

DEVELOPMENT AND PLANNING IN MISSISSAUGA

REINVENTING SUBURBIA

Dominik Matusik

Mississauga is no longer experiencing the kind of explosive residential growth that characterized its development over the past three decades. Instead, planners are getting creative in the face of issues associated with a maturing city: intensification, higher-order transit, and attracting office development.

“We’re done growing,” chief building official **Ezio Savini** told *NRU*. “Now the creativity happens... The developments that we have now are creative, are unusual, [they] make you really want to sit up and say ‘that’s cool,’ rather than just another 200 acres of houses going in.”

Planning and building commissioner **Ed Sajecki** told *NRU* that Mississauga has historically been a sprawling, car-dependent city that is now reinventing itself.

“We developed around the automobile,” Sajecki says. “And we have been the fastest-growing city in the country,



Downtown Mississauga skyline

SOURCE: CITY OF MISSISSAUGA

but largely with cookie-cutter subdivisions. This really is about reinventing suburbia... Mississauga is increasingly the poster child of how to do that.”

TRANSIT

One way Mississauga is maturing is through the imminent arrival of higher-order transit, with the Hurontario LRT.

“The Hurontario light rail project is due to start construction next year, and will be fully open by 2022,”

Sajecki says. “And that’s a game changer. It’s a game changer for us because it really is part of a much larger regional network. What that line does, is it connects many GO stations, most of which are mobility hubs.”

Additionally, Mississauga’s east-west rapid transit is also expanding. An extension of the BRT transitway along the 403 corridor will be fully open by the end of the year and BRT will also run along Dundas Street in the future.

CONTINUED PAGE 5

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UPCOMING

OCTOBER

- 11** Brampton Council, 9:30 a.m.
Durham Region Council, 9:30 a.m.
Georgina Council, 7:00 p.m.
Halton Region Council, 9:30 a.m.
Hamilton Council, 5:00 p.m.
Mississauga Council, 9:00 a.m.
- 12** Hamilton Design Review Panel, time TBC
Peel Region Council, 9:30 a.m.
- 16** Ajax Council, 7:00 p.m.
Clarington General Government Committee, 9:30 a.m.
Brampton Planning & Development Committee, 1:00 p.m.
Brock Council, 10:00 a.m.
Halton Hills Council, 4:00 p.m.
King Council/Committee of the Whole, 6:00 p.m.
Markham Development Services Committee, 9:00 a.m.
Milton Council/Committee of the Whole, 7:00 p.m.
Mississauga Planning & Development Committee, 7:00 p.m.
Newmarket Committee of the Whole, 1:30 p.m.
Oshawa Council, 6:30 p.m.
Scugog Planning & Community Affairs Committee, 6:30 p.m.
- 17** Aurora General Committee, 7:00 p.m.
East Gwillimbury Committee of the Whole, 1:00 p.m.
East Gwillimbury Council, 7:00 p.m.
Hamilton Planning Committee, 9:30 a.m.
Markham Council, 7:00 p.m.



OHBA

INDUSTRY PRIORITIES



Dominik Matusik

The newly appointed **Ontario Home Builders' Association** president says the industry must work to address provincial policy changes, and ensure its 29 local associations actively engage across the province.

September 26, OHBA appointed **Pierre Dufresne** as president for a two-year term. Land development vice president at Ottawa-based **Tartan Homes**, Dufresne has served on OHBA's executive committee since 2014. He says that OHBA's priority is to figure out how to respond to recent and upcoming legislative changes being enacted by the provincial government.

"The top priorities are addressing all of the legislative changes that are being proposed as brought forward by our provincial government, and how all of those reforms are going to directly affect our industry," Dufresne says. Whether it be the home warranty Tarion reform, OMB reform, proposals to permit municipalities to impose inclusionary zoning measures

in our developments. They're all part of bigger picture policy initiatives that the government is bringing forth to deal with climate change, to deal with wealth distribution, to deal with all these other matters. But parts of each of these policy initiatives could have a very strong and potentially severe impact to our industry and our ability to provide the consumer with the product that we can."

Dufresne says that criticism of the OMB as being pro-developer is misguided. Currently, he says, the OMB makes decisions based on local and provincial policy. However, with the proposed provincial reforms, there is a degree of uncertainty about what criteria the new tribunal will use to make decisions and whether these will become politicized.

"There may be more deference now to a council decision than there was in the past," he says. "And we're on kind of shaky ground about what the OMB is going to rely on to make a correct decision. So we may not end up with the



2017-2018 Ontario Home Builders' Association president Pierre Dufresne

SOURCE: OHBA

best planning decisions that will fulfil the objectives of the *Provincial Policy Statement* and official plans. They may be political decisions or decisions that are politicized to make community groups happy or to protect local councillors from any type of criticism."

As an Ottawa-based developer, Dufresne wants to combat the perception that OHBA is all about Toronto.

"[OHBA] is a province-wide organization," he says. "And I want to make sure that it's as strong in Ottawa and as strong in Cornwall, and as strong

CONTINUED PAGE 7

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FOCUS ON PUBLIC SPACE



Daniel Taylor

Driven by the need to retain young talent in the technology and innovation sector, **Mississauga** is focusing on the creation of new public spaces. Experts say that the way to attract millennials is to provide programmed public spaces and social amenities.

Last week the **Wellesley Institute** released a new [report](#) about the resources required for young people—18 to 40 years old—to thrive in the GTA economically, socially and physically by junior fellow **Nishi Kumar**.

Kumar conducted two focus groups one in Mississauga and another in Toronto. She noted a key difference between the participants in each group: the level of effort it took to engage socially in their communities.

Kumar told *NRU* that Mississauga participants talked about having to expend more time and resources to participate socially in their communities, often travelling to Toronto to interact in culturally rich and social dense public spaces.

“Participants in the focus groups who lived in more dense urban setting[s] had spaces where they gathered for free movies, free concerts and they derive a lot of value from those places... Although those exist in Mississauga, they talked about how it was just harder or they were less likely to attend

those [than in Toronto].”

Mississauga Ward 6 councillor **Ron Starr** told *NRU* he disagrees that it is difficult for young people to thrive socially in Mississauga, and points to recent investments in public spaces.

“I think that’s a misperception, with the events happening in Celebration Square for example, so many of them are youth-focused. [Also] Port Credit was declared Mississauga’s first cultural area six years ago and now we have sidewalk patios and one of the best concentrations of music venues all within a few blocks, so it’s also very walkable.”

However, Mississauga Ward 1 councillor **Jim Tovey** told *NRU* that today’s young people want a different kind of public space than previous generations.

“There’s constant work being done but I think we’re recognizing—whether it’s culture, or the arts, or parks—... when we’re talking about young people, their needs are different and we’re realizing how to achieve that over the next number of years.”

While the Wellesley report noted that it is harder for youth to engage socially in public spaces in Mississauga than in the City of Toronto, Mississauga receives far less government funding.

Starr, who represents Mississauga’s waterfront community, says the lack of government funding has been a major deterrent to the creation of the sorts of urban spaces that attract young workers. He noted that while the city has invested significantly in its public spaces along the waterfront, more government funding is needed.

Non-profits, which play a significant advocacy and programming role concerning public spaces are recognizing the opportunities in Mississauga.

Parks People founder and executive director **Dave Harvey** told *NRU* that the organization is considering expansion of its role into Mississauga.

“While we have nothing set yet, our staff has been having some great conversations with Mississauga park staff. The city is definitely eager to work on this.”

Mississauga culture division director **Paul Damaso** said in an email to *NRU* that the city is honing in on the specific lifestyle needs of millennials through the city’s first cultural master plan.

“Before any financial investment is made, there needs to be a good plan in place. In order to define these areas of investment we are currently working on a culture master plan, and we have made sure to include lots of public consultation among all age groups Mississauga has demonstrated a strong commitment to investing in the public realm.”

Mississauga culture staff spent the summer and early fall gathering public feedback on the draft master plan, which is anticipated to be considered by council in the late fall. 🌸

People gather in Mississauga’s Celebration Square for a concert

SOURCE: CITY OF MISSISSAUGA

Unused public space near Square One in Mississauga

SOURCE: WWW.SQUAREONE.CA



INTENSIVE 3D MODELING



Daniel Taylor

Leading the way in municipal climate change modeling, **Ajax** is undertaking a new and innovative 3D modeling method, which will aggregate an unprecedented amount of climate data. This is the first step in the creation of the town's community climate adaptation plan.

Ajax staff is recommending that council approve an additional \$35,000 to top-up the recently announced \$175,000 in funding from the **Federation of Canadian Municipalities**. An intensive 3D model will provide baseline data to inform the adaption plan, which will identify potential threats posed by climate change, propose mitigation projects and detail their implementation.

Ajax environmental sustainability coordinator **Jade Schofield** told *NRU* that municipalities need to know, in far more detail than is currently the case, which specific areas are at particular risk from future climate changes. For example, staff needs to understand which culverts are more likely to fail, where surface temperatures have risen the most, and which portions of the tree canopy are more susceptible to drought. While

much of this data already exists, none of it has been compiled into one tool that can help planners and members of council understand how these issues relate and interact with each other.

"I haven't seen a model that takes into account all these areas. I have seen other municipalities use similar 3D modeling around specific issues... but to really put it into a climate adaptation lens, I haven't seen that as of yet. So I'm hoping we're the first out of the gate on that."

Located on Lake Ontario, Schofield explained that Ajax's main concerns in terms of climate change impacts are due to flooding and erosion.

"We identified several key areas when it comes to risk for Ajax—flooding, impacts on the natural environment, and social and emergency response... But these are very broad and when it comes down to the project-level details on where we need to start to adapt to climate change... 3D modeling would enable us to get a more in-depth image of the town."

She described how 3D modeling would have enabled Ajax to have been better prepared for the ice storm of 2013. Moving forward,

intensive 3D modelling will help Ajax prepare for future events.

"Most of us remember the 2013 Ice storm and the impact that had on our energy infrastructure, our natural infrastructure, on people's mobility and the economy. People don't see that in a climate change perspective but that's the type of thing we need to be protecting our community from in the future. It's down to good planning and good management in the community to do that."

University of Toronto physics assistant professor **Debra Wunch**, who conducts research measuring the magnitude of greenhouse gas emissions in the GTA, spoke with *NRU* about the importance of collecting

comprehensive climate data.

"More data collection and availability would definitely be extremely helpful in the GTA."

Wunch is currently leading a new project in which researchers ride a bike around the city with a methane detector jimmy-rigged to it.

Yesterday, general government committee recommended that council approve the staff report at its meeting October 16. Staff anticipate retaining a consultant in the near future to create the 3D model by the spring of 2018. The draft community climate adaptation plan is expected to be completed before 2020. 🌱

We identified several key areas when it comes to risk for Ajax—flooding, impacts on the natural environment, and social and emergency response... But these are very broad and when it comes down to the project-level details on where we need to start to adapt to climate change... 3D modeling would enable us to get a more in-depth image of the town.

- Jade Schofield

REINVENTING SUBURBIA

CONTINUED FROM PAGE 1

WATERFRONT

Much of Mississauga’s intensification is happening along its waterfront. Currently, there are two large redevelopment projects in the works: Inspiration Lakeview and Inspiration Port Credit, both mixed-use redevelopments of former industrial sites.

“We’ve been working on [Inspiration Lakeview] for a number of years,” Sajecki says. “And a lot of the work began when the provincial government decided [it] would

close a major power plant, the Lakeview Generation Station... It’s a huge opportunity right now and it’s got some adjoining property as well, which is up for redevelopment, which means we’re at over 300 acres of prime real estate on the waterfront. So we’re at a point now where we went through a very lengthy community exercise, the site is master planned for a community of about 20,000 people, it will be very much a mixed-use community.”

Additionally, there are three large sites in Port Credit,

including the former site of the Imperial Oil refinery, which now have master plans in place.

“If you get the bones right, everything else falls into place,” Sajecki says. “When I talk about the bones, that’s your street system, that’s your transportation, transit. Those are your sidewalks. All that kind of hard infrastructure, parks and open space. So we’ve spent a lot of time on that. Recognizing that the lakefront is very special. These are legacy sites for future generations which will shape the city for a long time to come... We’re very fortunate. We’ve looked around the world at successful, and not so successful, waterfront developments... and I really do think we’ve nailed it.”

DOWNTOWN

The area of Mississauga that has perhaps undergone the most significant change is downtown. Projects such as Celebration Square, the Living Arts Centre, and the Hazel McCallion Campus of Sheridan College have transformed the downtown and given residents a reason other than the Square One shopping mall to visit and linger in the city’s core.

“If you had come [to downtown Mississauga]

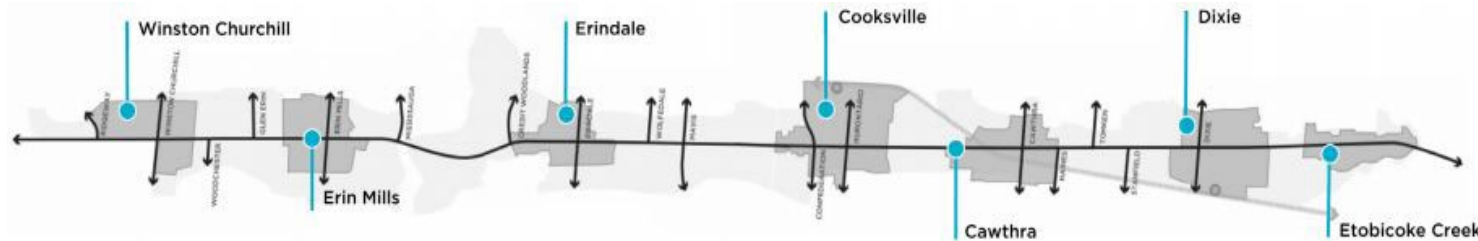
CONTINUED PAGE 6

Focus areas in the Dundas Connects study

SOURCE: CITY OF MISSISSAUGA

Build form detailed in the Inspiration Lakeview Master Plan

SOURCE: CITY OF MISSISSAUGA



REINVENTING SUBURBIA

CONTINUED FROM PAGE 5

10 or 15 years ago, most of what you see probably wasn't here," Sajecki says. "It's been developing so rapidly into a major urban growth centre... What you see around [downtown Mississauga] now, which is pretty impressive, that's just the beginning. Just with what's already been approved, you can just close your eyes and double what you see out there."

However, recently big box style development has emerged downtown, adjacent to the MiWay transit hub. Considered by developers to be temporary and disposable, staff views it as undesirable. This led to council adopting an interim control by-law in 2011 to freeze all new development.

Recently, staff has struggled to attract office space downtown. Mississauga's office development is still concentrated in car-oriented business parks, particularly those surrounding the airport, which provide free parking and lower cost leases for tenants than those downtown. In 2016, there was a 61 per cent increase in employment in business parks as compared to only 20 per cent in downtown.

City planning strategies director **Andrew Whittemore** told *NRU* that planners will have to incentivize employers

to attract them downtown.

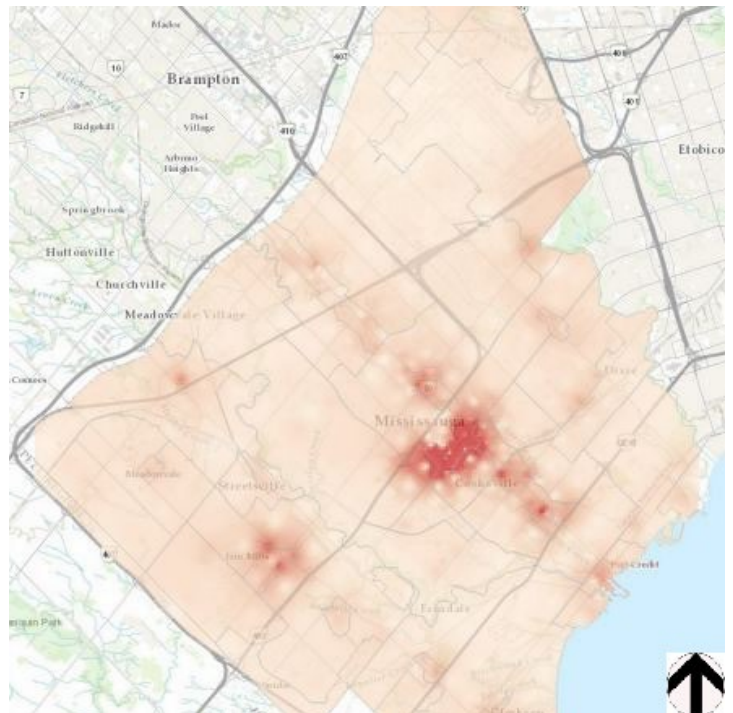
"What Mississauga is really facing from a planning perspective is that the narrative has had to change," he says. "This is about a creative kind of new approach to planning and city-building. No longer is it 'they will come.' We have to start looking at innovative tools to attract office development in our downtown through financial incentives and partnerships."

These tools were approved by council in July through a Community Improvement Plan but have yet to be implemented as the plan is under appeal at the Ontario Municipal Board.

EMPLOYMENT

In total, 58 per cent of development in Mississauga in 2016 was non-residential, making the city a net employer, and growing. Over the 2011-2016 census period, employment in Mississauga grew by 3.9 per cent, compared to population growth of only 1.1 per cent.

"Mississauga has always had a strong economic base," Sajecki says. "Largely developed around the automobile... We have 450,000 jobs in this city, which is powerful when you put that together with the three



Heat map showing projected density of people and jobs in Mississauga in 2041

SOURCE: CITY OF MISSISSAUGA

quarters of a million people we have... That is one big, powerful city. But the challenge is, [it's] not well-served by transit. And going forward, for example around the airport, there's a lot of opportunity for intensification and infill around transit. But if we don't get transit right, we're going to lose a huge opportunity."

Part of this intensification will occur through revitalizing business and industrial parks. For instance, staff developed a master plan for the Sheridan Park Corporate Centre, located just north of the QEW between Winston Churchill Boulevard and Erin Mills Parkway, with the aim of improving its connectivity, creating a more attractive streetscape, and encouraging a greater mix of uses and amenities.

"The value of land in Mississauga, has gone up

exponentially," Whittemore says. "So development is expensive here. And the product they're providing is expensive. That's our reality, it's the province's reality. How do we still achieve all these great things that we want from a city—fantastic urban design, parkland, open space—knowing how costly all of this is? So we have to really try to figure out new ways of doing business." 🌱

INDUSTRY PRIORITIES

■ CONTINUED FROM PAGE 2

in Sudbury, and everywhere else in the province as it is in Toronto... Every local needs

to feel that their issues are as important as everybody else's issues."

Dufresne says that, since his involvement on the executive committee, OHBA has been working to strengthen its local associations and ensure the industry is strongly represented across the province.

"The more enthusiasm and the more participation we have, the more opportunity we

gain to try and create the best business environment to help companies be productive, and also the best environments for our clients and customers to be able to purchase housing." 🌱

IN BRIEF

Hamilton Pier 8 Short List Announced

The City of Hamilton has announced the five short-listed teams vying to develop Hamilton's Pier 8 lands:

Daniels—**The Daniels Corporation & CORE Architects**

GulfDream—**Great Gulf Enterprises, Dream Asset Management Corp. & Hariri Pontarini Architects**

Tridel—**Tridel Builders Inc. & architectsAlliance**

Urban Capital/Core Urban—**Urban Capital Property**

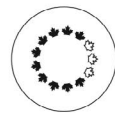
Group, **Core Urban Inc., Milborne Real Estate Group & Saucier + Perotte, RAW Design**

Waterfront Shores—**Cityzen Development Corp., Fernbrook Homes Group, GFL Environmental Inc., Greybrook Realty Partners Inc. & KPMB Architects**

The next phase of the process will include a request for proposals to which each of the teams will submit a proposed development concept for a community that includes about 1,500 residential units and 13,000 m² of commercial and institutional space. 🌱

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The forum will be moderated by Dr. Enid Slack, Director of the Institute on Municipal Finance and Governance. She will be joined by the following guests:

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- Idil Burale, CivicAction Emerging Leader
- Geoff Cape, founder and CEO, Evergreen
- Dr. Anne Golden, Chair, Ryerson City Building Institute, and board member, Metrolinx
- Paul Bedford, former chief planner, City of Toronto, and Chair, Waterfront Toronto Design Review Panel

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COMMITTEE AGENDAS



HALTON

Oakville considers OPA/ZBA for former hospital site

At its October 10 meeting, Oakville planning and development council considered a public meeting [report](#) regarding town-initiated official plan and zoning by-law amendments for the former Oakville-Trafalgar Memorial Hospital lands. The amendments are required to implement the various uses

identified for the site in a 2013 master plan, including a community centre, park, parking garage, residential land uses, an area for future seniors-oriented housing and the preservation of the former Oakville Trafalgar High School heritage building. The report recommends that comments from the public with respect to the applications be received.

Brantwood school site redevelopment proposed

At its October 10 meeting, Oakville planning and development council

considered a public meeting [report](#) regarding town-initiated official plan and zoning by-law amendments for the former Brantwood school site at 221 Allan Street. The school was declared surplus and acquired by the town in 2012, which then prepared a concept plan for the site. The plan envisions a park block that would remain under town ownership, with the remainder of the property sold and developed into seven lots for detached dwellings. The designated heritage school building would be converted into four to nine condominium units. The report recommends

that comments from the public with respect to the applications be received.

Approval recommended for Oakville development

At its October 10 meeting, Oakville planning and development council considered a final [report](#) recommending approval of a zoning by-law amendment application by **Golden Arch Tech Investment Corp.** Golden Arch proposes to build a 10-storey mixed-use building with 289 dwelling units at 2418 Khalsa Gate.

CONTINUED PAGE 9

York Region: 45 Acre Land Assembly with Income

Newpark Boulevard · Newmarket, ON

Investment Highlights

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- Meaningful in place holding income of ±2.8 MM with a strong roster of tenants
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OFFER SUBMISSION DATE:
Thursday, November 9, 2017 by 12pm EST

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COMMITTEE AGENDAS

■ CONTINUED FROM PAGE 8

Oakville considers growth area reviews

At its October 10 meeting, Oakville planning and development council considered public information meeting reports regarding town-initiated official plan amendments to implement the reviews of the [Bronte Village](#), [Kerr Village](#) and [Downtown Oakville](#) growth areas. The purpose of the reviews is to assess the growth area policies in the town's official plan and consider new or revised policies, as necessary. The report recommends that comments from the public with respect to the applications be received.

Oakville plans for former public works site

At its October 10 meeting, Oakville planning and development council considered a public meeting information [report](#) regarding town-initiated official plan and zoning by-law amendment applications for 2264, 2274 and 2320 Trafalgar Road. Town staff has undertaken a master planning exercise for the property to identify development blocks and phases, minimum densities, and appropriate built form. The proposed OPA will allow 16-storey development as-of-

right on certain blocks, as well as four additional storeys through density bonusing. The proposed ZBA will result in modest revisions to existing zoning permissions. The report recommends that comments from the public with respect to the applications be received.

Oakville school park proposed

At its October 10 meeting, Oakville planning and development council considered a public meeting information [report](#) regarding a zoning by-law amendment application by **Halton Catholic District School Board**. HCDSB proposes to establish a passive and active open space located at 304, 312, 324 and 332 Rebecca Street, adjacent to St. Thomas Aquinas Catholic Secondary School. The report recommends that comments from the public with respect to the application be received.

Bronte townhouses proposed



At its October 10 meeting, Oakville planning and development council considered a public meeting information [report](#) regarding zoning by-law amendment and draft plan of subdivision applications by **Sabrina Homes (East Street Acquisitions)**. Sabrina proposes to build six

freehold townhouses at 121 and 125 East Street. The report recommends that comments from the public with respect to the applications be received.

Revised Oakville subdivision proposed

At its October 10 meeting, Oakville planning and development council considered a public meeting information [report](#) regarding zoning by-law amendment and plan of subdivision applications by **Halton District School Board** and **Menkes Coronation Drive**. HDSB and Menkes propose to build 49 detached dwellings on a site west of Coronation Drive and south of North Ridge Trail.

The proponents had previously proposed to build 52 dwellings. The report recommends that comments from the public with respect to the applications be received. 🌻



ANNUAL DINNER

ANTHONY TOWNSEND

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To purchase tickets, visit www.uwplanningalumni.com or contact Kitty Chiu: 416-260-0387

Last day for ticket sales is October 27, 2017



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OMB NEWS

CALEDON SECTION 43 REVIEW REQUEST DENIED

In a September 29 decision, board vice-chair **Richard Makuch** denied a request by **Chateaux of Caledon Corporation** for a review, pursuant to *Section 34* of the *Ontario Municipal Board Act*, of an earlier board decision that dismissed Chateaux's complaint regarding development charges levied by the **Town of Caledon** and **Peel Region**.

Chateaux claimed entitlement to a development charge credit for the prior demolition of a structure

on its development site. The structure, an unfinished house, was demolished in 2005 by town order prior to Chateaux's acquisition of the site in 2007 for a planned residential subdivision. All that remained of the structure when Chateaux bought the site was a remnant foundation, which it later cleared to satisfy a condition of draft subdivision approval.

The prevailing development charges by-law allows a credit to be granted when an old dwelling unit is removed to make way for new development. In a November 4, 2016 decision, board vice-

chair **Jyoti Zuidema** dismissed Chateaux's complaint, finding it was not entitled to a credit.

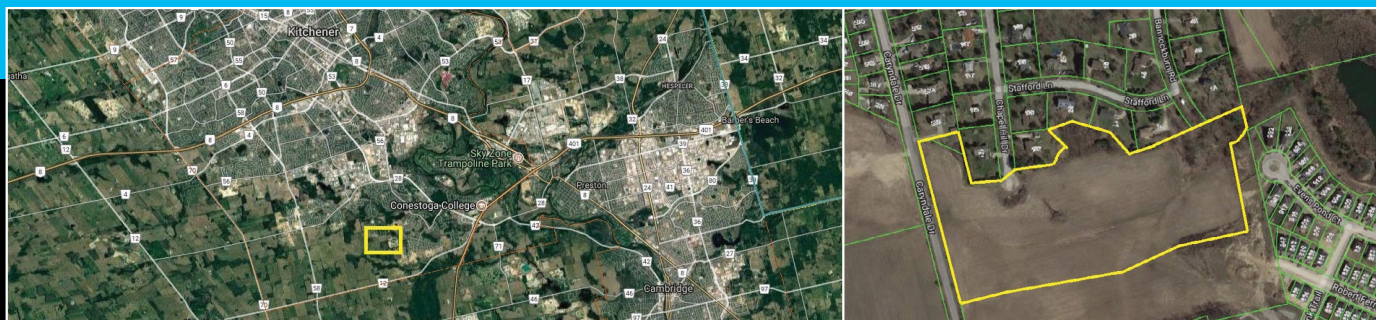
Chateaux claimed that vice-chair Zuidema's decision contained material errors of law and constituted a breach of natural justice. In particular, Chateaux requested that the board review three aspects of Zuidema's decision: whether the demolished structure was a residential dwelling unit, whether the board misunderstood the town's evidence on the demolished structure, and whether Chateaux is entitled to a credit for a non-residential demolition.

In his decision on the request for review, Makuch found that the demolished structure was not a residential dwelling unit as defined by the applicable DC by-law and, furthermore, the demolition was directed by the town and was not part of Chateaux's redevelopment of the site.

Makuch also found that Zuidema had property interpreted the town's evidence, and there were no grounds to grant a credit under alternative provisions of the DC by-laws, as Chateaux's original appeal letter only stated that a credit

CONTINUED PAGE 11 ■

KITCHENER • 7 ACRES SERVICED RESIDENTIAL LOTS & MEDIUM DENSITY OPPORTUNITY



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OFFER DUE NOVEMBER 15th, 2017 by 5PM (ET)

For Information Brochure, please call or email: (PRINCIPALS ONLY)

Paul Grespan

GATESTONE DEVELOPMENT CORP.

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■ CONTINUED FROM PAGE 10

was being sought in relation to the demolition of a dwelling unit. Makuch concluded that Chateaux failed to demonstrate a convincing and compelling case that a rehearing was warranted, and denied its request for a *Section 43* review.

Solicitors involved in this decision were **Piper Morley (Borden Ladner Gervais)** representing Chateaux of Caledon Corporation, **Patrick Harrington (Aird & Berlis)** representing the Town of Caledon and regional solicitor **Robert Maciver** representing Peel Region. [See *OMB Case No. DC150014*.]

THORNHILL TOWNHOUSE SETTLEMENT APPROVED

In a September 26 decision, board member **Paula Boutis** and vice-chair **Chris Conti** allowed an appeal, in part, by **City Park Homes** against the **City of Vaughan's** failure to make a decision on its applications for official plan and zoning by-law amendments, plan of subdivision and site plan approval. City Park proposes to construct a 56-unit common element townhouse development at 7803 and 7815 Dufferin Street.

Prior to the hearing a settlement was reached among City Park, the city and **York Region**. Planner **John Zipay**

(**Weston Consulting**) provided evidence on behalf of City Park in support of the settlement. He testified that the proposal facilitates a transit-supportive form of infill development that will allow for diverse and affordable housing. He concluded that the proposed planning instruments are consistent with the *Provincial Policy Statement* and conform to the 2017 Growth Plan and Vaughan official plan.

At the request of the parties, the board accepted Zipay's uncontroverted evidence and issued an oral decision allowing the appeal, in part, but reserving its decision on the issue of vehicular access to and from the site as agreement on that particular issue could not be reached. City Park preferred a full access (left and right incoming/outgoing turns) arrangement to the site, while the region preferred a limited right-in, right-out arrangement.

The board then heard transportation planning evidence on behalf of City Park by **Kim Nystrom (Cole Engineering)** and on behalf of York by regional transportation planner **Vi Bui**.

Nystrom testified that the site will generate minimal traffic on the nearby road network and explained that the adjacent commercial plaza had full access flow, thus

concluding that full access was also appropriate for City Park's development. Bui testified that Dufferin Street is too wide and too busy to permit full vehicular access in and out of the site, and stated that right-in, right-out flow has been required for other nearby developments.

The board agreed with Bui's evidence, finding it preferable to take a precautionary approach to approving measures related to traffic movements in and out of the development. Consequently, the board issued a final, written order stating that the plans must reflect a right-in, right-out access.

Solicitors involved in this decision were **Leo Longo (Aird & Berlis)** representing City Park Homes, **Barnet Kussner (WeirFoulds)** and city solicitor **Caterina Facciolo** representing the City of Vaughan and regional solicitors **Gabriel Szobel** and **Bolajoko Ogunmefun** representing York Region. [See *OMB Case No. PL160758*.]

HAMILTON INFILL DEVELOPMENT APPROVED

In a September 26 decision, board member **Stefan Krzczunowicz** allowed an appeal, in part, by **Recchia Developments** against the **City of Hamilton** committee of adjustment's refusal of its minor variance application. Recchia sought variances to permit a redevelopment of six detached dwellings fronting onto a private condominium road at 231 York Road.

The board had previously dismissed appeals for official plan and zoning by-law amendments for the subject site to allow a 15-unit townhouse development, in 2013, and then 12 semi-detached dwellings, in 2015.

At the outset of the hearing the board was advised that the city supports the variances as expressed through signed minutes of settlement. Recchia and the city agreed that approval of the variances should be conditional on approval of site plan and plan of condominium applications

CONTINUED PAGE 12 ■

ONTARIO HERITAGE ACT: A SOURCEBOOK

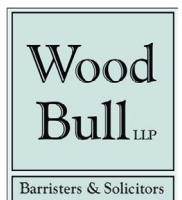
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OMB NEWS

■ CONTINUED FROM PAGE 11

for the site, submission of a functional servicing report to the satisfaction of city staff, and construction of a visual barrier around the site.

Planner **Glen Wellings (Wellings Planning Consultants)** provided evidence on behalf of Recchia in support of the settlement. He testified that the proposal represents compatible infill development and that the proposed internal road and site plan design will maintain consistency with the York Road streetscape. He concluded that the requested variances, subject to the proposed conditions, satisfy the four required *Planning Act* tests.

Neighbour **Jennifer Lawrence** attended the hearing to oppose the settlement and proposed development. She expressed concern that

the proposal represents overdevelopment of the site and asked the board to impose a more stringent condition for the visual barrier and require increased setbacks.

The board agreed with Wellings' evidence and allowed the appeal, in part, with conditions.

Solicitors involved in this decision were **Denise Baker (WeirFoulds)** representing Recchia Developments Inc. and city solicitor **Patrick MacDonald** representing the City of Hamilton. [See OMB Case No. [PL161098](#).]

BRAMPTON "MONSTER HOME" VARIANCES REFUSED, AGAIN

In a September 26 decision, board vice-chair **Jan de Pencier Seaborn** and member **Stefan**

Krzeczunowicz dismissed an appeal by **Ahmed Elbasiouni** against the **City of Brampton** committee of adjustment's refusal of his minor variance application. Elbasiouni sought variances to permit his semi-completed dwelling at 443 Centre Street to be used as a duplex dwelling.

The semi-completed dwelling has been the subject of numerous prior board decisions that have refused several forms of variance relief over the past few years, as well as several court challenges. The appeal stems from a building permit that was erroneously granted by the city to Elbasiouni to construct a dwelling significantly larger than permitted by the applicable zoning provisions.

Immediately prior to the start of the hearing Elbasiouni requested an adjournment as he was unable to attend the scheduled hearing. The board refused the request and proceeded to hear evidence

from city planner **Gavin Bailey** on behalf of Brampton in opposition to the appeal.

Bailey testified that the requested variances were an attempt to use a single-family home as a duplex dwelling, which he described as inconsistent with the city's official plan, and incompatible with the neighbourhood character. He said the variances failed the four *Planning Act* tests and should be denied.

Based on Bailey's uncontested evidence, the board dismissed the appeal and upheld the committee's refusal of the variances.

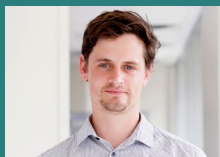
Solicitors involved in this decision were **Steven O'Melia** and student-at-law **Arshia Assif (Miller Thomson)** representing the City of Brampton. [See OMB Case No. [PL170140](#).] 🌸

PEOPLE

Kelvin Kwan has been appointed planning and regulatory services commissioner for the **Town of Richmond Hill**. Appointed acting commissioner in May 2017, previously Kwan was development planning director.

Municipal affairs reporter joins NRU team

An environmentalist and urban planner, Daniel Taylor has spent his career dedicated to the improvement of public life. With deep roots in the



arts and culture scene as a musician and community organizer, Daniel's community development work introduced him to the

importance of urban planning and design.

Through his undergraduate years, he became passionate about environmental causes and the role that urban communities play in creating an ecologically sustainable society. Working at the

intersection of planning, environmental advocacy and community development, Daniel gained extensive experience in public arts and sustainable food systems planning before joining NRU. He holds a B.E.S. and M.E.S. from York University.