

COMMITTEE OF ADJUSTMENT  
RESULTS



Location: COUNCIL CHAMBER

Hearing: NOVEMBER 9, 2017 AT 1:30 P.M.

File	Name of Applicant	Location of Land	Ward	Decision
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| AA = Approved as Amended | ACP= Condition Plan | AC= Approved on Condition | AT = Approved Temporarily | D = Deferred |

**NEW APPLICATIONS- (CONSENT)**

B-079/17	DEZEN REALTY COMPANY LIMITED	128 QUEEN ST S	11	Approved (AC)
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**NEW APPLICATIONS - (MINOR VARIANCE)**

A-471/17	THE SHORES OF PORT CREDIT INC.	125- 143 HIGH ST W	1	Approved
A-472/17	HELENA AND JOHN MEDEIROS	166 CEREMONIAL DR	5	D (Feb 22)
A-474/17	JUNEDA IMTIAZ	796 MILLWORKS CRES	6	Approved (AA)
A-475/17	RAKSHAN MANSOOR ALHAQ	3427 FORRESTDALE CIR	10	D (Feb 22)
A-476/17	OON PING LOUCH & PETER LOUCH	765 BEXHILL RD	2	D (Feb 22)
A-477/17	FOREST GLENN SHOPPING CENTRE LIMITED	3403 FIELDGATE DR	3	Approved

Decision of the Mississauga Committee of Adjustment under  
Section 53 of The Planning Act R.S.O. 1990, C.P.13, as amended.  
Application by **DEZEN REALTY COMPANY LIMITED** for the property located at **128 QUEEN ST S.**  
Date of Hearing on Thursday  
**November 9, 2017**

No Member declared a pecuniary interest for this application.

### **APPLICATION DETAILS**

The applicant requests the consent of the Committee for the conveyance of a parcel of land for a lot addition. The severed parcel is 350m<sup>2</sup> in size and will be merged with the abutting property municipally known as 142 & 148 Queen St South and will be developed as a mixed use development in the future. The retained land contains 4 existing buildings which will remain, and no other changes to the site are proposed as a result of this application.

Mr. J. Lethbridge the authorized agent attended and presented the subject application to permit a lot addition to merge a part of the parcel of land at 128 Queen Street to 142 & 148 Queen Street west.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated November 3, 2017)
- City of Mississauga, Transportation and Works Department (dated November 2, 2017)
- City of Mississauga, Community Services Department, Culture Division (dated November 3, 2017)
- Bell Canada, Right-of-Way (November 7, 2017)

### **CORRESPONDENCE & DISCUSSION**

No resident comments were received as a result of the public circulation of this application.

Committee asked questions of the agent who appeared before the Committee.

The applicant asked Committee to amend the conditions requested by city and agency staff as follows:

### **DECISION**

Committee has taken into consideration all relevant materials: including information provided by the applicant; plans submitted; staff and agency comments and find that the application is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the conditions of Appendix A being fulfilled:

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land shall be "merged" with 142 & 148 QUEEN STREET SOUTH.
5. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc. (The resultant parcel is the conveyed land and the land to which the conveyed land is to be merged).
6. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.



Accordingly, the Committee resolves to authorize and grant the request.

MOVED BY: J. Page                      SECONDED BY: D. George                      CARRIED

**APPLICATION APPROVED ON CONDITIONS AS STATED**

<u>"S. PATRIZIO"</u> S. PATRIZIO – (CHAIR)		<u>"D. GEORGE"</u> D. GEORGE
<u>"J. ROBINSON"</u> J. ROBINSON		<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE		<u>"D. REYNOLDS"</u> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn		

I certify this is copy of the decision of the Committee's decision given on  
**November 16, 2017**

"S. KENNEY"

For a signed copy of this document

SEAN KENNEY - SECRETARY-  
TREASURER

please call 905-615-3200 ext. 2408  
or email  
[Committee.Adjustment@mississauga.ca](mailto:Committee.Adjustment@mississauga.ca)

A copy of Section 53 of the Planning Act, as amended, is attached.

Date of Mailing  
**November 20, 2017**

This decision is subject to appeal to the Ontario Municipal Board by filing with the Secretary-Treasurer of the Committee of Adjustment a written notification, giving reasons for the appeal, accompanied with the prescribed fee on or before  
**December 10, 2017**

**NOTES:**

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before

**November 20, 2018**

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.

Appendix A – Conditions of Provisional Consent

Appendix B – City and Agency comments that relate to items on Appendix A

**Appendix A – Conditions of Provisional Consent**

**APPLICANT: DEZEN REALTY COMPANY LIMITED**

**LOCATION: 128 QUEEN ST S**

**MEETING DATE: November 9, 2017**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land shall be "merged" with 142 & 148 QUEEN STREET SOUTH.
5. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc. (The resultant parcel is the conveyed land and the land to which the conveyed land is to be merged).
6. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.

**Appendix B – City and Agency comments that relate to items on Appendix A**

**City of Mississauga**

**Planning and Building Department**

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Date: November 3, 2017

File: C of A – 'B' 79/17  
(Ward 11 – 128 Queen Street South)

Agenda: November 9, 2017

**New Item**

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**Recommendation**

The Planning and Building Department has no objection to the application.

**Background**

**Mississauga Official Plan**

Character Area: Streetsville Community Node

Designation: Mixed Use

**Zoning By-law 0225-2007**

Zoning: C4, C3, RA1-17 (Commercial, Residential)

**Comments**

**Zoning**

N/A

**Planning**

The subject site is located along Queen Street South in the Streetsville Community Node. The retained lands are a multi-tenant, multiple building commercial centre. The application proposes a lot addition to be merged with abutting properties at 142 and 148 Queen Street South. The retained lands are approximately 33,560 m<sup>2</sup>. The severed lands are 350 m<sup>2</sup>. The severed lands are currently vacant. The lot addition creates a more similar sized lot, and is aligned with an abutting property on Queen Street South. The proposed consent will not affect the functionality of either the severed or retained lands. No other changes or applications are proposed. In our opinion the lot addition is appropriate.

Based on the preceding, the Planning and Building Department has no objection to application.



**City of Mississauga**

**Transportation & Works Department**

**RE:**                      **Applicant:**                      **Dezen Realty Company Limited**  
                             **Date of Hearing:**              **November 9, 2017**  
                             **Our File:**                      **'B' 79/17, Ward 11 (Z-39E)**

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Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

**A.     Items Required Prior to the Issuance of Final Consent**

**1.     Record of Site Condition**

Based on our review of this application and applicable cross reference files, we note that the lands being severed are currently part of a commercial property and proposed to be attached to a property being redeveloped as mixed use (commercial and residential). In this regard as the property use is changing from a less sensitive to a more sensitive use, in accordance with Ontario Regulation 153/04 (as amended), the applicant is required to submit a complete Record of Site Condition (RSC) to the Transportation and Works Department.

The RSC must also be posted to the Environmental Site Registry. All reports prepared in support of the RSC must be submitted to the City along with a signed copy of the RSC. The reports must be signed by a Qualified Person as defined on Ontario Regulation 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the reports or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report. Please contact Trevor Swift C.E.T at ext. 5930 for further information.

**GENERAL INFORMATION**

**1.     Existing Services to "Residual" Lands**

It shall be the applicant's/owners responsibility to confirm that there are no existing underground services which service the "Residual Lands" located within the limits of the "Severed Lands. Should it be determined that any underground services encroach into the limits of the new property line, then the owner would have the option of abandoning that service(s) and arranging for the construction of a new service (s) in the proper location, or alternatively provide for a private easement.



File: "B" 79/17  
WARD 11

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or [tony.iacobucci@mississauga.ca](mailto:tony.iacobucci@mississauga.ca)



Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **THE SHORES OF PORT CREDIT INC.** for the property located at **125 HIGH ST W.**  
Date of Hearing on Thursday November 9, 2017

No Member declared a pecuniary interest for this application.

### **APPLICATION DETAILS**

The applicant requests the Committee to authorize a minor variance on the subject property to permit the construction of the townhouse portion of the development along High Street with a front yard of 4.06m (approx. 13ft); whereas by-law 0225-2007 as amended, requires a minimum front yard of 4.50m (approx. 15ft) in this instance.

Mr. S. Jackson, the authorized agent attended and presented the application to permit the development of townhouses with reduced front yards. He mentioned the buildings would be slightly shifted forward to accommodate interior courtyard.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated November 3, 2017)
- City of Mississauga, Transportation and Works Department (dated November 2, 2017)

### **CORRESPONDENCE & DISCUSSION**

The Secretary – Treasurer noted the comments received from:

- Correspondence was received from the residents(s) of 17, 21 and 45 Benson Avenue stating an objection to the subject application.

The resident of 13 Benson Avenue appeared before the Committee and expressed concerns in regards to the application.

Committee asked questions of the agent who appeared before the Committee.

### **DECISION**

Committee has taken into consideration correspondence received from 3 area residents; and 1 resident who presented at the hearing. They have also considered all relevant materials: including information provided by the applicant; plans submitted; staff and agency comments and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

Accordingly, the Committee resolves to authorize and grant the request.

MOVED BY: J. Page      SECONDED BY: J. Robinson      CARRIED  
The Decision of the Committee is:

**APPLICATION APPROVED:**

The applicant requests the Committee to authorize a minor variance on the subject property to permit the construction of the townhouse portion of the development along High Street with a front yard of 4.06m (approx. 13ft); whereas by-law 0225-2007 as amended, requires a minimum front yard of 4.50m (approx. 15ft) in this instance

<u>"S. PATRIZIO"</u> S. PATRIZIO – (CHAIR)		<u><b>DISSENTED</b></u> D. GEORGE
<u>"J. ROBINSON"</u> J. ROBINSON		<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE		<u>"D. REYNOLDS"</u> D. REYNOLDS
<u><b>DISSENTED</b></u> P. Quinn		

I certify this is copy of the decision of the Committee's decision given on November 16, 2017

For a signed copy of this document

"S. KENNEY"

SEAN KENNEY - SECRETARY-  
TREASURER

please call 905-615-3200 ext. 2408

or email

[Committee.Adjustment@mississauga.ca](mailto:Committee.Adjustment@mississauga.ca)

A copy of Section 45 of the Planning Act, as amended, is attached.

This decision is subject to appeal to the Ontario Municipal Board by filing with the Secretary-Treasurer of the Committee of Adjustment a written notification, giving reasons for the appeal, accompanied with the prescribed fee on or before December 6, 2017

**NOTES:**

1. A Development Charge may be payable prior to the issuance of a Building Permit.
2. Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **JUNEDA IMTIAZ** for the property located at **796 MILLWORKS CRES.**  
Date of Hearing on Thursday November 9, 2017

No Member declared a pecuniary interest for this application.

### **APPLICATION DETAILS**

The applicant requests the Committee to authorize a minor variance on the subject- property proposing 2 parking spaces for the semi-detached dwelling and second dwelling unit; whereas by-law 0225-2007 as amended requires a minimum of 3 parking spaces for the semi-detached dwelling and second dwelling unit in this instance.

Mr. M. Lodhi, authorized agent, presented the application to permit reduced parking for a second unit on the property. He provided evidence in support of the application.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated Nov 3 2017)
- City of Mississauga, Transportation and Works Department (dated Nov 2 2017)

### **CORRESPONDENCE & DISCUSSION**

The Secretary – Treasurer noted the comments received from:

- Correspondence was received from the residents(s) of 798 Millworks Crescent, in support of the subject application.

Committee asked questions of the agent who appeared before the Committee.

### **DECISION**

The applicant requested that the application be amended and Committee agreed to the request.

Committee has taken into consideration correspondence received from 1 area resident; and all relevant materials: including information provided by the applicant; plans submitted; staff and agency comments and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.



Accordingly, the Committee resolves to authorize and grant the request.

MOVED BY: P. Quinn      SECONDED BY: D. Reynolds      CARRIED  
The Decision of the Committee was:

**APPLICATION APPROVED AS AMENDED:**

The applicant requests the Committee to authorize a minor variance on the subject proposing one parking space for the existing semi-detached dwelling, whereas by-law 0225-2007 as amended requires two parking spaces in this instance.

<u>"S. PATRIZIO"</u> S. PATRIZIO – (CHAIR)		<u><b>DISSENTED</b></u> D. GEORGE
<u>"J. ROBINSON"</u> J. ROBINSON		<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE		<u>"D. REYNOLDS"</u> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn		

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Committee.Adjustment@mississauga.ca

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Decision of the Mississauga Committee of Adjustment under  
Section 45(1) OR (2) of The Planning Act R.S.O. 1990, c.P.13, as amended.  
Application by **FOREST GLENN SHOPPING CENTRE LIMITED** for the property located at **3403  
FIELDGATE DR (UNIT 3423)**.

Date of Hearing on Thursday November 9, 2017

No Member declared a pecuniary interest for this application.

### **APPLICATION DETAILS**

The applicant requests the Committee to authorize a minor variance on the subject property to permit a fast food restaurant in the unit municipally known as 3423 Fieldgate Drive (Unit 3423) ; whereas by-law 0225-2007 requires a minimum separation distance from a residential zone of 60m (approx. 197ft) in this instance.

Mr. F. Elahi, the authorized agent attended and presented the application to permit the establishment of a subway (take-out) within 60 m of a residential zone.

### **COMMENTS**

The Secretary – Treasurer noted the comments received from:

- City of Mississauga, Planning and Building Department (dated November 3, 2017)
- City of Mississauga, Transportation and Works Department (dated November 2, 2017)

### **CORRESPONDENCE & DISCUSSION**

The Secretary – Treasurer noted the comments received from:

- Correspondence was received from the residents of 1470 Bloor Street, stating an objection to the subject application.

Committee asked questions of the agent who appeared before the Committee.

### **DECISION**

Committee has taken into consideration correspondence received from 1 area resident; and all relevant materials: including information provided by the applicant; plans submitted; staff and agency comments and find that the application is minor in nature, desirable for the appropriate development on the subject property, and that the general intent and purpose of the Zoning By-law and the Official Plan are maintained.

Accordingly, the Committee resolves to authorize and grant the request.

MOVED BY: D. George      SECONDED BY: J. Robinson      CARRIED  
The Decision of the Committee is:

**APPLICATION APPROVED:**

The applicant requests the Committee to authorize a minor variance on the subject property to permit a fast food restaurant in the unit municipally known as 3423 Fieldgate Drive (Unit 3423) ; whereas by-law 0225-2007 requires a minimum separation distance from a residential zone of 60m (approx. 197ft) in this instance.

<u>"S. PATRIZIO"</u> S. PATRIZIO – (CHAIR)		<u>"D. GEORGE"</u> D. GEORGE
<u>"J. ROBINSON"</u> J. ROBINSON		<u>"D. KENNEDY"</u> D. KENNEDY
<u>"J. PAGE"</u> J. PAGE		<u>"D. REYNOLDS"</u> D. REYNOLDS
<u>"P. QUINN"</u> P. Quinn		

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