

IV. Appeals

There are two types of appeals to Mississauga Official Plan (MOP). The first are appeals in response to the Region of Peel Notice of Decision dated October 5, 2011 to approve MOP. These are referred to as “Original Appeals” and are numbered #1 through #19, listed in Table IV (i) below. Map 1 shows all the outstanding original appeals to MOP. Map 2 shows all the resolved original appeals to MOP.

The second type of appeal is an appeal of an amendment to MOP, or a Mississauga Official Plan Amendment (MOPA) appeal following the November 14, 2012 OMB approval date. MOPA appeal details and status are included in Table IV (ii), below. Map 3 shows all the outstanding MOPA and Local Area Plan appeals to MOP since the November 14, 2012 OMB approval date. Map 4 will be added once the MOPA and Local Area Plan appeals are resolved and will show the locations of resolved appeals.

Policies affected by outstanding MOP appeals are noted in the body of the Plan and listed in Section V titled “Appealed and In-Effect Policies”.

Table I: Original Mississauga Official Plan (MOP) 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Appeal #1: Eight Acres Limited (Withdrawn)	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Status	Appeal withdrawn , November 20, 2012.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Appeal #2: Raffi Konialian (Withdrawn)	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	Resolved. 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	Resolved. 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	Appeal resolved. 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	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 resolved. 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 resolved. 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 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”- modified 6.9.2.1 - modified 9.3.1.5 15.1.1.2, 15.1.1.4, 15.3.1.2.i.

	15.4 (modified), 18.2 (modified)
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	Under appeal. 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 March 3, 2015
In Effect Date	February 14, 2013 February 22, 2013 November 26, 2013 March 3, 2015
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. (Resolved)	
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. Appeal Resolved. Appeal allowed in part and the remainder dismissed by OMB Order dated March 10, 2016.
OMB Decision	Case Number: PL111148 File Number: PL111148 Issue Date: November 26, 2013 March 10, 2016
In Effect Date	March 10, 2016
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	Appeal withdrawn
OMB Decision	Case Number: PL111148 File Number: PL110973 Issue Date: November 26, 2013
In Effect Date	November 26, 2013

Table II: Mississauga Official Plan Amendment (MOPA) Appeals

MOPA # 2 Appeal:	
Appellant (Solicitor)	Gordon Woods Developments Limited / RML 2130 Hurontario Ltd., RML 2124 Hurontario Ltd., 859513 Ontario Ltd., Richard Rabba, RML 2113 Grange Dr. Ltd., 859514 Ontario Ltd. and RML 2095 Grange Dr. Ltd. (Patrick J. Devine, Fraser Milner Casgrain LLP (FMC Law))
Character Area	Cooksville Neighbourhood
Appealed Policies	Policies 16.6.5.4 Special Site 4 and 16.6.5.8 Special Site 8, only as they relate to the appellant's lands.
Scope of Appeal	Site specific
Location	1095, 2107, 2113 & 2121 Grange Drive and 2114, 2124 & 2130 Hurontario Street
Details of Appeal	The appellant objects to the City approving MOPA # 2 policies in advance of a Council decision on the appellants' OPA and Rezoning applications (City File No.: OZ 12/003 W7).
Date of Appeal	March 8, 2013
OMB Decision	Case Number: PL130265 File Number: PL130265 Issue Date:
MOPA # 8 Appeals:	
Appellant (Solicitor) & Date of Appeal	1077022 Ontario Inc. and Touchstone Construction Limited 3600/3606 and 3518 Hurontario and 0 Enfield; Jason Properties Inc. (Conservatory Group) (335, 339, 345 and 359 Rathburn Road West at Confederation Parkway) (J. Alati, Davies Howe Partners LLP) Scope of Appeal: Specific policies and sections as they relate to landholdings. April 9, 2013
	Quick Service Restaurants, McDonalds Restaurant, Wendy's Restaurants of Canada Inc., Ontario Restaurants Hotel and Motel Association, A&W Food Services of Canada Inc. and TDL Group Corp. (Denise Baker, Weir Foulds LLP) Scope of Appeal: Entire OPA 8 - to be consolidated with MOP (PL11148). Appealed the Downtown Core Local Area Plan policies and Amendment 8 which replaces that Plan and continues the prohibition on drive-throughs in the Downtown Core. April 9, 2013
	Omers Realty Management Corporation and 156 Square One Limited (Mark Noskiewicz; David Bronskill, Goodmans LLP) Scope of Appeal: Appealing Amendment in its entirety. Partial approval issued February 20, 2014. OMB Case No. 130350/OMB File No. 111148) April 9, 2013
	Morguard Investments Limited (Dennis Wood, Wood Bull LLP) Scope of Appeal: Site Specific to Amendment 8 in its entirety as it applies to

	Morguard lands (33, 55, 77 and 201 City Centre Drive) April 9, 2013
	Baif Development Limited (Roslyn Houser, Goodmans) Scope of Appeal: Entire policies and specific parts of other policies and sections. April 8, 2013
	Wal-Mart Canada Corp (@ Square One Mall) (Roslyn Houser, Goodmans) Scope of Appeal: Site specific as the policies apply to Square One and to the Wal-Mart. April 8, 2013
	Kerava Grove Estates (John Dawson, McCarthy Tetrault LLP) Scope of Appeal: Policies and sections as they related directly or indirectly to Kerava's property located at 180 and 152 Burnhamthorpe Road West. April 8, 2013
	Amacon Development (City Centre) Corporation (Susan Rosenthal) Made party to proceedings through Board Order PL 130350 dated October 10, 2013
Character Area	Downtown Core Local Area Plan
Appealed Policies	Downtown Core Local Area Plan policies
Scope of Appeal	Appealed in its entirety and partial appeals
Location	The lands affected by this Amendment are located in the Downtown Core Character Area in the Mississauga Official Plan.
Details of Appeals	See above
Dates of Appeals	See above
OMB Decision	Case Number: PL130350 File Number: PL130350 Related File Number: PL130351 Issue Date: February 20, 2015 (Partial Approval) May 11, 2015 (Partial Approval)
MOPA # 25 Appeal:	
Appeal 1 of 2	
Appellant (Solicitor)	Derry Ten Limited (Wood Bull LLP)
Character Area	Hurontario Street Intensification Corridor and the Gateway Corporate Centre Character Area
Appealed Policies	Appealed in its entirety
Scope of Appeal	Site Specific
Location of Appeal	Southwest quadrant of Hurontario Street and Derry Road West

Date of Appeal	September 30, 2014
OMB Decision	
Appeal 2 of 2	
Appellant (Solicitor)	Orlando Corporation (Aird & Berlis LLP)
Character Area	Hurontario Street Intensification Corridor and the Gateway Corporate Centre Character Area
Appealed Policies	Appealed in its entirety
Scope of Appeal	City Wide (Hurontario Street Intensification Corridor and the Gateway Corporate Centre Character Area)
Location of Appeal	Gateway Corporate Centre Character Area
Date of Appeal	October 8, 2014
OMB Decision	