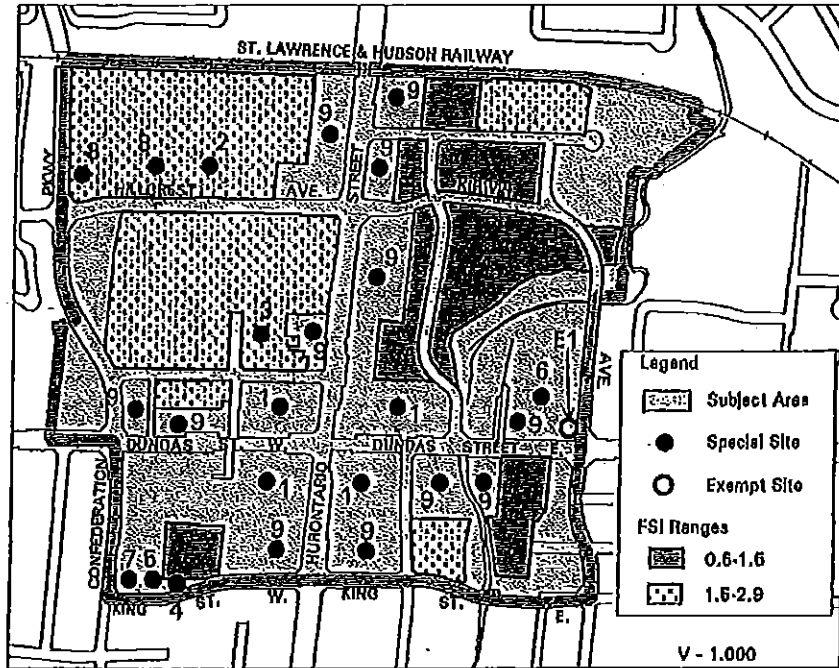
This amendment would designate the subject lands "Residential Medium Density" and "Residential High Density". The lands designated "Residential High Density" would also be subject to a special site policy requiring that these lands only be developed as part of a comprehensive development with adjacent lands.

The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposed development meets the overall intent, goals and objectives of Mississauga Official Plan and will provide an appropriate range and mix of residential and non-residential uses with an efficient use of land and services.
2. The proposed development will result in suitable development of the property and will not adversely impact or destabilize the development and functioning of surrounding land uses.

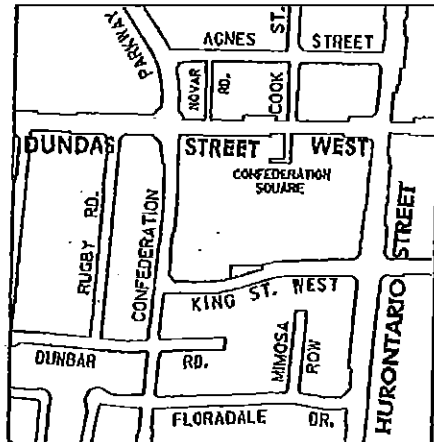
DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 12.4, Downtown Cooksville Character Area of Mississauga Official Plan, is hereby amended by deleting Map 12-4: Downtown Cooksville Character Area and replacing with the following :



2. Section 12.4.3, Special Site Policies, Downtown Cooksville Character Area, is hereby amended by deleting Section 12.4.3.4 and replacing with the following:

12.4.3.4 Site 4



The lands identified as Special Site 4 are located on the north side of King Street West, east of Confederation Parkway.

Notwithstanding the provisions of this Plan, these lands must only be developed as part of a comprehensive development with adjacent lands designated Residential High Density.

3. Schedule 10, Land Use Designations, of Mississauga Official Plan is hereby amended by changing the land use designation of the subject lands from "Mixed Use" to "Residential Medium Density" and "Residential High Density", as shown on Map "A" of this Amendment.

IMPLEMENTATION

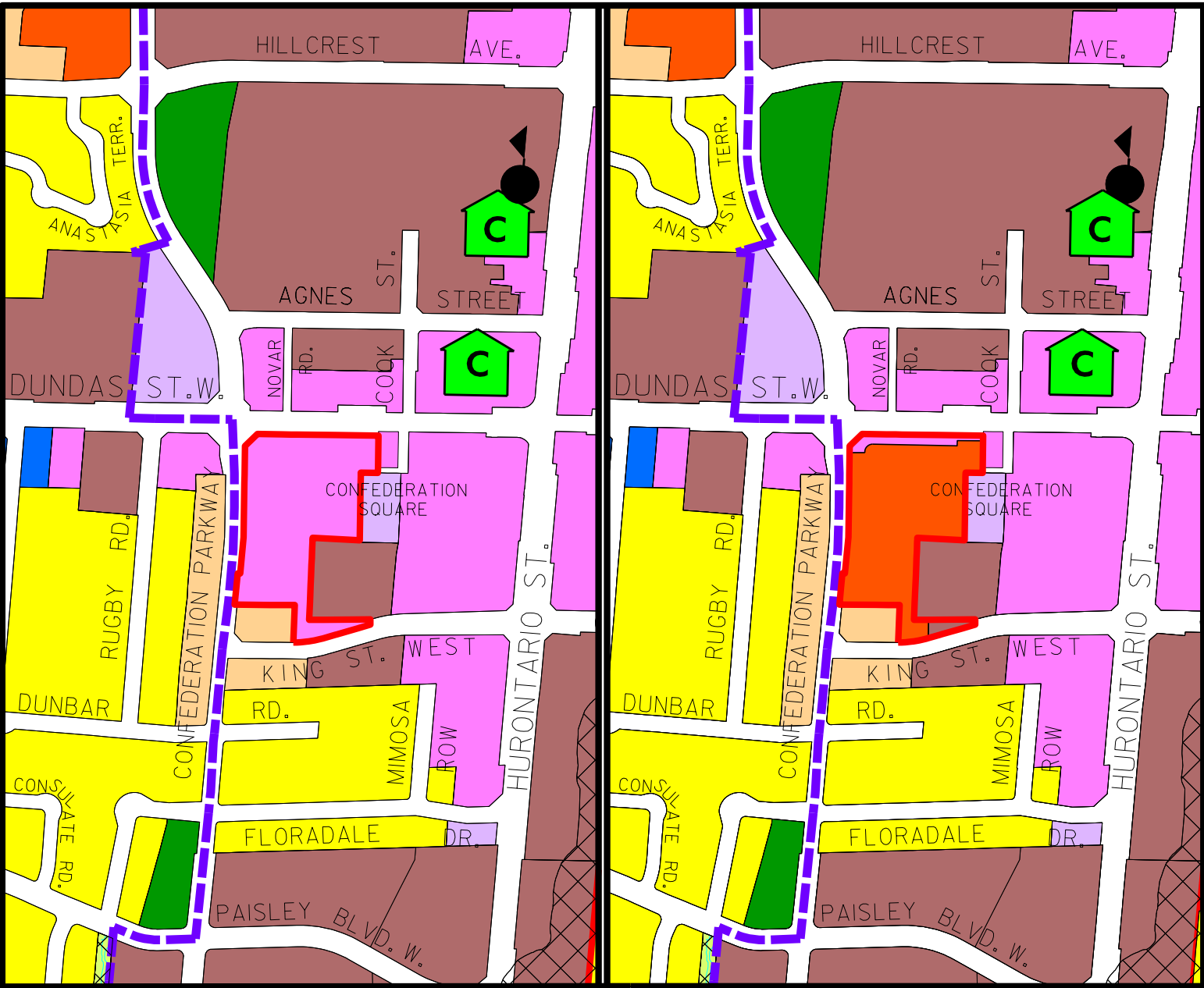
Upon the approval of this Amendment by the Ontario Municipal Board, Mississauga Official Plan will be amended in accordance with this Amendment, and thereafter forms part of Mississauga Official Plan.

The lands will be rezoned to implement this Amendment.

INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, shall apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.



EXISTING LAND USE DESIGNATIONS

AMENDED LAND USE DESIGNATIONS

LAND USE DESIGNATIONS

Residential Low Density I	Business Employment
Residential Low Density II	Industrial
Residential Medium Density	Airport
Residential High Density	Institutional
Downtown Mixed Use	Public Open Space
Downtown Core Commercial	Private Open Space
Mixed Use	Greenbelt
Convenience Commercial	Parkway Belt West
Motor Vehicle Commercial	Utility
Office	To Be Determined

LAND USE LEGEND

Heritage Conservation District	Civic Centre (City Hall)
1996 NEP/2000 NEF Composite Noise Contours	City Centre Transit Terminal
LBPIA Operating Area Boundary See Aircraft Noise Policies	GO Rail Transit Station
Area Exempt from LBPIA Operating Area	Public School
Natural Hazards	Catholic School
	Hospital
	Community Facilities

CITY STRUCTURE

Elements

Downtown	Corporate Centre
Major Node	Employment Area
Community Node	Special Purpose Area
Neighbourhood	

ND2 Region of Peel Non-Decision

AREA OF AMENDMENT NO. 14

FROM:

MIXED USE

TO:

RESIDENTIAL MEDIUM DENSITY

RESIDENTIAL HIGH DENSITY

MIXED USE



MAP 'A'
Part of
Schedule 10
Land Use Designations
of Mississauga Official Plan
 City of Mississauga V 2.001

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APPENDIX I

PUBLIC MEETING

All property owners within a radius of 120 m of the subject lands were invited to attend a Public Meeting of the Planning and Development Committee held on February 2, 2009 in connection with this proposed Amendment. No area residents expressed an interest in the application.

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SCHEDULE "A" TO
 ONTARIO MUNICIPAL BOARD
 ORDER DATED _____

OMB File No. PL081064
 OMB Case No. PL081064
 (675553 Ontario Inc.)

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

4.12.2.15	Exception RM6-15	Map 115	By-law
In a RM6-15 zone the permitted uses and applicable regulations shall be as specified for a RM6 zone except that the following uses/regulations shall apply:			
Regulations			
4.12.2.15.1	The provision of Line 12.5 contained in Table 4.12.1 of this By-law shall not apply		
4.12.2.15.2	Maximum number of dwelling units		120
4.12.2.15.3	Minimum outdoor amenity area		650 m ²
4.12.2.15.4	Minimum landscaped area		22%
4.12.2.15.5	Maximum encroachment of a porch or deck inclusive of stairs located at and accessible from the first storey or below the first storey or a balcony into the required front, rear and exterior side yards		3.0 m
4.12.2.15.6	Minimum number of resident parking spaces per dwelling unit		2
4.12.2.15.7	Total number of shared visitor and non-residential parking spaces provided for all lands zoned RM6-15 and C4-8		72
4.12.2.15.8	Driveways, aisles and CEC - private roads may be shared with abutting lands zoned C4-8		
4.12.2.15.9	Minimum width of a sidewalk		1.2 m

4.12.15	Exception RM6-15	Map # 15	Bylaw
4.12.2.15.10	A townhouse dwelling on a CEC - private road located within Area 'A' as identified on Schedule RM6-15 of this Exception shall comply with the RM6 zone regulations except:		
(1)	minimum lot area - interior lot		85 m ²
(2)	minimum lot area - corner lot		110 m ²
(3)	minimum lot frontage - interior lot		4.75 m
(4)	minimum lot frontage - corner lot		6.25 m
(5)	minimum dwelling unit width		4.75 m
(6)	minimum front yard		1.5 m
(7)	minimum exterior side yard		3.0 m
(8)	minimum setback from a front garage face to a CEC - private road or CEC - sidewalk		5.5 m
(9)	minimum rear yard - interior lot		1.0 m
(10)	maximum height		12.5 m
(11)	maximum driveway width		4.75 m
4.12.2.15.11	A townhouse dwelling on a CEC - private road located within Area 'B' as identified on Schedule RM6-15 of this Exception shall comply with the RM6 zone regulations except:		
(1)	minimum lot area - interior lot		120 m ²
(2)	minimum lot area - corner lot		190 m ²
(3)	minimum lot frontage - interior lot		5.0 m
(4)	minimum lot frontage - corner lot		8.0 m
(5)	minimum front yard		4.5 m
(6)	minimum setback from a front garage face to a CEC - private road or CEC - sidewalk		5.5 m
(7)	minimum rear yard		6.5 m
(8)	maximum height		12.0 m
(9)	minimum setback of a townhouse dwelling on a CEC - private road to a CEC - visitor parking space		3.0 m

4.12.2.15.12 A townhouse dwelling on a CEC - private road located within Area 'C' as identified on Schedule RM6-15 of this Exception shall comply with the RM6 zone regulations except:

(1)	minimum lot area - interior lot	110 m ²
(2)	minimum lot area - exterior lot	170 m ²
(3)	minimum lot frontage - interior lot	5.0 m
(4)	minimum lot frontage - exterior lot	8.0 m
(5)	minimum front yard	4.5 m
(6)	minimum side yard setback to abutting lands zoned C4-8	0.0 m
(7)	minimum exterior side yard for a lot with an exterior side yard abutting a street	3.5 m
(8)	minimum setback from a front garage face to a CEC - private road or CEC - sidewalk	5.5 m
(9)	minimum rear yard	6.5 m
(10)	maximum height	12.0 m
(11)	minimum setback of a townhouse dwelling on a CEC - private road to a CEC - visitor parking space	3.0 m

4.12.2.15.13 A townhouse dwelling on a CEC - private road located within Area 'D' as identified on Schedule RM6-15 of this Exception shall comply with the RM6 zone regulations except:

(1)	minimum lot area - interior lot	70 m ²
(2)	minimum lot area - corner lot	98 m ²
(3)	minimum lot frontage - interior lot	6.1 m
(4)	minimum lot frontage - corner lot	9.1 m
(5)	minimum dwelling unit width	6.1 m
(6)	minimum front yard abutting a CEC - private road	3.0 m
(7)	minimum exterior side yard abutting a CEC - private road	3.0 m
(8)	minimum setback from a front garage face to a CEC - private road or CEC - sidewalk	5.5 m

4.12.2.15	Exception RM6-15	Map 15	By-law
4.12.2.15.13 (continued)	(9) minimum rear yard		0.0 m
	(10) maximum height		12.0 m
4.12.2.15.14	All site development plans shall comply with Schedule RM6-15 of this Exception		
Holding Provision			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-RM6-15 by further amendment to Map 15 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none"> (1) delivery of an executed Development Agreement in a form and on terms satisfactory to the City of Mississauga addressing and agreeing to the installation or placement of all required municipal boulevard works, including the provision of required securities and to the implementation of requirements/conditions prior to Site Plan approval, warning clauses, phasing and development provisions and such other provisions the City may require in relation to the proposed development; (2) submission of a Functional Servicing Report and waste collection facility design to the satisfaction of the City of Mississauga and the Region of Peel; (3) submission of satisfactory Grading and Servicing drawings, including appropriate cross-sections to clearly demonstrate the feasibility of grading to City of Mississauga standards and specifications; (4) submission of original Environmental Site Assessments, Record of Site Condition and Letter of Reliance for final review and approval, and the completion of any recommended remediation undertakings; (5) submission of a Streetscape Plan for the Dundas Street West and Confederation Parkway frontages of the site, including additional municipal services, street tree plantings and other landscape features, supported by an underground composite Utility Plan based on the physical locates of all existing utilities/services within the municipal boulevard; 			

412/2/15	Exception RM6-15	Map 7/15	By-law
Holding Provision (continued)	<ul style="list-style-type: none"> (6) (7) (8) (9) (10) (11) 	<ul style="list-style-type: none"> delivery of the appropriate agreements to establish the necessary reciprocal easements for any shared services and facilities associated with the future condominium development; gratuitous dedication to the City of Mississauga of right-of-way widenings along the south side of Dundas Street West, the east side of Confederation Parkway, and the north side of King Street West; the provision of securities to guarantee the installation of air conditioning units and special acoustical building measures in accordance with the approved Noise Report; the provision of all required public easements for vehicular, pedestrian, cycling and servicing, including the provision of related securities, fees and provisions; the City of Mississauga shall be advised by the School Boards that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards for the subject development; the execution of the agreement of purchase and sale of City lands and the registration of the transfer of the lands. 	

2. By-law Number 0225-2007, as amended, is further amended by deleting Exception Table 6.2.5.8 and substituting the following therefor:

6.2.5.8	Exception C4-8	Map 7-15	By-law
In a C4-8 zone the permitted uses and applicable regulations shall be as specified for a C4 zone except that the following uses/regulations shall apply:			
Use Not Permitted			
6.2.5.8.1	(1) Apartment Dwelling		
Regulations			
6.2.5.8.2	The provisions of Line 12.0 contained in Table 6.2.1 of this By-law shall not apply		
6.2.5.8.3	Maximum exterior side yard		6.0 m
6.2.5.8.4	Maximum number of dwelling units		20
6.2.5.8.5	Maximum gross floor area - non-residential		1 500 m ²
6.2.5.8.6	Minimum length of a building streetwall on the first storey that may be used for accessing residential uses above the first storey		33%
6.2.5.8.7	Minimum number of resident parking spaces per dwelling unit		2
6.2.5.8.8	Total number of shared visitor and non-residential parking spaces provided for all lands zoned RM6-15 and C4-8		72
6.2.5.8.9	Required shared visitor and non-residential parking spaces may be located on lands zoned RM6-15		
6.2.5.8.10	Required loading spaces may be located on lands zoned RM6-15		
6.2.5.8.11	Driveways, aisles and CEC - private roads may be shared with abutting lands zoned RM6-15		
6.2.5.8.12	All site development plans shall comply with Schedule C4-8 of this Exception		

Holding Provision

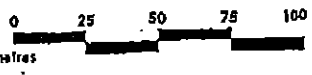
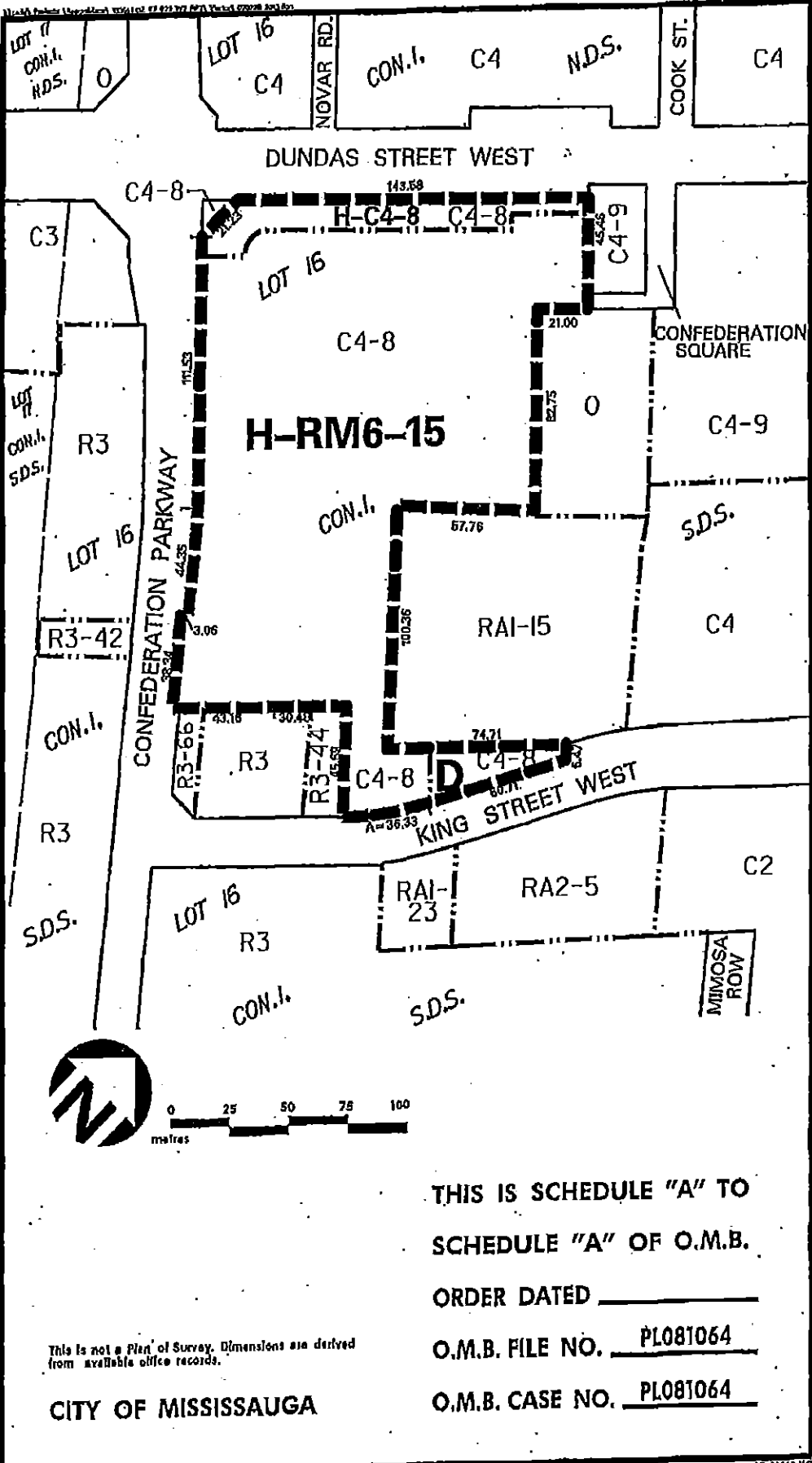
The holding symbol H is to be removed from the whole or any part of the lands zoned H-C4-8 by further amendment to Map 15 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:

- (1) delivery of an executed Development Agreement in a form and on terms satisfactory to the City of Mississauga addressing and agreeing to the installation or placement of all required municipal boulevard works, including the provision of required securities and to the implementation of requirements/conditions prior to Site Plan approval, warning clauses, phasing and development provisions and such other provisions the City may require in relation to the proposed development;
- (2) submission of a Functional Servicing Report and waste collection facility design to the satisfaction of the City of Mississauga and the Region of Peel;
- (3) submission of satisfactory Grading and Servicing drawings, including appropriate cross-sections to clearly demonstrate the feasibility of grading to City of Mississauga standards and specifications;
- (4) submission of original Environmental Site Assessments, Record of Site Condition and Letter of Reliance for final review and approval, and the completion of any recommended remediation undertakings;
- (5) submission of a Streetscape Plan for the Dundas Street West and Confederation Parkway frontages of the site, including additional municipal services, street tree plantings and other landscape features, supported by an underground composite Utility Plan based on the physical locates of all existing utilities/services within the municipal boulevard;

02258	Exception C4-8	Map 15	By-law
Holding Provision (continued)	(6)	delivery of the appropriate agreements to establish the necessary reciprocal easements for any shared services and facilities associated with the future condominium development;	
	(7)	gratuitous dedication to the City of Mississauga of right-of-way widenings along the south side of Dundas Street West, the east side of Confederation Parkway, and the north side of King Street West;	
	(8)	the provision of securities to guarantee the installation of air conditioning units and special acoustical building measures in accordance with the approved Noise Report;	
	(9)	the provision of all required public easements for vehicular, pedestrian, cycling and servicing, including the provision of related securities, fees and provisions;	
	(10)	the City of Mississauga shall be advised by the School Boards that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards for the subject development;	
	(11)	the execution of the agreement of purchase and sale of City lands and the registration of the transfer of the lands.	

3. Map Number 15 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "C4-8" to "H-RM6-15", "H-C4-8", and "D", the zoning of Part of Lots 11 to 15, inclusive and Part of Lanes, Registered Plan TOR-12, Part of Blocks A, B, C and Part of 66 Road Allowance between Blocks B and C, Registered Plan K-23, Part of Lot 16, Concession 1, South of Dundas Street, City of Mississauga, and Part of Part 1 Plan 43R-14374, in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RM6-15", "H-C4-8", and "D" zoning shall only apply to the lands which are shown on the attached Schedule "A", which is deemed to be an integral part of this By-law, outlined in the heaviest broken line with the "H-RM6-15", "H-C4-8", and "D" zoning indicated thereon.

4. This By-law shall not come into force until Mississauga Official Plan Amendment Number 14 is in full force and effect.



THIS IS SCHEDULE "A" TO
SCHEDULE "A" OF O.M.B.
ORDER DATED _____

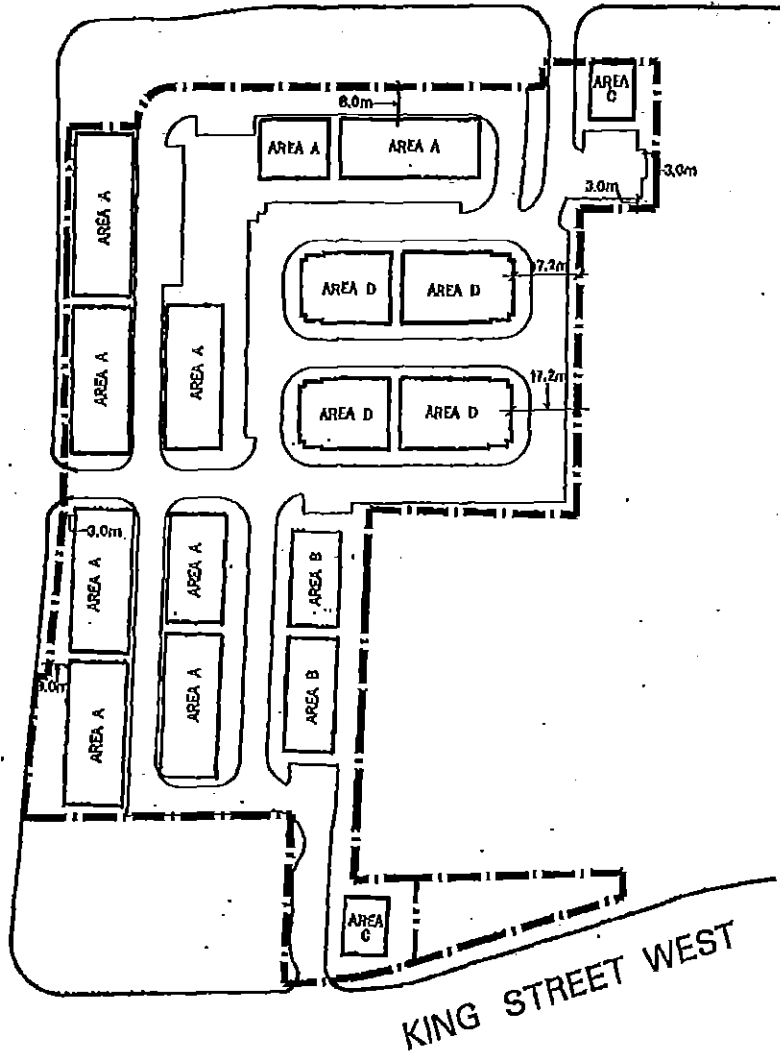
O.M.B. FILE NO. PL081064
O.M.B. CASE NO. PL081064

This is not a Plan of Survey. Dimensions are derived from available office records.

CITY OF MISSISSAUGA

DUNDAS STREET WEST

CONFEDERATION PARKWAY



 BUILDABLE AREA

This is not a Plan of Survey.



Note:
All measurements are in metres
and are minimum, subject
to street authorities rules.

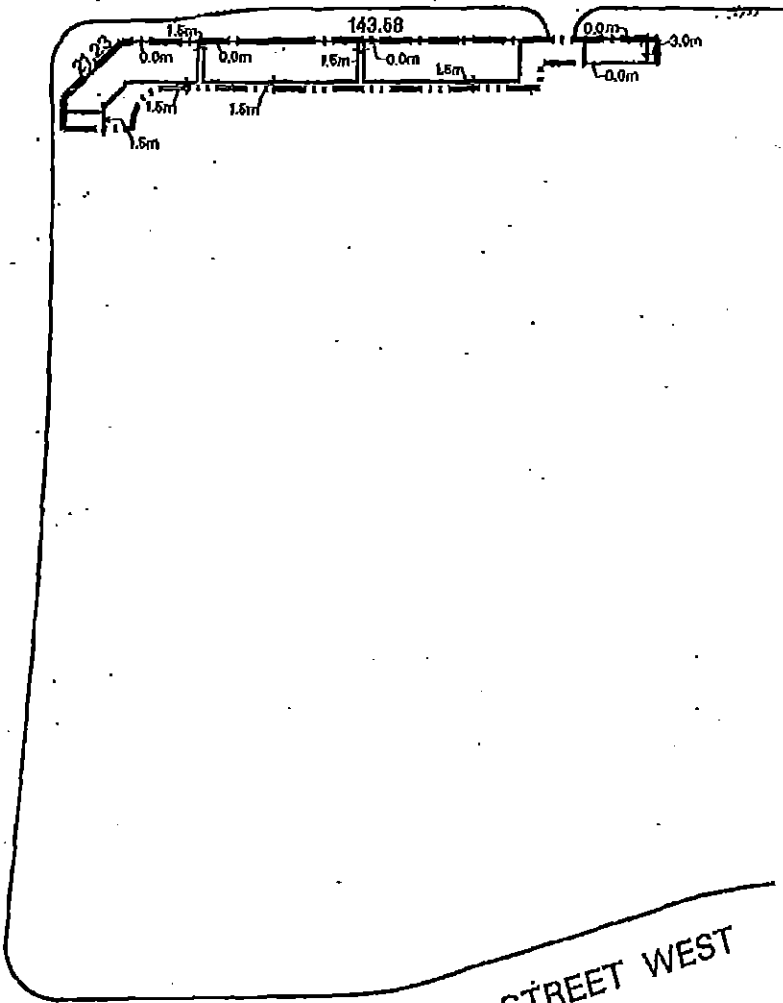
THIS IS SCHEDULE "RM6-15"
AS ATTACHED TO
SCHEDULE "A" OF O.M.B.
ORDER DATED _____

O.M.B. FILE NO. PL081064

O.M.B. CASE NO. PL081064

DUNDAS STREET WEST

CONFEDERATION PARKWAY



KING STREET WEST



BUILDABLE AREA

This is not a Plan of Survey.



Note: All measurements are in metres and are rounded up to the nearest centimetre.

THIS IS SCHEDULE "C4-8"
 AS ATTACHED TO
 SCHEDULE "A" OF O.M.B.
 ORDER DATED _____
 O.M.B. FILE NO. PL081064
 O.M.B. CASE NO. PL081064

APPENDIX "A" TO SCHEDULE "A" OF

OMB ORDER DATED _____

OMB File No. PL081064

OMB Case No. PL081064

Explanation of the Purpose and Effect of the By-law

To permit 140 dwelling units and a maximum of 1 500 m² commercial space.

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "C4-8" (Mainstreet Commercial - Exception) to "H-RM6-15" (Townhouse Dwellings on a CEC - Private Road - Exception), "H-C4-8" (Mainstreet Commercial - Exception), and "D" (Development).

"C4-8" permits a range of commercial and office uses and residential dwelling units located above the first storey.

Upon removal of the "H" provision, "RM6-15" will permit 120 townhouse dwelling units on a common element condominium road.

Upon removal of the "H" provision, "C4-8" will permit a range of commercial and office uses on the ground floor, and 20 residential units on the second and third floors.

"D" permits a building or structure legally existing on the date of passing of this By-law.

Location of Lands Affected

Southeast corner of Dundas Street West and Confederation Parkway in the City of Mississauga, as shown on the attached Map designated as Schedule "A".

ISSUE DATE:

June 28, 2012



PL081064

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

675553 Ontario Ltd has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 0225-2007 of the City of Mississauga to rezone lands respecting 90 and 100 Dundas Street from "C4-9" (Commercial) to "C4 – Exception (Commercial) and RM6 – Exception" (Townhouse Dwellings on a CEC –Private Street to permit the development of an 18 storey, 310 Condominium apartment building with 1395 square metres of ground floor retail; eighty-eight (88) townhouse unit and four (4) detached units
OMB File No. PL081064

675553 Ontario Ltd has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Mississauga to retain the "Main Street Commercial - Special Site 12" along the Dundas Street frontage on the site and to redesignate the balance of the site to "Residential Medium Density"

Approval Authority File No. OZ 07/22 W7
OMB File No. PL081067

RECEIVED	
REGISTRY No.	
DATE	JUN 29 2012
FILE No	
CLERK'S DEPARTMENT	

APPEARANCES:

Parties

City of Mississauga

675553 Ontario Ltd.

Counsel

A. Wilson-Peebles

J. Alati

MEMORANDUM OF ORAL DECISION DELIVERED BY JAMES R. MCKENZIE ON JUNE 12, 2012 AND ORDER OF THE BOARD

This second pre-hearing conference, dealing with appeals filed by 675553 Ontario Ltd. pursuant to subsection 22(7) and 34(11) of the *Planning Act*, served to update the Board with respect to ongoing discussions between the proponent and the City.

The Board was advised that the City's Planning Committee (Committee) has endorsed a development scheme in principle. Council will consider the Committee's report on June 20, 2012. The parties further expect that final planning instruments, as a settlement component, will be placed before the Committee and Council in September, 2012. On consent, the Board orders as follows:

1. A one-day hearing, to consider what is expected will be a settlement between the parties, is scheduled for Friday, October 5, 2012, commencing at 10 a.m. at the Mississauga City Hall, Municipal Hearing Room, 300 City Centre Drive; and,
2. The parties are to advise the Board no later than September 28, 2012, (one week prior), whether the settlement has come to fruition.

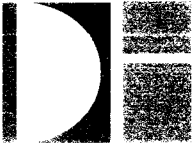
No further notice is required.

This panel remains seized subject to the scheduling demands of the Board's calendar.

This is the order of the Board.

"James R. McKenzie"

JAMES R. McKENZIE
VICE-CHAIR



Davies
Howe
Partners

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

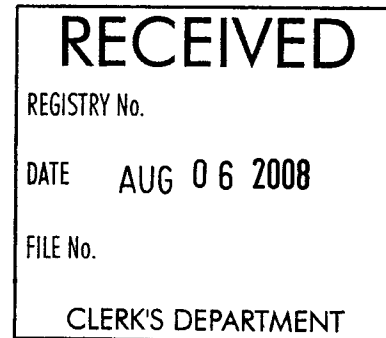
T 416.977.7088
F 416.977.8931
davieshowe.com

Please refer to: **John M. Alati**
e-mail: johna@davieshowe.com

August 5, 2008

**By Overnight Courier and
E-mail Transmission**

Crystal Greer
City Clerk
Office of the City Clerk
300 City Centre Drive, 3rd Floor
Mississauga, ON L5B 3C1



Dear Ms. Greer:

**Re: Notice of Appeal Pursuant to Section 22(7) of the Planning Act
675553 Ontario Ltd. (Viewmark Homes)**

We are counsel to 675553 Ontario Ltd., owners of approximately 2.4 hectares of land at the southeast corner of Confederation Parkway and Dundas Street West, known municipally as 90 and 100 Dundas Street West, in the Cooksville District of the City of Mississauga.

On December 7, 2007, our clients submitted an official plan amendment application to Mississauga Plan. The City deemed the application complete on January 4, 2008. The purpose of the official plan amendment would redesignate the lands adjacent to Dundas Street West from "Mainstreet Commercial – Special Site 12" to "Mainstreet Commercial – Special Site" to permit an 18 storey apartment building with 310 dwelling units and ground level non-residential and retail uses. The balance of the lands would be redesignated to "Residential – Medium Density II – Special Site" to permit 88 townhouses and 4 semi-detached dwellings on a common element condominium road. The "Special -12 policies" would be amended to exclude the City owned library site.

The purpose of this letter is to appeal our clients' official plan amendment application to the Ontario Municipal Board (the "Board") for hearing pursuant to section 22(7) of the *Planning Act*. The reasons for the appeal are as follows:

1. Council has failed to make a decision on the application within 180 days;
2. The proposed development is consistent with provincial policies, including the PPS and the Growth Plan and represents good planning in the public interest;



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3. The proposed development is consistent with the City's Official Plan policies by providing a diverse mix of land uses at a location served by public infrastructure and transit facilities;
4. The proposal provides diverse living and working opportunities in a compact and urban form as required by the Regional Official Plan;
5. The proposal represents redevelopment of an underutilized site optimizing the use of land resources, infrastructure and public service facilities;
6. The proposal facilitates pedestrian mobility and transportation choices;
7. The proposed development contributes to a variety of housing types in the Cooksville District;
8. The proposal achieves a compact, efficient and compatible built form;
9. Such further and other reasons as counsel may advise and the Board may permit.


Please find enclosed a completed Board Appeal Form and our firm cheque in the amount of \$125, payable to the Minister of Finance, representing the prescribed fee for this appeal.

Under separate cover, our clients are appealing their related application for a zoning by-law amendment. As the zoning amendment appeal relates to the same lands and development proposal, it would be in the public interest for them to be heard together. Therefore, by copy of this letter to the Board, we request they be consolidated for hearing.

Please do not hesitate to contact us if you require anything further.

Yours truly,

DAVIES HOWE PARTNERS


John M. Alati

Encl.: Cheque and Board Appeal Form



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Copy: Mr. Patrick Hennessy, Secretary, Ontario Municipal Board
Clients



Ontario Municipal Board
 Commission des affaires municipales de l'Ontario
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 326-6800 or Toll Free: 1-866-887-8820
 FAX: (416) 326-5370
www.omb.gov.on.ca

APPELLANT FORM (A1)

PLANNING ACT – Bill 51

(SUBMIT TO MUNICIPALITY/APPROVAL AUTHORITY)

Instructions:

- Complete one form for each type of appeal you are filing.
- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- Submit your completed appeal form(s) and filing fee(s) to either the Approval Authority or Municipality, as applicable, by the required filing deadline. The Approval Authority/Municipality will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- Please print clearly throughout the appeal form.
- The *Planning Act* and the *Ontario Municipal Board Act* are available at www.omb.gov.on.ca.

Receipt Number (OMB Office Use Only):

Date Stamp - Appeal Received by Municipality

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision or conditions imposed	53(19)
Consent	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
Zoning By-law/Amendments	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	22(7)
	<input checked="" type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

Part of Lots 12 to 15, inclusive and Part of Lanes Registered Plan Tor.-12, Part of Blocks A, B, C and Part of "66' Road" between Blocks B and C, Registered Plan K-23 and Part of Lot 16, Concession 1, South of Dundas Street, municipally known as 90 and 100 Dundas Street West
Address and/or Legal Description of property subject to the appeal:

Municipality: City of Mississauga

Part 3: Appellant Information

First Name: _____ Last Name: _____

675553 Ontario Ltd (Viewmark Homes)
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: John Last Name: Alati

Company Name: Davies Howe Partners

Professional Title: Lawyer

E-mail Address: johna@davieshowe.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: (416) 977-7088 Alternate Telephone #: _____

Fax #: (416) 977-8931

Mailing Address: 99 Spadina Avenue 5th Floor Toronto
 Street Address Apt/Suite/Unit# City/Town

Ontario M5V 3P8
 Province Country (if not Canada) Postal Code

Signature of Appellant: *John M. Alti* Date: Aug 5/08

(continued on next page...)

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please Print)

Please see attached Notice of Appeal.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required please continue in Part 8 or attach a separate page.

(Please Print)

Please see attached Notice of Appeal.

****The following sections (a&b) apply only to appeals of Zoning By-law Amendments under Section 34(11) of the Planning Act.**

a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** DECEMBER 7, 2007
 (If application submitted on or after January 1, 2007 please use the OMB1 'Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
 **If more space is required please continue in Part 8 or attach a separate page.

Please see attached Notice of Appeal.

Part 6: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO
Are there other planning matters related to this appeal? YES NO

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please Print)
Zoning By-law Amendment – Municipal File No. OZ 07/22 W7

Part 7: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: 8 days

How many witnesses do you expect to have at the hearing? 4 witnesses

Describe witness(es) area of expertise: Policy Planner, Land Use Planner, Urban Design/Architect and Land Economist

Do you believe this matter would benefit from mediation? YES NO

Do you believe this matter would benefit from a Prehearing Conference? YES NO

If yes, why? _____

Part 8: Other Applicable Information ** Attach a separate page if more space is required.

Part 9: Required Fee

Total Fee Submitted: \$ 125

Payment Method: Certified cheque * (Firm Cheque) Money Order

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**

*Or Solicitor's general or trust account cheque.