

October 5, 2022

GSAI File: 1166-001

(Via Email – [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca))

Hon. Steven Clark  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M5G 2E5

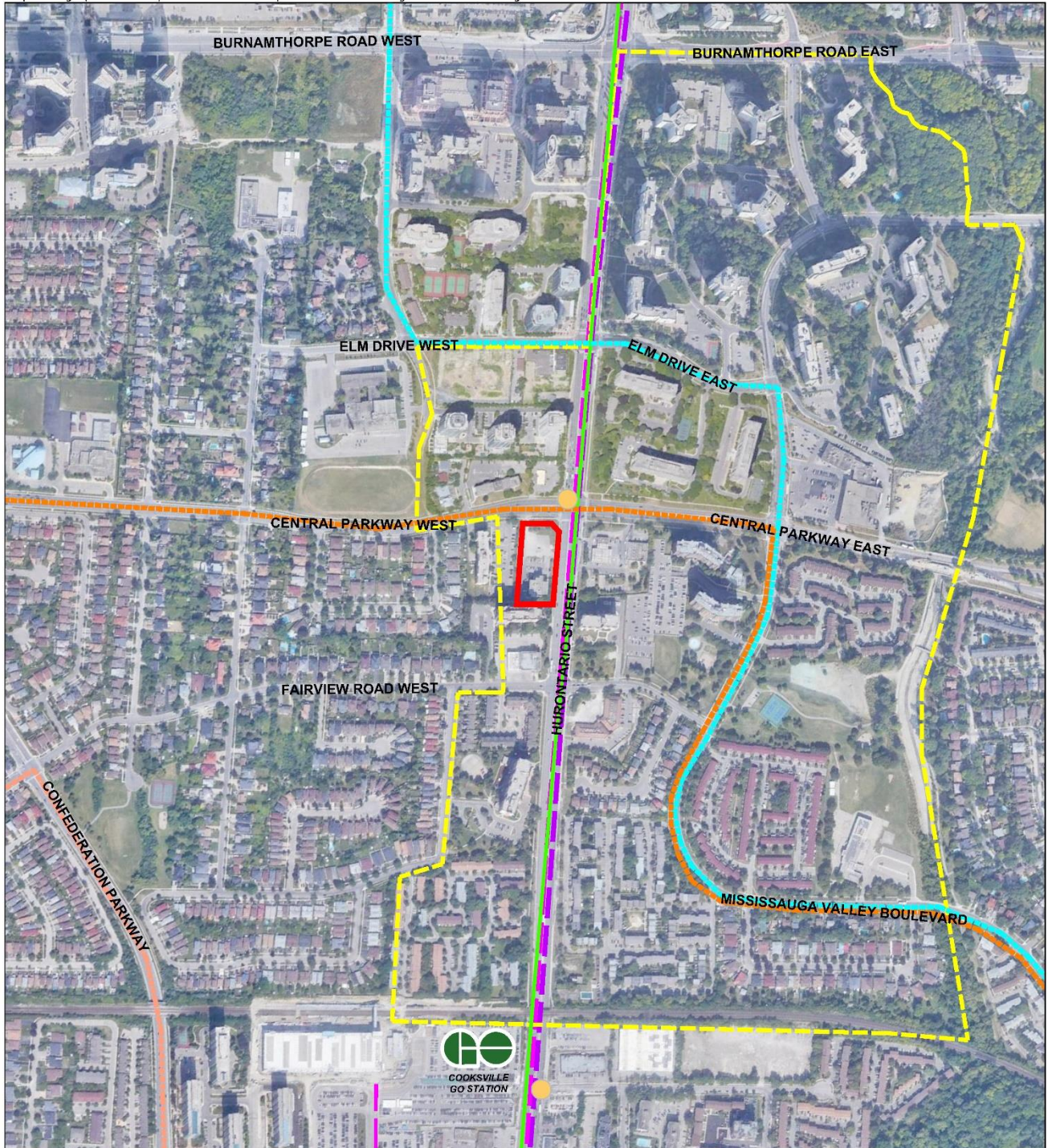
**Re: Peel Regional Official Plan Amendment  
BET Realty Limited and 3420 Hurontario Street  
Incorporated  
3420 and 3442 Hurontario Street, City of Mississauga**

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Glen Schnarr & Associated Inc. (GSAI) are the planning consultants to BET Realty Limited and 3420 Hurontario Street Incorporated (the ‘Owner’) of the lands municipally known as 3420 and 3442 Hurontario Street, in the City of Mississauga (the ‘Subject Lands’ or ‘Site’). As demonstrated on the Context Map on the next page, the Subject Lands are located on the west side of Hurontario Street, south of Confederation Parkway West. The Site is within the Downtown Mississauga Urban Growth Centre, immediately adjacent to the planned Hurontario Light Rail Transit (‘HuLRT’) network as well as within walking distance of the Cooksville GO Station. The Site is also well-served by street-level bus transit, with numerous bus routes operating in the surrounding area. Overall, the Site is well-served by existing and planned higher order transit services and the proposed Region of Peel Official Plan (‘ROP’) has included the Subject Lands within the Fairview Major Transit Station Area (‘MTSA’) – a Primary MTSA (Schedule E-5, Major Transit Station Areas).

Although the Owner supports the Fairview MTSA delineation and the inclusion of the Subject Lands within the Fairview MTSA in the ROP, we are providing this Letter to highlight a concern with the downstream implementation of ROP policies related to the establishment of maximum heights within MTSAs at the discretion of local municipalities through their Official Plans. These local Official Plans are to be approved by the Region and are not subject to review by the Province.

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## TRANSIT PLAN

3420 AND 3422 HURONTARIO STREET,  
CITY OF MISSISSAUGA, REGIONAL MUNICIPALITY OF PEEL

### LEGEND

- Subject Lands
- Fairview (Central Parkway) Major Transit Station Area
- MiWay - Route 2 (Hurontario)
- MiWay - Route 28 (Confederation)
- MiWay - Route 3 (Bloor)
- MiWay - Route 53 (Kennedy)
- MiWay - Route 304 (Central Parkway)
- Hurontario Light Rail Transit Network
- Planned HuLRT Station



GSAI, on behalf of the Owner, has been participating in the Region of Peel’s (‘Region’) Municipal Comprehensive Review (‘MCR’) process, referred to as the ‘Peel 2051+’ initiative. We have also participated in and our Project Team has provided commentary on the ongoing Mississauga Official Plan review process, including the recent Downtown Fairview, Cooksville and Hospital Policy Review and the City-Wide Major Transit Station Area Study.

We have reviewed the Region of Peel Official Plan, as adopted by Regional Council on April 28, 2022 and we offer the following comments on behalf of the Owner.

***Background***

The Subject Lands are an appropriate and desirable location for compact, mixed-use, transit-supportive development to occur. This is confirmed by the Site’s location immediately adjacent to the planned HuLRT network, its location along the Hurontario Regional Intensification Corridor and its location within comfortable walking distance of existing street-level transit networks as well as destinations, services and amenities to meet the daily needs of residents.

Based on the adopted Region of Peel Official Plan, the Subject Lands remain designated ‘Urban System’ (Schedule E-1, Regional Structure), are located within the Downtown Mississauga Urban Growth Centre and are along the Hurontario Regional Intensification Corridor (Schedule E-2, Strategic Growth Areas). The Site is also located within the Fairview Major Transit Station Area (‘MTSA’) – which is a Primary MTSA (Schedule E-5, Major Transit Station Areas). We understand that it is the responsibility of the Region to identify and delineate MTSA’s across Peel Region.

***The ROP OP and the Establishment of Maximum Heights for Land Uses within MTSA’s***

We support the Fairview MTSA delineation and the inclusion of the Subject Lands within this MTSA. We are, however, concerned with the downstream implementation of the Major Transit Station Area (Section 5.6.19) policies, in particular, Policy 5.6.19.10.e) which states:

*‘5.6.19.10. The local municipalities shall undertake comprehensive planning for Primary and Secondary Major Transit Station Areas to address the following matters to the satisfaction of the Region:*

- e) *the minimum height for land uses within the Major Transit Station Area, maximum heights may be established at the discretion of the local municipality.* (emphasis added)

Policy 5.6.19.10.e) provides that the local municipalities in Peel may, at their discretion and further to comprehensive planning, establish maximum heights for land uses in MTSAs, in addition to establishing minimum heights. These maximum heights, should they be established by the local municipalities, are to be to the “satisfaction of the Region”. Unlike the ongoing approval process in regard to the ROP, and the process that would apply to single-tier municipalities, the establishment of maximum heights in MTSAs by local municipalities in the Region will not be the subject of a Provincial review and approval process. The establishment of maximum heights in MTSAs, where compact, mixed-use, transit-supportive development is to be directed, has significant implications on the achievement of a number of Provincial objectives particularly taking into consideration the *Planning Act* prohibitions against appeals related to Protected Major Transit Station Areas (‘PMTSAs’). We note that in accordance with the *Planning Act* provisions and the City of Mississauga’s ongoing Official Plan Review, the Fairview MTSAs is to be a PMTSA. As such, these maximum height policies are generally not appealable to the Ontario Land Tribunal.

We have a related concern in regard to Policy 5.6.19.11 which states that Zoning By-laws shall be updated to reflect the policies of 5.6.19.9 and 5.6.19.10. Should Policy 5.6.19.10 and 5.6.19.11 remain as currently adopted, the issue of accommodating appropriate transit supportive development in MTSAs is further exacerbated as the maximum heights established pursuant to these policies will be translated in the Zoning By-laws.

### **The City of Mississauga and the Establishment of Maximum Heights within MTSAs**

To date, the City of Mississauga has undertaken a City-Wide Major Transit Station Area Study (‘Study’). This Study culminated in a series of City-initiated Official Plan Amendments which collectively delineate a series of 56 MTSAs across the City of Mississauga, identify which of these MTSAs are to be Protected Major Transit Station Areas (‘PMTSAs’), identify land use permissions within each PMTSA, identify minimum density targets for each PMTSA and identify minimum and maximum heights for each PMTSA.

In our opinion, the implementation of maximum heights does not reflect what can be achieved in these areas where compact, mixed-use, transit-supportive development is to

be directed. Furthermore, these maximum heights have been identified without careful analysis or consideration of the surrounding context and will limit the redevelopment potential of lands where transit-oriented, mixed-use development is to occur. In the case of the Subject Lands, the currently contemplated maximum height limits for the Fairview PMTSA are varied. For example, the City's PMTSA policies impose a maximum height permission of 36 storeys on the lands immediately to the north of the Subject Lands, which is informed by prior development approvals for those lands. By contrast, the City's PMTSA policies unnecessarily limit the Subject Lands to a maximum height of only 25 storeys. Contrary to good planning, these maximum heights will become a barrier to accommodating development in appropriate locations in proximity to higher order transit where higher density, transit-supportive development ought to be, and will be a barrier to supporting greater housing choice challenging the implementation of Provincial policy objectives.

As such and in the interest of directing appropriate intensification within identified Protected Major Transit Station Areas ('PMTSAs'), we respectfully request that you exercise your authority to modify the ROP to remove the establishment of maximum permitted building heights from Policy 5.6.19.10.e).

In addition, we note that other jurisdictions, including the City of Toronto, have established Major Transit Station Areas policies that have identified minimum density targets but not maximum building heights. Elimination of maximum building height permissions from the ROP is appropriate and will enable redevelopment of lands in appropriate locations, at appropriate densities and heights to occur within PMTSAs.

In summary, we are concerned about the downstream implications of the adopted ROP, particularly Policy 5.6.19.10.e) and respectfully request that you exercise your authority to modify this policy. We ask that we be provided with Notice of any decision you make on the ROP.

Thank you for the opportunity to provide these comments. Please do not hesitate to contact the undersigned if there are any questions.

Sincerely,  
**GLEN SCHNARR & ASSOCIATES INC.**



Jim Levac, MCIP, RPP  
**Partner**