

Original Appeals

On October 5, 2011 the Region of Peel approved Mississauga Official Plan (MOP). There were 19 appeals to MOP which are shown in the following table with appeal details and status information. Accompanying the table are Maps 1 and 2 that show the site locations for outstanding and resolved site specific appeals.

Policies affected by outstanding appeals are noted in the body of the Plan and listed in the

sections titled “Policies Under Appeal” and “In-Effect Policies”.

For information on appeals resulting from amendments to MOP following the November 14, 2012 OMB approval date, see the section titled “Amendments and Appeals”.

Appeal #1: Eight Acres Limited (Withdrawn)	
Appellant (Solicitor)	Eight Acres Limited (Gerald S. Swinkin, Blakes)
Character Area	Downtown Hospital
Appealed Policies	Schedule 10 Land Use Designations, Policy 12.5.4.1.2 of the Downtown Hospital Character Area, 12.5.4.1.2.d
Scope of Appeal	Site specific
Location	East and west side of Shepard Avenue, south of King Street East and north of Paisley Boulevard East
Details of Appeal	The appellant has a long standing appeal against City Plan. The OMB upheld the appellant’s appeal rights. The appellant objects to the land use designation of these lands.
Date of Appeal	October 20, 2011
Status	Appeal withdrawn, November 20, 2012. Resolved by Minutes of Settlement. MOP policies are in effect but the outstanding OPA 3 appeal is noted on MOP Schedule 10 and to policy 12.5.4.1.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: November 16, 2012
In Effect Date	November 16, 2012
Appeal #2: Raffi Konialian (Withdrawn)	
Appellant (Solicitor)	Raffi Konialian (Jim Levac, Weston Consulting Group Inc.)
Character Area	Cooksville Neighbourhood
Appealed Policies	16.1.2.1, 16.6.5.4.2 (Special Site 4)

Scope of Appeal	Site specific
Location	2167 Gordon Drive (Part of Lots 5 and 6, Registered Plan E-20), 1.78 ha (4.4 acres) South of Queensway West, west of Hurontario Street
Details of Appeal	Appellant contends that policies contravene provincial and other municipal policies promoting infill redevelopment and intensification and imposes restrictions that should not apply to common element condominiums.
Date of Appeal	October 21, 2011
Status	Appeal withdrawn, May 17, 2012
OMB Decision	N/A
In Effect Date	May 17, 2012
Appeal #3: Daraban Holdings Ltd. (Withdrawn)	
Appellant (Solicitor)	Daraban Holdings Ltd. (Mark Flowers, Davies Howe Partners, LLP)
Character Area	Mississauga Valleys Neighbourhood
Appealed Policies	The Plan in its entirety only as it relates to the lands known municipally as 3640-3670 Cawthra Road.
Scope of Appeal	Site specific
Location	3640-3670 Cawthra Road Southwest corner of Burnhamthorpe Road East and Cawthra Road, approximately 0.53 ha (1.3 acres)
Details of Appeal	Development application for subject lands to build a multi-storey retirement home. Appellant argues that the development meets the requirements of the Official Plan.
Date of Appeal	October 24, 2011
Status	Under appeal. Appeal of site specific application heard by the OMB in January 2013.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: October 1, 2013 Daraban Holdings Inc. withdrew their appeal to MOP.
In Effect Date	October 1, 2013
Appeal #4: Gemini Urban Design (Cliff) Corporation (Allowed in part and Withdrawn)	
Appellant (Solicitor)	Gemini Urban Design (Cliff) Corporation (Mark Flowers, Davies Howe Partners, LLP)

Character Area	Cooksville Neighbourhood
Appealed Policies	The Plan in its entirety only as its relates to the lands known municipally as 2021-2041 Cliff Road
Scope of Appeal	Site specific
Location	North east corner of the intersection of Cliff Road and North Service Road, between Hurontario Street and Cawthra Road.
Details of Appeal	Development application for subject lands to permit an eleven storey retirement building, a one storey commercial building, 54 townhouse units, to recognize the existing fitness club and medical building, and to reduce the width of the North Service Road Right-of-Way to 20 m. Appellant argues that the development meets the requirements of the Official Plan.
Date of Appeal	October 24, 2011
Status	Appeal allowed in part and the remainder dismissed by OMB Order dated November 14, 2012, which modified MOP to incorporate OPA 124 to Mississauga Plan (2003). Gemini also withdrew its appeals of OPAs 58 and 95 to Mississauga Plan (2003) as a result of this resolution on OPA 124.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: November 14, 2012
In Effect Date	November 14, 2012
Appeal #5: Lowes Companies Canada ULC (Allowed in part and Withdrawn)	
Appellant (Solicitor)	Lowes Companies Canada ULC (Calvin Lantz, Stikeman Elliott LLP)
Character Areas	Meadowvale Business Park Corporate Centre, Churchill Meadows Employment Area, Western Business Park
Appealed Policies	Scoped appeal to specific policies (April 2012): 5.3, 5.3.1, 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, 5.4, 5.5, 10.1.1 to 10.1.4, 10.4, 11.2.6, 11.2.9, 11.2.11, 11.2.12, 12.1.1, 13.1.1, 14.1.1, 15.1.1, 15.1.3, 15.1.8, 15.4, 17.1.4, 17.1.7.2, 17.1.8, 17.1.9, 17.2 to 17.10, Chapter 20 (Glossary) "Major Retail" definition and lack of definition for "Home Improvement Centre"
Scope of Appeal	City wide
Location	N/A
Details of Appeal	City wide appeal of MOP policy regarding structure elements, employment uses, and broad classifications assigned to retail uses and associated restrictions.
Date of Appeal	October 24, 2011
Status	Under Appeal. Hearing scheduled for October/November 2013. The Board approves the incorporation of OPAs 121, 130, 133 and 134 of Mississauga Plan (2003) into MOP and dismisses the remainder of the appeal.

OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: September 26, 2013 The Board dismisses the Lowes appeal, in part, and authorizes the approval of Mississauga Plan Amendments 121, 130 and 133. The Board withholds its final order on Mississauga Plan Amendment 134. Issue Date: December 5, 2013 The Board dismisses the balance of the Lowes appeal and implements the modifications to bring Mississauga Plan Amendment 134 into MOP.
In Effect Date	September 26, 2013; December 5, 2013
Appeal # 6: Derry-Ten Limited	
Appellant (Solicitor)	Derry-Ten Limited (Sharmini Mahadevan, Wood Bull LLP)
Character Area	Gateway Corporate Centre
Appealed Policies	The Plan in its entirety only as it relates to the approximately 10.9 ha (26.9 acre) portion of the Derry-Ten property that is bounded by Hurontario Street, Derry Road West, Maritz Drive and Longside Drive.
Scope of Appeal	Site specific
Location	Property that is bounded by Hurontario Street, Derry Road West, Maritz Drive and Longside Drive
Details of Appeal	Appeal is consolidated with the outstanding appeal relating to Mississauga Plan (PL030441) and By-law 191-2009 (PL080347).
Date of Appeal	October 25, 2011
Status	Under appeal. Appeals consolidated and further scoping of consolidated appeals, March 9, 2012.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date:
In Effect Date	
Appeal #7: McDonalds Restaurants of Canada Limited	
Appeal #8: A&W Food Services of Canada Inc.	
Appeal #9: TDL Group Corporation operators of Tim Horton's restaurants	
Appeal #10: Wendy's Restaurants of Canada	
Appeal #11: Ontario Restaurant and Motel Association (ORHMA) <i>(Allowed in part and Withdrawn)</i>	
Appellant (Solicitor)	McDonalds Restaurants of Canada Limited A&W Food Services of Canada Inc.

	TDL Group Corporation operators of Tim Horton's restaurants Wendy's Restaurants of Canada Ontario Restaurant and Motel Association (ORHMA) (Michael Polowin, Gowlings)
Character Areas	See below - Location
Appealed Policies	The Plan in its entirety only as it relates to drive-through facilities, scoped to specific policies (March 27, 2012), within: Chapter 9: Build a Desirable Urban Form – Intensification Areas Chapter 12: Downtown Cooksville Chapter 14: Community Nodes – Clarkson Village, Streetsville Chapter 15: Corporate Centres – Gateway Corporate Chapter 16: Neighbourhoods – Clarkson-Lorne Park, Erindale, Malton Chapter 19: Implementation Downtown Core Local Area Plan Lakeview Local Area Plan Port Credit Local Area Plan
Scope of Appeal	City wide
Location	Downtown Core, Downtown Cooksville Character Areas Clarkson Village, Lakeview, Port Credit, Streetsville Community Node Character Areas Gateway Corporate, Meadowvale Business Park Corporate Centre Character Areas Clarkson-Lorne Park, Erindale, Malton, Lakeview Port Credit Neighbourhood Character Areas
Details of Appeal	The appeal objects to all policies that prohibit drive-through facilities.
Date of Appeal	October 25, 2011
Status	Under appeal. Hearing scheduled for October 2013. Portion of appeal settled and remainder withdrawn.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: July 8, 2013 & July 17, 2013
In Effect Date	July 8, 2013, July 17, 2013
Appeal # 12: Azuria Group (Allowed in part)	
Appellant (Solicitor)	Azuria Group (Steven Zakem, Aird & Berlis)
Character Area	Applewood Neighbourhood
Appealed Policies	The Plan in its entirety only as it relates to the lands known municipally as 3150 and 3170 Golden Orchard Drive
Scope of Appeal	Site specific
Location	3150 and 3170 Golden Orchard Drive Southwest corner of Golden Orchard Drive and Dixie Road

Details of Appeal	The appeal relates to several issues: objection to the requirement for a Development Master Plan for site specific proposals on a single parcel or small group of parcels; policy 19.3 not permitting market conditions to be used as planning justification; and the exclusion of the subject site from the Dixie Employment Area and Dixie-Dundas node.
Date of Appeal	October 25, 2011
Status	Appeal allowed in part and the remainder dismissed by OMB Order dated November 14, 2012, which modified MOP to address the appeal.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: November 14, 2012
In Effect Date	November 14, 2012
Appeal # 13: 2333 NSW Inc. (Marland Management Services Inc.) (Allowed in part)	
Appellant (Solicitor)	2333 NSW Inc. (Marland Management Services Inc.) (Aird & Berlis LLP)
Character Area	Sheridan Park Corporate Centre
Appealed Policies	The Plan in its entirety
Scope of Appeal	City wide
Location	2333 North Sheridan Way
Details of Appeal	The appellant requests that Special Site 1 of the Sheridan Park Employment District be reinstated. Appeal covers all the proposed policies affecting Sheridan Park Corporate Centre Map 15-1.
Date of Appeal	October 25, 2011
Status	Appeal allowed in part and the remainder dismissed by OMB Order dated November 14, 2012, which modified MOP to allow the appeal.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: November 14, 2012
In Effect Date	November 14, 2012
Appeal # 14: Orlando Corporation	
14a – Gateway Corporate Centre	
14b – Meadowvale Business Park Corporate Centre	
14c – 5855 Terry Fox Way and 850 Matheson Boulevard	
14d – Lands at the northeast corner of Erin Mills Parkway and Britannia Road West	
14e – City-Wide appeal	
Appellant (Solicitor)	Orlando Corporation (Leo Longo, Aird & Berlis LLP)

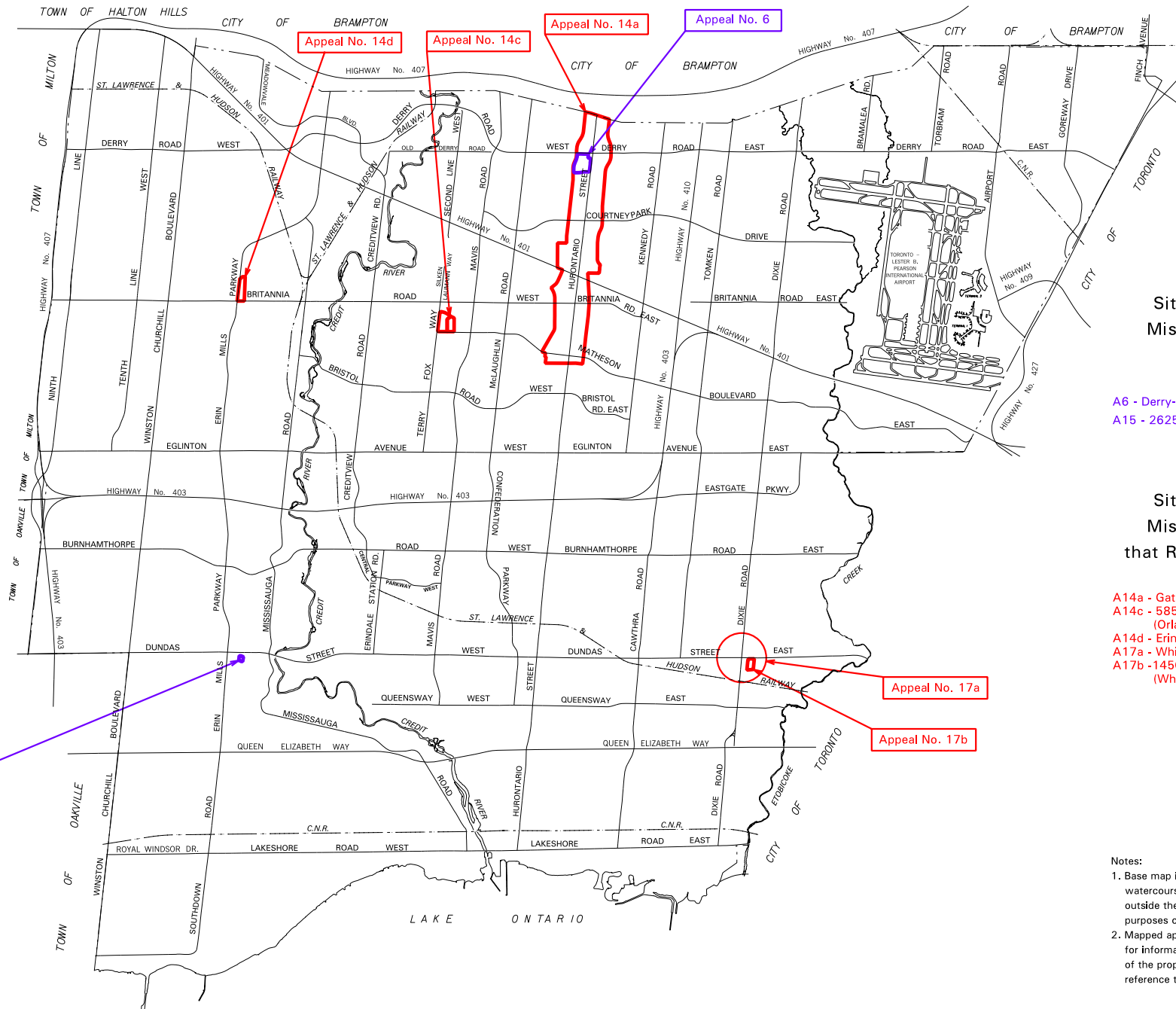
Character Areas	Gateway Corporate Centre, Toronto-Lester B. Pearson International Airport Special Purpose Area
Appealed Policies	Outstanding appealed policies: 4.5 – 6th bullet under “Create a Multi-Modal City” 5.1.7 6.9.2.1 9.3.1.5 11.2.11.2, 11.2.11.4, 11.2.11.5 15.1.1.2, 15.1.1.4, 15.3.1.2.i. 18.2
Scope of Appeal	City wide and Site specific
Location	Outstanding site specific appeals for: 14a Gateway Corporate Centre 14c Lands south of Plymouth Drive, east of Terry Fox Way, north of Matheson Boulevard West and west of 800 Matheson Boulevard West, and 5855 Terry Fox Way and 850 Matheson Boulevard 14d Lands on the northeast corner of Erin Mills Parkway and Britannia Road West
Details of Appeal	City wide and site specific appeals to policies, matters and schedules in MOP.
Date of Appeal	October 26, 2011
Status	Most of appeal dealt with at February 11, 2013 OMB Hearing (February 14, 2013 Decision) and a portion of the appeal deferred for a later hearing. Second part of February 11, 2013 OMB Hearing dealt with the appeal of MOP policy 19.4.5 (February 22, 2013 Decision). The appeal to the definition of the word “discourage” (1.1.4.v) was resolved with the Board Order issued on November 26, 2013.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: February 14, 2013 February 22, 2013 November 26, 2013
In Effect Date	February 14, 2013 February 22, 2013 November 26, 2013
Appeal # 15: Latiq Qureshi	
Appellant (Solicitor)	Latiq Qureshi (Michael Gagnon and Andrew Walker, Gagnon & Law Urban Planners Ltd.)
Character Area	Sheridan Neighbourhood

Appealed Policies	The Plan in its entirety only as it relates to the lands know municipally as 2625 Hammond Road
Scope of Appeal	Site specific
Location	2625 Hammond Road Located at the south west corner of Dundas Street West and King Forest Drive
Details of Appeal	The appellant is concerned with the designation on the lands and policies regarding a development master plan.
Date of Appeal	October 26, 2011
Status	Under appeal
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date:
In Effect Date	
Appeal # 16: Antorisa Investments Ltd. (Withdrawn)	
Appellant (Solicitor)	Antorisa Investments Ltd. (Townsend and Associates)
Character Area	Gateway Corporate Centre
Appealed Policies	The Plan in its entirety only as it relates to the lands located at the north west corner of Hurontario Street and Derry Road West
Scope of Appeal	Site specific
Location	Lands located at the north west corner of Hurontario Street and Derry Road West
Details of Appeal	Appellant uncertain about designation of lands and requested site specific exemption be added to Section 15.2.2 for subject site.
Date of Appeal	October 26, 2011
Status	Appeal withdrawn, March 2, 2012
OMB Decision	N/A
In Effect Date	March 2, 2012
Appeal # 17: White Elm Investments Ltd. (Allowed in part, appeal outstanding)	
17a – Dixie-Dundas Node (approx. 1000-1500 metres from intersection)	
17b – 1450 to 1458 Dundas Street East	
17c – City-Wide appeal	
Appellant (Solicitor)	White Elm Investments Ltd. (Michael Gagnon and Richard Domes, Gagnon & Law Urban Planners Ltd.)
Character Area	Dixie-Dundas Community Node

Appealed Policies	Site specific: Scoped appeal to specific policies:1.1.4.c, 5.1 – second paragraph on p. 5-2, 5.1.8, 5.2 – last paragraph, 5.3.3 – last paragraph, 5.3.3.4, 5.3.3.6, 5.3.3.10, 5.3.6 – first and second paragraphs, 5.3.6.5, 5.3.6.8, 5.3.6.9, 5.4.8, 5.5.11, 5.5.13, Figure 5-5, 6.3, 6.3.2, 8.2.2.1.a – second paragraph, 9.3.5.3, 9.5.2.4, 9.5.3.2.a, 9.5.3.5, 10.1.4, 10.3.2, 10.4 – fifth paragraph, 11.2.3.3, 11.2.3.8, 14.1.1.2, 14.1.1.3, 17.4.3.1, 17.4.4, 19.18, Chapter 20 – Glossary: Major Retail; Schedules 1, 1a, 3 and 10, Appendix J
Scope of Appeal	City wide and Site specific
Location	Outstanding site specific appeals for: 17a - Dixie-Dundas node which is defined as those lands within 1000m of the intersection of Dixie Road and Dundas Street East. 17b - 1450 to 1458 Dundas Street East, approximately 2.80 hectares (6.80 acres), generally located at the southeast quadrant of Dixie Road and Dundas Street East.
Details of Appeal	Site specific appeal of MOP policies and schedules as they relate to the lands located at 1450 to 1458 Dundas Street East and recommend identification of these lands as a Special Site. Also recommend enlargement of Dixie-Dundas Community node.
Date of Appeal	October 26, 2011
Status	Scoped to Dixie-Dundas Node or in some cases specific to 1450 to 1458 Dundas Street East, except for 1.1.4.c which is City wide. The appeal to the definition of the word “discourage” (1.1.4.v, 8.2.2.1.a, second sentence) was resolved with the Board Order issued on November 26, 2013.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: November 26, 2013
In Effect Date	November 26, 2013
Appeal # 18: Forest Park Circle Ltd. (Withdrawn)	
Appellant (Solicitor)	Forest Park Circle Ltd. (Aird & Berlis LLP)
Character Area	Rathwood Neighbourhood Character Area
Appealed Policies	The Plan in its entirety.
Scope of Appeal	City wide
Location	1850 Rathburn Road East and 4100 Pony Trail Drive, 3.7 ha (9.2 acres)
Details of Appeal	The appealed policies include the four storey height limit and the designation and FSI on the subject lands.

Date of Appeal	October 26, 2011
Status	Appeal withdrawn, April 9, 2012
OMB Decision	N/A
In Effect Date	April 9, 2012
Appeal # 19: 2188101 Ontario Inc. (Raja Fabrics – Units 111-116), 1615242 Ontario Inc. (Taj Mahal Jewellers – Unit 117) and 2187308 Ontario Inc. (High on Heels – Unit 119) (Withdrawn)	
Appellant (Solicitor)	2188101 Ontario Inc. (Raja Fabrics – Units 111-116), 1615242 Ontario Inc. (Taj Mahal Jewellers – Unit 117) and 2187308 Ontario Inc. (High on Heels – Unit 119) (Steven Zakem, Aird and Berlis LLP)
Character Area	Northwest Employment
Appealed Policies	The Plan in its entirety only as its relates to the lands known municipally as 2960, 2970 and 2980 Drew Road
Scope of Appeal	City wide
Location	2960, 2970 and 2980 Drew Road West of Airport Road, South of Drew Road
Details of Appeal	Region of Peel failed to make a decision on the plan within 180 days
Date of Appeal	September 16, 2011
Status	Under appeal
OMB Decision	Case Number: PL111148 File Number: PL110973 Issue Date: November 26, 2013
In Effect Date	November 26, 2013

MAP 1 OUTSTANDING ORIGINAL APPEALS



Site Specific Appeals to Mississauga Official Plan in its Entirety

- A6 - Derry-Ten Limited
- A15 - 2625 Hammond Road (Latiq Qureshi)

Site Specific Appeals to Mississauga Official Plan that Relate to Specific Policies

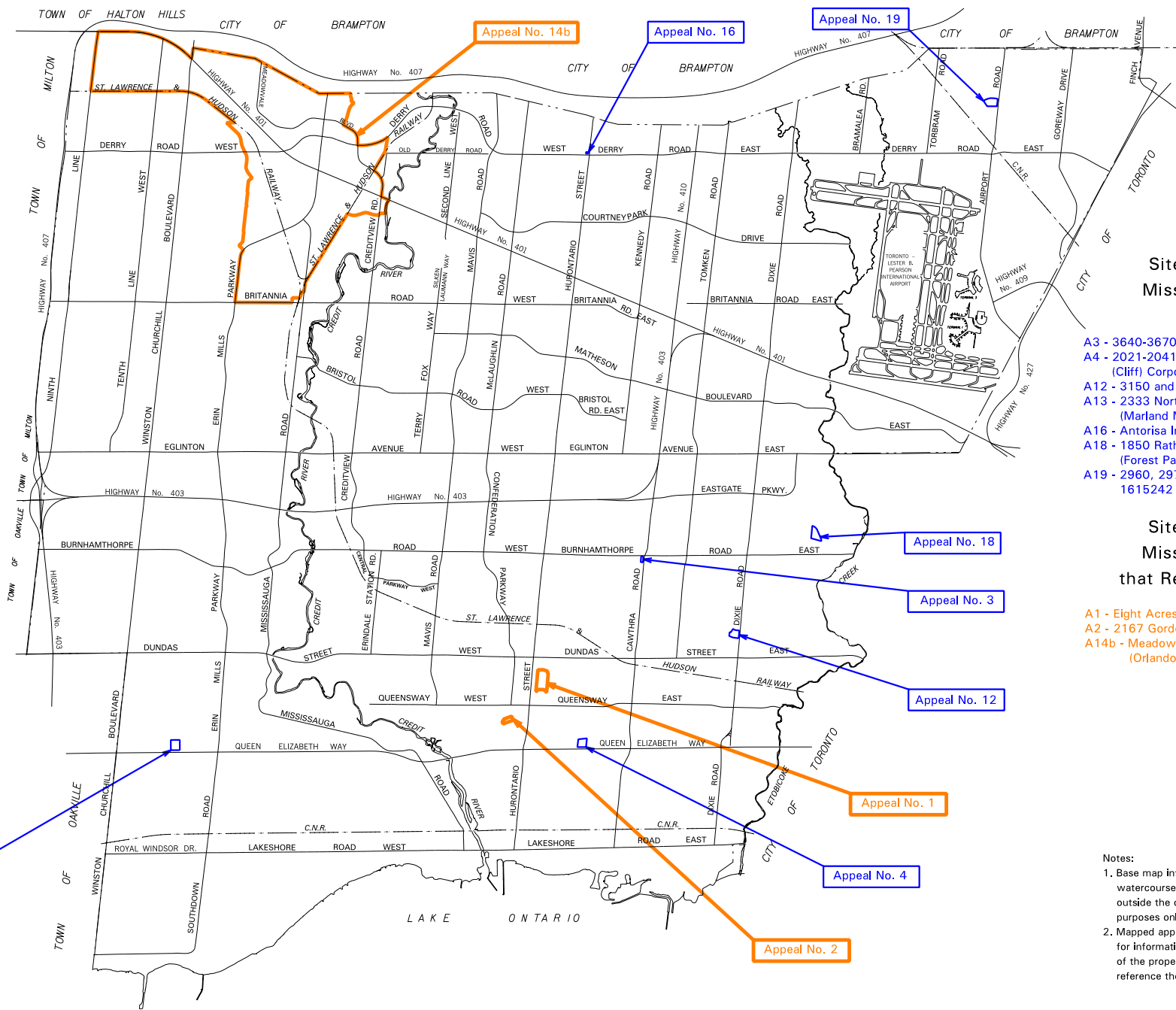
- A14a - Gateway Corporate Centre (Orlando Corporation)
- A14c - 5855 Terry Fox Way and 850 Matheson Blvd. (Orlando Corporation)
- A14d - Erin Mills Parkway and Britannia Road West (Orlando Corporation)
- A17a - White Elm Investments Ltd.
- A17b - 1450 to 1458 Dundas Street East (White Elm Investments Ltd.)

Notes:

1. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
2. Mapped appeal site areas are approximate and shown for information purposes only. For a legal description of the property and/or property location definition, reference the original Notice of Appeal.



MAP 2 RESOLVED ORIGINAL APPEALS



Site Specific Appeals to Mississauga Official Plan in its Entirety

- A3 - 3640-3670 Cawthra Road (Daraban Holdings Ltd.)
- A4 - 2021-2041 Cliff Road (Gemini Urban Design (Cliff) Corporation)
- A12 - 3150 and 3170 Golden Orchard Drive (Azuria Group)
- A13 - 2333 North Sheridan Way (2333 NSW Inc. (Marland Management Services Inc.))
- A16 - Antorisa Investments Ltd.
- A18 - 1850 Rathburn Road East and 4100 Pony Trail Drive (Forest Park Circle Ltd.)
- A19 - 2960, 2970, 2980 Drew Road (2188101 Ontario Inc., 1615242 Ontario Inc., and 2187308 Ontario Inc.)

Site Specific Appeals to Mississauga Official Plan that Relate to Specific Policies

- A1 - Eight Acres Limited
- A2 - 2167 Gordon Drive (Raffi Konialian)
- A14b - Meadowvale Business Park Corporate Centre (Orlando Corporation)

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