



AGENDA

SESSION 6

THE COUNCIL OF

THE CORPORATION OF THE CITY OF MISSISSAUGA
(www.mississauga.ca)

WEDNESDAY, MARCH 11, 2015 – 9:00 A.M.

COUNCIL CHAMBER
300 CITY CENTRE DRIVE
MISSISSAUGA, ONTARIO L5B 3C1

Contact: Carmela Radice, Legislative Coordinator, Office of the City Clerk
Telephone: 905-615-3200, ext. 5426; carmela.radice@mississauga.ca

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1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **DECLARATIONS OF CONFLICT OF INTEREST**
4. **MINUTES OF PREVIOUS COUNCIL MEETINGS**

(a) February 25, 2015

5. **PRESENTATIONS - Nil**

6. **DEPUTATIONS**

- (a) Tax Adjustment

There may be persons in attendance who wish to address Council re: Tax Adjustments pursuant to Sections 357 and 358 of the *Municipal Act*.

Corporate Report R-1

- (b) Crohn's and Colitis Canada

Maria Glidden, Development Coordinator, Natasha Mistry, MPA Manager, Public Policy & Stakeholder Relations and Har Grover, Chair of Crohn's and Colitis Canada will provide information regarding Crohn's and Colitis in Canada and requesting Council to adopt the GoHere Program.

- (c) Living Arts Centre's Annual Business Plan

Maja Prentice, Chair, Patrick Egan, Vice Chair and Ron Lenyk, Chief Executive Officer of Living Arts Centre will provide an overview of the Living Arts Centre's Annual Business Plan.

- (d) Heritage Mississauga

Barbara O'Neil, President of Heritage Mississauga will provide an update on Heritage Mississauga.

7. **PUBLIC QUESTION PERIOD – 15 Minute Limit**

(In accordance with Section 43 of the City of Mississauga Procedure By-law 0139-2013, as amended, Council may grant permission to a person who is present at Council and wishes to address Council on a matter on the Agenda. Persons addressing Council with a question should limit preamble to a maximum of two statements sufficient to establish the context for the question. Leave must be granted by Council to deal with any matter not on the Agenda.)

8. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS

- R-1 Report dated February 18, 2015, from Commissioner of Commissioner of Corporate Services and Chief Financial Officer re: **Tax Adjustments Pursuant to Sections 357 and 358.**

Recommendation

That the tax adjustments outlined in Appendix 1 attached to the report dated February 18, 2015 from the Commissioner of Corporate Services and Chief Financial Officer for applications for cancellation or refund of taxes pursuant to Sections 357 and 358 of the *Municipal Act*, be adopted.

Motion

- R-2 Report dated February 24, 2015, from City Solicitor re: **Request to Support Richmond Hill's Court Challenge of the OMB's Decision on Parkland Dedication Calculations.**

Recommendation

1. That the report from the City Solicitor dated February 27, 2015 and titled: "Request to Support the Town of Richmond Hill's Court Challenge of the OMB's Decision on Parkland Dedication Calculations" be received for information;
2. That the City Solicitor is authorized to assist and support the Town of Richmond Hill's attempt to overturn the Ontario Municipal Board's decision as a friend of the court and by seeking intervener status if the leave to appeal to Divisional Court is granted.

Motion

- R-3 Report dated February 25, 2015, from City Solicitor re: **Conveyance of Lands for Future Public Highway – OMERS Realty Management Corporation and Square One Property Corporation – Square One Mall South West Expansion.**

Recommendation

1. That the report from the City Solicitor dated February 25, 2015 titled "*Conveyance of Lands for Future Public Highways – OMERS Realty Management Corporation and Square One Property Corporation – Square One Mall South West Expansion*" be received for information.
2. That this report form the basis for a decision by City Council on whether the City should execute an agreement with OMERS Realty Management Corporation & Square One Property Corporation to provide an option to re-acquire for \$2.00 certain lands to be conveyed to the City by OMERS Realty Management Corporation & Square One Property Corporation for future public highways, which option may be exercised if City Council passes a by-law in the future to permanently close the said future public highways.
3. Where City Council wishes to enter into the agreement referred to in Recommendation No. 2 above, that City Council enact a by-law to authorize the Commissioner of Planning & Building and the City Clerk to execute and affix the corporate seal to such an agreement, including all future amending agreements, in form and content satisfactory to the City Solicitor.

Motion

9. **PRESENTATION OF COMMITTEE REPORTS**

- (a) Planning and Development Committee Report 3-2015 dated February 23, 2015.

Motion

- (b) General Committee Report 3-2015 dated March 4, 2015.

Motion

10. UNFINISHED BUSINESS - Nil**11. PETITIONS- Nil****12. CORRESPONDENCE**

(a) Information Items: I-1

(b) Direction Item: - Nil

13. NOTICE OF MOTION

M-1 Councillor Parrish and Councillor Saito request that the City and staff develop an operating plan as a one-year pilot project to commence no later than May 1, 2015, which would include a dollar-per-ride fare for all seniors during non-peak hours, weekends and holidays and further that staff develop this plan with minimum of inconvenience to users and a maximum of simplicity for operators.

Motion

14. MOTIONS

(a) To approve recommendations from the following Committee Reports:

(i) Recommendations PDC-0011-2015 to PDC-0016-2015 inclusive contained in the Planning and Development Committee Report 3-2015 dated February 23, 2015.

(ii) Recommendations GC-0107-2015 to GC-0126-2015 inclusive contained in the General Committee Report 3-2015 dated March 4, 2015.

(b) To close to the public a portion of the Council meeting to be held on March 11, 2015, to deal with various matters. (See Item 18 Closed Session).

(c) To adopt the the tax adjustments outlined in Appendix 1 attached to the report dated February 18, 2015 from the Commissioner of Corporate Services and Chief Financial Officer for applications for cancellation or refund of taxes pursuant to Sections 357 and 358 of the *Municipal Act*.

Corporate Report R-1

- (d) To receive the report from the City Solicitor dated February 27, 2015 and titled: "Request to Support the Town of Richmond Hill's Court Challenge of the OMB's Decision on Parkland Dedication Calculations" and to authorize the City Solicitor to assist and support the Town of Richmond Hill's attempt to overturn the Ontario Municipal Board's decision as a friend of the court and by seeking intervenor status if the leave to appeal to Divisional Court is granted.

Corporate Report R-2

- (e) To receive the report from the City Solicitor dated February 25, 2015 titled "*Conveyance of Lands for Future Public Highways – OMERS Realty Management Corporation and Square One Property Corporation – Square One Mall South West Expansion*", and that the report form the basis for a decision by City Council on whether the City should execute an agreement with OMERS Realty Management Corporation & Square One Property Corporation to provide an option to re-acquire for \$2.00 certain lands to be conveyed to the City by OMERS Realty Management Corporation & Square One Property Corporation for future public highways, which option may be exercised if City Council passes a by-law in the future to permanently close the said future public highways and to enact a by-law to authorize the Commissioner of Planning & Building and the City Clerk to execute an agreement.

Corporate Report R-3

- (f) To deem the #PartyDone on April 3, 2015 as one of municipal significance for the purpose of a Special Occasion Permit (SOP).

Information Item I-1

- (g) To request funding to the legal clinic in Mississauga proportionate to its low income population in relation to the low income population of the rest of the province.

GC-0108-2015/March 4, 2015

15. INTRODUCTION AND CONSIDERATION OF BY-LAWS

- B-1 A by-law to establish certain lands as part of the municipal highway system Register Plan 43R-35853 (in the vicinity of Stavebank Road and Mineola Road) (Ward 1).

- B-2 A by-law to establish certain lands as part of the municipal highway system Register Plan 43R-35884 (in the vicinity of Mississauga Road and Wateska Boulevard) (Ward 2).
- B-3 A by-law to authorize the execution of a Development Agreement between 2413826 Ontario Inc. and the Corporation of the City of Mississauga 2596 Burslem Road ('B' 27/14 W7) Owner/Applicant: 2413826 Ontario Inc. c/o David Brown Associates (Ward 7).

'B' 027/14

- B-4 A by-law to amend By-law Number 0225-2007, as amended being the Zoning By-law by adding definitions, making various amendments to Table 3.1.2.2, Table 8.2.1, Table 8.2.3.14, Table 8.2.3.23, Table 8.2.3.27, Table 8.2.35, Table 8.2.3.54, Table 8.2.3.55, Table 8.2.3.56, Table 8.2.3.57, Table 8.2.3.58 and Table 8.2.3.61 (BL.09.MED).

PDC-0003-2015/January 12, 2015

- B-5 A by-law to amend By-law Number 0225-2007, as amended being the Zoning By-law by deleting the date in the introductory paragraph of Sentence 12.3.3.12.2 in Exception Table 12.3.3.12. (OZ 14/005W11) Owner: City of Mississauga, Applicant: Quickchill Draught Mobile Refrigeration (Ward 11).
- B-6 A by-law to provide for the licensing of Medical Marihuana Production Facilities.

GC-0109-2015/March 4, 2015

- B-7 A by-law to authorize the execution of a Contribution Agreement with Kaneff Holding INc. and any necessary agreements with the Regional Municipality of Peel for the Cooksville Creek Storm Trunk Sewer realignment (Ward 7).

GC-0111-2015/March 4, 2015

- B-8 A by-law to temporarily close a Public Highway Lakefront Promenade from immediately south of Lakeshore Road East is temporarily closed from 7:00 a.m. on Monday, March 23, 2015 and ending at 7:00 p.m. on Friday, March 27, 2015 (Ward 1).

GC-0112-2015/March 4, 2015

- B-9 A by-law to amend By-law 360-79, as amended, being the Noise Control By-law to exempt activities and locations in Schedule 3.

GC-0114-2015/March 4, 2015

- B-10 A by-law to authorize the execution of three Agreements of Purchase and Sale (Offer to Purchase) with the Corporation of the City of Mississauga as Vendor permitting the sale of city owned (Ward 3).

GC-0119-2015/March 4, 2015

16. **INQUIRIES**

17. **OTHER BUSINESS AND ANNOUNCEMENTS**

18. **CLOSED SESSION**

- (a) Pursuant to the *Municipal Act*, Section 239 (2)
- (i) Litigation or potential, including matters before administrative tribunals, affecting the municipality or local board re: **Ontario Municipal Board Appeal – Official Plan Amendment No. 22 – Proposed Settlement with Hanlon Glen Homes Inc. (Ward 11).**
 - (ii) Litigation or potential, including matters before administrative tribunals, affecting the municipality or local board re: **Assessment Appeals – 2015 Taxation.**
 - (iii) Security of the property of the municipality or local board: **Mississauga Soccer Club.**
 - (iv) Personal matter about an identifiable individual, including municipal or local board employee re: **Citizen Appointments to the Environmental Action Committee.**
 - (v) Personal matter about an identifiable individual, including municipal or local board employee re: **Citizen Appointments to Traffic Safety Council.**

(vi) Personal matter about an identifiable individual, including municipal or local board employee re: **City Manager's 2015 Performance Agreement.**

(vii) Personal matter about an identifiable individual, including municipal or local board employee re: **Employee Negotiations.**

19. **CONFIRMATORY BILL**

A by-law to confirm the proceedings of the Council of The Corporation of the City of Mississauga at its meeting held on March 11, 2015.

20. **ADJOURNMENT**

R-1



Corporate Report

Clerk's Files

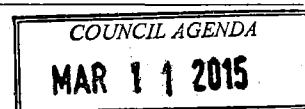
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DATE: February 18 , 2015

TO: Mayor and Members of Council
Meeting Date: March 11, 2015

FROM: Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

SUBJECT: Tax Adjustments Pursuant to Sections 357 and 358



RECOMMENDATION: That the tax adjustments outlined in Appendix 1 attached to the report dated February 18, 2015 from the Commissioner of Corporate Services and Chief Financial Officer for applications for cancellation or refund of taxes pursuant to Sections 357 and 358 of the *Municipal Act*, be adopted.

BACKGROUND: Sections 357 and 358 of the *Municipal Act*, 2001, S.O. 2001, c.25 allow a property owner or the Treasurer to make application for the cancellation, reduction or refund of taxes for a number of specific reasons. Taxes may be adjusted when a building has been demolished or razed by fire or if a property has become exempt, changed class or has been overcharged by reason of gross or manifest error.

COMMENTS: A total of 31 applications for tax adjustments have been prepared for Council's consideration.

The total cancellation or refund of taxes as recommended is \$211,430.03. Appendix 1 outlines the tax cancellations being recommended by property and summarizes by appeal reason the number of applications and tax dollars recommended for reduction.

FINANCIAL IMPACT: The City's portion of the cancellations resulting from the Section 357 and 358 tax adjustments is \$43,302.33.

CONCLUSION: Tax appeals for 2012, 2013, and 2014 taxation years are listed in Appendix 1. The *Municipal Act* requires Council to approve the tax adjustments.

ATTACHMENTS: Appendix 1: Tax Appeals Pursuant to the *Municipal Act* For Hearing On March 11, 2015.



Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

Prepared By: Connie Mesih, Manager, Revenue & Taxation

Tax Appeals Pursuant to the Municipal Act For Hearing On March 11, 2015

Corporate Services

Feb 18, 2015 10:44

Appeal No	Roll No	Location	Reason for Appeal	Tax Adjustment Totals
Section 357 : 2012				
8986	05-06-0-141-01325-0000	2251 SPEAKMAN DR	gross/manifest error	-13,805.75
Total				-13,805.75
Section 357 : 2013				
8988	05-06-0-141-01325-0000	2251 SPEAKMAN DR	gross/manifest error	-137,567.07
Total				-137,567.07
Section 357 : 2014				
8842	05-01-0-003-06300-0000	1334 CAWTHRA RD	gross/manifest error	-210.21
9016	05-01-0-010-17400-0000	74 EAGLEWOOD BLVD	Demolished/razed-fire	-35.71
8911	05-01-0-014-06900-0000	372 SOUTH SERVICE RD	gross/manifest error	-548.69
9033	05-01-0-015-08300-0000	1245 MONA RD	gross/manifest error	-1,313.01
9078	05-02-0-019-10700-0000	845 PARKLAND AVE	gross/manifest error	0.00
8950	05-02-0-028-22600-0000	910 CALDWELL AVE	Demolished/razed-fire	-1,149.05
8886	05-02-0-029-20000-0000	1206 WILDFIELD CRES	Demolished/razed-fire	-2,406.97
9090	05-02-0-036-03700-0000	1560 BRAMSEY DR	Demolished/razed-fire	-893.21
9038	05-03-0-071-19600-0000	1502 TYNEBURN CRES	Unusable minimum 3 months	0.00
8860	05-03-0-093-12000-0000	4587 TOMKEN RD	Class change	-10,674.29
9017	05-04-0-089-08000-0000	914 LEXICON DR	gross/manifest error	-109.42
8942	05-04-0-090-19000-0000	3119 GIVEN RD	Demolished/razed-fire	-1,952.60
8874	05-04-0-094-07100-0000	4054 WILCOX RD	Demolished/razed-fire	-1,206.89
8989	05-04-0-097-08900-0000	5306 CREDITVIEW RD	Became exempt	-884.76
8965	05-04-0-097-28310-0000	0 ARGENTIA RD	Became exempt	-484.50
9014	05-04-0-098-18900-0000	0 DERRY RD W	Became exempt	-52.45
8948	05-04-0-098-59501-0000	7010 SAINT BARBARA BLVD	Became exempt	-100.28

2-11(C)

Tax Appeals Pursuant to the Municipal Act
For Hearing On March 11, 2015

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Corporate Services

Feb 18, 2015 10:44

Appeal No	Roll No	Location	Reason for Appeal	Tax Adjutment Totals
9011	05-04-0-116-31036-0000	7125 PACIFIC CIR 6	gross/manifest error	-850.30
8871	05-04-0-152-78100-0000	1141 SAWGRASS CRES	gross/manifest error	-140.58
9010	05-04-0-164-06300-0000	490 BLUESKY CRES	gross/manifest error	-900.06
8930	05-05-0-115-14010-0000	2797 THAMESGATE DR	Demolished/razed-fire	-24,859.57
8992	05-06-0-125-17900-0000	2219 PARKER DR	Demolished/razed-unusable	-1,021.37
8843	05-06-0-129-21200-0000	2160 PORTWAY AVE	gross/manifest error	-3,477.81
9059	05-06-0-136-12200-0000	2411 THORN LODGE DR	gross/manifest error	-1,829.84
8968	05-07-0-052-09201-0000	0 SHERWAY DR	gross/manifest error	-3,488.15
9066	05-07-0-164-16200-0000	1034 WESTMOUNT AVE	Demolished/razed-fire	-44.32
8998	05-09-0-006-12400-0000	290 LAKESHORE RD W	Demolished/razed-unusable	-206.54
Total				-58,840.58
Section Total				-210,213.40
Section 358 : 2013				
9076	05-01-0-016-04900-0000	115 INGLEWOOD DR	gross/manifest error	-708.05
9091	05-04-0-116-31036-0000	7125 PACIFIC CIR 6	gross/manifest error	-508.58
Total				-1,216.63
Section Total				-1,216.63

**Tax Appeals Pursuant to the Municipal Act
For Hearing On March 11, 2015**

Page 3 of 4

Corporate Services

Feb 18, 2015 10:44

Tax Adjustment Totals

Section 357	2012	-13,805.75
	2013	-137,567.07
	2014	-58,840.58
Section 358	2013	-1,216.63
Grand Total		-211,430.03

P-1(d)

**Tax Appeals Pursuant to the Municipal Act
For Hearing On March 11, 2015**

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Corporate Services

Feb 18, 2015 10:44

2-16-15

Summary of Tax Adjustment by Type

Count	Description	Amount
15	gross/manifest error	- 165,457.52
4	Became exempt	- 1,521.99
8	Demolished/razed-fire	- 32,548.32
2	Demolished/razed-unusable	- 1,227.91
1	Class change	- 10,674.29
1	Unusable minimum 3 months	0.00
	Total	- 211,430.03



Corporate Report

Clerk's Files

Originator's
Files

LA12 RIC

R-2

DATE: February 24, 2015



TO: Mayor and Members of Council
Meeting Date: March 11, 2015

FROM: Mary Ellen Bench, BA, JD, CS
City Solicitor

SUBJECT: Request to Support Richmond Hill's Court Challenge of the
OMB's Decision on Parkland Dedication Calculations

- RECOMMENDATION:**
1. That the report from the City Solicitor dated February 27, 2015 and titled: "Request to Support the Town of Richmond Hill's Court Challenge of the OMB's Decision on Parkland Dedication Calculations" be received for information;
 2. That the City Solicitor is authorized to assist and support the Town of Richmond Hill's attempt to overturn the Ontario Municipal Board's decision as a friend of the court and by seeking intervener status if the leave to appeal to Divisional Court is granted.

**REPORT
HIGHLIGHTS:**

- January 15, 2015 the Ontario Municipal Board ("OMB") issued a decision that capped the Town of Richmond Hill's use of the alternate rate for calculating parkland dedication of 1 ha per 300 units authorized by the *Planning Act* at a maximum of 25 percent.
- The OMB imposed this cap even though the *Planning Act* does not include wording that refers to a 25 percent cap.
- The City of Mississauga uses the same alternate rate calculation used by the Town of Richmond Hill (the "Town"). Many other municipalities across Ontario also use this alternate rate since it is

authorized under the *Planning Act*.

- The Town has filed a section 43 request with the OMB. A section 43 request is a request for the OMB to review its own decision.
- The Town has also filed a Leave to Appeal application with the Divisional Court.
- The Town's Factum material in support of its motion for Leave to Appeal must be filed with the Divisional Court by March 23, 2015 and the Town is asking other municipalities to support its Leave Application.
- There are other municipalities considering and seeking instructions to assist the Town because of the significant impact the OMB decision will have.
- The OMB's decision has the potential to cause the parkland dedication by-law in every municipality to be challenged and to severely constrain every municipality's ability with respect to park dedication, even though the *Planning Act* provides that the specific rate is to be determined by council by-law.
- The potential impact of this decision if applied to the City is significant, but the precise number is not available at the time of writing this report
- Legal Services believes there is merit to the legal arguments raised by the Town of Richmond Hill.
- For these reasons the City is seeking instructions to assist the Town at the Divisional Court.

BACKGROUND:

January 15, 2015 the Ontario Municipal Board issued a decision on a contested hearing involving the Town of Richmond Hill's (the Town's) Official Plan policies dealing with the amount of park dedication that a municipality may require as a condition of development approval under the *Planning Act*.

The decision followed a lengthy hearing involving the Town and several developer appellants. BILD was not a party but the Town advises that some of the appellants were funded by BILD. The Board determined that in this case the use of the alternate rate of 1 ha per 300 units authorized by the *Planning Act* must be capped at a maximum of 25 percent of the developable area of the site or the cash-in-lieu equivalent, regardless of the site area, the density, or the number of units proposed in a development. The City of Mississauga uses the same calculation under the *Planning Act* as does the Town. The

Planning Act does not impose a 25 percent cap as imposed by the Board. We are not aware of the Board imposing such a cap before this decision.

The capping imposed by the OMB means that the Town's Official Plan and potentially all other municipal Official Plans must stipulate that park dedication will be capped at 25 percent, even where the alternative rate of 1 hectare per 300 units authorized by the *Planning Act* would lead to a higher rate. This decision has the potential to severely constrain every municipality's ability with respect to park dedication, even though the *Planning Act* provides that the specific rate is to be determined by council by-law. In this respect, staff believes there are sufficient legal grounds to support a challenge to the Board's decision.

PRESENT STATUS:

The Town has filed a section 43 review request with the OMB. This is a request that the OMB review its decision. In addition the Town has brought an application for Leave to Appeal to the Ontario Divisional Court on a question of law under section 96 of the *Ontario Municipal Board Act*. The Town intends to ask the Court to determine that the Board has erroneously interpreted the *Planning Act* regarding the use of the alternate park dedication rate.

The Town's Factum material in support of its motion for Leave to Appeal must be filed with the Court by March 23, 2015.

One of the tests to be met in order to be granted leave to appeal to the Divisional Court is the determination that the OMB decision involves a matter of broad public importance. The Court must understand that this OMB decision may impact all Ontario municipalities that acquire parkland or cash-in-lieu through the development process, and not just the Town. Therefore the Town is asking other municipalities to consider seeking "friend of the court" status on the Leave to Appeal hearing to assist in emphasising the significance of the OMB decision and to assist in identifying the broader municipal impact and matters of public importance for all Ontario municipalities.

COMMENTS:

In the case of Richmond Hill, it has determined that as a result of this decision it will not meet its parkland needs through *Planning Act* dedications and may need to utilize other sources,, such as the tax base to meet its needs. Development charges cannot be used for parkland acquisition, and other potential revenue tools for municipal parkland and recreational needs are extremely limited. The Town-wide per capita provision rate of parkland will fall over time and the provision of parkland in growing high density areas will be more limited and in less supply compared to older low density areas. These concerns are shared by many, if not all, municipalities.

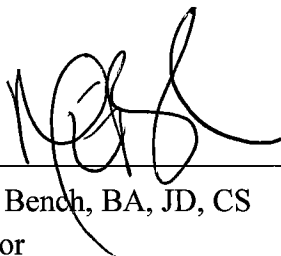
This decision could establish a precedent for OMB adjudication of all new Official Plans currently under appeal or future appeals. It is likely that developers will apply for Official Plan amendments in other municipalities and seek to have the OMB compel a lower park dedication rate as a matter of policy if this decision stands.

FINANCIAL IMPACT:

A review is being undertaken as to the potential revenue loss if the OMB's Richmond Hill parkland dedication decision is applied to the City. At the time of writing this report the amount is uncertain but is anticipated to be a significant amount. The estimated numbers will be provided in time for the Council meeting on March 11, 2015.

CONCLUSION:

Given the potential impact of the OMB's decision as summarized in this report it is recommended that the City file the necessary application seeking to become a friend of the court and to eventually intervene in motion for Leave and ultimately the Divisional Court Appeal if leave is granted.



Mary Ellen Bench, BA, JD, CS
City Solicitor

Prepared By: Kelly G. Yerxa, Deputy City Solicitor



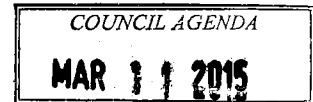
Corporate Report

Clerk's Files

Originator's
Files

R-3

DATE: February 25, 2015



TO: Mayor and Members of Council
Meeting Date: March 11, 2015

FROM: Mary Ellen Bench, BA, JD, CS
City Solicitor

SUBJECT: **Conveyance of Lands for Future Public Highway – OMERS
Realty Management Corporation and Square One Property
Corporation – Square One Mall South West Expansion**

RECOMMENDATION:

1. That the report from the City Solicitor dated February 25, 2015 titled "*Conveyance of Lands for Future Public Highways – OMERS Realty Management Corporation and Square One Property Corporation – Square One Mall South West Expansion*" be received for information.
2. That this report form the basis for a decision by City Council on whether the City should execute an agreement with OMERS Realty Management Corporation & Square One Property Corporation to provide an option to re-acquire for \$2.00 certain lands to be conveyed to the City by OMERS Realty Management Corporation & Square One Property Corporation for future public highways, which option may be exercised if City Council passes a by-law in the future to permanently close the said future public highways.
3. Where City Council wishes to enter into the agreement referred to in Recommendation No. 2 above, that City Council enact a by-law to authorize the Commissioner of Planning & Building and the City Clerk to execute and affix the corporate seal to

such an agreement, including all future amending agreements, in form and content satisfactory to the City Solicitor.

REPORT

HIGHLIGHTS:

- Oxford has agreed as an obligation connected with the Square One Mall south west expansion to (a) convey to the City for \$2.00 certain lands that are required for future public highways known as Princess Royal Drive, Mercer Street and The Exchange; (b) to construct at its expense those same public highways; and (c) to discharge all registered encumbrances against these lands.
- Oxford and a tenant of Square One Mall, HBC, have both expressed a desire to ensure that a future City Council will not close Princess Royal Drive, Mercer Street and/or The Exchange and thereby limit access to Square One Mall.
- Oxford's proposed solution for this concern is to request the City to provide it an option to re-acquire the lands for Princess Royal Drive, Mercer Street and/or The Exchange for \$2.00 if a future City Council passes a by-law to close said future public highways.
- City Staff is requesting City Council to make a decision on whether to accept or reject the Oxford Proposal as stated in this report.

BACKGROUND:

On July 9, 2014, the Corporation of the City of Mississauga (the "City") and OMERS Realty Management Corporation and 156 Square One Limited (now OMERS Realty Management Corporation & Square One Property Corporation) ("Oxford") entered into an Amended and Restated Development Agreement for the Square One Mall south west expansion (the "Development Agreement"). The Development Agreement obligates Oxford, as condition of site plan approval of the first phase of the Square One Mall south west expansion (the "Phase I Development") to convey to the City for \$2.00 certain lands required for future public highways to be known as Princess Royal Drive and Mercer Street. Also, as part of the Phase I Development, Oxford is required to grant to the City an easement over certain lands that will operate as a private road with public access, known as The Exchange. The Exchange is anticipated to become a public highway following the second phase of the Square One Mall south west expansion (the "Phase II Development"). Princess Royal Drive, Mercer Street and The Exchange are the lands and future public roads shown on the attached Appendix 1.

Following conveyance of the lands for Princess Royal Drive and Mercer Street, the City will licence the lands back to Oxford on a temporary basis in order to permit it to construct, at its expense, the roads on these lands in accordance with City standards and specifications. It is anticipated that a by-law to dedicate these roads as public highway will be brought forward for Council's consideration following satisfactory completion of construction of Princess Royal Drive and Mercer Street. Oxford advises us that construction of these roads is anticipated to proceed soon.

Oxford will grant an easement over The Exchange contemporaneously with the conveyance of the lands for Princess Royal Drive and Mercer Street however this easement will not take effect until Oxford has, at its expense, satisfactory completed construction of The Exchange in accordance with the City's standards and specifications. Oxford advises us that construction of this road is anticipated to proceed soon. As part of the Phase II Development, Oxford has agreed to convey the lands for The Exchange in accordance with a strata plan and to reconstruct The Exchange with a parking garage beneath it, in anticipation that the City will dedicate this future road as a public highway.

The Development Agreement requires Oxford to discharge all registered encumbrances before conveying the lands for the future public highways to the City. It also obligates Oxford to grant the City an easement over The Exchange and to register same on title to the subject lands with all required postponements of prior registered instruments.

HBC CAN Real Property LP ("HBC") has a lease with Oxford registered on title to the subject lands (the "Lease") which HBC is not willing to discharge and/or postpone without receiving certain assurances that a future City Council will not close Princess Royal Drive, Mercer Street and/or The Exchange and thereby limit access to Square One Mall. Oxford and HBC wish to keep the Lease confidential and therefore the City has no knowledge of its contents except for what Oxford is prepared to disclose, which is that it has no means in the Lease to obtain the required discharges and/or postponements from HBC. The City has requested a copy of the Lease from Oxford, but to date City Staff have not received it. It is not

advisable for the City to accept the conveyance of the lands or the easement without clear title which requires discharges and/or postponement.

Oxford has expressed that it has agreed to convey the lands for the future public highways and to construct said roads at its expense on the assumption that these public highways would not be closed in the future and used for some other purpose. The Development Agreement does not contemplate the closing of any of the future public highways, but also does not prohibit it. As a result, Oxford is now looking for assurances that a future City Council will not close Princess Royal Drive, Mercer Street and/or The Exchange and thereby limit access to Square One Mall.

COMMENTS:

Typically once a road is dedicated as a public highway, a future City Council has, subject to certain procedural conditions, the authority to close the said public highway by passing a by-law. If that were to occur, the City would likely declare the lands surplus and sell off the lands or use the lands for some other purpose. In this case, to address HBC and Oxford's request for assurances that a future City Council will not close Princess Royal Drive, Mercer Street and/or The Exchange and thereby limit access to Square One Mall, Oxford has requested the following:

- In the event that a future City Council passes a by-law to close Princess Royal Drive, Mercer Street and/or The Exchange on a permanent basis, Oxford will have an option to re-acquire the lands for these roads from the City for \$2.00 and Oxford will pay for any taxes, legal fees, expenses and/or administrative costs that may arise from the conveyance contemplated by this option (the "Oxford Proposal").

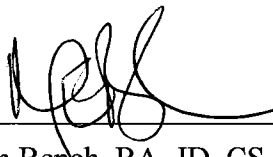
The effect of granting Oxford this option is that should a future City Council make a decision to permanently close Princess Royal Drive, Mercer Street and/or The Exchange by passing a by-law, the lands for these roads and/or the roads themselves could not be closed and used for some other purpose, but instead will become private roads owned by Oxford. This is not inconsistent with the City's current intent that these roads remain in perpetuity.

If the City makes a decision to refuse the Oxford Proposal, and the existing obligations in the Development Agreement are not modified, there is the potential for delay in the construction of the Phase I Development.

FINANCIAL IMPACT: Accepting the Oxford Proposal has no direct financial impact to the City, as the lands for the roads are to be acquired from Oxford for \$2.00 and the cost of constructing the roads on these lands is at Oxford's expense. Any taxes, legal fees, expenses and/or administrative costs that arise from any future conveyance contemplated by the Oxford Proposal would be at Oxford's sole expense.

CONCLUSION: In response to a concern raised by Oxford's tenant HBC and a concern Oxford has independently expressed, Oxford is now requesting that the City execute an agreement to provide it with an option to re-acquire for \$2.00 certain lands to be provided to the City for future public highways, which option may be exercised in the event that City Council passes a by-law to permanently close said future public highways, and City staff are hereby requesting instructions from City Council on whether to agree with or refuse the Oxford Proposal.

ATTACHMENTS: Appendix 1: Sketch showing future public highways – Princess Royal Drive; Mercer Street; and The Exchange.



Mary Ellen Bench, BA, JD, CS
City Solicitor

Prepared By: Raj Kehar, Legal Counsel



REPORT 3 – 2015

COUNCIL AGENDA

MAR 11 2015

TO: MAYOR AND MEMBERS OF COUNCIL

The Planning and Development Committee presents its third report of 2015 from its meeting held on February 23, 2015, and recommends:

PDC-0011-2015

That the Report dated February 3, 2015, from the Commissioner of Planning and Building recommending approval of the rezoning application under File OZ 14/005 W11, Quickchill Draught Refrigeration (Joe Ponzio), 46 William Street, be adopted in accordance with the following:

1. That the application to extend the existing "D-12" (Development) exception zone provisions to permit a temporary extension of outdoor storage of refrigeration trailers, be approved subject to the following conditions:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other external agency concerned with the development.
2. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.

File: OZ 14/005 W11

PDC-0012-2015

That the Report dated February 3, 2015, from the Commissioner of Planning and Building recommending approval of the application under File OZ 10/002 W3, 1751504 Ontario Inc., 1094 Eglinton Avenue East, be adopted in accordance with the following:

1. That the application to change the Zoning from "D" (Development) to "C3-64" (General Commercial), "G1" (Natural Hazards), and "G2-1" (Natural Features), to permit a one storey single unit retail commercial building and greenbelt conservation in accordance with the proposed zoning standards described in Appendix S-3 of this report, be approved subject to the following conditions:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development.
 - (b) That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.

File: OZ 10/002 W3

PDC-0013-2015

That the Report dated February 3, 2015, from the Commissioner of Planning and Building regarding the applications by High Benson Holdings Inc. to permit an 8 storey, 173 unit rental retirement apartment building, an 8 storey, 136 unit apartment building, 16 townhouses and street level commercial uses under File OZ 13/016 W1, at 266-294 Lakeshore Road West, 125-143 High Street West, 7 Benson Avenue and the rear portion of 5 Benson Avenue, be received for information.

File: OZ 13/016 W1

PDC-0014-2015

1. That the Report dated February 3, 2015 from the Commissioner of Planning and Building titled "Regulation of Height for Dwellings with Flat Roofs" be received for information; and,
2. That a City initiated Zoning By-law amendment be prepared to restrict the height of flat roofed dwellings in the "R1", "R3", "RM1", "RM2", "RM7" and "R15" zones in Ward 1, and be considered at a future statutory Public Meeting.

File: CD.06.REP

PDC-0015-2015

1. That the Draft Lakeview Local Area Plan and Lakeview Built Form Standards, dated January 2014, be revised in accordance with the revisions proposed in the "Report on Comments," dated February 3, 2015 from the Commissioner of Planning and Building;
2. That an Official Plan Amendment to Mississauga Official Plan be prepared to amend the existing Lakeview Local Area Plan in accordance with the revisions proposed in the "Report on Comments";
3. That the Draft Lakeview Local Area Plan, as revised in the "Report on Comments," be updated to incorporate Official Plan Amendments adopted by City Council, but not yet in force and effect, if no appeals to the site specific Official Plan Amendments are received; and
4. That Appendix I: Lakeview Built Form Standards, as revised by the "Report on Comments," be endorsed.
5. That Staff arrange to meet with Councillor Tovey and Mr. Glen Broll, Partner, Glen Schnarr & Associates Inc., regarding their clients' concerns with the proposed land use designation.

File: CD.03.LAK (Lakeview)

PDC-0016-2015

That the Report dated February 3, 2015 from the Commissioner of Planning and Building titled "Sign By-law Provisions for Electronic Billboards" be received for information.

File: CD.21.SIG

REPORT 3 - 2015

COUNCIL AGENDA

MAR 11 2015

TO: THE MAYOR & MEMBERS OF COUNCIL

General Committee of Council presents its fourth Report of 2015 and recommends:

GC-0107-2015

That the deputation by Susan Monaco, Group Leader, Mississauga Fibro Group requesting the lighting of the Mississauga Celebration Square for the week of May 12, 2015 to bring awareness to fibromyalgia, myalgic encephalomyelitis and multiple chemical sensitivities be referred to Corporate Services staff to work with Ms. Monaco to review the request to light the Square.

GC-0108-2015

1. That the deputation by Doug Kwan, Associate Executive Director, Mississauga Community Legal Services with respect to the community legal clinic in Mississauga be received.
2. That the Mayor send a letter on behalf of Council to Legal Aid Ontario and the Ministry of the Attorney General regarding adequate funding for the Mississauga legal clinic to provide the services to fulfill its mandate, and further that Council consider a motion at the March 11, 2015 Council meeting with respect to this matter.

GC-0109-2015

1. That Council enact a by-law to allow for the licensing and regulatory scheme for medical marihuana production facilities as outlined in the report from the Commissioner of Transportation and Works, dated February 18, 2015 and entitled "Licensing of Medical Marihuana Production Facilities".
2. That Compliance and Licensing Enforcement staff enforce the Medical Marihuana Production Facilities Licensing By-law in the manner set out in the enforcement action plan outlined in the report from the Commissioner of Transportation and Works, dated February 18, 2015 and entitled "Licensing of Medical Marihuana Production Facilities".

GC-0110-2015

That a by-law be enacted to amend By-law 555-2000, as amended to increase the 2015 downtown employee paid parking rates as outlined in this report to General Committee from the Transportation and Works Department dated February 19, 2015, entitled "Downtown Paid Parking off-Street Rates".

(Ward 4)

GC-0111-2015

1. That a by-law be enacted to authorize the Commissioner of Transportation and Works and the City Clerk to execute an Agreement, and all ancillary documents and subsequent amending agreements thereto, between Kaneff Holdings Inc. ("Kaneff") and The Corporation of the City of Mississauga (the "City") regarding the funding of the incremental cost of realigning the Cooksville Creek Storm Trunk Sewer from its current alignment crossing 3575 Kaneff Crescent to the Obelisk Way and Elm Drive rights-of-way, in a form acceptable to the City Solicitor; and
2. That a by-law be enacted to authorize the Commissioner of Transportation and Works and the City Clerk to execute any necessary agreements with the Regional Municipality of Peel for the purpose of incorporating the sanitary sewer works in the Storm Trunk Sewer Replacement - Hurontario Street to Cooksville Creek Project.

(Ward 4)

GC-0112-2015

That a by-law be enacted to implement the temporary closure of Lakefront Promenade from immediately south of Lakeshore Road East to a point seventy-five (75) metres (250 feet) southerly thereof commencing at 7:00 a.m. on Monday, March 23, 2015 and ending at 7:00 p.m. on Friday, March 27, 2015.

(Ward 1)

GC-0113-2015

1. That the report from the Commissioner of Transportation and Works dated February 19, 2015 entitled "Consultation on Ontario's Default Speed Limit" be received.
2. That the Transportation and Works Department participate in the MTO planned workshops regarding potential changes to the default speed limit for local roads.
3. That the Transportation and Works Department prepare a report back to General Committee following the MTO workshops and finalize a new policy for lower posted speed limits once the recommended option for the default speed limit in Ontario is known.
4. That a copy of the report from the Transportation and Works Department entitled "Consultation on Ontario's Default Speed Limit" dated February 19, 2015 be sent to the Minister of Transportation of Ontario.
5. That the Ministry of Transportation Ontario be requested to hold a stakeholder workshop in the City of Mississauga to serve the Region of Peel.

GC-0114-2015

That a by-law be enacted to amend the Noise Control By-law 360-79, as amended, to update the list of exempted activities under Schedule 3 as outlined in Appendix 1 attached to the report from the Commissioner of Transportation and Works, dated February 18, 2015 and entitled "Updating of Schedule 3 Exemption Activities Under Noise Control By-law 360-79, as amended."

GC-0115-2015

That the report entitled MiWay Ticket Agent Network dated February 18, 2015 from the Commissioner of Transportation and Works be received for information.

GC-0116-2015

1. That the Commissioner of Community Services and the City Clerk on behalf of the Corporation of the City of Mississauga be authorized to enter into a cost sharing and a park development agreement with Amacon Development (City Centre) Corp for the design and construction of private parkette, Block 1, on plan 43M- 1808, and crossing of the City owned swale in Zonta Meadows Park (P-294).

2. That all necessary by-laws enacted.

(Ward 4)

GC-0117-2015

That the Community Services Department be authorized to submit a minor variance application to the Committee of Adjustment to permit the installation of a bird nesting structure in Timothy Street Park (P-127) and maintain the use of an existing windmill.

(Ward 11)

GC-0118-2015

That the proposed Corporate Policy and Procedure, Vacancy Tax Rebates, attached as Appendix 1 to the Corporate Report dated February 6, 2015 from the Commissioner of Corporate Services and Chief Financial Officer be approved.

GC-0119-2015

1. That Council for the City of Mississauga, as the approving authority under the Expropriations Act, R.S.O., 1990, c. E.26, (the "Act") hereby provides approval to the City of Mississauga, as the expropriating authority under section 42 of the Act, to dispense with the requirement to offer the party from whom lands were expropriated, with the first chance to repurchase the lands on the terms of the best offer received by the expropriating authority, such lands consisting of a 33 foot wide strip of land located on the south side of Eglinton Avenue, east of 1120 Eglinton Avenue East, containing an area of approximately 2,108 square metres (0.52 acres) and legally described as PT LT 7 CON 2 NDS Toronto PTS 2 & 3, R0968028; in the City of Mississauga, Regional Municipality of Peel, in Ward 3 (the "Lands").
2. That Council enact by-laws authorizing the Commissioner of Transportation and Works and the City Clerk to execute and affix the Corporate Seal to Agreements of Purchase and Sale, and all documents ancillary thereto, between the City of Mississauga (the "City"), as Vendor and the following:
 - a. Charles Hardy Investments Ltd., as purchaser, for approximately 491 square metres (5,287 square feet) of the subject Lands, on terms detailed herein. The purchase price is \$74,018. The subject Lands are legally described as Part of Lot 7, Concession 2, North of Dundas Street, Toronto Township, City of Mississauga, Regional Municipality of Peel, being described as Part 1 on Sketch prepared by the Vendor's Surveyor and attached hereto as Appendix 2;
 - b. Vassallo Investment Corporation, as purchaser, for approximately 491 square metres (5,288 square feet) of the subject Lands, on terms detailed herein. The purchase price is \$74,032. The subject Lands are legally described as Part of Lot 7, Concession 2, North of Dundas Street, Toronto Township, City of Mississauga, Regional Municipality of Peel, being described as Part 2 on Sketch prepared by the Vendor's Surveyor and attached hereto as Appendix 2;
 - c. Ferkul Brothers Limited & F-F Construction Company Limited, as purchaser, for approximately 1,036 square metres (11,146 square feet) of the subject Lands, on terms detailed herein. The purchase price is \$100,314. The subject Lands are legally described as Part of Lot 7, Concession 2, North of Dundas Street, Toronto Township, City of Mississauga, Regional Municipality of Peel, being described as Part 1 on Sketch prepared by the Vendor's Surveyor and attached hereto as Appendix 3.

(Ward3)

GC-0120-2015

1. That City owned lands, being part of Park 317 located on the east side of Falbourne Street containing an area of approximately 1297 square metres (0.32 acres) and legally described as Part of Part of Blocks 3, 4, 5 and 12, Plan 43M-832, Parts of Blocks 4 and 7 and Parts of Blocks 5 and 6, Plan 43M-900, in the City of Mississauga, Regional Municipality of Peel, in Ward 5, be declared surplus to the City's requirements.
2. That Realty Services staff be authorized to proceed to negotiate with the Municipality of the Region of Peel for the disposition or long term ground lease of the lands to be declared surplus at fair market value for the purpose of the construction of a Satellite Paramedic Station, pursuant to the Acquisition and Disposal of Real Property Corporate Policy 05-04-01.
3. That all steps necessary to comply with the requirements of Section 2. (1) of City Notice By-law 215-08 be taken, including giving notice of the proposed sale on the City of Mississauga's website for a two week period, where the expiry of the two week period will be at least one week before the execution of the agreement for the sale of subject lands.

(Ward 5)

GC-0121-2015

That the report "Historical Background on Rapid Transit in Mississauga", dated February 18, 2015 from the Commissioner of Transportation and Works be received for information.

GC-0122-2015

1. That a warrant for a crossing guard has been met at Shelter Bay Road at the park path, adjacent to Shelter Bay Public School on the east side, for students attending Shelter Bay Public School based on road width, driver behaviour, student volume and the fact that the safe gaps are created artificially by vehicles stopping voluntarily.
2. That the Principal of Shelter Bay Public School be requested to encourage parents to use the Kiss & Ride.
3. That staff from Transportation and Works be requested to review all signage in front of Shelter Bay Public School.

(Ward 9)

GC-0123-2015

That Section 2 of Schedule 3, of the Tow Truck Licensing By-law 521-04 be amended to increase the all-inclusive flat rate towing fee from two hundred and fifty dollars (\$250.00) to two hundred and eighty dollars (\$280.00).

(TIAC-0001-2015)

GC-0124-2015

That the Towing Industry Advisory Committee provide comments to staff, for inclusion in a future report to General Committee, on the report from the Commissioner of Transportation and Works dated January 26, 2015 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, for Tow Truck Definitions".

(TIAC-0002-2015)

GC-0125-2015

That the action list of the Towing Industry Advisory Committee meeting held on February 17, 2015 provided to the Committee to update on the status of initiatives raised at prior meetings be received.

(TIAC-0003-2015)

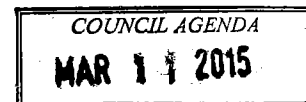
GC-0126-2015

That the education session regarding the Hurontario Street-Main Street Light Rail Transit, be received.

I-1

300 City Centre Drive
Mississauga, ON L5B 3C1

March 4, 2014



Dear Council,

I am submitting this letter to request consideration of making my event an event of "Municipal Significance."

I am scheduled to hold a culturally based musical concert by the name of #PartyDone on Friday April 3, 2015 from 8pm to 2am. This concert will include a wide array of musicians, artists and band members from various parts of the City as well as other countries who have already committed to this event.

This event will be held at Red Rose Convention Centre located at 1233 Derry Road E in Mississauga, in the Mackenzie Ballroom. The purpose of this event is to bring awareness of my culture through music, mainly Chutney & Soca music to the City of Mississauga and individuals who may not be familiar with this culture or have lacked opportunities to attend such events. The City of Mississauga is so diverse and I feel that my event will contribute significantly to enhance this rich culture.

This event is strictly for ages 19+ with ample security and Police presence. This event will utilize local businesses who have sponsored parts of this event as well as volunteers who will assist with assigned duties for that day. This event will offer volunteers an opportunity to develop and enhance a broad range of skills and possibly secure employment opportunities in the future as I continue to collaborate and take this event further in the years to come.

My application for a Special Occasion Permit cannot proceed without your support. I am kindly requesting your consideration and approval for this event.

You may contact me at any time at _____ or my email at _____

Thank you in advance for your time and kind consideration.

Yours Truly,

Reanto Alishah

<input checked="" type="checkbox"/> Receive	<input checked="" type="checkbox"/> Resolution
<input type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
<input type="checkbox"/> Community Services	For
<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Appropriate Action
<input type="checkbox"/> Planning & Building	<input type="checkbox"/> Information
<input type="checkbox"/> Transportation & Works	<input type="checkbox"/> Reply
	<input type="checkbox"/> Report

Notice of Motion
March 11, 2015



Moved by: C. Parrish

Seconded by: P. Saito

WHEREAS many Mississauga seniors are of low or moderate income; and

WHEREAS most communities within the city do not have adequate access to seniors' centres and activities;

WHEREAS many low- or moderate-income seniors must use public transit because they can no longer afford the operation of a private vehicle or they are physically challenged and/or cognitively impaired; and walking to libraries, community centres and parks can be onerous and unsafe in extreme weather;

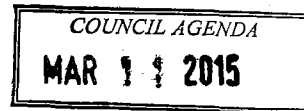
WHEREAS heavily subsidized public transit does have down times when most routes have reduced ridership;

WHEREAS Regional Council has directed Human Services staff to review the feasibility of extending the Regional assisted transit program to a wider group of low-income residents including seniors, a study which will take some time;

WHEREAS there is an immediate need to address affordable access to transit for seniors;

THEREFORE BE IT RESOLVED that City and Transit staff develop an operating plan for a one-year pilot project to commence no later than May 1, 2015, which would include a dollar-per-ride fare for all seniors during non-peak hours, weekends and holidays. And further that staff develop this plan with a minimum of inconvenience for users and a maximum of simplicity for operators.

C. Parrish
P. Saito



Motion (g)

GC-0108-2015

WHEREAS the low income residents of Mississauga can currently receive free legal services in their own community from the legal clinic in Mississauga funded by Legal Aid;

AND WHEREAS Legal Aid is currently considering a Report recommending the elimination of the community legal clinic in Mississauga to be replaced by a megaclinic serving the entire Region of Peel and Dufferin County;

AND WHEREAS Mississauga is the 6th largest city in all of Canada and the largest in Ontario after only Toronto and Ottawa;

AND WHEREAS the community legal clinic in Mississauga serves the 2nd highest low income population of any general service legal clinic in Ontario;

AND WHEREAS the legal clinic in Mississauga receives less than half the average funding of other general service legal clinics in Ontario;

THEREFORE BE IT RESOLVED THAT Legal Aid be requested to preserve the community legal clinic in Mississauga so that it can continue to serve the Mississauga community;

AND THAT Legal Aid be requested to provide additional funding to the legal clinic in Mississauga proportionate to its low income population in relation to the low income population of the rest of the province.

AND THAT the Mayor write to the President/CEO of Legal Aid and the Attorney General advising them of the City's position and enclosing a copy of the City's resolution in this regard;