



# Corporate Report

Clerk's Files

Originator's  
Files

CD.03.STR

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**DATE:** November 14, 2006

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: December 5, 2006

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Appeals to Amendment 49 to Mississauga Plan - Streetsville District Policies**

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**RECOMMENDATION:** That the report titled "Appeals to Amendment 49 to Mississauga Plan - Streetsville District Policies" dated November 14, 2006 from the Commissioner of Planning and Building, be received for information.

**BACKGROUND:** City Council, on October 11, 2006, adopted Amendment 49 to Mississauga Plan – Streetsville District Policies. Notice of Decision with respect to the approval of Amendment 49 to Mississauga Plan – Streetsville District Policies was given on October 13, 2006. The last date of appeal was November 1, 2006.

**COMMENTS:** Amendment 49 to Mississauga Plan – Streetsville District Policies is in force and effect except for lands subject to two site specific appeals. One appeal, by Dennis A. Trinaistich, Legal Counsel, on behalf of Kraft Canada Inc, concerns the "Residential High Density I" and "Community Park" land use designations and Special Site 11A policy at 27 Reid Drive (Kraft Canada Mississauga Mill) (Appendix 1). The other appeal, by Glen Broll (Glen Schnarr and Associates Inc.) on behalf of a Mr. Harris, concerns the "Greenbelt" and "Residential Low Density I" land use designations at 6545 Creditview Road (Appendix 2).

**FINANCIAL IMPACT:** Not applicable

**CONCLUSION:** Amendment 49 to Mississauga Plan – Streetsville District Policies is in force and effect except as it applies to lands subject to appeals at 27 Reid Drive and at 6545 Creditview Road. The Ontario Municipal Board will decide which hearing processes will resolve the appeals, or may dismiss all or part of an appeal.

**ATTACHMENTS:** APPENDIX 1: Appeal letter dated October 30, 2006 from Dennis A. Trinaistich on behalf of Kraft Canada Inc.  
APPENDIX 2: Appeal letter dated October 31, 2006 from Glen Broll (Glen Schnarr and Associates Inc.) on behalf of a Mr. Harris.

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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Eva Kliwer, Planner, Long Range Planning*

**Dennis A. Trinaistich**  
**Barrister and Solicitor**

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October 30, 2006

Crystal Greer, City Clerk  
City of Mississauga  
Office of the City Clerk  
300 City Centre Drive  
Mississauga ON L5B 3C1

**Re: Kraft Canada Inc. – Notice of Appeal**  
**Mississauga Official Plan Amendment 49 (“OPA 49”)**  
**Streetsville District Policies**  
**City File No.: CD.OPA 49 W6**

I am the solicitor for Kraft Canada Inc. (“Kraft”), the owner and operator of the historic Mississauga Mill (formerly Reid Milling) located on Reid Drive within the Streetsville District (the “Kraft Lands”). Kraft and its representatives have participated throughout the Streetsville District Plan Review process, leading to the adoption of OPA 49. Kraft and its representatives have appeared before Planning and Development Committee and made several written representations to Council on this matter. Kraft has a direct interest in the policies for the Streetsville District.

The purpose of this letter is to serve notice of Kraft’s appeal of the following parts of OPA 49 to the Ontario Municipal Board, pursuant to sub-section 17(36) of the *Planning Act*:

- 1. The proposed “Residential High Density I” and “Community Park” land use designation of the Kraft Lands on the Land Use Map.**
- 2. Subsection 4.32.8.12 - Special Site 11 policies, as they apply to the Kraft Lands.**

The reasons in support of the appeal may be summarized to include the following:

1. Kraft is committed to the continued use of the property for wheat milling and has no intention to close or relocate the mill. Kraft therefore seeks to retain the existing “Business Employment” land use designation on the tablelands, and is opposed to any steps to convert the property to residential uses.
2. The proposed Special Site 11A policy is unacceptable to Kraft. These policies will unnecessarily restrict the future use and development of the property for legitimate, currently permitted industrial uses, and mislead the public as to the future use of these lands.

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3. The Mississauga Mill has been producing flour almost continuously since the mid 1830's. The mill is the exclusive supplier of flour to the 3 Kraft bakeries in Toronto, 1 in Montreal and cereal bran to the Niagara Falls Breakfast cereal plant. The mill is located in the heart of the Ontario Soft Wheat belt (generally southwestern and central Ontario). The location minimizes transportation costs and provides abundant opportunity for sourcing wheat. This facility is extremely important to Kraft. In light of this long standing existing use of the site, and its strategic importance to Kraft, the Kraft Lands should continue to be designated for "Business Employment" uses or a similar land use designation that permits the existing milling and accessory uses.
  4. OPA 49 does not appropriately respond to City and Provincial policies intended to protect employment lands and ensure land use compatibility, nor does it take into account the historic presence of the Mill at this location for almost 2 centuries. The planning staff comment that "*the land uses permitted in the Business Employment designation are not compatible with the existing and future residential uses of surrounding lands*" ignores the historic existing land use relationship the Mill has had with nearby residential areas in Streetsville, and the site's location on a major rail line.
  5. The City's Official Plan sets out a planning framework to ensure that businesses and employment uses thrive in a stable and predictable policy environment. This approach has been a hallmark of land use planning and responsible municipal government in the City. The proposed policies in OPA 49 are in direct conflict with the Official Plan, specifically policies intended to ensure that business and employment uses are encouraged and supported, and that new residential development be compatible with surrounding lands, including industrial and rail facilities.
  6. The 2005 Provincial Policy Statement ("PPS") (Section 1.3 Employment Areas) requires municipalities to promote economic development by protecting and preserving employment areas for current and future uses. Under the PPS, municipalities may only permit conversion of employment lands to non-employment uses through a comprehensive review where it has been demonstrated that the land is not required for employment purposes, and there is a need for the conversion. The subject lands meet the definition of employment lands in the PPS. A comprehensive review is required to be based on a review of population and growth projections, and consideration of alternative directions for growth, among other considerations. No such review has been undertaken in support of OPA 49.
  7. As with the PPS, the Growth Plan for the Greater Golden Horseshoe ("GPGGH") (section 2.2.6) requires municipalities to protect and preserve employment areas for current and future uses, and to only permit conversion of employment lands through a comprehensive review which addresses many of the same matters as are in the PPS. The type of review required by the GPGGH has not been undertaken in support of OPA 49.
  8. There is no precedent that we are aware of for the conversion by the City of employment lands which are actively used and where a significant industry has stated its intention to

Dennis A. Trinaistich

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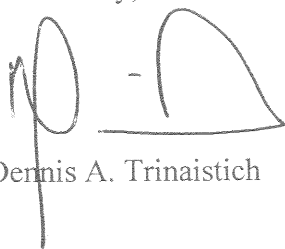
remain. The St. Lawrence Starch lands in Port Credit have been cited by the City as an example of such a precedent. However, those lands were still designated Heavy Industrial in the Port Credit Secondary Plan and the Primary Official Plan in 1993 when the owner of those lands applied for residential redesignation.

9. OPA 49 therefore does not represent good planning, as it applies to the Kraft Lands.
10. Such further and other reasons as counsel may advise and the Ontario Municipal Board may permit at the hearing of this appeal.

Enclosed is my firm cheque in the amount of \$125.00 payable to the Minister of Finance in accordance with the prescribed appeal fee.

I would be obliged to be noted as solicitor of record in this matter and to have all notices and communications addressed to my attention, with a copy to Paul Johnston, MCIP, RPP, Kentridge Johnston Limited, 185 Carlton Street, Toronto, Ontario, M5A 2K7.

Yours truly,

A handwritten signature in black ink, appearing to be 'D. Trinaistich', with a horizontal line extending from the end of the signature.

Dennis A. Trinaistich

Encl./

c. R. R. Johnson, Director, Facilities Services, Kraft Canada Inc.  
c. Paul Johnston, MCIP, RPP, Kentridge Johnston Limited



Ontario Municipal Board  
 Commission des affaires municipales de l'Ontario  
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
 TEL: (416) 326-6800 or Toll Free: 1-866-887-8820  
 FAX: (416) 326-5370  
[www.omb.gov.on.ca](http://www.omb.gov.on.ca)

# MUNICIPAL SUBMISSION FORM (R1) PLANNING ACT

## OFFICIAL PLANS & AMENDMENTS

Reference Number (OMB Office Use Only):

Material and information is to be forwarded to the Ontario Municipal Board by the Approval Authority/Municipality **within 15 days after the last day for filing a notice of appeal** under the following subsections of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. **Please check the section of the Act under which the appeal(s) have been filed.** Please print clearly throughout the submission form.

### Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Official Plans/Official Plan Amendments	<input type="checkbox"/> Appeal against a decision by local council to adopt an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input checked="" type="checkbox"/> Appeal against a decision of an Approval Authority to approve or not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Application for a new Official Plan or an amendment to an Official Plan – Approval Authority failed to make a decision on the plan or amendment within 180 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	22(7)

Municipality: City of Mississauga Official Plan Reference Number: OPA 49

Upper Tier: \_\_\_\_\_

Approval Authority (if different than above): \_\_\_\_\_

### Part 2: Approval Authority/Municipal Contact Information

First Name: Barbara Last Name: McEwan

Professional Title: Deputy City Clerk

E-mail Address: barbara.mcewan@mississauga.ca  
 By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Telephone #: 905-896-5421 ext. \_\_\_\_\_ Fax #: 905-615-4181

Mailing Address: 300 City Centre Dr. 3RD Fl. Mississauga  
 Street Address City/Town  
ON L5B 3C1  
 Province Postal Code

### Part 3: Location Information (for OP or OPA)

The Lands located in the Streetsville District  
 Address and/or Legal Description of property subject to the appeal:

### Part 4: Related Matters

- (a) Zoning By-law appeal: \_\_\_\_\_ O.M.B. File No.: \_\_\_\_\_
- (b) Subdivision Plan appeal: \_\_\_\_\_ O.M.B. File No.: \_\_\_\_\_
- (c) Consent submission: B- \_\_\_\_\_ O.M.B. File No.: \_\_\_\_\_
- (d) Other matters at municipality or Board or required to be filed?: \_\_\_\_\_

**Part 5: Official Plan Information**

Give a brief outline of the purpose of the official plan/amendment and the nature of the issues raised in the appeal(s):

Did this official plan start with an application? ☐ Yes ☐ No If yes, date received by the municipality: \_\_\_\_\_

**Part 6: Scheduling Information**

How many days do you estimate are needed for hearing this appeal? \_\_\_\_\_ Number of days  
 How many witnesses do you expect to have at the hearing? \_\_\_\_\_ Number of witnesses

Describe witness(es)' area of expertise. \_\_\_\_\_

Do you believe this matter would benefit from mediation?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If yes, do you believe all parties would consent to participating in mediation?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Do you believe this matter would benefit from a Prehearing Conference?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>

If yes, why? \_\_\_\_\_

**Part 7: Municipal Representative Information (Legal or Planning)**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Professional Title: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: \_\_\_\_\_ Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
 Street Address Apt/Suite/Unit# City/Town

Province

Country (if not Canada)

Postal Code

**Part 8: Required Documentation (Please check boxes to indicate document included in filing)**

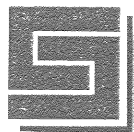
☐ I confirm that I have attached the following items to this form.

Signature of Clerk/Approval Authority: \_\_\_\_\_ Date: \_\_\_\_\_

The following material must be attached to this form where applicable, in the order which it is listed:

- ☐ Original or true copy of each notice of appeal received and reasons for appeal **with indication of the date on which each notice was filed**. Attach a typed list of the names, addresses and telephone numbers of all appellants.
- ☐ Board fee paid by each appellant made payable to the Minister of Finance. The appeal will not be processed without this fee being paid by each appellant. Ensure that cheque/fee payment is affixed to each appeal.
- ☐ If applicable, the original or certified copy of the prescribed information and material received by council or the planning board under subsection 22(4) of the *Planning Act* or the original or certified copy of the record received by the approval authority under section 6 of O.Reg.198/96 of the Regulations under the *Planning Act*.
- ☐ Certified copy of the proposed official plan or plan amendment. (If municipal staff have not drafted a proposed amendment, this draft can be requested from the applicant.)
- ☐ If applicable, an affidavit or sworn declaration from an employee of the municipality or approval authority certifying:
  - a) The statutory requirements for the giving of notice and the holding of at least one public meeting or the alternative measures for informing and obtaining the views of the public as set out in the official plan have been complied with; and
  - b) The statutory requirements for the giving of notice of adoption have been complied with. Include date written notice was given.
- ☐ Where a public meeting has been held, a copy of the minutes of the public meeting (printed format).
- P&B ☐ List of suggested names and addresses of all persons and agencies to be notified of OMB hearing.
- ☐ A copy of any planning report considered by council.
- ☐ Original or a copy of all written submissions and comments received. [Sections 17(36), 17(40), 22(7)]
- P&B ☐ An affidavit or sworn declaration of an employee of the municipality or approval authority listing all persons and public bodies that made oral submissions at the public meeting, if applicable. [Sections 17(24) and 22(7)]
- ☐ A certified copy of the by-law adopting the proposed official plan or official plan amendment. [Section 17(24)]
- P&B { ☐ A copy of the decision of the approval authority, if applicable. [Sections 17(36) and 17(40)]
- ☐ Original or certified copy of the request for an amendment to the official plan. [Section 22(7)]
- ☐ If applicable, a copy of the resolution of the council or planning board refusing to adopt the proposed official plan amendment. [Section 22(7)]





**GLEN SCHNARR & ASSOCIATES INC.**  
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

## PRINCIPAL:

**GLEN SCHNARR, M.C.I.P., R.P.P.**

## ASSOCIATES:

**CARL BRAWLEY, M.C.I.P., R.P.P.**

**GLEN W. BROLL, M.C.I.P., R.P.P.**

**JEFF R. DUNCAN, A.C.S.T.(A), C.P.T.**

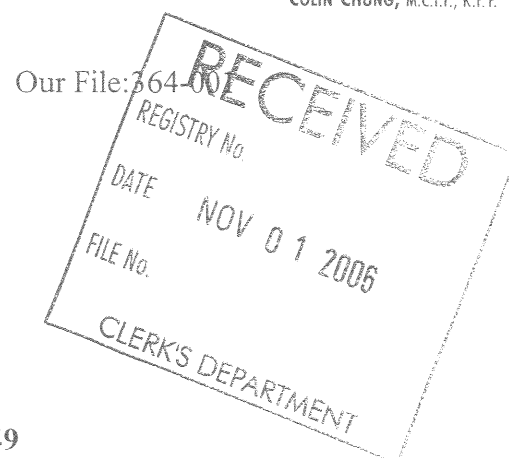
**COLIN CHUNG, M.C.I.P., R.P.P.**

October 31, 2006

Ms. Crystal Greer  
City Clerk  
City of Mississauga  
300 City Centre Drive  
Mississauga, Ontario  
L5B 3C1

Dear Ms. Greer,

**RE: Proposed Official Plan Amendment # 49**  
**Streetsville District Policies**  
**Notice of Appeal**

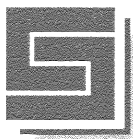


We represent Mr. Harris who owns property located on the east side of Creditview Road and just south of Highway 401 in Mississauga (see attached map). These lands are impacted by the adoption of Official Plan Amendment #49.

Pursuant to the notice of adoption of Official Plan Amendment #49 dated October 13, 2006 and Section 17(24) of the Planning Act, we are hereby appealing OPA #49 as it specifically applies to our client's lands. The subject amendment does not represent good planning for the primary reasons set out below, but not necessarily limited hereto:

- The proposed 'Residential – Low Density I' designation has been incorrectly reduced in size as compared to the existing Streetsville District Plan;
- The proposed 'Residential – Low Density I' mapping does not reflect the field work conducted on site with staff from the City of Mississauga and Credit Valley Conservation in January of 2006;
- There is no evidence that OPA #49 was based on site-specific property reviews or the on-site identification of natural features;

10 KINGSBRIDGE GARDEN CIRCLE  
SUITE 700  
MISSISSAUGA, ONTARIO  
L5R 3K6  
TEL (905) 568-8888  
FAX (905) 568-8894  
WEBSITE [www.gsai.ca](http://www.gsai.ca)

**GLEN SCHNARR & ASSOCIATES INC.**

URBAN &amp; REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

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Please find enclosed a cheque payable to the Minister of Finance, Province of Ontario in the amount of \$125.00 as the appeal fee prescribed under the Ontario Municipal Board Act.

We would appreciate your acknowledgement in receipt of this appeal. If you require further clarification with respect to this appeal, do not hesitate to contact the undersigned.

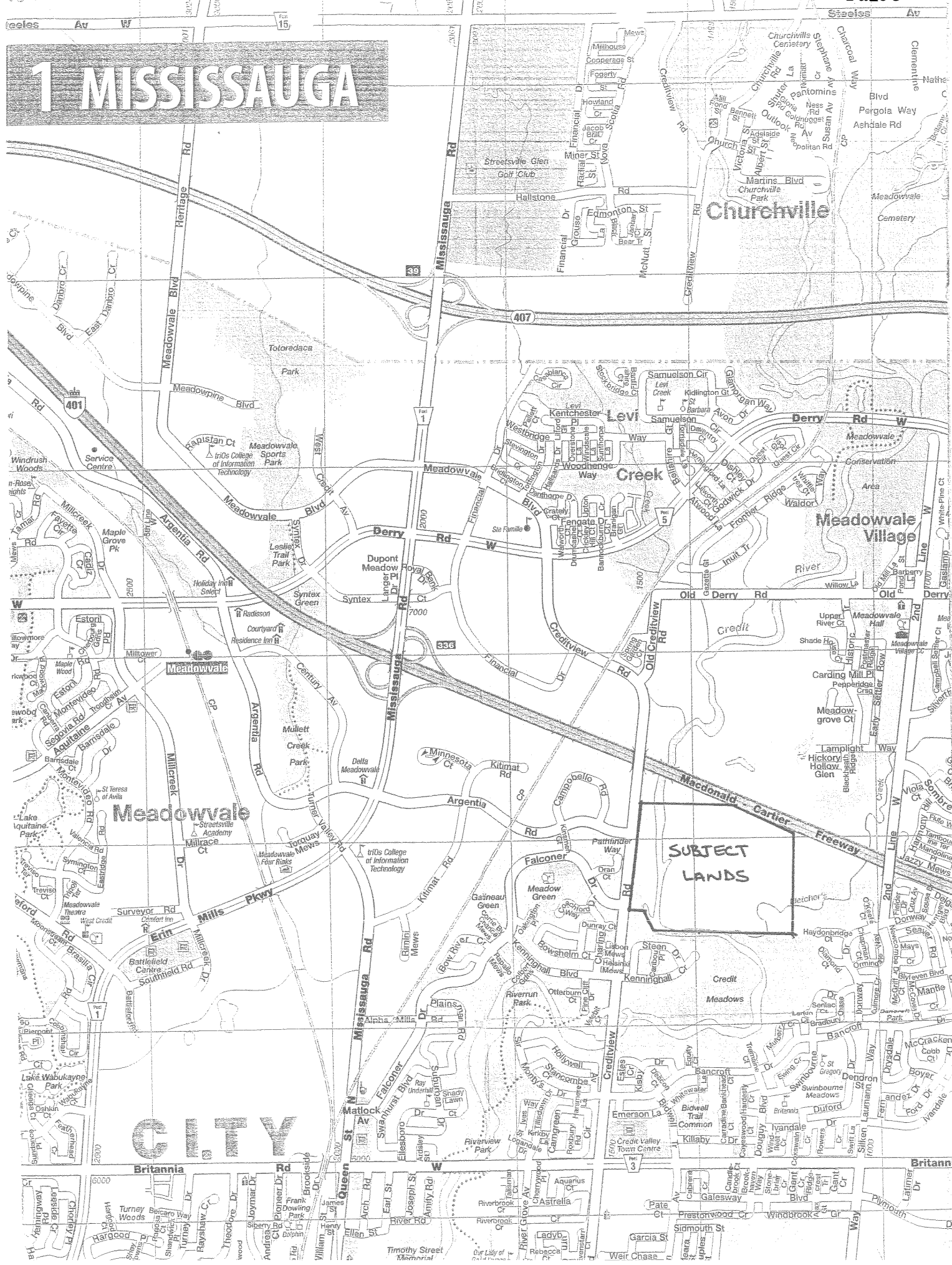
Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Glen Broll, M.C.I.P., R.P.P.  
Associate

Cc: David Harris  
Todd Cullen  
Dan Marion

# 1 MISSISSAUGA





Ontario Municipal Board  
 Commission des affaires municipales de l'Ontario  
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
 TEL: (416) 326-6800 or Toll Free: 1-866-887-8820  
 FAX: (416) 326-5370  
[www.omb.gov.on.ca](http://www.omb.gov.on.ca)

## APPELLANT FORM (A1)

## PLANNING ACT

(SUBMIT TO MUNICIPALITY/APPROVAL AUTHORITY)

## Instructions:

- Complete one form for each type of appeal you are filing.
- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- Submit your completed appeal form(s) and filing fee(s) to either the Approval Authority or Municipality, as applicable, by the required filing deadline. The Approval Authority/Municipality will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- Please print clearly throughout the appeal form.
- The *Planning Act* and the *Ontario Municipal Board Act* are available at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

Receipt Number (OMB Office Use Only):

Date Stamp - Appeal Received by Municipality

## Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

**Part 2: Location Information**

6545 Creditview Road

Address and/or Legal Description of property subject to the appeal:

Municipality: City of Mississauga**Part 3: Appellant Information**First Name: Glen Last Name: BrollGlen Schnarr & Associates

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): PlannerE-mail Address: glenb@gsai.ca

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-568-8888

Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 700-10 Kingsbridge Garden Circle,Mississauga

Street Address

Apt/Suite/Unit#

City/Town

OntarioL5R 3K6

Province

Country (if not Canada)

Postal Code

Signature of Appellant: Glen BrollDate: OCT 31/06**Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.**

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

**Part 4: Representative Information (if applicable)****I hereby authorize the named company and/or individual(s) to represent me:**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Professional Title: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: \_\_\_\_\_

Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Address

Apt/Suite/Unit#

City/Town

Province

Country (if not Canada)

Postal Code

Signature of Appellant: \_\_\_\_\_

Date: \_\_\_\_\_

(see over)

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☒ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

### Part 5: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please Print)

Mississauga (Official Plan) Plan Amendment No.49, Streetsville District Policies As adopted by by-law 0411-2006. City File CD.OPA 49 W6

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). \*\*If more space is required please continue in Part 8 or attach a separate page.

(Please Print)

See Attached Letter

### Part 6: Related Matters (if known)

Are there other appeals not yet filed with the Municipality?

YES ☐ NO ☒

Are there other planning matters related to this appeal?

YES ☐ NO ☒

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please Print)

### Part 7: Scheduling Information

How many days do you estimate are needed for hearing this appeal? ☐ half day ☐ 1 day ☐ 2 days ☐ 3 days  
☐ 4 days ☐ 1 week ☐ More than 1 week – please specify number of days: \_\_\_\_\_

How many witnesses do you expect to have at the hearing? \_\_\_\_\_

Describe witness(es)' area of expertise: \_\_\_\_\_

