

October 6, 2022

Municipal Services Office – Central Ontario
777 Bay Street, 16th Floor
Toronto, ON M7A 2J3

Attention: Jennifer Le

Dear sirs/mesdames:

**Re: New Region of Peel Official Plan
ERO No. 019-5535
Submission on behalf of the Mississauga Muslim Community Centre**

We are counsel to the Mississauga Muslim Community Centre (the “**Centre**”), the owner of the property known municipally as 2505 Dixie Road (the “**Property**”) in the City of Mississauga (the “**City**”), located near the intersection of Dundas Street East and Dixie Road in very close proximity to the Dixie GO station. Our client operates a place of worship on the Property serving thousands of congregants, as well as a food bank serving people of all faiths.

We write on behalf of our client to provide comments on the Region of Peel’s new Official Plan, adopted on April 28, 2022 (the “**New ROP**”), which is before the Ministry of Municipal Affairs and Housing for review. In particular, we write to make two requests of the Ministry in respect of the New ROP:

1. We ask that Ministry not make any modifications to Schedule E-4 of the New ROP, which appropriately removes lands along Dundas Street East between Cawthra Road and Dixie Road (the “**Dundas Corridor**”) from the designated Employment Area in a manner that is consistent with provincial policy, supports provincial investment in higher-order transit along the Dundas Corridor, and reflects careful study undertaken by Regional staff through the municipal comprehensive review process.
2. We ask the Ministry to modify certain non-policy text in Section 5.8 of the New ROP relating to employment uses outside of Employment Areas, to ensure that lower-tier municipalities do not misapply the New ROP in a manner that undermines provincial interests and the intent of the New ROP.

Each of these requests is outlined further below.

Background

The place of worship that our clients operate on the Property is an important part of the broader community within the area. The Centre does its best work and can have the broadest reach when the area surrounding it is full of residents and workers. As the Ministry is likely aware, the Dundas Corridor just north of the Property is planned to accommodate new higher-order transit, facilitated through significant public investments from all levels of government, including a series of new bus rapid transit stations along the Dundas Corridor, effectively at the doorstep of many DLA members' lands. This transformational investment in turn creates transformational opportunities – opportunities to facilitate new housing to address an urgent housing crisis in the Region and support a vibrant, mixed-use community focused around higher-order transit.

Provincial policy direction is clear that there is an imperative to optimize public investments in higher-order transit infrastructure, particularly through mixed use development, in order to support complete communities. Consistent with this overarching direction, lands along the Dundas Corridor are not located within a provincially significant employment zone (“PSEZ”). Some lands along the Corridor were deliberately removed from an initially proposed PSEZ, in recognition of their importance in providing the housing and other non-employment uses that are essential to supporting planned transit infrastructure on Dundas Street East.

The New ROP

The Dundas Corridor Must Remain Outside of the Designated Regional Employment Area

The New ROP appropriately recognizes the role of the Dundas Corridor in supporting the public investment in new higher-order transit along the Dundas Corridor. Following years of extensive study and public input in the context of the Region's municipal comprehensive review, Regional staff recommended and Regional Council adopted the New ROP, which removes the Dundas Corridor from the Regional Employment Area as reflected in Schedule E-4 of the New ROP. This aspect of the New ROP is critical, and is one that we urge the Ministry not to modify through its review of the New ROP.

The removal of the Dundas Corridor lands from the Regional Employment Area is based upon the findings of the Region of Peel's 2051 Land Needs Assessment, undertaken as part of the Region's municipal comprehensive review. The Land Needs Assessment recommended removing the Dundas Corridor lands from the Regional Employment Area. This conclusion reflects the determination that the lands are not required to meet the Region's employment targets and, further, that the lands are important in meeting other Regional objectives, such as supporting the higher-order transit planned for the Corridor, facilitating a transit-supportive mixed-use community, and providing a broader mix and range of housing options in the Region.

The Region's approach to the Dundas Corridor lands, as reflected in Schedule E-4 of the New ROP, is consistent with the provincial policy and appropriately reflects the critical role of the

Dundas Corridor in helping to achieve provincial objectives, including supporting new housing around transit. It also ensures that existing employment uses located further south of Dundas Street East, without direct access to transit, can continue to flourish. For example, Schedule E-4 maintains an Employment Areas designation for certain lands located to the south, including lands owned or operated by Mother Parker's Tea & Coffee Inc. ("**Mother Parker's**")

The very last day before the New ROP was adopted, Mother Parker's made a last minute attempt to upend the careful work of Regional staff as it relates to the Dundas Corridor. Specifically, Mother Parker's asked Regional Council to apply an Employment Areas designation to lands along the Dundas Corridor. It continued to agitate for this result, even after Council adopted the New ROP, by asking Regional Council to request the Ministry to make the corresponding modification to Schedule E-4 of the New ROP. The DLA made written submissions to Regional Council regarding Mother Parker's request, via letter dated June 29, 2022. A copy of that correspondence is attached as Schedule A to this letter.

Regional Council rightly rejected Mother Parker's entreaties. In the event that Mother Parker's (or other industrial operators in the area) approach the Ministry seeking such a modification, we ask the Ministry to do the same.

From the perspective of the Centre, there is no basis for a modification to the New ROP that would expand the Employment Areas designation in the area of the Dundas Corridor or the Property. As both Regional and City staff confirmed in reports to Regional Council in response to Mother Parker's delegations, existing policies already provide protection to employment uses such as Mother Parker's. Mother Parker's suggested approach would effectively sterilize a large swath of lands from residential development, squandering the opportunity to deliver tens of thousands of housing units adjacent to a planned higher-order transit corridor. It would also jeopardize the interests of many small businesses and landowners – including the Centre – that together account for a significant area of lands within the Region.

The approach to the Dundas Corridor reflected in the New ROP, in removing lands directly adjacent to Dundas Street East from the Regional Employment Area, will help ensure the Dundas Corridor achieves provincial objectives, without jeopardizing the ability of existing employment uses to continue and thrive. We therefore urge the Ministry to uphold this aspect of the New ROP and not modify Schedule E-4 in a manner that changes the designation of the Dundas Corridor or surrounding area.

Section 5.8 of the New ROP Requires Modification

The City recently adopted a series of official plan amendments at the lower-tier level relating to major transit station areas (the "**City OPAs**"). These official plan amendments purport to have been based on direction in the New ROP, even though the New ROP is not yet approved.

The City OPAs are problematic in a number of respects. For the purpose of this submission, we want to highlight one particular issue that directly relates to the New ROP. Specifically, the City OPAs continue to designate large portions of the Dundas Corridor as Employment Areas in the City's Official Plan, thereby prohibiting residential uses, despite the removal of those lands from the Regional Employment Area in Schedule E-4 of the New ROP.

This approach directly conflicts with applicable policy. First, the Growth Plan for the Greater Golden Horseshoe assigns the responsibility for designating employment lands within the Region to the upper-tier municipality, not the lower-tier municipality. Second, the New ROP explicitly directs local municipalities to designate Employment Areas in accordance with Schedule E-4. This approach reflects the direction in the Growth Plan, as it is the upper-tier municipality that designates employment areas, not lower-tier municipalities. Accordingly, the City's designated Employment Areas must correspond with the mapping in Schedule E-4 of the New ROP. By failing to correspond with Schedule E-4, and instead continuing to designate portions of the Dundas Corridor as Employment Areas that are not designated Employment Areas at the Regional level, the City OPAs fail to conform with the Growth Plan and directly conflict with the New ROP.

This fundamental issue of non-conformity was raised with Regional and City staff prior to the adoption of the City OPAs. In response to the concerns raised, staff pointed to introductory, non-policy text in Section 5.8 of the New ROP to justify the City OPAs' continued designation of certain lands as Employment Areas, in conflict with Schedule E-4 of the New ROP. Specifically, staff referred to the underlined language below:

Local official plans may also support employment uses outside of *Employment Area* designations, provided they are compatible with the surrounding community and the population and employment forecasts set out in Table 3 are met. *Strategic Growth Areas* are one appropriate location beyond *Employment Area* designations in the regional and local official plans to support a mix of uses and major office development. On the periphery of *Employment Areas*, retail and commercial uses serve the workers in the *Employment Areas*, provide a buffer to sensitive land uses, and benefit from visibility and access to transit.

Staff's interpretation of the language noted above as justifying the designation of additional Employment Areas at the local level, beyond those designated at the Regional level, is flawed in many respects. First, as noted, the language quoted above is not found anywhere in the operative policies of the New ROP; rather, it is in non-policy explanatory text. Such explanatory text cannot override the operative policies of the New ROP, which require the City to designate Employment Areas in a manner that correspond with Regionally-designated Employment Areas. Second, the language does not say what City staff seem to think it does: supporting uses outside of Employment Area designations, by definition, cannot mean designating additional Employment Areas, since once those areas are designated, they would no longer be outside of an Employment Area designation.

While staff's interpretation of Section 5.8 is plainly incorrect, the City is proceeding on the basis that many of the City OPAs are not subject to appeal or scrutiny before the Ontario Land Tribunal. In these circumstances, Ministry intervention is required to ensure that the Section 5.8 of the New ROP is not misapplied in a manner that frustrates the intention of the New ROP and provincial policy. Unless a modification is made, the City could continue to effectively turn the planning framework upside down, by undermining the decision of the Region not to place the Dundas Corridor within a designated Employment Area – and prevent the creation of thousands of new homes in the process.

To prevent such a scenario, we ask the Ministry to modify Section 5.8 of the New ROP by deleting the language that staff have relied upon, and make certain corresponding minor revisions as set out in Schedule B to this letter.

These minor modifications would clarify the intention of New ROP and help prevent misapplication of the New ROP at the local level. In our submission, such a modification is necessary to protect provincial interests given the significant public investment in higher-order transit along the Dundas Corridor and the need for housing along the Corridor, both to support transit and help address the ongoing housing crisis in the Region.

Conclusion

For the reasons outlined above, we ask the Ministry to approve Schedule E-4 of the New ROP as adopted, as it relates to the Dundas Corridor and surrounding area. We also ask the Ministry to make the minor modifications to Section 5.8 of the New ROP outlined in Schedule B. These steps are critical to protecting provincial interests, help bring much-needed homes to the Region and the City, optimize the public investment in higher-order transit, and make the Dundas Corridor and surrounding area the vibrant place it is intended to be.

Our client appreciates your consideration of these matters and would welcome the opportunity to discuss these comments with Ministry staff.

Yours truly,

Goodmans LLP



Max Laskin
Partner
ML/

cc: Client

SCHEDULE A

WRITTEN SUBMISSIONS TO REGIONAL COUNCIL DATED JUNE 29, 2022

[See next page]



RECEIVED

June 30, 2022

REGION OF PEEL

OFFICE OF THE REGIONAL CLERK

June 29, 2022

Regional Chair Nando Iannicca and Members of Peel Council
Region of Peel
10 Peel Centre Drive
Brampton, Ontario
L6T 4B9

Attention: Aretha Adams, Regional Clerk

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED _____

RE: Region of Peel Revised Regional Official Plan Adopted On April 28, 2022 and Mother Parkers Tea and Coffee Inc.'s Request For Changes To This Region of Peel Plan

The Mississauga Muslim Community Centre is the landowner of the lands located at 2505 Dixie Road, Mississauga. We operate a place of worship along with a food bank for people of all faiths. We are pleased to advise we have thousands of congregants who live in and are constituents of not only Ward 1 and 3, but the rest of the City of Mississauga and Region of Peel as well.

We thank the Region of Peel for adopting its Revised Regional Official Plan on April 28, 2022 which does not designate our property as an Employment Area. We respectfully request Regional Council to re-confirm this previous decision, which would allow us to build a high density residential mixed use building for our congregants on our land in the future.

Regrettably, we have recently learned that at the upcoming July 7, 2022 Region of Peel Council meeting, Regional Staff shall be submitting a report addressing Mother Parkers Tea & Coffee Inc.'s solicitor Mr. David Tang's April 27, 2022 letter requesting Regional Council's support to obtain a Minister's Modification to change the Revised Regional Official Plan, reversing the conversion of lands adjacent to his client's industrial operations. **In his letter he explicitly requested that sensitive land uses, such as residential or "places of worship," be prohibited on neighbouring properties to industrial operations.**

The opinions of minority landowners with industrial operations should not take precedence over the ability of the majority of land owners in close proximity to the planned Bus Rapid Transit stations or the Dixie GO Train station to redevelop their property for a high density compact transit supportive redevelopment project in immediate proximity to the planned Dundas Bus Rapid Transit Line and Metrolinx GO Transit service.

The Federal and Provincial governments have committed \$500 million for this new bus rapid transit corridor along Dundas Street and one of the express intentions is that this investment will facilitate transit oriented communities (TOC), something that is urgently needed in the midst of our collective housing crisis. The Canadian Mortgage and Housing Corporation (CMHC) has recommended that Ontario needs to build as many as 1.85 million homes to improve affordability in the housing market by 2030 and sites

Phone: (905) 270 - 4900 **Website:** info@mmcc-canada.org

Social Media: <https://www.facebook.com/MinhajulQuranCanada>

like ours should be part of the solution with homes near employment and transit that will reduce greenhouse gases and environmental impacts of growth. Granting Mother Parkers Tea and Coffee Inc.'s requested change to the Revised Regional Official Plan would set a bad precedent for these reasons and others.

Further, we also understand that Mr. Peter Gross, a solicitor with Gowling WLG, on behalf of the Ahmed Group, the owners of 1000 and 1024 Dundas Street East, submitted a letter requesting Peel Regional Council to confirm its April 28, 2022 decision and to not support the change of the Revised Regional Official Plan. Mr. Peter Gross also documented the mistakes in Mr. David Tang's letter. We support the Ahmed Group's position as documented in Peter Gross' letter.


Peter Gross' letter identifies the logical solution to the noise considerations that Mother Parker's Tea & Coffee Inc. have raised which is for the City of Mississauga to enact a Bylaw to apply a Class 4 noise classification to Mother Parker's Tea & Coffee Inc. existing industrial operation in conformity with the policy in Section 6.10 of the City of Mississauga existing Official Plan. Far more impactful industrial operations, like Redpath's Sugar Plant on Toronto's downtown waterfront have been able to continue operations without disruption from new neighbouring residential developments due to the City of Toronto's adoption of Class 4 noise classification. This can be seen in Figure 5.

It is our hope that, **if deemed to be required**, a similar approach shall be pursued to address the interface between our project and the existing industrial uses located to the south and south-west of our property.

Thank you in advance for considering our submission.

Sincerely,

MISSISSAUGA MUSLIM COMMUNITY CENTRE

Per: 
Kamran Rashid, President



SCHEDULE A

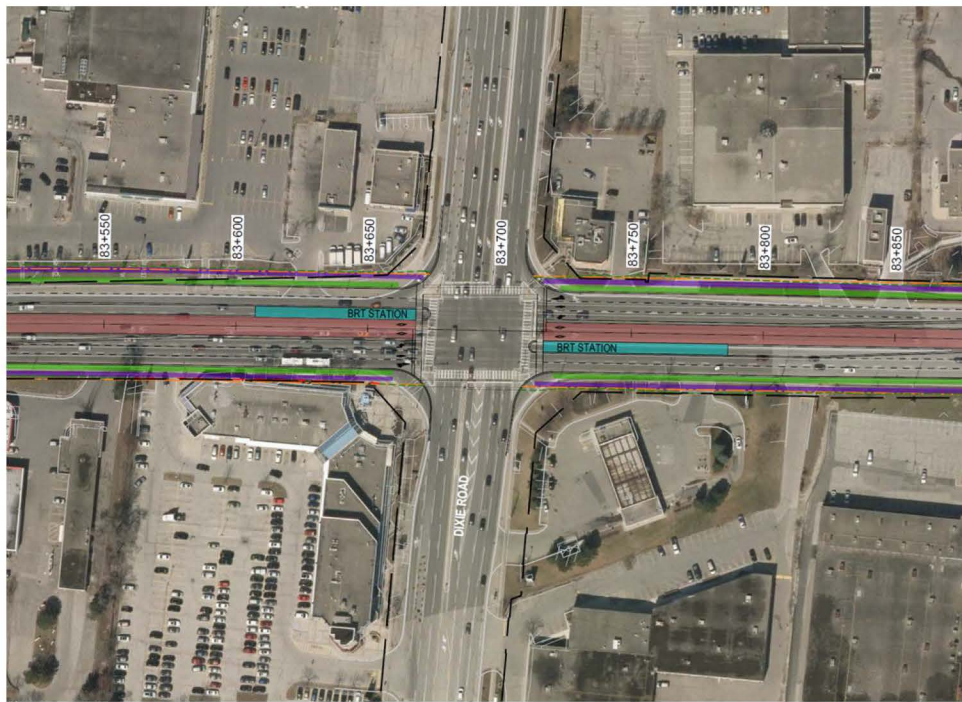
Figure 1: Our Place of Worship



Phone: (905) 270 - 4900 **Website:** info@mmcc-canada.org

Social Media: <https://www.facebook.com/MinhaiulQuranCanada>

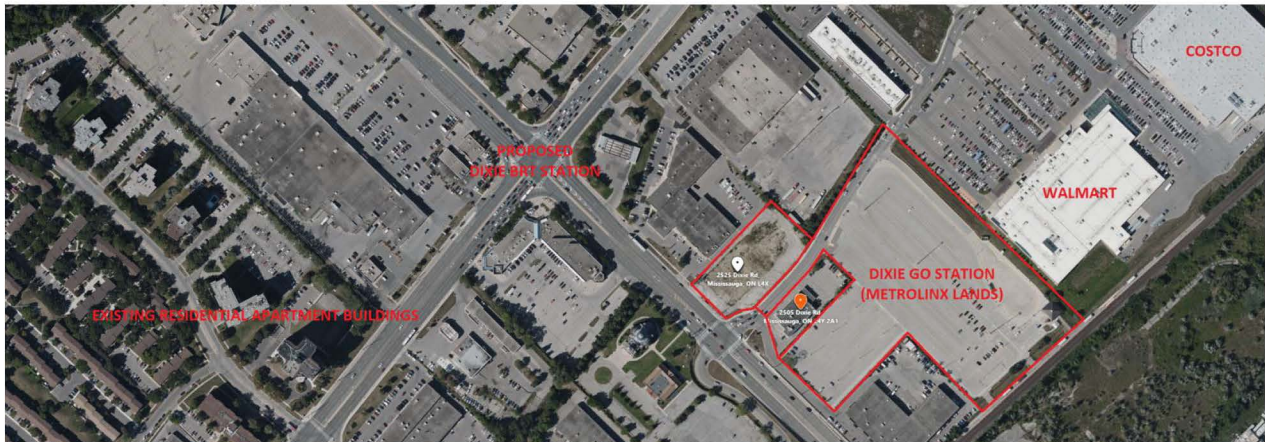
Figure 2: The Upcoming Dundas Dixie Bus Rapid Transit Station



Phone: (905) 270 - 4900 Website: info@mmcc-canada.org

Social Media: <https://www.facebook.com/MinhaiulQuranCanada>

Figure 3: Our Neighbourhood and Proximity to Dixie GO Station Lands (we are as close as it gets)



Phone: (905) 270 - 4900 Website: info@mmcc-canada.org

Social Media: <https://www.facebook.com/MinhaiulQuranCanada>

Figure 5: Proof Industry and Residential Can Coexist - “The Redpath Solution”



Phone: (905) 270 - 4900 Website: info@mmcc-canada.org

Social Media: <https://www.facebook.com/MinhaiulQuranCanada>

SCHEDULE B

REQUESTED MODIFICATIONS

5.8 Employment Areas

Employment Areas are places of business and economic activity that are vital to maintain a healthy economy and accommodate future jobs and economic opportunities to meet the Region's employment forecast.

These areas accommodate a broad range of uses including manufacturing, warehousing, office, and associated retail and *ancillary* facilities across various geographies ranging from individual sites, to nodes, corridors, and entire districts. On the periphery of *Employment Areas*, retail and commercial uses serve the workers in the *Employment Areas*, provide a buffer to sensitive land uses, and benefit from visibility and access to transit. The lands will remain important for the Region to maintain a healthy and diverse economy. The *Employment Areas* designated on Schedule E-4 are also subject to other policy requirements in this Plan and in local municipal official plans, including the Region's policy framework for the natural environment and Greenlands System in Chapter 2.

For 21st century employment opportunity to thrive, new *infrastructure* such as strong transit connectivity to a qualified labour force and affordable symmetrical broadband internet is required, while changes in technology will enable employment across a wider variety of land uses and building spaces than ever before. However, employers will continue to need core essentials like affordable electricity, good roads, clean water, and a variety of appropriate spaces in order to create and expand business.

~~Local official plans may also support employment uses outside of *Employment Area* designations, provided they are compatible with the surrounding community and the population and employment forecasts set out in Table 3 are met. *Strategic Growth Areas* are one appropriate location beyond *Employment Area* designations in the regional and local official plans to support a mix of uses and major office development. On the periphery of *Employment Areas*, retail and commercial uses serve the workers in the *Employment Areas*, provide a buffer to sensitive land uses, and benefit from visibility and access to transit.~~