



Zelinka Priamo Ltd.

LAND USE PLANNERS

VIA EMAIL

July 23, 2025

Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
16th Floor - 777 Bay Street
Toronto, ON
M7A 2J3

Attn: Jennifer Le

**Re: New City of Mississauga Official Plan (ERO# 025-0468 and Ministry Ref #21-OP-249936)
Comments on Behalf of Bani Hashim Society
900 Eglinton Avenue East
Mississauga, Ontario**

Our File: BHS/MIS/18-01

We are the planning consultants for Bani Hashim Society who are the owners of lands located at 900 Eglinton Avenue East in the City of Mississauga.

We reviewed the City of Mississauga Official Plan adopted by Council on April 16, 2025 (“**Mississauga OP**”), and are concerned with the classification of the Bani Hashim Lands as “Employment Area”. **In our submission and as summarized herein, the Bani Hashim Lands are not appropriate to be an “Employment Area”, and we suggest the Mississauga OP be modified to remove these lands from the Employment Area as follows:**

- **Schedule 1: remove the Bani Hashim Lands from the “Employment Area” and replace instead “Neighbourhood”**
- **Schedule 7: modify the boundary of the “Employment Area” to exclude the Bani Hashim Lands**

EXISTING CONTEXT

Bani Hashim Lands and Surrounding Area

The Bani Hashim Lands are approximately 0.34 hectares in size, with approximately 99.9 metres of frontage along the south side of Eglinton Avenue East between Tomken Road and Highway 403. The Bani Hashim Lands have a maximum depth of approximately 37 m. The subject lands are presently developed with a single-storey building used for religious assembly and associated parking area. See Figure 1.

Figure 1
Locational Context – 900 Eglinton Ave E



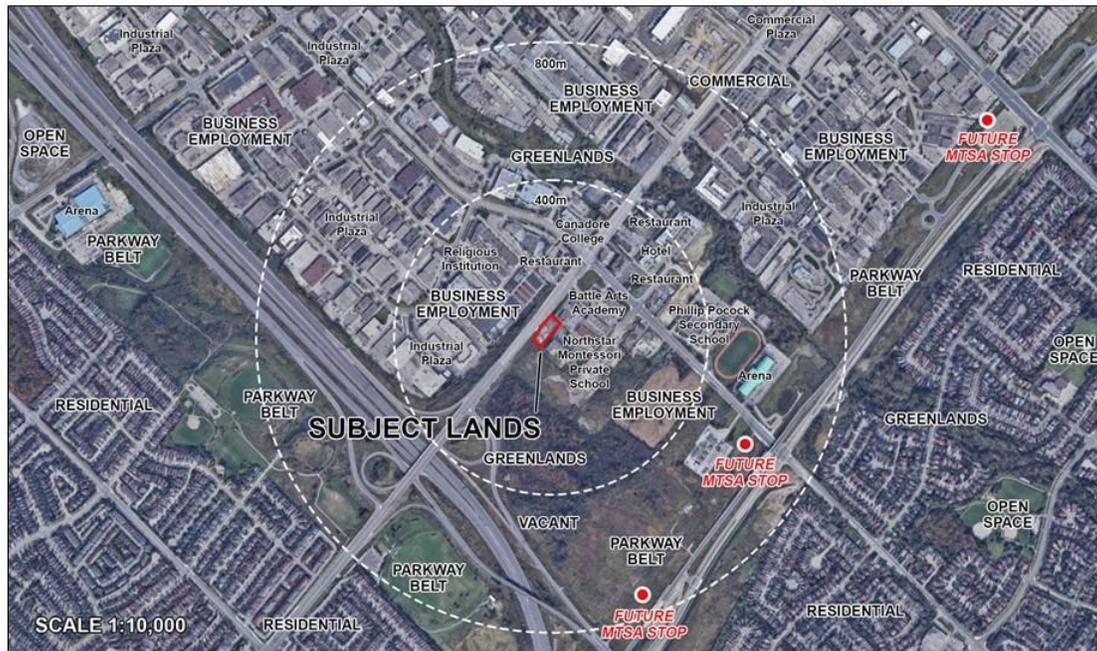
Location and boundaries are approximate

The lands surrounding the Bani Hashim Lands contain a variety of uses (see Figure 2). The Bani Hashim Lands are in an area that is generally not characteristic of heavy industrial type uses, in particular:

- Located immediately south of the Bani Hashim Lands are lands developed as a private school, with an outdoor play area interfacing with the Bani Hashim Lands;
- Further southeast of the Bani Hashim Lands along Tomken Road is Philip Pocock Catholic Secondary School;
- The lands located towards the intersection of Eglinton Avenue East and Tomken Road to the east of the Bani Hashim Lands are predominantly developed for commercial uses, including retail/service uses, restaurants, and a hotel;
- The lands on the north side of Eglinton Avenue East are predominantly developed for industrial type uses, but do not directly interface with Eglinton Avenue East and are oriented around an internal road network; and
- West of the Bani Hashim Lands are currently vacant, beyond which is Highway 403.

There is no heavy industrial use adjacent to the Bani Hashim Lands.

Figure 2
Locational Context – 900 Eglinton Ave E



Existing Planning Context

The City of Mississauga Official Plan Schedule 1 depicts the Urban System for the municipality, identifying the Bani Hashim lands as “Employment Area” and along a “Corridor”. The Bani Hashim Lands are currently designated “Business Employment” on “Schedule 10 Land Use Designations” of the City of Mississauga Official Plan. The Business Employment designation permits a wide range of commercial and industrial uses. In addition, the Official Plan permits a number of uses in all (or many) land use designations, including places of religious assembly (“community infrastructure”) (Section 11.2.1.1).

The Bani Hashim Lands are presently zoned “Development (D)” in the City of Mississauga Zoning By-law 0225-2007, as amended. The purpose of the Development zoning is to effectively restrict any new development on a property, until the lands are rezoned.

The Bani Hashim Lands are identified by the City of Mississauga as being a Protected Major Transit Station Area (“Tomken”), by OPAs 143 and 144.

Planning Applications

An application was submitted to the City for Zoning By-law Amendment (OZ 19 2), which was deemed complete on April 12, 2019. An application was submitted to the City for Site Plan Approval (SP 20-34 W3) on March 13, 2020. Together, the applications propose to redevelop the subject lands for a new Place of Religious Assembly.

MISSISSAUGA DRAFT OFFICIAL PLAN

The proposed new Mississauga Official Plan contemplates new Schedules, including a new Schedule 1 “City Structure” and Schedule 7 “Land Use Plan”. Schedule 1 identifies the Bani Hashim Lands as “Employment Area” and within a “Protected Major Transit

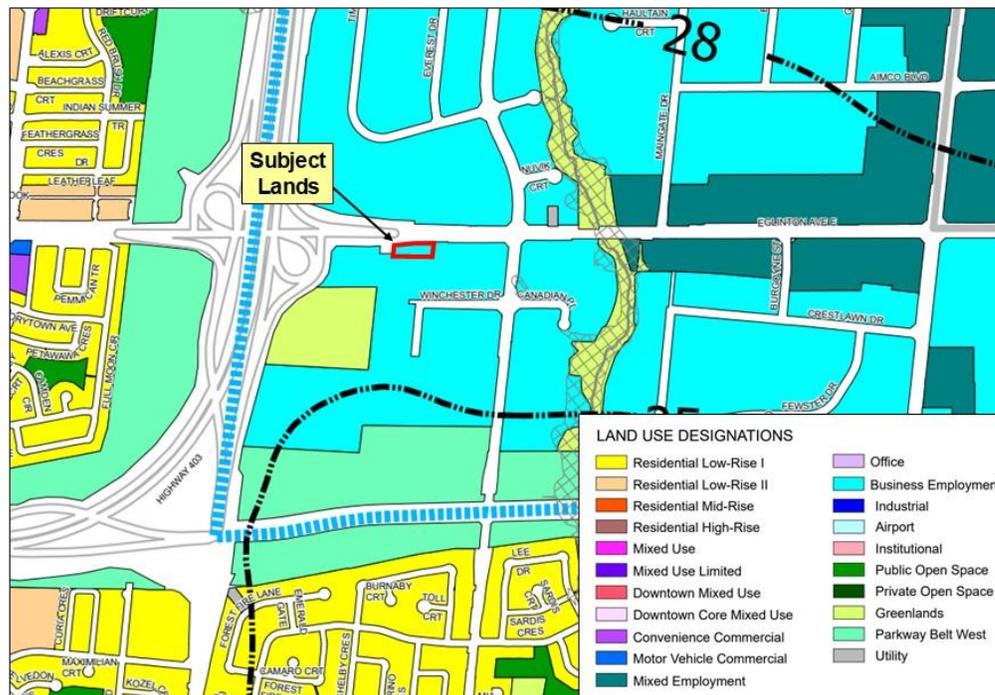
Station Area (PMTSA)". Schedule 7 designates the Bani Hashim Lands as "Business Employment" and within the "Employment Area" delineation (see Figures 3-5).

Figure 3
Schedule 1 – City Structure



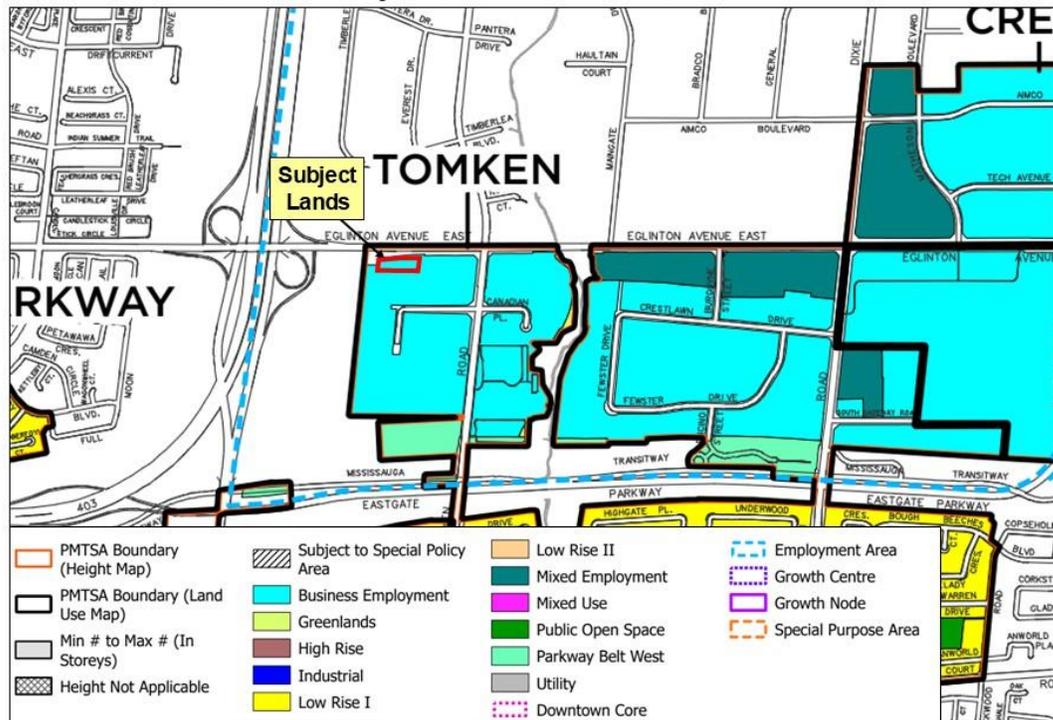
Location and boundaries are approximate

Figure 4
Schedule 7 – Land Use Designations



Location and boundaries are approximate

Figure 5
Schedule 8c – Protected Major Transit Station Area



Location and boundaries are approximate

POLICY CONTEXT: BUSINESS AND ECONOMIC USES

Planning Act and Bill 97

The *Planning Act* defines “Area of Employment”, and by way of Bill 97 the Province modified the definition of Area of Employment. The modified definition affirms that Areas of Employment are intended by the Province for heavy industrial type uses, such as warehousing as manufacturing, which is not characteristic of the Bani Hashim Lands and surrounding area.

The Province’s stated intent of this change, as per the Environmental Registry of Ontario is: “*Modifying the definition of area of employment to only include heavy industry and other employment uses that cannot be located near sensitive uses, (i.e., not suitable for mixed use) to scope the applicability of existing provisions which limit appeals of municipal refusals and non-decisions.*” The stated intent is to refine the scope and applicability of Areas of Employment to specific areas and types of uses.

On October 20, 2024, the revised definition of “Area of Employment” under the *Planning Act*, came into effect, which is as follows:

“area of employment” means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. *The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:*
 - i. *Manufacturing uses.*
 - ii. *Uses related to research and development in connection with*

manufacturing anything.

iii. Warehousing uses, including uses related to the movement of goods.

iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.

v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.

vi. Any other prescribed business and economic uses.

2. *The uses are not any of the following uses:*

i. Institutional uses.

ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv”

The “Area of Employment” definition establishes what is, and importantly is not a business and economic use, and permitted in these areas. The definition identifies that the primary use is intended to be manufacturing and warehousing type uses, in addition to uses that are ancillary or in connection to those uses. The definition explicitly identifies institutional uses as not being permitted uses. The Bani Hahim Lands and the surrounding area are not characteristic of what the Province considers as an Area of Employment as they are developed as primarily commercial and institutional, which are prohibited in Areas of Employment.

It is therefore unclear as to why the City proposes to identify the lands as “Employment Area” in the Official Plan, for a function that anticipates heavy industrial type uses. There are active applications with the City of Mississauga for the redevelopment of the Bani Hashim Lands as a place of religious assembly, which is a use that the Province explicitly does not permit in Areas of Employment, and the surrounding area is not characteristic of heavy industrial use.

Provincial Planning Statement

The classification of the Bani Hashim Lands as “Employment Area” is not consistent with the Provincial Planning Statement 2024. The Provincial Planning Statement 2024 came into effect on October 20, 2024, replacing the Provincial Policy Statement 2020 and also removing the Growth Plan for the Greater Golden Horseshoe. Among many other matters, the PPS 2024 updates the definition of “Employment Area” to refer to the definition of Area of Employment under the *Planning Act*, which guides for heavy industrial type uses:

“means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.”

The PPS 2024 guides that municipalities are to assess the appropriateness of their employment lands and ensure those lands are appropriate for the planned function of employment areas (Policy 2.8.2.4):

“Planning authorities shall assess and update employment areas identified in official plans to ensure that this designation is appropriate to the planned function

of employment areas. In planning for employment areas, planning authorities shall maintain land use compatibility between sensitive land uses and employment areas in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas.”

Further, the PPS 2024 requires that official plans “*identify provincial interests and set out appropriate land use designations and policies*” (Policy 6.1.5).

Section 3.5 of the PPS 2024 addresses matters of land use compatibility. The Policy suggests that major facilities and sensitive land uses be planned and developed to avoid adverse impacts and risks to public health and safety.

The PPS 2024 prioritizes growth and development in settlement areas, and specifically in “strategic growth areas”. These strategic growth areas include “major transit station areas”, where the PPS directs for minimum density targets. Relevant PPS 2024 policies in this regard include Policies 2.2.1; 2.3.1; 2.4.1; and 2.4.3.

In our submission, the City of Mississauga has not adequately demonstrated consistency with the PPS 2024, as the identification of the Bani Hashim Lands as “Employment Area” is contradictory to the clear intent of the PPS 2024. We are not aware of any comprehensive assessment of the City’s Employment Area, or any analysis that would suggest the Bani Hashim Lands characteristically meet the function of an Employment Area. Indeed, the Bani Hashim Lands are located in a Protected Major Transit Station Area where municipalities are to promote a built form that supports the achievement of the minimum density target. Further, the Bani Hashim Lands are relatively small in size for a typical heavy industrial type use, such as warehousing. The lands are located adjacent to a school, and in an area that contains a variety of commercial and industrial uses. The Bani Hashim Lands are not in an area that would generally be appropriate for heavy industrial type uses, such as warehousing or manufacturing, as those uses would be in close proximity to sensitive land uses. It is questionable as to how the planning for a major facility next to an existing school and playground is consistent with Policy 3.5 of the PPS 2024.

The Bani Hashim Lands are characteristic of lands that the PPS 2024 would direct intensification to, and there are active applications with the City of Mississauga that propose redevelopment for a new place of religious assembly.

PLANNING OPINION AND REQUESTED MODIFICATION

It is our professional planning opinion that the Bani Hashim Lands characteristically do not meet the function of an Employment Area, nor does much of the surrounding area, which is built with schools, hotels, commercial uses, among others. The Province has made a clear distinction of what is and what is not considered a business and economic activity, with focus on heavy industrial uses. The Province has specified that “institutional” uses, such as a place of religious assembly, are not permitted in an Employment Area.

The Bani Hashim Lands have active applications to redevelop as a place of religious assembly. The lands do not form part of a broader area of employment use, given the surrounding area context. We suggest the Official Plan be modified as follows:

- **Schedule 1: remove the Bani Hashim Lands from the “Employment Area” and replace instead “Neighbourhood”**
- **Schedule 7: modify the boundary of the “Employment Area” to exclude the Bani Hashim Lands**

We note the following planning analysis and commentary in the context of the requested

modifications:

- The municipality is required to set out appropriate land use designations and policies in order to demonstrate consistency with the PPS 2024, including Policy 6.1.5 and Policy 2.8.2.4, which states: “Planning authorities shall assess and update employment areas identified in official plans to ensure that this designation is appropriate to the planned function of employment areas...”). In our submission, the City has not set out appropriate land use designations or appropriately updated their Employment Areas as it relates to the Bani Hashim Lands. The PPS and Planning Act were updated by the Province with the stated intent to limit the scope and applicability of Employment Areas to a narrow set of land uses and areas that this classification applies to. This means that areas not appropriate for heavy industrial type uses are not to be considered Employment Areas.
- The Bani Hashim Lands are not characteristic of an Employment Area, which would be intended for heavy industrial type uses. The size/configuration, and proximity to other sensitive land uses are not characteristic of lands that should be used for heavy industrial uses that have emissions as part of routine operations.
- The Bani Hashim Lands do not form part of a broader area of heavy industrial uses. Rather, the Bani Hashim Lands are directly adjacent to commercial uses and a school, which is a sensitive land use. The Bani Hashim Lands are also located within a PMTSA, where an efficient built form is to be provided, which does not generally align with the uses permitted in an Employment Area. The Bani Hashim Lands are not appropriate to classify as an Employment Area.
- The PPS 2024 and Planning Act identify that “Employment Areas” are areas for business and economic activity, and that uses are limited to heavy industrial uses such as warehousing and manufacturing. Certain uses, such as commercial/retail, office, and institutional uses are explicitly prohibited. The City’s policy appears to permit *new* institutional uses within Employment Areas, which appears to contradict direction of the PPS 2024 and Planning Act. We are encouraged that the City seeks to continue to permit a broader mix of land uses on the Bani Hashim Lands, including a place of religious assembly, which reflect appropriate use of the lands. However, it is unclear how the City’s draft policy aligns with Provincial policy, and whether that broad range of uses can indeed be permitted on the lands. We seek confirmation that the City’s policy framework would indeed continue to permit a new place of religious assembly within an Employment Area, or whether certain area of the City that propose a broader range of land uses are not appropriate to classify as an Employment Area.

The PPS 2024 and *Planning Act* changes signal clear intent of the Province for what lands are appropriate for classification as Employment Area/Area of Employment. The Province has also provided clear direction for municipalities to comprehensively review appropriate land use designations. The municipality is required to make planning decisions that are “consistent with” the PPS 2024. The Mississauga Official Plan undermines the Province’s intent with modifications to the *Planning Act* and PPS 2024, including identifying the Bani Hashim Lands as Employment Area.

MINISTER’S OPTIONS

As the approval authority of the City of Mississauga Official Plan, the Minister of Municipal

Affairs and Housing may “approve, modify and approve as modified or refuse to approve the plan”, as outlined in the *Planning Act*. Accordingly, the Minister has the option to revise the City of Mississauga Official Plan as part of its review and approval, to modify the land use designations applicable to the Bani Hashim Lands, and modify policy, and can do so without delaying the approvals process. A modification of this nature would constitute a change to the Draft OP text and schedules, as identified within this letter. As an alternative, the Minister can refer this request to the Ontario Land Tribunal, while also approving other parts of the Official Plan and avoiding delay to the implementation of the balance of the Official Plan.

CONCLUSION

The City of Mississauga Official Plan is required to set out appropriate land use designations and policy, consistent with the Provincial Planning Statement, 2024. As outlined in the letter, the identification of the Bani Hashim Lands as an Employment Area, intended by the Province for heavy industrial type uses, is not appropriate or consistent with Provincial Policy. The City’s identification of large areas as Employment Areas, and allowing for uses explicitly prohibited by the PPS 2024 and Planning Act, is not consistent with the Province’s clear direction for land use planning decisions.

Our suggested revision to remove the Bani Hashim Lands from the Employment Area, represents good planning and is appropriate for the existing and current function of the lands and the surrounding area.

Bani Hashim Society has active applications that seek to redevelop their lands as a place of religious assembly. The identification of these lands as an Employment Area compromises their ability to develop as a place of religious assembly, and may have substantial consequences.

The City is seeking to permit uses in the Employment Area that the PPS 2024 and Planning Act guide to not be located in these areas. That includes institutional uses such as a place of religious assembly. Bani Hashim is encouraged that the City intends to allow a broad range of land uses on their lands, including their intended place of religious assembly. However, there is concern that this approach does not align with Provincial policy, and we seek comfort through the Province’s review that the Bani Hashim Lands can continue to develop as a new place for religious assembly.

If you have any questions, please do not hesitate to reach out to the undersigned.

Yours very truly,

ZELINKA PRIAMO LTD.



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