

July 16, 2025

Our File No. 309257

Hon. Rob Flack
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

Dear Minister Flack:

**Re: Mississauga Official Plan
ERO Posting 025-0468
Ministry Reference Number 21-OP-249936
Request for Modifications
Request for Referral to Ontario Land Tribunal Pursuant to S.17 (55) of the
Planning Act
1450-1458 Dundas Street East, Mississauga**

We act for White Elm Investments Ltd. with respect to the property located at 1450-1458 Dundas Street East in the City of Mississauga. We are writing with respect to the new Mississauga Official Plan, which is before you for your consideration. We are asking that certain aspects of the Official Plan be modified by the Province to better reflect provincial policies, especially with respect to housing and major transit station areas as strategic growth areas. This submission is accompanied by a planning opinion from Bousfields Inc.

The subject property is actually located within two major transit station areas, which together form a united protected major transit station area. One is the Dixie GO Station protected major transit station area [MIL-6]. The existing Dixie GO Station is located immediately to the south of the site, across Blundell Road. The site is also located within the boundaries of the Dixie protected major transit station area on the Dundas Street Bus Rapid Transit. The site is located just steps from the proposed Bus Rapid Transit stop.

In addition, the lands are located structurally within the Dixie-Dundas Growth Node in the new Official Plan. This is the only “Growth Node” on the Dundas Street Corridor.



Subject Site Context

However, despite these designations which appear to focus on the subject site as a target area for significant residential intensification, the new Mississauga Official Plan actually includes policies which have the impact of considerably delaying and limiting the delivery of new housing at this location. It also includes height limits for this location that do not reflect the special circumstances of the site as a hub between the GO Rail network, and the Dundas Rapid Transit Corridor.

We are asking the Province to modify the Mississauga Official Plan to facilitate construction of housing on the site as follows:

11.3.3.2 Development in Protected Major Transit Station Areas with heights in excess of the limits identified in this Plan may be permitted through site specific Official Plan Amendment rezoning application, subject to demonstrating, among other matters, the following:

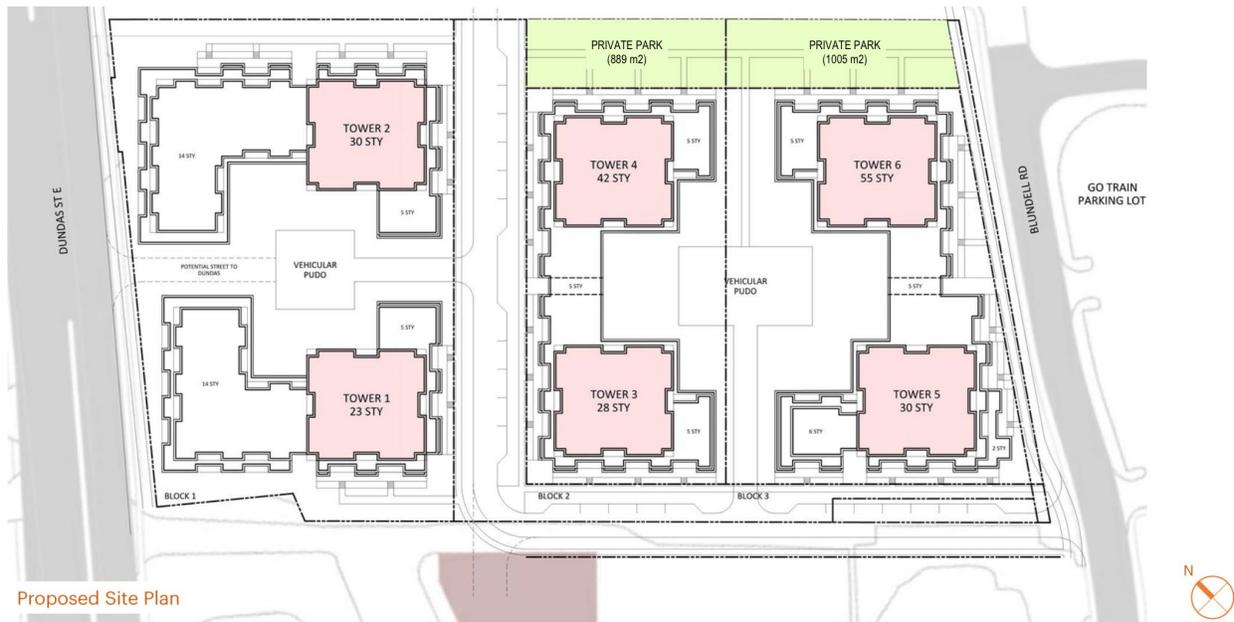
- ~~a. the City Structure hierarchy associated with the lands is maintained;~~
- b. the overall intent, goals, objectives, and policies of the Plan are achieved;
- c. the type, scale, and built form is appropriate and compatible with surrounding land uses, vision, and the planned context of the area;
- d. appropriate site size and configuration;
- e. provides for an appropriate transition to adjacent land uses and built forms, and ~~that minimizes adequately limit~~ visual impacts, ~~overall massing, such as shadowing, wind, and overlook;~~
- ~~f. full funding is secured for planned higher order transit improvements;~~
- g. existing or planned capacity of infrastructure and services such as water and wastewater, street network, and community amenities, ~~and multimodal transportation systems~~ is sufficient; and
- h. phasing of development is in accordance with the timing and delivery of infrastructure and services such as water and wastewater ~~and transit infrastructure~~, including, but not limited to, distribution, connections, and capacity. ~~and level of service.~~

We also recommend a new policy to be added as Section 14.2.3.3.2.1 as it relates to the Dixie-Dundas Growth Node regarding the replacement of non-residential uses as follows:

14.2.3.3.2.1 *Notwithstanding Policy 10.2.6.3, lands designated Mixed Use within the Dixie-Dundas Growth Node will be encouraged to provide a mix of commercial, retail and service uses to serve future residents, ensuring vibrant active streets and create a complete community. In the Dixie-Dundas Growth Node, such uses will be encouraged to locate adjacent to Dundas Street East and occupy a minimum of 65% of the ground floor gross floor area of building fronting Dundas Street East.*

Development Proposal Would Provide Almost 3000 Homes at Two Major Transit Stations

The development proposal for the 1450-1458 Dundas Street East site has been designed by the renowned Canadian architecture firm Harari Pontarini. The proposed design will provide 2,919 homes in six buildings spanning from the Dixie GO Station to Dundas Street. The location is ideal for this well-designed residential intensification proposal.



The proposal includes private park space of 1,894 square metres, and a well-designed functional circulation plan to accommodate the planned future residents.

This will help to make meaningful the provincial policy objectives of delivering on housing, and ensuring residential intensification at strategic growth areas - especially those located in conjunction with higher order public transit. The proposal represents an ideal anchor development to drive the fulfillment of the Dixie-Dundas Growth Node in the Official Plan. But, there are many policies in the adopted Mississauga Official Plan that will prevent this development from proceeding. These policies constitute unnecessary red tape and barriers that actually undermine the policy goals of the Province. The Province must exercise its modification powers in order to ensure that the housing can actually be delivered.

Provincial Planning Statement Seeks to Focus on Growth in Major Transit Station Areas and Strategic Growth Areas

There is no argument that the Dixie-Dundas Growth Node, with its two Major Transit Station Areas, is a priority area in which to focus growth in Mississauga. In fact, it is arguably the most significant strategic growth area in Mississauga outside of the Downtown Core. The location at the intersection of Dixie Road and the Dundas Street Transit Corridor, and the adjacent presence of the existing Dixie GO Transit station make it a clear focus for growth. It is located on two major transit lines.

Policy 2.2.1.d) of the Provincial Planning Statement requires “transit-supportive development and prioritizing intensification ... in proximity to transit, including corridors and stations.”

Policy 2.4.1.1. indicates that “Planning authorities are encouraged to identify and focus growth and development in strategic growth areas.”

Strategic growth areas, according to the Provincial Planning Statement definition, include major transit station areas, are “to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form.”

Policy 2.4.1.3.c) directs that planning authorities should “permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form.”

Policy 2.4.2.3. Provides that “Planning authorities are encouraged to promote development and intensification within major transit station areas ...”

Adopted Mississauga Official Plan Policies Create Significant Barriers to Achieving Provincial Objectives for Major Transit Station Areas

The adopted Mississauga Official Plan before the Minister includes policies that appear to support intensification in Major Transit Station Areas. However, the details of the policies in fact actually create numerous barriers and hurdles that will have the effect of blocking, or significantly delaying any residential intensification at major transit stations.

The first such policy approach is the adoption of low height limits, while then requiring an additional Official Plan Amendment application in order to actually achieve the contemplated heights in the Official Plan.

The obstacle of requiring an Official Plan Amendment Application for a simple increase in height in a major Transit Station Area represents excessive red tape, and an inappropriate process barrier to achieving much needed (and purportedly sought by the Official Plan) residential intensification.

A more practical approach would be to modify the Official Plan so that additional height can be obtained by way of a rezoning application. That still ensures appropriate level of planning scrutiny and evaluation can take place, without the undue burden of requiring an Official Plan Amendment.

Policy 11.3.3.2. states that “*Development in Protected Major Transit Station Areas with heights in excess of the limits identified in this plan may be permitted through a site specific Official Plan Amendment application, subject to demonstrating, among other matters, the following:*” after which are set out eight different criteria.

Some are traditional planning tests of “appropriateness”.

More concerning, however, are the criteria that allow Council to consider whether transit has been adequately funded or constructed:

- f) *full funding is secured for planned higher order transit improvements;*
- g) *existing or planned capacity of infrastructure and services such as water and wastewater, street network, community amenities and multimodal-modal transportation systems is sufficient; and*
- h) *phasing of development is in accordance with the timing and delivery of infrastructure and services such as water and wastewater, including, but not limited to, distribution, connections, capacity and level of service.*

The net effect of these policies is negative in a number of ways. They all create considerable uncertainty around what is actually permitted. The policies place significant discretion in the hands of City staff and Council, with the potential to significantly delay the delivery of housing. The policies together create a perverse incentive to build at lower heights and densities in a Major Transit Station Area, to avoid the process and uncertainty that follows the suite of criteria in policy 11.3.3.2. should the landowner choose to take the chance of applying for the site specific Official Plan Amendment for a building of additional height under the policy.

Of particular concern are the policies that appear to tie potential additional height to the construction of transit infrastructure, with no clear guidance. Requiring “full funding” of transit - presumably from other levels of Government - is not an appropriate planning consideration to approve additional height. The same is the case for ambiguous questions like “levels of service” in transit infrastructure, the decisions on which will be made by transit staff without regard to land use approvals under the *Planning Act*.

Arguably, the hurdles established by this policy are structured in such a fashion as to be very costly to the public purse, and to delay or block the delivery of housing in Major Transit Station Areas. If transit must be fully funded and constructed before residential intensification at intended development heights can even be considered, the process that is established is that public funding in the billions must be spent on transit, years before the passengers intended to use that transit move to the area. This is a policy that is costly to the taxpayers, and so inefficient that it will have the effect of discouraging investment in transit by other levels of Government - exactly the opposite of what the authors of the policy at the City intend.

As such, we recommend that these criteria be modified to remove transit-funding, service-levels, capacity and other similar transit issues as criteria upon which approval of additional height can be delayed or obstructed.

Criterion Requiring “City Structure Hierarchy” To Be Maintained (11.3.3.2.a) In Decisions on Height Is Unduly Rigid and Fails To Recognize Importance of Provincial Investment in Dixie GO Transit Station

The newly adopted Mississauga Official Plan adopts a rigid “City Structure hierarchy”. The policy relating to this hierarchy makes maintenance of this rigid hierarchy a criterion in approving additional height in Major Transit Station Areas. This policy serves to unduly limit residential intensification potential - especially inappropriately in the Dixie Dundas Major Transit Station Area, which includes the already operating Dixie GO Station.

The adopted policy 11.3.3.1.a establishes the following as a criterion for additional height:

a. the City Structure hierarchy associated with the lands is maintained;

The adopted Official Plan’s rigid structural hierarchy establishes the Downtown Core as the area with the highest densities and highest heights. Next are Growth Centres, which have “transit-supportive heights and densities” to support the LRT (but “lesser densities and heights than the Downtown Core”. Finally, “Growth Nodes” such as Dixie-Dundas have densities and heights “less than the Downtown Core and Growth Centres.”

The hierarchy established here, insofar as it addresses heights and densities, is not consistent with the requirements and policies of the Provincial Planning Statement, especially insofar as it affects the Dixie-Dundas Growth Node. The effect of the policy above is to limit the residential intensification potential (through a height limitation) in the Dixie GO Station area.

The Provincial Planning Statement includes a definition of “strategic growth areas” as “nodes, corridors and other areas that have been identified by municipalities to be the focus of for accommodating intensification and higher-density mixed uses in a more compact built form”. Policy 2.4.1.1 provides that “planning authorities are encouraged to identify and focus growth and development on strategic growth areas.”

Policy 2.4.2.1 indicates that municipalities should, within Major Transit Station Areas, maximize the number of potential transit users that are within walking distance of the station.

The rigid structural hierarchy adopted by Mississauga is particularly inappropriate as it applies to the Dixie-Dundas Growth Node. The criteria for consideration of additional height that have been adopted are the same throughout the Dundas Transit Corridor - despite the fact that the Dixie-Dundas Major Transit Station Area is the only one with a GO Station on the corridor, and the only one where such a station is already in operation. The substantial Provincial investment in this essential transit infrastructure is not appropriately recognized by the City Structure criterion for additional height.

In general, the extension of the rigid structural hierarchy and its maintenance as a criterion to determine the appropriateness of additional heights is inappropriate and arbitrary. Such additional heights should be based upon the specific characteristics and capacity of each area. The Dixie-Dundas Growth Node, with the Dixie GO Station, clearly has considerable potential for residential intensification under the policies of the Provincial Planning Statement - potential that is inappropriately limited by the criterion in adopted Official Plan policy 11.3.3.1.a. This policy should be deleted to ensure the Official Plan is consistent with the Provincial Planning Statement.

Non-Residential Replacement Policy Should Be Modified to Reflect Unique Character of Dixie-Dundas Growth Node as Contemplated by Official Plan Policy 10.2.6.3

The adopted Mississauga Official Plan includes an onerous requirement for new development to include a minimum amount of non-residential uses. This policy requirement is too onerous, and may have the effect of creating a barrier to residential redevelopment and intensification taking place.

The policy will require the construction of non-residential space that will likely remain vacant, due to a lack of demand. It will also result in constrained design and construction of the at-grade component of primarily residential buildings, leaving inadequate space for lobbies, entry space, and other amenity requirements - especially in an era of increased need for ride sharing wait and drop-off areas, package and meal deliveries, and the imperative to accommodate space at-grade to accommodate these increasingly essential elements of urban living.

Policy 10.2.6.3 provides:

“Development on lands designated Mixed Use will:

- a) *provide a minimum retail and service commercial space, equal to the greater of the two following requirements, unless otherwise specified by Character Area or Special Site policies:*
 - i. *retail and service commercial gross floor area (GFA) on the ground floor of each proposed building or the equivalent gross floor area (GFA) across the site. Low-rise buildings intended for transition will not be included in the gross floor area (GFA) calculation; or*
 - ii. *sites under 5 hectares will maintain 65% of the total existing retail and service commercial gross floor area (GFA) and sites equal to or greater than 5 hectares will maintain 45% of the total existing retail and service commercial gross floor area (GFA).”*

Fortunately, policy 10.2.6.3 also includes the possibility of permitting the establishment of other requirements where “specified by Character Area or Special Site policies”.

It is appropriate to consider a built form approach to the location and amount of non-residential gross floor area. As the Dixie-Dundas Growth Node is currently predominantly comprised of commercial plazas and power centres, it may not be appropriate to replace 45% or 65% of the existing gross floor area. The area includes unusually deep sites, extending some distance south from Dundas Street, making the straight numerical criteria to replacement non-residential uses in the adopted policy difficult in practice. It is more appropriate to take a built form approach to determine the replacement and delivery of non-residential uses. The Dundas Street frontage should be considered a priority retail street that includes activated frontages and enhanced streetscapes.

We recommend a new policy to be added as a Section in 14.2.3.3.1 as it relates to the Dixie-Dundas Growth Node regarding the replacement of non-residential uses as follows:

14.2.3.3.2.1 Notwithstanding Policy 10.2.6.3, lands designated Mixed Use within the Dixie-Dundas Growth Node will be encouraged to provide a mix of commercial, retail and service uses to serve future residents, ensuring vibrant active streets and create a complete community. In the Dixie-Dundas Growth Node, such uses will be encouraged to locate adjacent to Dundas Street East and occupy a minimum of 65% of the ground floor gross floor area of building fronting Dundas Street East.

This new, more nuanced policy, will allow for a balancing of the policy objectives of ensuring vibrant active streets, viable residential redevelopment, and a high quality of design and functionality for future residents.

Conclusion: Modest But Important Modifications to the Mississauga Official Plan Can Ensure the Provincial Policy Vision for Strategic Growth Centres like the Dixie-Dundas Growth Node is Achieved, and Almost 3,000 New Homes Are Constructed

As adopted by the City of Mississauga, the new Official Plan includes provisions that appear to include residential intensification in key Major Transit Station Areas including the Dixie-Dundas Growth Node, which includes the Dixie GO Train Station.

However, in practice, many of those newly adopted Official Plan policies actually represent hurdles, or obstacles, standing in the way of Provincial residential intensification objectives.

In order to bring actual redevelopment in the Dixie-Dundas growth node to reality, we are requesting that the Minister of Municipal Affairs and Housing modify the Mississauga Official Plan as follows:

11.3.3.2 Development in Protected Major Transit Station Areas with heights in excess of the limits identified in this Plan may be permitted through site specific Official Plan Amendment rezoning application, subject to demonstrating, among other matters, the following:

~~a. the City Structure hierarchy associated with the lands is maintained;~~

~~...~~

e. provides for an appropriate transition to adjacent land uses and built forms, and that minimizes adequately limit visual impacts, ~~overall massing, such as shadowing, wind, and overlook;~~

~~f. full funding is secured for planned higher order transit improvements;~~

g. existing or planned capacity of infrastructure and services such as water and wastewater, street network, and community amenities, ~~and multimodal transportation systems is sufficient;~~ and

h. phasing of development is in accordance with the timing and delivery of infrastructure and services such as water and wastewater ~~and transit infrastructure~~, including, but not limited to, distribution, connections, and capacity ~~and level of service.~~

Add Section 14.2.3.3..2.1:

14.2.3.3.2.1 Notwithstanding Policy 10.2.6.3, lands designated Mixed Use within the Dixie-Dundas Growth Node will be encouraged to provide a mix of commercial, retail and service uses to serve future residents, ensuring vibrant active streets and create a complete community. In the Dixie-Dundas Growth Node, such uses will be encouraged to locate adjacent to Dundas Street East and occupy a minimum of 65% of the ground floor gross floor area of building fronting Dundas Street East.

The modifications will help to speed the process of achieving final development approvals for the project proposed by the landowners. The design, prepared by the highly respected Harari Pontarini Architects, will achieve almost 3,000 new homes, in a high quality community, well served by public transit and community amenities. It will help fulfil the Provincial policy objective of seeing residential intensification take place at key GO Transit Stations in the Provincial Network.

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The modifications requested in this submission, if made, will ensure that the Minister's decision is consistent with his section 3 *Panning Act* obligation to make decisions consistent with the requirements of the Provincial Planning Statement, while delivering on the Provincial priority for new homes.

Yours truly,

AIRD & BERLIS LLP



Hon. Peter Van Loan, P.C., K.C.
Partner

Enclosure

AIRD BERLIS