City of Mississauga

Agenda

MISSISSAUGA

Council

Date: October 28, 2020

Time: 9:30 AM

Location: Council Chambers, Civic Centre, 2nd Floor
300 City Centre Drive, Mississauga, Ontario, L5B 3C1
And Online Video Conference

Members

Mayor Bonnie Crombie	
Councillor Stephen Dasko	Ward 1
Councillor Karen Ras	Ward 2
Councillor Chris Fonseca	Ward 3
Councillor John Kovac	Ward 4
Councillor Carolyn Parrish	Ward 5
Councillor Ron Starr	Ward 6
Councillor Dipika Damerla	Ward 7
Councillor Matt Mahoney	Ward 8
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10
Councillor George Carlson	Ward 11

Participate Virtually and in Person

Advance registration is required to participate in person and/or to make comments in the virtual public meeting. Any member of the public interested in speaking to an item listed on the agenda or interested in attending in person must register at stephanie.smith@mississauga.ca by Monday, October 26, 2020 before 4:00 PM.

Residents without access to the internet, via computer, smartphone or tablet, can participate and/or make comment in the meeting via telephone. To register, please call Stephanie Smith 905-615-3200 ext 3795 no later than Monday, October 26, 2020 before 4:00 PM. Comments submitted will be considered as public information and entered into public record.

Contact

Stephanie Smith, Legislative Coordinator, Legislative Services
905-615-3200 ext. 3795
Email stephanie.smith@mississauga.ca
Find it Online
http://www.mississauga.ca/portal/cityhall/councilcommittees

Meetings of Council streamed live and archived at Mississauga.ca/videos

1. CALL TO ORDER

2. INDIGENOUS LAND STATEMENT

"Welcome to the City of Mississauga Council meeting. We would like to acknowledge that we are gathering here today on the Treaty Lands and Territory of the Mississaugas of the Credit, and the traditional territories of the Anishinaabe, Haudenosaunee, Wyndot and Huron people. We also acknowledge the many First Nations, Inuit, Metis and other global Indigenous peoples who call Mississauga home. We welcome everyone."

3. APPROVAL OF AGENDA

4. DECLARATION OF CONFLICT OF INTEREST

5. MINUTES OF PREVIOUS COUNCIL MEETING

5.1. Council minutes - October 14, 2020

6. PRESENTATIONS

7. DEPUTATIONS

7.1. Item 11. 1 Jeffrey A. Abrams and Janice Atwood-Petkovski, Co-Principals, Principles Integrity, Integrity Commissioner for City of Mississauga

7.2. Item 11. 1 Lara Kinkartz, Associate, WeirFoulds LLP

8. PUBLIC QUESTION PERIOD - 15 Minute Limit

Advance registration is required to participate in person and/or to make comments in the virtual public meeting.

Any member of the public interested in speaking to an item listed on the agenda or interested in attending in person must register at stephanie.smith@mississauga.ca by Monday, October 26, 2020 before 4:00 PM

9. MATTERS PERTAINING TO COVID-19

10. CONSENT AGENDA

11. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS

11.1. Recommendation Report of the Integrity Commissioner Code Complaint against Heritage Advisory Committee Member Rick Mateljan

11.2. Apportionment of Taxes

11.3. Tax Adjustments pursuant to Section 357 and 358 of the Municipal Act

11.4. Safe Restart Funding Agreement – Municipal and Transit Relief Streams – October 2020

(Please note that this report is currently not available and will be distributed prior to the meeting)

12. PRESENTATION OF COMMITTEE REPORTS

12.1. Planning and Development Committee Report 11 - 2020 - October 19, 2020

12.2. General Committee Report - 10 - 2020 - October 21, 2020

13. UNFINISHED BUSINESS

14. PETITIONS

15. CORRESPONDENCE

15.1. Information Items

15.1.1. Related to items 7.2 and 11.1 - Appending response to the Integrity Commissioner's October 8, 2020 Report regarding Rick Mateljan

15.1.2. Notice of Amendments to the Council Procedural By-law 139-13

15.2. Direction Items

15.2.1. Review of Start Times for Council, General Committee, Budget Committee and Audit Committee

16. NOTICE OF MOTION

16.1. In honour of Hazel McCallion's 100th birthday and her decades of service to Mississauga, the City of Mississauga to rename the current Central Library to the Hazel McCallion Central Library

16.2. A motion to admen GC-0217-2020 requesting a consolidated report due to the legislative changes within Bill 218 and that the matter be discussed at an upcoming Governance Committee meeting.

16.3. A motion to condemn all forms of Islamaphobia in Mississauga

17. MOTIONS

17.1. To close to the public a portion of the Council meeting to be held on October 28, 2020 to deal with various matters. (See Item 22 Closed Session)

18. INTRODUCTION AND CONSIDERATION OF BY-LAWS

18.1. A by-law to amend Traffic By-law 555-2000, regarding 5 Hour Parking Prohibition - Sheridan Park Drive (Ward 2)

GC-0133-2020/March 25, 2020

18.2. A by-law to Establish Certain 2021 User Fees and Charges for Services, Activities or the Use of Property and to Repeal By-law No. 0156-2019

BC-0011-2020, BC-0012-2020, BC-0013-2020, BC-0014-2020, BC-0015-2020, BC-0016-2020, BC-0017-2020, BC-0018-2020, BC-0019-2020/October 7, 2020

18.3. A by-law to amend the User Fees and Charges By-law 0156-2019 to revise effective dates for Recreation and Culture Program fees and charges

BC-0012-2020, BC-0016-2020/October 7, 2020

18.4. A by-law to amend the Lot Grading and Municipal Services Protection Deposit By-law 0172-2020

BC-0020-2020/ October 7, 2020

18.5. A by-law to amend the Road Occupancy Permit By-law 0173-2020

BC-0020-2020/ October 7, 2020

18.6. A by-law to amend By-law 430-93 being a By-law to Exempt certain lands from Part-Lot Control 6225 Danville Road (Ward 5)

PLC 20-008

18.7. A by law to transfer funds from the Cash in Lieu of Parkland Reserve Fund (Account A32121) to Land Acquisition Parkland (F-585) (PN 20-304)

BL-0132-2020

18.8. A by-law to designate the boundary of the Port Credit Business Improvement area and to repeal By-law 0518-2020

GC-0240-2020 /October 21, 2020

18.9. A by-law to authorize the Commissioner of Transportation and Works and the City Clerk to enter into agreements between the Ontario Ministry of Transportation and The Regional Municipality of Peel for the Credit River Bridge Project

GC-0497-2018/July 4, 2018

19. MATTERS PERTAINING TO REGION OF PEEL COUNCIL

20. COUNCILLORS' ENQUIRIES

21. OTHER BUSINESS/ANNOUNCEMENTS

22. CLOSED SESSION

(Pursuant to Subsection 2 of the Municipal Act, 2001)

22.1. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board:Appeal of the Decision of the Committee of Adjustment with respect to 1710 Carrington Road, Bernard Cassar (Ward 6)

22.2. Personal matters about an identifiable individual, including municipal or local board employees: Citizen Appointments to the Port Credit Heritage Conservation District (PCHCD) Subcommittee

23. CONFIRMATORY BILL

23.1. A by-law to confirm the proceedings of the Council of The Corporation of the City of Mississauga at its meeting held on October 28, 2020

24. ADJOURNMENT

Principles
Integrity

City of Mississauga
Recommendation Report of the Integrity Commissioner
Code Complaint against Heritage Advisory Committee Member Rick Mateljan

October 8, 2020

Introductory Comments

[1] Principles Integrity was appointed the Interim Integrity Commissioner for the City of Mississauga in July of 2017. We are also privileged to serve as Integrity Commissioner for a number of other Ontario municipalities. The operating philosophy which guides us in our work and which appears in every formal communication with our clients to reinforce its importance to us, is this:

> *The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an integrity commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council and local boards meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.*

[2] Our efforts in concert with our clients are therefore to help establish an ethical framework through which the public perception of Council is deservedly enhanced.

[3] The Municipal Act requires that municipalities adopt a code of conduct for members of local boards, and appoint an integrity commissioner responsible for overseeing the application of the code of conduct for local board members. Members of local boards are also subject to the Municipal Conflict of Interest Act (MCIA).

[4] Integrity commissioners carry out a range of functions for municipalities (and their local boards). They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for members of council and outreach for members of the community. One of the most important functions is the provision of advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance. And finally, but not principally, they investigate allegations that a person has fallen short of compliance with the municipality's ethical framework and where appropriate they submit public reports on their findings, and make recommendations,

including recommending sanctions, that council for the municipality may consider imposing in giving consideration to that report.

[5] This being our function, as Integrity Commissioner we play an important role in the administration of justice, including with respect to the oversight given members of Councils and of local boards with respect to the avoidance of conflicts of interest.

[6] Our role differs from other 'adjudicators' whose responsibilities generally focus, to state it colloquially, on making findings of fact and fault. While that is a necessary component when allegations are made, it is not the only component.

[7] Our operating philosophy dictates the format of this report. The tenets of procedural fairness require us to provide reasons for our conclusions and recommendations, and we have done that. Procedural fairness also requires us to conduct a process where parties can participate in the review and resolution of a complaint.

[8] In this regard, we have assessed the information fairly, in an independent and neutral manner, and have provided an opportunity to the respondent named in this Report to respond the allegations, and to review and provide comment on the preliminary findings

The Complaint

[9] On July 8, 2020 we received a complaint against Heritage Advisory Committee member Rick Mateljan. The complaint asserts that the member breached the Code of Conduct for Local Boards in taking a retainer and acting as a heritage planning witness in a Land Planning Appeals Tribunal hearing. The hearing was in respect to the property at 1646 Dundas Street West and the Respondent acted on behalf of the developer when he provided heritage planning evidence which contradicted the position of the Heritage Advisory Committee and was in opposition of the City of Mississauga's decision on the application.

[10] The allegation is that the member's participation constitutes an improper use of influence and represents a conflict of interest, given his role as member of the City's Heritage Advisory Committee, contrary to the Code of Conduct for Local Boards.

Process Followed for this Investigation

[11] In conducting this investigation, Principles Integrity applied the principles of procedural fairness and was guided by the complaint process set out under the Code of Conduct.

[12] This fair and balanced process includes the following elements:

- Reviewing the complaint to determine whether it is within scope and jurisdiction and in the public interest to pursue, including giving consideration to whether the complaint should be restated or narrowed, where this better reflects the public interest

- Notifying the Respondent of the complaint against him, and providing adequate disclosure of the information we possessed so that he could prepare his response

- Reviewing the Code of Conduct for Local Boards, the relevant LPAT decision, reports, meeting minutes, and other relevant documentation, and interviews as necessary

- Providing the Respondent with the additional opportunity to review and provide responses to the Integrity Commissioner's draft Findings Report, and taking any additional response into consideration prior to finalizing and submitting our Recommendation Report

[13] In accordance with the foregoing, on August 17, 2020 we provided the Respondent and his legal counsel with our preliminary findings and invited him to provide a response by September 3, 2020.

[14] On September 1, 2020 the Respondent's legal counsel advised that another solicitor was being retained. We were asked for a one-month extension to respond to our draft Findings Report, which we provided.

[15] On October 2, 2020, we received the solicitor's 85-page response (14-page submission plus attachments) which we have now reviewed.

[16] The process of providing a draft Findings Report, seeking comments, and reflecting upon those comments prior to finalizing a report to Council is a helpful aspect of our process. In this instance it clarified for us that certain concepts were poorly understood by the Respondent, requiring clarification and additional explanation. We revisited our report with this in mind.

Background and Context

[17] The Respondent Rick Mateljan is a member of the Mississauga Heritage Advisory Committee and has been since 2007.

[18] The Respondent is an architect and a principal at SMDA, an architectural design firm in Oakville.

[19] EV Royale is a developer who proposed a condominium project for the property at 1646 Dundas Street West in Mississauga.

[20] In 2014, EV Royale (the developer) retained the Respondent to work on the project as the Heritage and Urban Design consultant.

[21] In his capacity as Heritage and Urban Design Consultant for the developer, the Respondent met and worked with City staff, attended community meetings, authored a Heritage Impact and Urban Design Statement in support of the development, and presented the project at the City of Mississauga Urban Design Advisory Panel.

[22] In September 2016 the developer filed an application with the City.

[23] The property at 1646 Dundas Street West is listed on the Heritage Registry.

[24] On September 5, 2017 representatives of the Erindale Village Association attended at the Heritage Advisory Committee to make a deputation to express the Erindale Village community's unanimous opposition to the proposed development, and seek the assistance and support of the Heritage Advisory Committee.

[25] Because the property is not Designated but only Listed on the Heritage Register, the Heritage Advisory Committee does not have jurisdiction to require the developer to submit to its review process. The Heritage Advisory Committee advised the Erindale Village Association representatives that the Committee suggested that they communicate their concerns regarding preservation of the heritage character to their Ward Councillor and to Council.

[26] The Respondent was absent from the September 5, 2017 meeting, as noted in the Minutes, and therefore no declaration of interest was made at the meeting. Notably, no declaration of interest was made at the subsequent meeting.

[27] In November 2017, the developer appealed the City's failure to make a decision on the application to the OMB (now LPAT).

[28] On May 18, 2018, following a series of public meetings, the planning report to the City's Planning Committee recommended approval. Despite staff's recommendation, on June 20, 2018 Council unanimously rejected approval of the development.

[29] Citing among other reasons issues of incompatibility with the heritage character of the community, City Council directed the City Solicitor to take all necessary steps, including retaining outside counsel and planning witnesses, to represent Council's opposition to the development application at the LPAT.

[30] The City opposed the developer's appeal of the application at the LPAT, retaining legal counsel and a Transportation Engineer, a Cultural Heritage Planner and a Land Use Planner to provide evidence at the LPAT.

[31] The Respondent was the developer's expert witness on the issue of Heritage Conservation at the LPAT.

[32] The LPAT held two pre-hearing conferences; heritage conservation was identified as one of the key issues.

[33] The Respondent was presented at the LPAT as an expert on heritage matters and his qualification as such notably included his role on the City's Heritage Advisory Committee, reflected in the LPAT decision at paragraph [67]:

> Mr. Mateljan is a Licensed Technologist and member of the Ontario Association of Architects and has served as a member and Vice-Chair of the Mississauga Heritage Advisory Committee since 2007. He was retained in April 2014 and prepared the Heritage Study on behalf of Erindale Inc. (the developer).

[34] Following a two-week hearing in the fall of 2019, the LPAT issued its decision on June 12, 2020, granting approval to the developer for the development.

[35] The LPAT relied upon the Respondent's evidence with respect to its determination that the development warrants approval, as noted at para [94] of the decision:

> In consideration of the whole of the evidence, the Tribunal finds that the development of the lands in the manner proposed warrants approval. The proposal provides for the efficient use and orderly development of lands and implements the higher order planning policies established by the Province. In making these findings the Tribunal accepts and adopts the evidence and opinions of Messrs. Quarcoopome [Land Use Planning], Maria [Transportation and Engineering] and Mateljan [Heritage Architecture and Urban Design].

The *Municipal Conflict of Interest Act* (MCIA):

[36] The MCIA is in large part the governing legislation, and provides a statutory framework for determining when a member of municipal council (or local board) may be in a conflict of interest. The Code of Conduct supplements this statutory framework by addressing the common law concept of conflicts of interest including perceived or apparent conflicts of interest.

[37] The relevant provisions of the MCIA provide as follows:

> **Duty of Member**
> **When present at meeting at which matter considered**
> 5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,
>
> (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
>
> (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
>
> (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
>
> **When absent from meeting at which matter considered**
> (3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1).

Code of Conduct for Local Boards

[38] In addition to the MCIA members of local boards are governed by their Code of Conduct. The Heritage Advisory Committee is an adjudicative board, and its members are subject to the Code of Conduct for Adjudicative Boards adopted by Mississauga City Council.

[39] The relevant provisions of the Code of Conduct provide as follows:

> **Framework and Interpretation**
> **13.** The Municipal Act, 2001 is the primary piece of legislation governing municipalities however there are other statutes that govern adjudicative boards and the conduct of its members. It is intended that the Code of Conduct operate together with and as a supplement to the following legislation:
>
> Municipal Act, 2001;
> Municipal Conflict of Interest Act;
> …

14. In carrying out his or her responsibilities regarding this Code of Conduct, the Integrity Commissioner is not limited to looking at the pecuniary interest of the Member, and for clarity the Integrity Commissioner is specifically authorized to investigate issues of conflict in a broad and comprehensive manner.

Key Principles that Underlie the Code of Conduct for Adjudicative Boards:

b. Members are expected to perform their duties as a member of the adjudicative board and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Rule No. 1

a. Members should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their membership on the board, and private conflicts of interest, both apparent and real. Members shall also not extend in the discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Members have a direct or indirect pecuniary interest.

Commentary

Members have a common understanding that in carrying out their duties as a Member of an adjudicative board, they will not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.

Members are governed by the Municipal Conflict of Interest Act and in the event a complaint under the Act is filed with the Court, the provisions of that statute take precedence over any authority given to the Integrity Commissioner to receive or investigate complaints regarding alleged contraventions under the Municipal Conflict of Interest Act. It is intended that the Integrity Commissioner be empowered to investigate and rule on all conflicts of interest, whether pecuniary or non-pecuniary until Court proceedings are started under the Act.

b. Members shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the adjudicative board or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.

c. Members, while a member of an adjudicative board, shall declare a conflict of interest, refrain from voting and not take part in any activity which may be interpreted as an attempt to influence the vote on any application or other matter before the board which is brought by or in any way supported or opposed by, a business in which the member has a direct or indirect pecuniary interest.

Commentary

> While it is recognized that it is an advantage for some of the adjudicative boards to recruit members with expertise in a discipline related to the matters considered by the board, a member who is in any way involved with an application cannot be permitted to participate in its adjudication. Any member who is connected with a business that comes to rely frequently on approval from the board should likely resign. [emphasis added]

Rule No. 6
Improper Use of Influence:
No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties as a member of the adjudicative board.

Examples of prohibited conduct are: the use of one's status as a member of an adjudicative board to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage in the carrying out of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within the adjudicative board or at the City, in return for present actions or inaction.

Rule No. 7
Business Relations:
7. No Member shall act as a paid agent before the adjudicative board.

Analysis and Findings:

[40] Serving as a volunteer on a City advisory committee is a laudable activity.

[41] It is often desirable to have professionals with some particular expertise serving on certain committees. The Heritage Advisory Committee benefits from the professional experience and insights of the Respondent.

[42] Examples of other advisory committees that clearly benefit from the professional experience of their membership are the Urban Design Advisory Panel, and the Public Vehicle Advisory Committee.

[43] However, despite the valuable experience and insights they bring, it is important for members of advisory committees to recognize and avoid conflicts of interest and improper use of influence.

[44] This is brought into sharper focus where they serve on adjudicative bodies such as the Heritage Advisory Committee.

[45] While the name of this body suggests otherwise, the role and function makes it a quasi-judicial adjudicative tribunal, and even though it makes recommendations to Council, rather than final decisions, its procedures involve hearing from applicants and other interested parties including those opposed, to render its recommendations.

[46] The Respondent is a principal of the firm SMDA, an architectural design firm whose work includes producing Heritage Impact Studies and Heritage Architectural Drawings and Designs.

[47] Properties which are Designated as Heritage Properties by the City under the Heritage Conservation Act are subject to the City's Heritage Planning process in order to obtain approval for any changes.

[48] Applications under the City's Heritage Planning process are heard by the Heritage Advisory Committee.

[49] When an application which comes before the Heritage Advisory Committee is supported by a Heritage Impact Study report or other design work authored or prepared by SMDA, and the Respondent is present at the meeting, the Respondent declares an interest and recuses himself from the meeting.

[50] The Respondent was not present during the meeting at which the Erindale Village Association representatives spoke on September 5, 2017, and the Heritage Advisory Committee advised the Association to contact their Ward Councillor and Council to seek support, given that the property in question was not Designated but only Listed in the Register.

[51] The Respondent recognizes that, if he had been present, he would have had an obligation to declare an interest.

[52] During our investigation, in a cursory review of meeting minutes over the two year period 2017-2019, we note that the Respondent declared an interest in a matter before the committee on sixteen[1] occasions:

May 9, 2017 - items 7.2 & 7.4
July 11, 2017 - item 7.2
Nov.14, 2017 - items 7.4 & 7.5
Feb.6, 2018 - item 7.5
Mar.6, 2018 - items 7.1 & 7.2
Aug.10, 2018 - items 7.2, 7.3, 7.6
Feb.5, 2019 - item 7.3

[1] The Member has noted there were actually 18 such occasions but only 9 separate and distinct projects. An interest must be declared on each and every occasion the matter comes before the body.

[53] The Code Commentary highlights the need to avoid conflicts of interest of the type examined in this report as follows:

> While it is recognized that it is an advantage for some of the adjudicative boards to recruit members with expertise in a discipline related to the matters considered by the board, a member who is in any way involved with an application cannot be permitted to participate in its adjudication. Any member who is connected with a business that comes to rely frequently on approval from the board should likely resign. [emphasis added]

[54] The Respondent is a principal with SMDA, whose retainer is often sought out and which frequently accepts retainers from property owners whose properties are required to obtain approval from the Heritage Advisory Committee.

[55] As a result, the work product of the Respondent's firm is often provided to the Heritage Advisory Committee in support of an approval application.

[56] One of the obligations of members is to take all steps to avoid such conflicts of interest from arising; expressed as a key principle underlying the Code of Conduct for Adjudicative Boards, the duty of members is to arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

[57] We find that the Respondent has failed to implement this key principle of the Code of Conduct.

[58] Rule 7 prohibits "acting as a paid agent before the adjudicative board". While providing the work product to support an application is not precisely "acting as an agent", it must be recognized that the purpose of the provision is to prevent undue influence by a member of an adjudicative board before the very body on which he is member.

[59] We find that the Respondent's firm, in accepting retainers and providing the work product to property owners in the application process before the Heritage Advisory Committee is tantamount to acting as an agent before that body, and therefore we find that these retainers violate the spirit and intent of the provision.

[60] The Meadowvale Heritage Conservation District Advisory Committee is a body comprised primarily of citizens of the district. It reports to the Heritage Advisory Committee.

[61] At the April 4, 2017 meeting of the Meadowvale Heritage Conservation District Advisory Committee, the Respondent appeared before the committee as agent of a property owner, to present his own Heritage Impact Study Report. We see no

distinction between appearing as a paid agent before a committee which reports to the Heritage Advisory Committee, and appearing before the Heritage Advisory Committee itself. This participation is contrary to Rule 7.

[62] When the Report of the April 4, 2017 meeting of the Meadowvale Heritage Conservation District Advisory Committee came before the Heritage Advisory Committee on May 9, 2017, the Respondent failed to declare a conflict of interest in receiving that report, although he clearly had one.

[63] We find the decision by the Respondent to accept the retainer of EV Royale to be problematic: it must have been seen as a possibility that the retainer might ultimately involve a Heritage Study of some kind being submitted to the Heritage Advisory Committee, given that the property was on the Mississauga Register.

[64] While there is not a rule prohibiting the Respondent from participating in the LPAT hearing in opposition to the City Council decision, provisions which apply to members of Council would prohibit such participation, and would, in fact, preclude a member from participating in litigation which opposes a City Council decision.

[65] At the very least, one would have expected the Respondent to make inquiries as to the appropriateness of his providing evidence at the LPAT. We note that we had the opportunity to provide some training on ethical obligations under the MCIA and Code of Conduct to members of local boards on May 30 and June 25, 2019, at which we encouraged members to reach out for individual advice, should they encounter questions around avoiding conflicts of interest, among other issues.

[66] In any event, it is clear in the LPAT decision that the LPAT attached weight to the role of the Respondent as a member of the Heritage Advisory Committee.

[67] No doubt the Respondent's credentials qualify him to provide expert opinion on such matters at the LPAT; however, his use of this role and membership at the LPAT hearing does, in our view, reflect an improper use of influence.

[68] An analogy might be if a member of the Committee of Adjustment were to provide evidence at a zoning appeal in opposition to Council's decision on a zoning application, and represent oneself, with the result that weight attaches to evidence because of membership on the Committee of Adjustment.

[69] During our investigation, we noted that on one occasion the Respondent's firm accepted a retainer from the City of Mississauga to produce work on behalf of the City for work at a City-owned heritage-Designated facility, Benares Historic House, for submission to the Heritage Advisory Committee.

[70] While not specifically addressed, we are of the view that such retainer is generally counter-indicated under the provision in Rule 1 (b) which provides:

> Members shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the adjudicative board or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.

[71] Although in that instance it was a contract with the City for work to be submitted to the Heritage Advisory Committee in support of the City's application, we find that it contravenes the spirit and intent of Rule 1 (b).

[72] We note that on at least two occasions (September 5, 2017 and October 17, 2017) when the Respondent was absent, he failed to declare an interest at the next meeting of the Heritage Advisory Committee, although that is his obligation under the MCIA, s.5(3) "Duty of Member When absent from meeting at which matter considered".

[73] We find that in failing to declare an interest at the next meeting, the Respondent has contravened the MCIA.[2]

Summary of Findings:

[74] While we do not find that the Respondent's participation as the heritage conservation witness at the LPAT represents a conflict of interest under either the MCIA or the Code of Conduct, we find that it does constitute an improper use of influence contrary to Rule 6.

[75] We find that the Respondent has failed to implement a key principle of the Code of Conduct, that being the duty of members of local boards to arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

[76] We find that the fact that the Respondent was so frequently compelled to declare an interest underscores the circumstance where the member is unable to arrange their business affairs in a manner that serves the public interest. In this regard, the Commentary under Rule 1 provides excellent guidance: *Any member who is connected with a business that comes to rely frequently on approval from the board should likely resign.*

[77] We find that on one occasion, the Respondent appeared as agent before the Meadowvale Heritage Conservation District Advisory Committee. We find that this undermines the prohibition in Rule 7.

[2] While it might seem logical to some observers that declaring an interest at a previous meeting has an enduring value whenever the matter arises again, there is no such thing as a 'continuing declaration' for conflicts of interest. A declaration must be made at each meeting, and if absent, at the next meeting at which the member is present.

[78] We find that the Respondent's firm, accepting retainers and providing the work product to property owners in the application process before the Heritage Advisory Committee is tantamount to acting as an agent before that body, and therefore we find that these retainers violate the spirit and intent of the provisions of Rule 7.

[79] Finally, it appears that the Respondent diligently declared an interest each and every time one arose, at meetings he attended. However, he failed to declare the interest at the next meeting, when an interest arose in his absence. This constitutes a contravention of s.5(3) of the MCIA even though this was inadvertently omitted by the Respondent based on his erroneous interpretation of the requirement..

Recommendations and Concluding Remarks

[80] The City of Mississauga has been a front-runner in adopting a Code of Conduct for its local boards well ahead of the legislative amendments of 2019. In 2013 Council directed development of a Code of Conduct for Local Boards, and the current Code was adopted in 2014 and has been in effect since January 1, 2015.

[81] As such, members of Local Boards have had access to training, as well as access to an integrity commissioner for advice, guidance and clarification for the past several years. Such training was most-recently provided May 30 and June 25, 2019 at which over 40 appointees to Local Boards took the opportunity to attend.

[82] As noted in the Code's statement of principles, it is important that members arrange their private affairs in a manner that promotes public confidence and will bear close scrutiny. It may be particularly advantageous to know that an integrity commissioner is available to assist members of Council & Local Boards, at no cost to them, to navigate the ethical rules when confronted with occasionally challenging fact situations.

[83] An integrity commissioner may recommend that sanctions be imposed, including a reprimand, or a suspension of pay for up to 90-days. The position the Heritage Advisory Committee being unpaid, a sanction which included suspension of the Respondent's pay would be of no practical effect.

[84] In our view, we are prepared to accept that the Respondent's activities most likely arise from a lack of appreciation for the proper interpretation of the Code and the MCIA. Therefore, we do not believe a reprimand is warranted.

[85] While there is no doubt the Respondent offers tremendous expertise to the Heritage Advisory Committee, there will often be a balancing exercise when appointing members to such bodies: how best to ensure the public interest, and

where, as this case, an appointee is regularly conflicted, might there be other expertise within the community who would be willing to serve.

[86] In the circumstances, it might be appropriate that the Respondent consider relinquishing his role on the Heritage Advisory Committee.

[87] Alternatively, we are of the view that Council should give consideration to revoking the Respondent's appointment in light of the inevitability of conflicts arising.

[88] In the event that Mr. Mateljan does not step down, it falls within Council's jurisdiction to determine whether to revoke his appointment.

[89] Accordingly, it is recommended:

1. That Council pass the following resolution:

   That having been found to have breached the Mississauga Code of Conduct for Local Boards, that Rick Mateljan consider resigning from his position on the Heritage Advisory Committee, and should it be his decision to do so, that he indicate that outcome prior to the day upon which this Recommendation Report is to be considered by Council; and

2. Alternatively, that Council consider revoking the appointment of Rick Mateljan to the Heritage Advisory Committee, and that he be thanked for his service to date.

[90] We wish to conclude by publicly thanking everyone who was asked to participate in our investigation.

[91] We will be pleased to be available at the Council meeting where this report is considered.

All of which is respectfully submitted

Principles *Integrity*
Integrity Commissioner for the
City of Mississauga

City of Mississauga
Corporate Report

MISSISSAUGA

Date: October 1, 2020	Originator's files:
To: Mayor and Members of Council	
From: Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer	Meeting date: October 28, 2020

Subject
Apportionment of Taxes

Recommendation
1. That the report of the Commissioner of Corporate Services and Chief Financial Officer dated October 1, 2020 entitled "Apportionment of Taxes" be received.
2. That the recommended apportionment of taxes and payments set out in Appendix 1 attached to this report be approved.

Background
Section 356 of the *Municipal Act* allows a local municipality to apportion taxes if land which was assessed in one block at the return of the assessment roll is subsequently divided into two or more parcels and to direct what proportion of any payment of taxes is to be applied to each of the parcels.

Comments
The Municipal Property Assessment Corporation (MPAC) has advised of a number of properties that have been divided into parcels subsequent to the return of the assessment roll. Section 356 of the *Municipal Act* provides for taxes levied on the land to be apportioned to the newly created parcels. In addition, the municipality is to direct what proportion of any payment of taxes is to be applied to each of the parcels.

In accordance with section 356(1) of the *Municipal Act*, taxes levied on the land for the year in which the property is divided and any unpaid taxes for years prior to that year have been proportionately apportioned to the newly created parcels based on the relative assessed value of the parcels as determined by MPAC. Supplementary taxes levied for the year in which the property was divided have been allocated to the parcel to which they pertain.

All payments applied to the property tax account being apportioned, from the year of the land division to date, must be allocated to the appropriate parcels. Payments have been allocated based on the parcel that payment was intended for or distributed proportionately among the parcels if the payment was intended for the entire block.

A Summary of Apportionment of Taxes listing newly created parcels and the recommended apportionment of taxes and payments is provided as Appendix 1.

Owners of the apportioned lands have been sent notification. Property owners have the right to appeal the decision of Council to the Assessment Review Board.

Financial Impact

Not Applicable.

Conclusion

There are a number of properties that were assessed in one block at the return of the assessment roll and subsequently divided into parcels. The *Municipal Act* requires Council to approve the apportionment of taxes and allocation of payments subsequent to the division of property.

Attachments

Appendix 1: Summary of Apportionment of Taxes under the *Municipal Act* for hearing on October 28, 2020.



Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: *Louise Cooke, Manager, Revenue and Taxation*

Summary of Apportionment of Taxes under the Municipal Act

For Hearing on October 28, 2020

Corporate Services Revenue

Apportionment No	Roll No	Location	Legal Dscr	Ward	Tax Year	Assessment	Recommended Apportionment of Taxes	Recommended Apportionment of Payments
8789	05-02-0-033-15802-0000	1530 JALNA AVE	PLAN 389 PT LOT 7 RP 43R37725 PT(s) 2	02	2019	557,019	4,466.71	- 3,359.72
	05-02-0-033-15801-0000	1520 JALNA AVE	PLAN 389 PT LOT 7 RP 43R37725 PT(s) 1	02	2019	547,544	4,390.74	- 3,302.58
8790	05-04-0-089-15605-0000	3301 CAWTHRA RD	PLAN A25 PT LOT 2 AND RP 43R9913 PART 2	03	2018	1,338,000	13,963.45	- 13,963.45
8791	05-04-0-089-15605-0000	3301 CAWTHRA RD	PLAN A25 PT LOT 2 AND RP 43R9913 PART 2	03	2019	1,439,000	14,960.27	- 9,574.96
8793	05-04-0-116-32506-0000	290 TRADERS BLVD E A	PSCP 1015 LVL 1 UNIT 1	05	2018	302,482	6,001.38	
	05-04-0-116-32513-0000	290 TRADERS BLVD E 8	PSCP 1015 LVL 1 UNIT 8	05	2018	287,853	5,711.13	
	05-04-0-116-32510-0000	290 TRADERS BLVD E 5	PSCP 1015 LVL 1 UNIT 5	05	2018	266,302	5,283.54	
	05-04-0-116-32508-0000	290 TRADERS BLVD E 3	PSCP 1015 LVL 1 UNIT 3	05	2018	266,302	5,283.54	
	05-04-0-116-32509-0000	290 TRADERS BLVD E 4	PSCP 1015 LVL 1 UNIT 4	05	2018	266,302	5,283.54	
	05-04-0-116-32511-0000	290 TRADERS BLVD E 6	PSCP 1015 LVL 1 UNIT 6	05	2018	266,302	5,283.54	
	05-04-0-116-32512-0000	290 TRADERS BLVD E 7	PSCP 1015 LVL 1 UNIT 7	05	2018	266,302	5,283.54	
	05-04-0-116-32507-0000	290 TRADERS BLVD E B	PSCP 1015 LVL 1 UNIT 2	05	2018	287,853	5,711.13	
	05-04-0-116-32514-0000	290 TRADERS BLVD E 9	PSCP 1015 LVL 1 UNIT 9	05	2018	266,302	5,283.54	
8795	05-04-0-143-21910-0000	3436 MAVIS RD	TORONTO CON 1 NDS PT LOT 21 RP 43R38299 PT(s) 3	06	2018	1,166,662	23,147.06	- 13,650.20
	05-04-0-143-21710-0000	3446 MAVIS RD	TORONTO CON 1 NDS PT LOT 21 RP 43R38299 PT(s) 1 AND 2	06	2018	2,843,338	56,413.02	- 56,413.02
8796	05-04-0-143-21910-0000	3436 MAVIS RD	TORONTO CON 1 NDS PT LOT 21 RP 43R38299 PT(s) 3	06	2019	1,214,831	23,600.96	
	05-04-0-143-21710-0000	3446 MAVIS RD	TORONTO CON 1 NDS PT LOT 21 RP 43R38299 PT(s) 1 AND 2	06	2019	2,949,419	57,299.42	- 48,340.83

Summary of Apportionment of Taxes under the Municipal Act

For Hearing on October 28, 2020

Apportionment No	Roll No	Location	Legal Dscr	Ward	Tax Year	Assessment	Recommended Apportionment of Taxes	Recommended Apportionment of Payments
8797	05-04-0-200-27305-0000	700 CONSTELLATION DR 202	PCP 414 LEVEL 2 UNIT 2 LEVEL A UNIT 21 PKG LVL A UNIT 359 LKR	05	2019	256,650	2,091.90	- 3,067.58
8798	05-05-0-113-04201-0000	7113 AIRPORT RD	PLAN 316 PT LOTS 32 TO 41 PT BLK A RP 43R38663 PARTS 1 3 AND 4	05	2019	610,525	0.00	- 1,720.91
	05-05-0-113-04202-0000	3033 MERRITT AVE	PLAN 316 PT BLK A RP 43R38663 PART 2	05	2019	214,725	1,720.91	
						Total	251,179.32	- 153,393.25

City of Mississauga
Corporate Report

MISSISSAUGA

Date: September 4, 2020

To: Mayor and Members of Council

From: Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

Originator's files:

Meeting date:
October 28, 2020

Subject
Tax Adjustments pursuant to Section 357 and 358 of the Municipal Act

Recommendation
1. That the report of the Commissioner of Corporate Services and Chief Financial Officer dated September 4, 2020 entitled Tax Adjustments pursuant to Section 357 and 358 of the *Municipal Act* be received.

2. That the tax adjustments outlined in Appendix 1 attached to this report for applications for cancellation or refund of taxes pursuant to Sections 357 and 358 of the *Municipal Act*, be approved.

Background
Sections 357 and 358 of the *Municipal Act, 2001, S.O. 2001, c.25* allow a property owner or the Treasurer to make an 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 59 applications for tax adjustments have been prepared for Council's consideration.

The total cancellation or refund of taxes as recommended is $153,552.95. Appendix 1 outlines the tax cancellations being recommended by property and summarizes by reason the number of applications and tax dollars recommended for reduction.

Following Council's decision, a Notice of Decision will be mailed to all applicants and their taxes will be adjusted accordingly. With the exception of Section 358 applications, if the applicant

disagrees with the amount of the tax adjustment, they have 35 days from the date of the Notice of Decision to appeal Council's decision to the Assessment Review Board. Council's decision with respect to Section 358 tax adjustments is final.

Financial Impact

The tax cancellations resulting from the section 357 and 358 applications as listed in Appendix 1 are as follows:

	2017	2018	2019	Total
City	$232.77	$2,265.24	$32,407.10	**$34,905.11**
Region	$302.25	$2,894.60	$40,830.05	**$44,026.90**
Education	$142.86	$7,333.46	$67,144.62	**$74,620.94**
Total	**$677.88**	**$12,493.30**	**$140,381.77**	**$153,552.95**

Conclusion

Tax adjustments for 2017, 2018 and 2019 taxation years are listed in Appendix 1. The *Municipal Act* requires Council to approve the tax adjustments.

Attachments

Appendix 1: Tax Adjustments Pursuant to the Municipal Act for Meeting on October 28, 2020.

G. Kent.

Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Louise Cooke, Manager, Revenue and Taxation

Tax Adjustments Pursuant to the Municipal Act

For Meeting On October 28, 2020

Corporate Services

Adjustment No	Roll No	Ward	Location	Reason for Adjustment	Tax Adjustment Totals	City	Region	Education	BIA	LI
Section 357 : 2019										
10510	05-01-0-002-07200-0000	1	913 BEECHWOOD AVE	Gross/manifest error	-7.15	-2.53	-3.19	-1.43	0.00	0.00
10523	05-01-0-002-11800-0000	1	502 RICHEY CRES	Demolished/razed-fire	-1,314.63	-464.86	-585.68	-264.09	0.00	0.00
10507	05-01-0-010-09800-0000	1	176 TROY ST	Unusable minimum 3 months	0.00	0.00	0.00	0.00	0.00	0.00
10518	05-01-0-011-03300-0000	1	119 ANGELENE ST	Demolished/razed-fire	-179.75	-63.56	-80.08	-36.11	0.00	0.00
10470	05-01-0-015-07700-0000	1	1201 MONA RD	Demolished/razed-fire	-436.85	-154.47	-194.62	-87.76	0.00	0.00
10519	05-01-0-065-03610-0000	7	2182 CORSAIR RD	Became exempt	-2,713.80	-959.61	-1,209.02	-545.17	0.00	0.00
10520	05-01-0-067-14908-0000	7	0 CORSAIR RD	Became exempt	-170.03	-60.12	-75.75	-34.16	0.00	0.00
10528	05-02-0-023-00300-0000	2	1595 GREEN GLADE	Unusable minimum 3 months	0.00	0.00	0.00	0.00	0.00	0.00
10497	05-02-0-024-03800-0000	2	884 SOUTHDOWN RD	Demolished/razed-unusable	-1,140.44	-249.66	-314.55	-576.23	0.00	0.00
10469	05-02-0-027-04500-0000	2	605 VANESSA CRES	Demolished/razed-fire	-2,301.29	-813.74	-1,025.25	-462.30	0.00	0.00
10568	05-02-0-049-20800-0000	2	2630 CONSTABLE RD	Gross/manifest error	-286.86	-101.43	-127.80	-57.63	0.00	0.00
10533	05-03-0-083-05600-0000	3	3546 STONECREEK CRES	Demolished/razed-unusable	-947.46	-335.03	-422.10	-190.33	0.00	0.00
10539	05-03-0-093-07000-0000	3	4066 HICKORY DR	Gross/manifest error	-72.14	-25.51	-32.14	-14.49	0.00	0.00
10505	05-04-0-091-10700-0000	4	659 BRECKENRIDGE RD	Gross/manifest error	-70.74	-25.01	-31.52	-14.21	0.00	0.00
10516	05-04-0-100-01100-0000	9	2575 WINDWOOD DR	Gross/manifest error	-53.65	-18.97	-23.90	-10.78	0.00	0.00
10558	05-04-0-100-83400-0000	9	6125 STARFIELD CRES	Demolished/razed-unusable	-283.43	-100.22	-126.27	-56.94	0.00	0.00
10517	05-04-0-117-03700-0000	5	375 ANNAGEM BLVD	Class change	0.00	0.00	0.00	0.00	0.00	0.00
10454	05-04-0-164-68026-0000	6	866 WINTERTON WAY	Demolished/razed-unusable	-515.35	-182.23	-229.59	-103.53	0.00	0.00
10571	05-04-0-175-48600-0000	11	6148 HARDESTY CRES	Gross/manifest error	-277.87	-98.26	-123.79	-55.82	0.00	0.00
10465	05-04-0-200-14599-0000	9	7030 COPENHAGEN RD 20	Demolished/razed-unusable	-1,311.16	-463.63	-584.13	-263.40	0.00	0.00
10515	05-04-0-200-42335-0000	3	3351 CAWTHRA RD 217	Demolished/razed-unusable	-19.06	-6.74	-8.49	-3.83	0.00	0.00
10513	05-05-0-115-20050-0000	5	1279 MATHESON BLVD E AL	Gross/manifest error	-3,558.69	-752.71	-948.35	-1,857.63	0.00	0.00
10514	05-05-0-115-20051-0000	5	1281 MATHESON BLVD E	Gross/manifest error	-7,327.76	-851.10	-1,072.31	-5,404.35	0.00	0.00
10512	05-05-0-115-79437-0000	5	5045 ORBITOR DR 100	Became exempt	-3,211.26	-703.00	-885.72	-1,622.54	0.00	0.00
10562	05-05-0-117-15100-0000	5	1580 BRITANNIA RD E	Gross/manifest error	0.00	0.00	0.00	0.00	0.00	0.00
10461	05-06-0-126-09700-0000	7	250 DICKSON PARK CRES	Unusable minimum 3 months	-1,112.31	-393.32	-495.54	-223.45	0.00	0.00
10531	05-06-0-131-13204-0000	8	2082 MISSISSAUGA RD	Gross/manifest error	-564.56	-199.63	-251.52	-113.41	0.00	0.00
10486	05-07-0-060-03906-0000	1	952 MIDDLEGATE RD	Class change	-50,517.87	-9,709.21	-12,232.74	-28,575.92	0.00	0.00
10473	05-07-0-158-13500-0000	1	1617 CORMACK CRES	Became exempt	-6,323.73	-2,236.09	-2,817.28	-1,270.36	0.00	0.00
10474	05-07-0-158-13600-0000	1	1623 CORMACK CRES	Became exempt	-1,470.41	-519.94	-655.08	-295.39	0.00	0.00

Tax Adjustments Pursuant to the Municipal Act

For Meeting On October 28, 2020

Corporate Services

Adjustment No	Roll No	Ward	Location	Reason for Adjustment	Tax Adjustment Totals	City	Region	Education	BIA	LI
10490	05-07-0-159-30500-0000	1	1432 HAIG BLVD	Gross/manifest error	0.00	0.00	0.00	0.00	0.00	0.00
10521	05-09-0-003-17200-0000	1	38 OAKWOOD AVE N	Demolished/razed-fire	-60.07	-21.24	-26.76	-12.07	0.00	0.00
10487	05-09-0-004-04900-0000	1	20 TECUMSETH AVE	Demolished/razed-fire	-357.08	-126.26	-159.08	-71.74	0.00	0.00
10526	05-09-0-004-06400-0000	1	25 TECUMSETH AVE	Demolished/razed-fire	-121.77	-43.06	-54.25	-24.46	0.00	0.00
10456	05-09-0-004-07000-0000	1	6 IROQUOIS AVE	Demolished/razed-fire	-403.95	-142.84	-179.96	-81.15	0.00	0.00
10561	05-09-0-007-09200-0000	1	17 QUEEN ST W	Gross/manifest error	-94.85	-33.54	-42.26	-19.05	0.00	0.00
10480	05-11-0-002-05538-0000	11	12 FALCONER DR 14	Class change	-1,137.70	-249.06	-313.80	-574.84	0.00	0.00
10481	05-11-0-002-05539-0000	11	12 FALCONER DR 15	Class change	-3,318.90	-708.61	-892.78	-1,717.51	0.00	0.00
10540	05-12-0-004-14500-0000	11	34 QUEEN ST S	Demolished/razed-fire	-31.73	-11.22	-14.14	-6.37	0.00	0.00
10536	05-13-0-008-15500-0000	11	13 PIONEER DR	Demolished/razed-unusable	0.00	0.00	0.00	0.00	0.00	0.00
10541	05-13-0-009-05100-0000	11	28 THEODORE DR	Demolished/razed-fire	-785.26	-277.67	-349.84	-157.75	0.00	0.00
10522	05-15-0-010-03872-0000	8	3520 ODYSSEY DR	Became exempt	0.00	0.00	0.00	0.00	0.00	0.00
10555	05-15-0-080-09752-0000	10	7141 FAIRMEADOW CRES	Demolished/razed-unusable	-212.78	-75.24	-94.80	-42.74	0.00	0.00
10478	05-15-0-082-40318-0000	9	7351 ALDERGROVE CRT	Gross/manifest error	-74.62	-26.39	-33.24	-14.99	0.00	0.00
10460	05-15-0-083-00900-0000	8	3355 THE COLLEGEWAY	Demolished/razed-fire	-47,192.98	-11,059.30	-13,933.71	-22,199.97	0.00	0.00
10532	05-15-0-083-72600-0000	8	3716 COLONIAL DR	Demolished/razed-unusable	-401.83	-142.09	-179.02	-80.72	0.00	0.00
				Section Sub-total	-140,381.77	-32,407.10	-40,830.05	-67,144.62	0.00	0.00
				Section Total	**-140,381.77**	**-32,407.10**	**-40,830.05**	**-67,144.62**	**0.00**	**0.00**
Section 358 : 2017										
10508	05-01-0-002-07200-0000	1	913 BEECHWOOD AVE	Gross/manifest error	-5.74	-1.97	-2.56	-1.21	0.00	0.00
10529	05-06-0-131-13204-0000	8	2082 MISSISSAUGA RD	Gross/manifest error	-554.93	-190.55	-247.43	-116.95	0.00	0.00
10457	05-07-0-200-00768-0000	1	1400 DIXIE RD 401	Gross/manifest error	-117.21	-40.25	-52.26	-24.70	0.00	0.00
				Section Sub-total	-677.88	-232.77	-302.25	-142.86	0.00	0.00
Section 358 : 2018										
10509	05-01-0-002-07200-0000	1	913 BEECHWOOD AVE	Gross/manifest error	-6.45	-2.25	-2.87	-1.33	0.00	0.00
10506	05-01-0-010-09800-0000	1	176 TROY ST	Gross/manifest error	-245.96	-85.69	-109.50	-50.77	0.00	0.00

Tax Adjustments Pursuant to the Municipal Act

For Meeting On October 28, 2020

Corporate Services

Adjustment No	Roll No	Ward	Location	Reason for Adjustment	Tax Adjustment Totals	City	Region	Education	BIA	LI
10534	05-03-0-083-05600-0000	3	3546 STONECREEK CRES	Gross/manifest error	-901.22	-313.97	-401.20	-186.05	0.00	0.00
10565	05-04-0-143-36270-0000	7	3880 DUKE OF YORK BLVD 2	Gross/manifest error	-55.58	-19.36	-24.74	-11.48	0.00	0.00
10463	05-04-0-200-14599-0000	9	7030 COPENHAGEN RD 20	Gross/manifest error	-1,278.04	-445.25	-568.95	-263.84	0.00	0.00
10445	05-05-0-115-20050-0000	5	1279 MATHESON BLVD E AL	Gross/manifest error	-2,224.82	-276.35	-353.13	-1,595.34	0.00	0.00
10446	05-05-0-115-20051-0000	5	1281 MATHESON BLVD E	Gross/manifest error	-6,355.69	-625.74	-799.59	-4,930.36	0.00	0.00
10530	05-06-0-131-13204-0000	8	2082 MISSISSAUGA RD	Gross/manifest error	-559.04	-194.76	-248.87	-115.41	0.00	0.00
10458	05-07-0-200-00768-0000	1	1400 DIXIE RD 401	Gross/manifest error	-113.64	-39.59	-50.59	-23.46	0.00	0.00
10542	05-13-0-009-05100-0000	11	28 THEODORE DR	Gross/manifest error	-752.86	-262.28	-335.16	-155.42	0.00	0.00
				Section Sub-total	-12,493.30	-2,265.24	-2,894.60	-7,333.46	0.00	0.00
				Section Total	**-13,171.18**	**-2,498.01**	**-3,196.85**	**-7,476.32**	**0.00**	**0.00**
				Grand Total	**-153,552.95**	**-34,905.11**	**-44,026.90**	**-74,620.94**	**0.00**	**0.00**

Tax Adjustments Pursuant to the Municipal Act

For Meeting On October 28, 2020

Corporate Services

Tax Adjustment Totals

Section 357	2019	-140,381.77
Section 358	2017	-677.88
	2018	-12,493.30
	Grand Total	-153,552.95

Tax Adjustments Pursuant to the Municipal Act

For Meeting On October 28, 2020

Corporate Services

Summary of Tax Adjustment by Type

Count	Description	City	Region	Education	BIA	LI	Total
3	Unusable minimum 3 months	-393.32	-495.54	-223.45	0.00	0.00	- 1,112.31
26	Gross/manifest error	-4,633.09	-5,886.87	-15,040.11	0.00	0.00	- 25,560.07
11	Demolished/razed-fire	-13,178.22	-16,603.37	-23,403.77	0.00	0.00	- 53,185.36
4	Class change	-10,666.88	-13,439.32	-30,868.27	0.00	0.00	- 54,974.47
9	Demolished/razed-unusable	-1,554.84	-1,958.95	-1,317.72	0.00	0.00	- 4,831.51
6	Became exempt	-4,478.76	-5,642.85	-3,767.62	0.00	0.00	- 13,889.23
	Total	**- 34,905.11**	**- 44,026.90**	**- 74,620.94**	**0.00**	**0.00**	**- 153,552.95**

Tax Adjustments Pursuant to the Municipal Act

For Meeting On October 28, 2020

Corporate Services

Adjustment No	Roll No	Ward	Location	Reason for Adjustment	Tax Adjustment Totals
Section 357 : 2019					
10510	05-01-0-002-07200-0000	1	913 BEECHWOOD AVE	Gross/manifest error	-7.15
10523	05-01-0-002-11800-0000	1	502 RICHEY CRES	Demolished/razed-fire	-1,314.63
10507	05-01-0-010-09800-0000	1	176 TROY ST	Unusable minimum 3 months	0.00
10518	05-01-0-011-03300-0000	1	119 ANGELENE ST	Demolished/razed-fire	-179.75
10470	05-01-0-015-07700-0000	1	1201 MONA RD	Demolished/razed-fire	-436.85
10519	05-01-0-065-03610-0000	7	2182 CORSAIR RD	Became exempt	-2,713.80
10520	05-01-0-067-14908-0000	7	0 CORSAIR RD	Became exempt	-170.03
10528	05-02-0-023-00300-0000	2	1595 GREEN GLADE	Unusable minimum 3 months	0.00
10497	05-02-0-024-03800-0000	2	884 SOUTHDOWN RD	Demolished/razed-unusable	-1,140.44
10469	05-02-0-027-04500-0000	2	605 VANESSA CRES	Demolished/razed-fire	-2,301.29
10568	05-02-0-049-20800-0000	2	2630 CONSTABLE RD	Gross/manifest error	-286.86
10533	05-03-0-083-05600-0000	3	3546 STONECREEK CRES	Demolished/razed-unusable	-947.46
10539	05-03-0-093-07000-0000	3	4066 HICKORY DR	Gross/manifest error	-72.14
10505	05-04-0-091-10700-0000	4	659 BRECKENRIDGE RD	Gross/manifest error	-70.74
10516	05-04-0-100-01100-0000	9	2575 WINDWOOD DR	Gross/manifest error	-53.65
10558	05-04-0-100-83400-0000	9	6125 STARFIELD CRES	Demolished/razed-unusable	-283.43
10517	05-04-0-117-03700-0000	5	375 ANNAGEM BLVD	Class change	0.00
10454	05-04-0-164-68026-0000	6	866 WINTERTON WAY	Demolished/razed-unusable	-515.35
10571	05-04-0-175-48600-0000	11	6148 HARDESTY CRES	Gross/manifest error	-277.87
10465	05-04-0-200-14599-0000	9	7030 COPENHAGEN RD 20	Demolished/razed-unusable	-1,311.16
10515	05-04-0-200-42335-0000	3	3351 CAWTHRA RD 217	Demolished/razed-unusable	-19.06
10513	05-05-0-115-20050-0000	5	1279 MATHESON BLVD E AL1	Gross/manifest error	-3,558.69
10514	05-05-0-115-20051-0000	5	1281 MATHESON BLVD E	Gross/manifest error	-7,327.76
10512	05-05-0-115-79437-0000	5	5045 ORBITOR DR 100	Became exempt	-3,211.26
10562	05-05-0-117-15100-0000	5	1580 BRITANNIA RD E	Gross/manifest error	0.00
10461	05-06-0-126-09700-0000	7	250 DICKSON PARK CRES	Unusable minimum 3 months	-1,112.31
10531	05-06-0-131-13204-0000	8	2082 MISSISSAUGA RD	Gross/manifest error	-564.56

Tax Adjustments Pursuant to the Municipal Act

For Meeting On October 28, 2020

Corporate Services

Adjustment No	Roll No	Ward	Location	Reason for Adjustment	Tax Adjustment Totals
10486	05-07-0-060-03906-0000	1	952 MIDDLEGATE RD	Class change	-50,517.87
10473	05-07-0-158-13500-0000	1	1617 CORMACK CRES	Became exempt	-6,323.73
10474	05-07-0-158-13600-0000	1	1623 CORMACK CRES	Became exempt	-1,470.41
10490	05-07-0-159-30500-0000	1	1432 HAIG BLVD	Gross/manifest error	0.00
10521	05-09-0-003-17200-0000	1	38 OAKWOOD AVE N	Demolished/razed-fire	-60.07
10487	05-09-0-004-04900-0000	1	20 TECUMSETH AVE	Demolished/razed-fire	-357.08
10526	05-09-0-004-06400-0000	1	25 TECUMSETH AVE	Demolished/razed-fire	-121.77
10456	05-09-0-004-07000-0000	1	6 IROQUOIS AVE	Demolished/razed-fire	-403.95
10561	05-09-0-007-09200-0000	1	17 QUEEN ST W	Gross/manifest error	-94.85
10480	05-11-0-002-05538-0000	11	12 FALCONER DR 14	Class change	-1,137.70
10481	05-11-0-002-05539-0000	11	12 FALCONER DR 15	Class change	-3,318.90
10540	05-12-0-004-14500-0000	11	34 QUEEN ST S	Demolished/razed-fire	-31.73
10536	05-13-0-008-15500-0000	11	13 PIONEER DR	Demolished/razed-unusable	0.00
10541	05-13-0-009-05100-0000	11	28 THEODORE DR	Demolished/razed-fire	-785.26
10522	05-15-0-010-03872-0000	8	3520 ODYSSEY DR	Became exempt	0.00
10555	05-15-0-080-09752-0000	10	7141 FAIRMEADOW CRES	Demolished/razed-unusable	-212.78
10478	05-15-0-082-40318-0000	9	7351 ALDERGROVE CRT	Gross/manifest error	-74.62
10460	05-15-0-083-00900-0000	8	3355 THE COLLEGEWAY	Demolished/razed-fire	-47,192.98
10532	05-15-0-083-72600-0000	8	3716 COLONIAL DR	Demolished/razed-unusable	-401.83
				Section Sub-total	-140,381.77
				Section Total	**-140,381.77**

Section 358 : 2017

10508	05-01-0-002-07200-0000	1	913 BEECHWOOD AVE	Gross/manifest error	-5.74
10529	05-06-0-131-13204-0000	8	2082 MISSISSAUGA RD	Gross/manifest error	-554.93
10457	05-07-0-200-00768-0000	1	1400 DIXIE RD 401	Gross/manifest error	-117.21

Tax Adjustments Pursuant to the Municipal Act

For Meeting On October 28, 2020

Corporate Services

Adjustment No	Roll No	Ward	Location	Reason for Adjustment	Tax Adjustment Totals
				Section Sub-total	-677.88
Section 358 : 2018					
10509	05-01-0-002-07200-0000	1	913 BEECHWOOD AVE	Gross/manifest error	-6.45
10506	05-01-0-010-09800-0000	1	176 TROY ST	Gross/manifest error	-245.96
10534	05-03-0-083-05600-0000	3	3546 STONECREEK CRES	Gross/manifest error	-901.22
10565	05-04-0-143-36270-0000	7	3880 DUKE OF YORK BLVD 2411	Gross/manifest error	-55.58
10463	05-04-0-200-14599-0000	9	7030 COPENHAGEN RD 20	Gross/manifest error	-1,278.04
10445	05-05-0-115-20050-0000	5	1279 MATHESON BLVD E AL1	Gross/manifest error	-2,224.82
10446	05-05-0-115-20051-0000	5	1281 MATHESON BLVD E	Gross/manifest error	-6,355.69
10530	05-06-0-131-13204-0000	8	2082 MISSISSAUGA RD	Gross/manifest error	-559.04
10458	05-07-0-200-00768-0000	1	1400 DIXIE RD 401	Gross/manifest error	-113.64
10542	05-13-0-009-05100-0000	11	28 THEODORE DR	Gross/manifest error	-752.86
				Section Sub-total	-12,493.30
				Section Total	**-13,171.18**
				Grand Total	**-153,552.95**

REPORT 11 - 2020

To: MAYOR AND MEMBERS OF COUNCIL

The Planning and Development Committee presents its eleventh report for 2020 and recommends:

PDC-0037-2020
That the report dated September 25, 2020 from the Commissioner of Planning and Building regarding proposed amendments to Development Zone Provisions and Policies in Section 19.11 of Mississauga Official Plan and Section 12.3 of Zoning By-law 0225-2007, be received for information.

PDC-0038-2020
1. That the report titled “Southdown Local Area Plan – City Initiated Official Plan Amendment” dated October 5th, 2020 from the Commissioner of Planning and Building be received for information.

2. That submissions made at the Planning and Development Committee Public Meeting held on October 19, 2020, regarding the report titled “Southdown Local Area Plan - City Initiated Official Plan Amendment,” dated October 5th, 2020 from the Commissioner of Planning and Building, be received.

3. That Staff report back to the Planning and Development Committee on the submissions made from the public, and comments made from circulated departments and agencies, regarding the proposed changes, outlining any modifications to the original proposed amendment, as necessary.

PDC-0039-2020
1. That the report titled “Mississauga Official Plan Amendment for the Uptown Major Node Character Area” dated October 5, 2020 from the Commissioner of Planning and Building, be received for information.

2. That the submissions made at the Public Meeting held on October 19, 2020 to consider the report titled “Mississauga Official Plan Amendment for the Uptown Major Node Character Area” dated October 5, 2020, from the Commissioner of Planning and Building, be received.

REPORT 10 - 2020

To: MAYOR AND MEMBERS OF COUNCIL

The General Committee presents its tenth report for 2020 and recommends:

GC-0232-2020
That the deputation by Robin Das, Resident with respect to “speed humps on Montevideo Road”, (Ward 9) be received.

GC-0233-2020
That the deputation and associated presentation by Rob Cummins, Manager, Digital Strategy and Experience with respect to the launch of the new City of Mississauga website, be received.

GC-0234-2020
That the deputation and associated presentation by Darlene Utarid regarding the report dated September 24, 2020 entitled “COVID-19 Corporate Pillar Recovery Plan and Office Space Strategy Update”, from the Commissioner of Corporate Services and Chief Financial Officer be received.

GC-0235-2020
That the corporate report dated September 24, 2020 entitled “COVID-19 Corporate Pillar Recovery Plan and Office Space Strategy Update”, from the Commissioner of Corporate Services and Chief Financial Officer be received.

GC-0236-2020
1. That the new Working Remotely Policy (Appendix 1) be approved effective October 28, 2020 including:
    a. Implementation of the Working Remotely Agreement by December 31, 2020 for all staff working remotely (Appendix 2); and
    b. Expansion of the eligible expenses under the Wellness Account for non-union employees to include expenses as detailed in the policy effective January 1, 2021.
2. That the amended Allowable Business Expenses (Appendix 3), Car Allowance (Appendix 4) Policies be approved effective October 28, 2020

GC-0237-2020
1. That the City of Mississauga assume the municipal works as constructed by Thornridge Homes (7th Street) Ltd., under the terms of the Servicing Agreement for Registered Plan 43M-2036 (Ward 1) (lands located north of Lakeshore Road East, south of the QEW, east of

Cawthra Road and west of Dixie Road), known as Seventh Street Residential Subdivision (Appendix 1);
2. That the City of Mississauga assume the municipal works as constructed by FF Construction Company Limited, Ferkul Brothers and 763967 Ontario Inc., under the terms of the Municipal Works Only Servicing Agreement for CD.07.FER (Ward 3) (lands located north of Eastgate Parkway, south of Eglinton Avenue East, east of Tomken Road and west of Dixie Road), known as the Canadian Place Extension Commercial Development (Appendix 2);
3. That the Letter of Credit in the amount of $146,383.40 be returned to Thornridge Homes (7th Street) Ltd.;
4. That the Letter of Credit in the amount of $261,563.30 be returned to FF Construction Company Limited, Ferkul Brothers and 763967 Ontario Inc.; and
5. That a by-law be enacted to assume the road allowance within Registered Plan 43M-2036 as Public Highway and part of the municipal system of the City of Mississauga.

GC-0238-2020

1. That the Corporate Report entitled, “Building Automation Systems (BAS) Standardization Strategy” dated September 28, 2020 from the Commissioner of Corporate Services and Chief Financial Officer be received.
2. That the Enterprise Server Software (ESS) platform Tridium Niagara Framework be established as a City Standard BAS common front end platform for a period of up to 10 years, ending December 31, 2031.
3. That acceptable BAS products and suppliers be determined through an open prequalification process to be specified in future procurement processes for the supply, installation, programming and commissioning of BAS systems which are compatible with the ESS platform Niagara Framework.

GC-0239-2020

1. That Council approve the single source procurement for FASTER Fleet Management System and Amanda Licensing Management System including software licensing, subscription services, professional services, and maintenance and support for a period of five (5) years, with the option to extend the term for an additional two (2) years, as detailed in the corporate report entitled, “Single Source Procurement for TT Faster LLC d.b.a. FASTER Asset Solutions and Calytera Software, Inc. (Amanda) – Contract Renewals”, dated September 3, 2020, from the Commissioner of Corporate Services and Chief Financial Officer (“Purchase”), File Ref: PRC000959 and PRC000814;
2. That the Purchasing Agent or designate be authorized to execute all contracts and related ancillary documents with respect to the Purchase between the City and TT Faster LLC d.b.a. FASTER Asset Solutions for an estimated amount of $950,624.35 USD, which is approximately $1,330,874.08 CAD, exclusive of taxes, in accordance with the City’s Purchasing By-law 374-06, as amended;
3. That the Purchasing Agent or designate be authorized to execute all contracts and related ancillary documents with respect to the Purchase between the City and Calytera Software,

Inc. for an estimated amount of $444,566.81 USD, which is approximately $622,393.53 CAD, exclusive of taxes, in accordance with the City's Purchasing By-law 374-06, as amended;

4. That the Purchasing Agent or designate be authorized to execute the necessary amendments to increase the value of the contracts between the City and TT Faster LLC d.b.a. FASTER Asset Solutions and the City and Calytera Software, Inc. for software licensing, subscription services, professional services, and maintenance and support, including additional features and modules, for the purpose of accommodating growth and business needs, if the funding for such contract increase has been approved by Council;
5. That Council approve FASTER Fleet Management System and Amanda Licensing Management System as City Standards for a period of five (5) years, and for an additional period of two (2) years should the City exercise its option to extend the term of the contract, in accordance with the City's Purchasing By-law 374-06, as amended.

GC-0240-2020
That a by-law be enacted to expand the Port Credit Business Improvement Area (Port Credit BIA) as outlined in Appendix 3 of the report titled "Expansion to the Port Credit Business Improvement Area (BIA) (Ward 1)", dated October 1, 2020 by the Commissioner of Corporate Services and Chief Financial Officer.

GC-0241-2020
That the deputation and associated presentation by David Ferreira, Manager, City Marketing and Planning regarding the Citizen Satisfaction Survey be received.
(EAC-0015-2020)

GC-0242-2020
That the deputation and associated presentation by Jacqueline Hunter, Transportation Demand Coordinator regarding the Pedestrian Master Plan be received.
(EAC-0016-2020)

GC-0243-2020
That the deputation and associated presentation by Leya Barry, Climate Change Specialist regarding the Green Fleet and Equipment Policy be received.
(EAC-0017-2020)

GC-0244-2020
That the deputation and associated presentation by Leya Barry, Climate Change Specialist regarding the Home Energy Retrofits Program be received.
(EAC-0018-2020)

GC-0245-2020
That the deputation and associated presentation by Pujita Verma, EAC Citizen Member regarding EAC's October Litter Clean-Up be received.

(EAC-0019-2020)

GC-0246-2020
That the Environmental Action Committee Work Plan be approved as discussed at the October 6, 2020 EAC meeting.
(EAC-0020-2020)

GC-0247-2020
That the verbal update by Lisa Urbani, Supervisor, Environmental Initiatives on behalf of Melanie Zakarian, Data Scientist, Smart City regarding the Smart City Challenge be received.
(EAC-0021-2020)

GC-0248-2020
That the request to alter the heritage designated property at 5961 Hurontario Street, as per the Corporate Report from the Commissioner of Community Services, dated August 20, 2020 be approved.
(Ward 5)
(HAC-0030-2020)

GC-0249-2020
That the request to alter the heritage designated property at 707 Dundas Street East, as per the Corporate Report from the Commissioner of Community Services, dated August 27, 2020 be approved.
(Ward 3)
(HAC-0031-2020)

GC-0250-2020
That the request to alter the heritage designated property at 1352 Lakeshore Road East, as per the Corporate Report from the Commissioner of Community Services, dated September 27, 2020 be approved.
(Ward 1)
(HAC-0032-2020)

GC-0251-2020
That the Memorandum dated September 8, 2020 from Paul Damaso, Director, Culture Division, entitled "Alteration to a Listed Heritage Property: 1160 Clarkson Road North (Ward 2)" be received.
(Ward 2)
(HAC-0033-2020)

GC-0252-2020
That the Memorandum dated September 16, 2020 from Paul Damaso, Director, Culture Division, entitled "Alteration to a Heritage Listed Property: 1341 Stavebank Road (Ward 1)" be received.
(Ward 1)
(HAC-0034-2020)

GC-0253-2020
That the Memorandum dated September 8, 2020 from Paul Damaso, Director, Culture Division, entitled "Alteration to a property adjacent to a Listed Heritage Property: 5150 Ninth Line (Ward 10)" be received.
(Ward 10)
(HAC-0035-2020)

GC-0254-2020
That the Memorandum dated September 28, 2020 from Megan Piercey, Legislative Coordinator entitled "2021 Heritage Advisory Committee Meeting Schedule" be received.
(HAC-0036-2020)

GC-0255-2020
That the deputation from John Dunlop, Manager, Heritage Planning and Indigenous Relations regarding Strengthening the Indigenous Relations Process in the City of Mississauga be received.
(DIAC-0006-2020)

GC-0256-2020
1. That the deputation from Alexandra Schwenger, Policy Analyst and Sam Rogers, Director, Enforcement regarding the Noise Control By-law Review be received;
2. That the Diversity and Inclusion Advisory Committee support the proposed amendements to the Noise Control By-law allowing general prohibitions and exemptions with respect to audible expressions of faith and that staff report back to a future Geneal Committee meeting.

(DIAC-0007-2020)

GC-0257-2020
That the memordandum dated October 8, 2020 from Lisa Abbott, Manager, Museums and Small Arms Building entitled “Call for Curator for a Community Art Project” be received.
(DIAC-0008-2020)

GC-0258-2020
That Resolution 0207-2020 dated June 24, 2020 addressing anti-Black and Indigenous racism and discrimination in Mississauga be received.

(DIAC-0009-2020)

GC-0259-2020
That the memorandum dated September 28, 2020 from Megan Piercey, Legislative Coordinator entitled “2021 Diversity and Inclusion Advisory Committee Meeting Schedule” be received.
(DIAC-0010-2020)

GC-0260-2020
That the email dated October 14, 2020 from Laurel Shut, Manager, Corporate and Department Communications and Kirsten Barnes, Advisor, Community Safety and Wellbeing, Region of Peel regarding feedback on the Region of Peel’s Family and Intimate Partner Violence Awareness Campaign be received.
(DIAC-0011-2020)

GC-0261-2020
That the deputation by Christopher Hazlett, Chairman, Mississauga Mountain Biking Association and AJ Strawson, Mississauga Mountain Biking Association regarding the Mississauga Mountain Biking Association be received.
(MCAC-0022-2020)

GC-0262-2020
That the deputation by Erica Warsh, Project Leader,Vision Zero regarding Vision Zero be received.
(MCAC-0023-2020)

GC-0263-2020
That the Mississauga Cycling Advisory Committee start promoting the 2021 Phil Green Award in early April 2021, with a second promotional period in June 2021 and start accepting nominations in September 2021 with the award being presented in November 2021.
(MCAC-0024-2020)

GC-0264-2020
That the Mississauga Cycling Advisory Committee start the promotion of the 2020 Phil Green Award until December 2020 and that the award be presented in early 2021.
(MCAC-0025-2020)

GC-0265-2020
That the following matters be deferred to the November 2020 Mississauga Cycling Advisory Committee meeting:

- Quarterly Capital Program Update
- The Collegeway Cycling Infrastructure Implementation
- Construction / Detour Planning Process

- Active Transportation COVID-19 Recovery Framework – October Update

(MCAC-0026-2020)

GC-0266-2020
That the verbal update in Closed Session from Mayor Crombie with respect to Personal matters about an identifiable individual, including municipal or local board employees, be received.

Barristers & Solicitors

WeirFoulds LLP

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October 19, 2020

VIA EMAIL

Mayor and Councillors of the City of Mississauga
c/o Diana Rusnov, Director, Legislative Services & City Clerk
300 City Centre Drive
Mississauga, ON L5B 3C1

Dear Mayor and Councillors:

Re: Integrity Commissioner's October 8, 2020 Report regarding Rick Mateljan

We are counsel to Mr. Mateljan, and are providing this letter and its attachment for Council's consideration at its October 28, 2020 meeting. This letter is intended to provide Council with some brief background about the Integrity Commissioner's investigation, outline Mr. Mateljan's position, and provide Council with the steps Mr. Mateljan plans to take going forward.

A. Background to the Integrity Commissioner's Report

The Integrity Commissioner's investigation was prompted by a complaint from David MacRae, a director of the Erindale Village Association. His complaint pertained to the fact that Mr. Mateljan had testified as an expert witness at a September 2019 hearing before the Local Planning Appeals Tribunal ("LPAT") on behalf of E.V. Royale, a long-standing client of Mr. Mateljan's. The Erindale Village Association (and Mr. MacRae) was opposed to E.V. Royale's proposed development. The LPAT's decision was ultimately entirely supportive of E.V. Royale's development. That decision was released approximately 9 months after the LPAT hearing, in June 2020. Less than four weeks later, Mr. MacRae filed his complaint with the Integrity Commissioner (on July 8, 2020). Neither Mr. MacRae nor the Erindale Village Association took any issue with Mr. Mateljan's participation during the LPAT hearing, and nor did the City. The City is currently seeking review of the LPAT's decision, and its grounds for review similarly raise no concerns about Mr. Mateljan's involvement.

At its core, the complaint alleged that Mr. Mateljan "hired himself out" to present a view opposite to that taken by Council. This allegation is addressed in detail in Mr. Mateljan's response to the Integrity Commissioner's preliminary report, which is attached to this letter. However, in brief, Mr. Mateljan was hired by E.V. Royale in 2014, five years before the LPAT hearing. He testified as a neutral, independent expert, and made it clear to the LPAT that he was not appearing as a representative of the Heritage Advisory Committee. In fact, the Heritage Advisory Committee had

no jurisdiction over the development at all. In addition, the LPAT hearing dealt with the Council's failure to make a decision within the required timeframe – it was not an appeal of Council's decision on the merits of the development. E.V. Royale filed its appeal in 2017, and Council did not even communicate a position on the E.V. Royale development until well after the appeal was filed.

B. Mr. Mateljan's Position

Although Mr. MacRae's complaint was a narrow one, the Integrity Commissioner undertook a wide-ranging investigation of Mr. Mateljan's conduct at large. It is unclear why the Integrity Commissioner felt this was appropriate or necessary based on the narrow issue raised in the complaint.

Mr. Mateljan has served on the Heritage Advisory Committee since 2007 and has been continuously reappointed since then. His professional expertise has been recognized as an asset to the Committee. As a professional serving on the Committee, there are inevitably instances in which conflicts arise. Mr. Mateljan has always taken his ethical obligations seriously and has taken a broad approach to declaring conflicts to ensure that his conduct is beyond reproach.

Mr. Mateljan provided a detailed response to the Integrity Commissioner's preliminary report. In many instances, his response provided salient facts that appeared to be missing or incorrectly understood in the Integrity Commissioner's report. It also provided important context about the role played by built heritage experts at LPAT hearings and concrete data about the number of conflicts that have arisen during Mr. Mateljan's time on the Committee.

Much of this information does not appear in the Integrity Commissioner's report. To give one example, the report makes no mention of the fact that the one time the E.V. Royale development was raised at a meeting of the Heritage Advisory Committee when Mr. Mateljan was present, he immediately declared a conflict and removed himself from the room. In light of this and similar omissions, we are providing Mr. Mateljan's response to the Integrity Commissioner's preliminary report and would ask that Council consider it so that it has the benefit of full information about these issues when considering this matter.

C. Steps Mr. Mateljan Intends to Take Going Forward

As mentioned, Mr. Mateljan takes his ethical obligations seriously. He is pleased that the Integrity Commissioner has recognized that, to the extent there were any breaches, they were the product of inadvertence. In particular:

- The Integrity Commissioner's interpretation of s. 5(3) of the *Municipal Conflict of Interest Act* is not consistent with any training Mr. Mateljan has received, or with the process followed by the Heritage Advisory Committee. Having been made aware of it, Mr. Mateljan undertakes to declare any conflict that arises at a meeting for which he is not present, even if he has already declared the conflict on a previous occasion.

- Mr. Mateljan recognizes, in retrospect, that it would have been better had he not appeared on behalf of a client before the Meadowvale Subcommittee, even though he was not a member of that subcommittee at the time, it was recommendation-making body (not a decision-making body), and the subcommittee had few formal procedures in place. He undertakes not to appear before any subcommittees of the Heritage Advisory Committee while he is a member of the Committee.

With respect to the remaining three issues raised by the Integrity Commissioner's report,[1] Mr. Mateljan respectfully disagrees with the Integrity Commissioner's analysis. The effect of the Integrity Commissioner's interpretation of the relevant rules will preclude most professionals in this field from serving on the Heritage Advisory Committee (and other similar municipal committees). Its findings suggest that a professional who volunteers to serve on the Heritage Advisory Committee cannot:

- Provide expert evidence before the LPAT or other tribunals on behalf of clients if the City is in any way involved in the appeal (and even if the Heritage Advisory Committee has no jurisdiction over the matter);
- Work at a firm whose work may end up before the Heritage Advisory Committee; or
- Work at a firm that may be selected, through the typical procurement process, for a contract to provide services to the City.

Council should be aware of the practical consequences of the Integrity Commissioner's recommendations. Mr. Mateljan values his role on the Heritage Advisory Committee and the contribution it allows him to make to his community. However, the findings above would effectively preclude him and other similar professionals from earning a living. As such, the Integrity Commissioner's conclusions will have a significant and chilling effect on the City's ability to obtain qualified professionals to serve on the Heritage Advisory Committee and other similar committees. For example, the City's Urban Design Advisory Panel (and the urban design committees in many municipalities) is largely comprised of prominent architects who have large portfolios. The suggestion that they cannot provide expert evidence on behalf of clients whenever the City is involved in a proceeding, work at a firm whose work may come before the committee on which they sit, or work at a firm that may be granted contracts by the municipality will significantly limit the pool of candidates willing to serve in these important roles.

As mentioned, Mr. Mateljan has always attached great importance to his ethical obligations, and an Integrity Commissioner report can have a significant effect on one's professional reputation. We ask

[1] Addressed as Sections A, B, and C of Mr. Mateljan's response to the Integrity Commissioner's preliminary report, attached. Those findings were that (1) Mr. Mateljan ought not to have provided expert testimony at the LPAT in the E.V. Royale matter; (2) that the number of times Mr. Mateljan declared a conflict indicated that he had not arranged his private affairs in a manner that promotes public confidence; and (3) that when Mr. Mateljan's firm obtained a contract with the City through the typical selection process, it amounted to Mr. Mateljan having an interest in a contract made in his official capacity.

that Council consider Mr. Mateljan's response to the Integrity Commissioner's report and bear in mind his consistent efforts to uphold these obligations in arriving at a position on this matter.

We will be attending the meeting to make a brief oral statement on Mr. Mateljan's behalf and would be pleased to answer any questions Council may have.

Yours truly,

WeirFoulds LLP



Denise Baker
Lara Kinkartz

DB/LJK/ljk
15365723.3

October 2, 2020

VIA EMAIL

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Att'n: Jeffrey A. Abrams & Janice Atwood-Petkovski
Principles Integrity
Integrity Commissioner for the City of Mississauga
30 Haddon Street
Toronto, ON M5M 3M9

Dear Mr. Abrams and Ms. Atwood-Petkovski:

Re: Response to Preliminary Report re Rick Mateljan

As counsel to Mr. Mateljan, we thank you for the opportunity to review and comment on your preliminary report, dated August 17, 2020 ("**Preliminary Report**"). We provide the following comments on Mr. Mateljan's behalf. For the sake of convenience, we have organized our comments in a manner that corresponds to each of your preliminary findings.

A. IMPROPER USE OF INFLUENCE (CODE OF CONDUCT FOR LOCAL BOARDS, RULE 6)

The discussion in the Preliminary Report related to "improper use of influence" pertains to Mr. Mateljan's participation as an expert witness on behalf of one of his clients, EV Royale, at the Local Planning Appeals Tribunal ("**LPAT**").

The Preliminary Report concludes that these actions did not constitute a conflict of interest, but that they amounted to an improper use of influence, contrary to Rule 6 of the Code of Conduct for Local Boards (the "**Code of Conduct**"). Rule 6 reads as follows:

> No Member shall use the influence of his or her office for any purpose other than for the exercise of her or his official duties as a member of the adjudicative board.
>
> Examples of prohibited conduct are: the use of one's status as a member of an adjudicative board to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage in the carrying out of their official duties. Also

> prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within the adjudicative board or at the City, in return for present actions or inaction.

It appears that the Integrity Commissioner may not have had the benefit of full information about the EV Royale Condominium project (the "**EV Royale matter**") when making its preliminary findings. With the benefit of that additional information (outlined below), we respectfully submit that Mr. Mateljan's conduct was not an improper use of influence.

First, Mr. Mateljan did not at any time suggest that his evidence merited greater weight because of his role on the Heritage Advisory Committee (the "**HAC**"). He made it clear to the LPAT that his evidence reflected his independent professional opinion and that he was not appearing for, or speaking on behalf of, the HAC. His role as a member of the HAC was referenced only in his *curriculum vitae*, which was admitted into evidence as part of the process for qualifying him as an expert. It would have been highly improper for Mr. Mateljan not to have included his membership on the HAC in his *curriculum vitae*.

The fact that Mr. Mateljan is a member of the HAC is mentioned only once in the decision, in the context of explaining his background:

> Mr. Mateljan is a Licensed Technologist and member of the Ontario Association of Architects and has served as a member and Vice-Chair of the Mississauga Heritage Advisory Committee since 2007. He was retained in April 2014 and prepared the Heritage Study on behalf of Erindale Inc.[1]

This is the only mention of Mr. Mateljan's role on the HAC in the entire decision, a full copy of which is attached hereto as Appendix "**A**". Mr. Mateljan did not refer to his role on the HAC during his testimony, nor did he rely on it to support the expert opinion he gave. As outlined in the passage above, the LPAT clearly understood that Mr. Mateljan had been retained by Erindale Inc., and that he was testifying as an independent expert. Mr. Mateljan executed an Acknowledgement of Expert's Duty affirming his independence, which is a requirement to be qualified as an expert in an LPAT hearing. A copy of that Acknowledgement is attached hereto as Appendix "**B**."[2]

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[1] LPAT decision, para. 67.

[2] Note that the Acknowledgement of Expert's Duty refers to "YYZed Project Management." YYZed Project Management is the project manager of the EV Royale matter. EV Royale is the marketing name used, but not the formal corporate name.

The LPAT decision does not suggest that the Tribunal attributed greater weight to Mr. Mateljan's evidence because he was a member of the HAC. The decision states that in reaching its decision, the LPAT "accept[ed] and rel[ied]" on the evidence of Mr. Mateljan and two other experts.[3] It in no way suggests that it did so because of his role on the HAC. Neither these passages, nor any other passages in the decision, support the conclusion that the LPAT attached weight to Mr. Mateljan's role as a member of the HAC, as suggested in paragraph 59 of the Preliminary Report. Even if the LPAT had done so, the remedy for an allegedly erroneous weighing of testimony would be through the appeal process that applies to LPAT proceedings. It is difficult to understand how Mr. Mateljan could be held responsible for the LPAT's decision about how to weigh his evidence when he made it clear that he was appearing as an independent expert. Notably, the City of Mississauga has requested a review of the LPAT's decision,[4] and the grounds for review do not raise any concerns about Mr. Mateljan or the fact that he provided expert evidence. A copy of that request for review is attached hereto as Appendix "**C**".

The manner in which Mr. Mateljan presented his evidence was entirely appropriate. Mr. Mateljan was determined by the LPAT to be an independent witness in this matter who was providing his own expert opinions. Just as a City of Mississauga land use planner's evidence does not receive more weight simply because he/she works for the City, Mr. Mateljan's evidence did not receive more weight because he was a member of the HAC. The test before the Tribunal for qualification demands independence from all outside influences, including that of Mr. Mateljan's client. It is on that basis that Mr. Mateljan provided his evidence to the LPAT on the EV Royale matter.

Second, one of the major duties of a built heritage consultant is to provide expert evidence on behalf of clients. If, as the Preliminary Report suggests, a heritage consultant is not permitted to provide such evidence when it is in opposition to a decision of Council, the reality is that the HAC will not be able to obtain members with this expertise. The Preliminary Report recognizes the value that this expertise brings to the HAC, which will be lost if members like Mr. Mateljan are precluded from providing expert evidence to their clients by agreeing to serve on the HAC. In light of this reality, it is submitted that there is nothing improper with members of the HAC providing expert evidence in a manner that makes it clear that they are providing their independent expert opinion and are not speaking on behalf of the HAC.

Third, and importantly, **EV Royale was not appealing a decision of Council**. EV Royale had already appealed to the LPAT for a non-decision of Council under the statutory provisions of the *Planning Act*, because Council had failed to make a decision on the application within the statutory

[3] LPAT decision, para. 94.
[4] Pursuant to s. 35 of the *Local Planning Appeal Tribunal Act*.

timeframe. That appeal was filed in 2017. Any decision made by Council following the appeal was simply to provide its position on the application. Once an appeal for non-decision is filed, Council is functus and no decision can be made on the application itself.[5]

To reiterate information that was provided in Mr. Mateljan's initial response to the complaint, this was not a situation in which Council made a decision and Mr. Mateljan then "hired himself out" to oppose it. He had been retained by EV Royale in 2014 – four years before Council provided its position on the matter (and again, Council's position was not the subject of the appeal). EV Royale was a longstanding client, and Mr. Mateljan's testimony on behalf of EV Royale was no different than the testimony heritage consultants typically provide in projects for which they are retained.

Fourth, it is important to appreciate that the HAC had no jurisdiction in respect of the EV Royale matter. When the Erindale Village Association made a deputation about the matter to the HAC on September 5, 2017 (a meeting at which Mr. Mateljan was not present), the Association was informed that the HAC had no jurisdiction to require EV Royale to follow the HAC's review process. The HAC's lack of jurisdiction flowed from the fact that the EV Royale matter did not deal with a property that was Designated on the Heritage Register.[6] The EV Royale property was Listed on the heritage register, which is distinct from being a Designated heritage property. The role of the HAC with respect to Listed properties (as opposed to Designated properties) is to make recommendations to Council with respect to the demolition of Listed properties. As a result, it would have been outside of HAC's authority to make any recommendations, positive or negative, to Council with respect to the proposed development.

Fifth, as noted in the Preliminary Report, although Council members are prohibited from participating in an LPAT hearing in opposition to a City Council decision, members of adjudicative tribunals are not subject to the same prohibition. The Code of Conduct should not be interpreted in a manner that "reads in" this obligation for members of adjudicative tribunals, given that there was a clear decision **not** to include such a prohibition when it was drafted.

One reason Council members are not permitted to take a position in opposition to a Council decision is that Council members, collectively, are the decision-makers. While debate and disagreement is permitted at Council meetings, once Council has made a decision, all Council members are expected to "speak with one voice." This is a basic principle of corporate governance. The HAC is not a decision-making body. It is in no way analogous to Council in that

[5] This is the collective effect of the provisions in the *Planning Act*, R.S.O. 1990, c. P.13 (and, in respect of appeals under s. 22(7) of the *Planning Act*, like the EV Royale matter, it is the effect of the powers given to the LPAT by s. 17(50)).
[6] Preliminary Report, at para. 21.

it has no decision-making function. The HAC merely makes recommendations to Council for their consideration or not.

In any event, to reiterate, there was not a specific decision made by Council on the EV Royale application, as the appeal to the LPAT pertained to Council's failure to make a decision within the required timeframe. Nor did the EV Royale development engage the HAC's jurisdiction. If members of local boards cannot take a position contrary to Council in their professional practice – even when the board on which they sit has no jurisdiction over the matter and the Council's decision is not the subject of the appeal – it will preclude many professionals from sitting on municipal committees that are in need of their expertise.

Finally, it is our experience that it is not unique for members of a committee of the municipality to appear before the LPAT. There are several instances of members of heritage, planning, and urban design committees appearing before the LPAT both in opposition to and in support of Council decisions.[7] In each instance the fact they sat on such a committee was included in their *curriculum vitae*. Given this, it is submitted that if the City of Mississauga had intended to prohibit members of the HAC from appearing before the Courts or Tribunals with respect to matters that the City itself opposed, then that would have had to have been expressly contained within the Code itself, as it was with the Code that governs Council members.

In light of these considerations, Mr. Mateljan respectfully submits that his testimony before the LPAT was not an improper use of influence, as described in Rule 6. As mentioned, he did not rely on or refer to his role on the HAC to suggest that his evidence merited greater weight. At all times, he made it clear that he was acting as an independent expert, providing his own personal opinions.

B. DUTY TO ARRANGE PRIVATE AFFAIRS IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE AND WITHSTANDS PUBLIC SCRUTINY (CODE OF CONDUCT, PRINCIPLE (B))

The Integrity Commissioner has expressed the view that because Mr. Mateljan's firm accepts retainers from property owners who are required to obtain approval from the HAC, this amounts

[7] To cite one of many examples, see *Lakeside Marina Ltd. V. Red Lake (Municipality)*, 2018 CanLII 4462 (Ont. LPAT), in which the municipality's Planning Advisory Committee recommended that Council refuse an application for rezoning approval. The City instead approved it. On the appeal to the LPAT, two Planning Advisory Committee members testified in opposition to Council's decision (see para. 6).

to a failure on Mr. Mateljan's part to arrange his private affairs in a manner that promotes public confidence and will bear close public scrutiny. In particular, the Preliminary Report points to the fact that Mr. Mateljan declared a conflict 16 times over a two-year period.

We submit that viewed in context, that number is not cause for concern. As is required, Mr. Mateljan declares a conflict whenever his firm is involved in a matter that comes before the HAC, even if he has not personally worked on it. Mr. Mateljan notes that he in fact declared a conflict eighteen times during the two-year period in question (not sixteen, as noted in the Preliminary Report), in addition to the conflict he declared with respect to the EV Royale matter. The latter instance is not mentioned in the Preliminary Report and is crucial for the purposes of this investigation. Specifically, during the July 11, 2017 meeting, when "Other Business" was discussed under agenda item 10, another committee member raised the EV Royale Condominium project. As the minutes indicate, Mr. Mateljan immediately declared a conflict and left the room when this matter was raised. A copy of the July 11, 2017 Minutes are attached hereto as Appendix "**D**."

Of the eighteen occasions when Mr. Mateljan declared a conflict, several were related to the same matter (i.e. the same project was discussed at more than one meeting). There were in fact only nine discrete projects for which he was required to declare a conflict during this period. In addition, three of the eighteen instances in which he declared a conflict were not in fact true conflicts for which a declaration was required. Rather, they related to projects in which Mr. Mateljan was previously involved but was no longer involved at the time of the meeting. He felt it was appropriate to declare a conflict on these instances out of an abundance of caution, even though it was not strictly required. Mr. Mateljan is in the practice of erring on the side of caution and declaring a conflict even when he is not required to do so, as he did in those three instances.

To put these numbers into perspective, during the same period of time, there were approximately 140 distinct agenda items considered by the HAC, meaning the 9 projects for which Mr. Mateljan was required to (and did in fact) declare a conflict comprised only 6.5% of the matters considered.

We respectfully submit that this does not amount to a failure to organize Mr. Mateljan's private affairs in an appropriate manner. 6.5 percent is a very small fraction of the matters that come before the HAC. If the City of Mississauga were concerned about the number of times that Mr. Mateljan has declared a conflict, it has always been open to the City not to renew his appointment on the HAC. It is a positive trait, and speaks well of Mr. Mateljan's character, that he declares a conflict both when he or his firm is involved in a project, and on occasions when such a declaration is not strictly required. The Integrity Commissioner's Office should expect no less. The fact that Mr. Mateljan has acted in an ethical and responsible manner by declaring conflicts cannot be

viewed as a violation of the Code, either in reality or in spirit. As outlined above, if there is a concern that a member has too many conflicts, the "remedy" is for the City not to renew the appointment. It is not to label ethical behaviour as a Code of Conduct violation.

Mr. Mateljan's appointment has been renewed on the HAC because the City of Mississauga obtains significant benefit from members like Mr. Mateljan who have professional expertise sitting on the HAC. Such conflicts are bound to arise when professional members sit on the committee. This is certainly not unique to Mr. Mateljan, and we submit that finding a violation in these circumstances would have a chilling effect on municipal committees who rely on professionals who provide a broad range of expertise (such as urban design committees, sustainable initiative committees, and heritage committees).

Mr. Mateljan's approach, under which he declares conflicts even if not strictly necessary, should be encouraged. It in fact promotes confidence in municipal committees as is required by the Code. The suggestion that even this relatively low number of conflicts is inappropriate may in fact discourage members of adjudicative committees from taking a robust approach to declaring conflicts.

C. DUTY TO AVOID ANY INTEREST IN A CONTRACT MADE BY HIM/HER IN AN OFFICIAL CAPACITY AND NOT TO CONTRACT WITH THE ADJUDICATIVE BOARD OR ANY AGENCY THEREOF FOR THE SALE AND PURCHASE OF SUPPLIES, MATERIAL OR EQUIPMENT OR FOR THE RENTAL THEREOF (CODE OF CONDUCT, RULE 1(B))

As a preliminary point, although the HAC is classified as an adjudicative tribunal for the purposes of the Code of Conduct, it is important to appreciate that the HAC has no decision-making power. Rather, under the *Ontario Heritage Act*,[8] the HAC only has the power to make recommendations, which Council can accept or not as it sees fit. The HAC is purely a recommendation-making body, not a traditional adjudicative body that rules on issues in dispute.

The Integrity Commissioner notes that Mr. Mateljan's firm has accepted a retainer from the City of Mississauga to produce work on behalf of the City for a City-owned heritage-designated facility

[8] *Ontario Heritage Act*, R.S.O. 1990, c. O.18, s. 28 (stating that municipal heritage committees "advise and assist the council" on heritage-related matters set out in the Act).

(Benares Historic House), for submission to the HAC. The Integrity Commissioner concludes that this violated the spirit and purpose of Rule 1(b), which states:

> Members shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the adjudicative board or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.

This Rule contains two prohibitions: (1) a prohibition on having an interest in a contract made by the member in an official capacity; and (2) a prohibition on contracting with the adjudicative board or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.

We submit that Mr. Mateljan did not run afoul of either of these prohibitions. First, the contract with the City was not entered into in Mr. Mateljan's "official capacity." The contract was between the City and Mr. Mateljan's firm. There has been no suggestion that Mr. Mateljan used his role on the HAC to secure the contract for his firm. Nor could such an inference reasonably be drawn: the HAC has no input into who the City chooses to retain on heritage matters, and there are robust protections in place to govern the City's selection of professional contractors. In retaining Mr. Mateljan's firm to do this work, the City was well aware of Mr. Mateljan's work on the HAC, as well as his firm's work, and selected his firm to work on the project following the usual selection process. There is absolutely no violation of the Code in this respect.

As for the second prohibition, the contract was not with the HAC or an agency thereof. The purpose of this prohibition is to prevent members from influencing a board on which they sit to grant contracts to businesses in which they have an interest. As mentioned, the HAC has no influence over who the City decides to retain in any capacity. The City has a robust procurement process that City contracts must pass through, as did the contract in question. There is **absolutely no evidence** to support the very serious allegation that Mr. Mateljan influenced a member of Council or City employee in order to obtain a City contract for his firm. This allegation should be rejected outright. As with any other project in which his firm was involved, Mr. Mateljan would recuse himself if such a matter came before the HAC.

D. APPEARANCE AS AN AGENT BEFORE MEADOWVALE HERITAGE DISTRICT ADVISORY COMMITTEE AND/OR HERITAGE ADVISORY COMMITTEE (RULE 7)

The Integrity Commissioner has expressed concern that Mr. Mateljan appeared as an agent before the Meadowvale Heritage Conservation District Advisory Committee (a subcommittee of

the HAC, referred to hereafter as the "**Meadowvale Subcommittee**"). It appears that the Integrity Commissioner did not have the benefit of information about the background and constitution of the Meadowvale Subcommittee when drafting its Preliminary Report.

Mr. Mateljan acknowledges that he appeared before the Meadowvale Subcommittee on April 4, 2017. However, as of that date, he had not yet been appointed as a member of that subcommittee. This is confirmed in the minutes of the April 4, 2017 meeting, which lists both the "members present" and the "members absent." Mr. Mateljan's name is not on either list. A copy of the April 4, 2017 Minutes are attached hereto as **Appendix "E"**. Between that date and the Meadowvale Subcommittee's next meeting on August 1, 2017, Mr. Mateljan was appointed as the HAC representative on the subcommittee.

It is also important to appreciate that the Meadowvale Subcommittee is not a "subcommittee" of the HAC in the traditional sense. It is not comprised of members of the HAC; rather, it is comprised of Meadowvale Village residents. Until 2016, the local ratepayers association would comment on matters of concern in Meadowvale Village. In 2016, the City of Mississauga designated that association a subcommittee of the HAC for various procedural reasons. However, the Meadowvale Subcommittee continued to be made up of Meadowvale Village residents. Its terms or reference specify that only one HAC member sits on the subcommittee – the other members are all Meadowvale Village residents. The practice is for the HAC representative to be someone with architectural experience, to assist the subcommittee in interpreting applications. The HAC member on the Meadowvale Subcommittee was initially David Dodaro, who is an architect. The April 4, 2017 minutes confirm that as of that meeting, David Dodaro was still the HAC representative on the subcommittee. In mid-2017 (but after the April 4 meeting), Mr. Mateljan was appointed to that role in Mr. Dodaro's place.

The HAC has no authority or oversight with respect to the Meadowvale Subcommittee, and the subcommittee has no decision-making power. Rather, the Meadowvale Subcommittee passes its recommendations on to the HAC, which then considers them when formulating its own recommendations to Council. The HAC also does not appoint the members of the Meadowvale Subcommittee (apart from the HAC representative) – those appointments are made by Council.

The Integrity Commissioner also indicates that because Mr. Mateljan's firm frequently accepted retainers and provided work product to property owners in the application process before the HAC, this was tantamount to Mr. Mateljan "acting as a paid agent" before the HAC, contrary to Rule 7. We submit that if Rule 7 is interpreted in that manner, it would necessarily preclude anyone whose firm may deal with heritage issues from ever serving on the HAC. Mr. Mateljan never appeared at the HAC on behalf of clients. If his firm worked on a project that came before the

HAC, he immediately declared a conflict and left the room, as required. It bears mentioning that various heritage consultants and architects who have been HAC members in the past have had to declare conflicts for similar reasons. There has never been a suggestion that this is inappropriate.

The suggestion that Mr. Mateljan automatically became "a paid agent before the board" when others at his firm had assisted on matters is also not supported by a reading of the Code of Conduct as a whole. Rule 1(c) of the Code of Conduct states:

> Members, while a member of an adjudicative board, shall declare a conflict of interest, refrain from voting and not take part in any activity which may be interpreted as an attempt to influence the vote on any application or other matter before the board **which is brought by or in any way supported or opposed by, a business in which the member has a direct or indirect pecuniary interest**. [Emphasis added.]

There would be no need for Rule 1(c) if a member is automatically considered to be acting as a paid agent before the board whenever colleagues at his/her business assist with an application. Because Rule 7 creates an outright prohibition on acting as a paid agent, applications supported by a member's colleagues would not be permitted at all (or, at the very least, the member would presumably be required to resign from the HAC). The existence of Rule 1(c) suggests that such situations are more appropriately viewed as a conflict of interest, and that the proper response is to declare the conflict and remove oneself from the meeting. This is precisely what Mr. Mateljan did on every occasion when his firm had worked on a matter that came before the HAC. We respectfully submit that Mr. Mateljan cannot be equated with a "paid agent before the HAC" simply because his firm assisted property owners with applications – particularly given that he declared a conflict in all such cases.

E. FAILURE TO DECLARE CONFLICT OF INTERESTS THAT AROSE DURING MEETINGS AT WHICH HE WAS NOT PRESENT (MCIA, S. 5(3))

The Integrity Commissioner has expressed concern about two instances in which Mr. Mateljan failed to declare an interest at the next meeting, when a matter in which he had an interest arose in his absence. However, in all cases the Integrity Commissioner points to, Mr. Mateljan had previously disclosed the interests in question, or there was no such declaration required.

In our respectful submission, where the interest has already been disclosed, section 5(3) of the *Municipal Conflict of Interest Act* ("**MCIA**") does not require re-disclosure when the matter arises again in the member's absence.

The relevant provisions of section 5 of the MCIA read as follows:

> 5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,
>
> > (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
> >
> > (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
> >
> > (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
>
> […]
>
> (3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1).

Section 5(1) of the MCIA imposes a requirement to disclose "any direct or indirect pecuniary interest in a matter" that is the subject of consideration. It requires that this disclosure be made whenever it arises at a meeting at which the member is present. Section 5(3) states that where **"the interest of a member"** has not been disclosed by reason of the member's absence from the meeting, "the interest" shall be declared at the next meeting.

In our submission, "the interest of the member" has already been disclosed when it has been declared on a previous occasion. Such declarations must be recorded in the minutes,[9] meaning that there is a clear and unambiguous record when a member has declared an interest. Section

[9] Pursuant to s. 6(1) of the MCIA.

5(3) is not engaged when the same matter arises again in the member's absence because that provision applies only when the interest of a member **has not been disclosed**.

As the Divisional Court has explained, the provisions in the MCIA are focused on "transparency and the certainty that decisions are made by people who will not be influenced by any personal pecuniary interest in the matter at hand."[10] As mentioned, the HAC is not a committee that has decision-making authority at all. But, in any event, where a member has already declared an interest in a matter and is not present at a meeting where it is subsequently considered, there cannot be any concern that these goals are threatened. There is already a record of the member's interest, and there can be no suggestion that the member participated in or influenced the decision made at a meeting where he/she is absent.

During the September 5, 2017 meeting (at which Mr. Mateljan was not present), three matters arose for which he would have declared a conflict if he had been present. In all three instances, Mr. Mateljan had previously disclosed the interests in question:

1. **1646 Dundas St. W. (the EV Royale matter)** – Mr. Mateljan previously declared this interest under Agenda Item 10 during the July 11, 2017 meeting, the minutes of which have already been attached to this Response as Appendix "**D**". The discussion of the EV Royale matter on July 11, 2017 was not a scheduled agenda item. Rather, it was raised under "Other Business" and, as soon as it arose, Mr. Mateljan declared an interest and left the room.

2. **1066 Old Derry Rd.** – Mr. Mateljan previously declared this interest at the July 21, 2015 meeting, the minutes of which are attached hereto as Appendix "**F**".

3. **1507 Clarkson Rd. N.** – Mr. Mateljan previously declared this interest at the May 9, 2017 meeting, the minutes of which are attached hereto as Appendix "**G**".

In short, each of these interests had previously been declared, were on the record, and all members of the HAC were aware of them.

The Integrity Commissioner also states that a matter arose during the October 17, 2017 meeting (in Mr. Mateljan's absence) for which he should have subsequently declared an interest. We assume the Integrity Commissioner is referring to a discussion of the property at 1620 Dundas St. W., which Councillor Parrish raised as an "information item." She indicated that a Corporate Report was being brought to Council recommending that the City enter into discussions to sell

[10] *Mondoux v. Tuchenhagen*, 2011 ONSC 5398 (Div. Ct.), at para. 25.

the building, and she was upset that the matter had bypassed the HAC. This item was not before the HAC for consideration or recommendation. Mr. Mateljan would have declared a conflict out of an abundance of caution if he had been present, as EV Royale had previously considered purchasing 1620 Dundas St. W. to integrate into the EV Royale Condominium matter. However, the HAC has no jurisdiction to comment on the potential sale of a property. Its only role is to comment on applications being made under the *Heritage Act* (and there was no such application in relation to 1620 Dundas St. W.). Therefore, while Mr. Mateljan would have declared an interest out of an abundance of caution if he had been present, it is not a situation in which such a declaration was required, given that the matter did not engage the HAC's jurisdiction and was not before the HAC for consideration.

Upon considering the Integrity Commissioner's preliminary report, Mr. Mateljan acknowledges that it might be possible to read s. 5(3) of the MCIA as requiring the disclosure of an interest that arises in his absence, even if it has already been declared. He had not interpreted s. 5(3) in that manner, nor has it been the practice of the HAC to require any member to disclose conflicts that arise during meetings for which they are not present. Mr. Mateljan does not recall ever receiving training indicating that such disclosure is required. Had Mr. Mateljan been aware that he was required to do so by virtue of training he received or the HAC's practice, he certainly would have done so. He also undertakes to make such disclosures in the future if it is the Integrity Commissioner's view that it is required. However, given that his interest had already been declared in the instances in question (or no such declaration was required at all), we respectfully submit that any breach was technical and entirely unintentional. As the Preliminary Report notes, Mr. Mateljan "diligently declared an interest each and every time one arose, at every meeting he attended." To the extent he failed to abide by s. 5(3) with respect to matters that arose in his absence but which had been previously disclosed, it was not intentional, and was the product of inadvertence or an error in judgment that was made in good faith.[11]

F. CONCLUDING COMMENTS

In summary, Mr. Mateljan takes his ethical responsibilities seriously and has consistently endeavoured to take an approach to conflicts of interest that is beyond reproach. This is recognized by the fact that Council has continually reappointed Mr. Mateljan to the HAC since 2007. In light of the information provided above, and given the impact that Integrity Commissioner

[11] As noted in *Magder v. Ford*, 2013 ONSC 263 (Div. Ct.), at para. 81, an error in judgment can arise from either a mistake of law or a mistake of fact.

reports can have on one's professional reputation, we urge the Integrity Commissioner to find that there has been no breach of the Code or the MCIA, and to note Mr. Mateljan's commitment to his ethical responsibilities.

In the alternative, we respectfully submit that if the Integrity Commissioner finds there have been violations of the Code of Conduct or the MCIA, such breaches had no material impact on Mr. Mateljan's duties to the HAC and the City of Mississauga, were trivial, and were committed through inadvertence or an error of judgment made in good faith. Pursuant to section 7 of the *Formal Complaint Procedure*, we therefore ask the Integrity Commissioner to recommend that no penalty be imposed.

When the Integrity Commissioner reaches a decision on the recommended sanction, we request the opportunity to review and comment on it before the report is issued, pursuant to s. 5(3) of the *Formal Complaint Procedure*.

Thank you for the opportunity to comment on your Preliminary Report.

Yours truly,

WeirFoulds LLP

Denise Baker
Lara Kinkartz

DB/LJK/ljk

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APPENDIX A

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ISSUE DATE: June 12, 2020 **CASE NO(S).:** PL171203

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Erindale Village Living Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment
Existing Designation:	Mixed Uses
Proposed Designated:	Mixed Uses – Special Site
Purpose:	To permit an apartment dwelling with 131 residential units with commercial uses on the ground floor.
Property Address/Description:	1646 Dundas Street West
Municipality:	City of Mississauga
Approval Authority File No.:	OPA-OZ 16/009
OMB Case No.:	PL171203
OMB File No.:	PL171203
OMB Case Name:	Erindale Village Living Inc. V. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Erindale Village Living Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 -Neglect of the City of Mississauga to make a decision
Existing Zoning:	Commercial 4
Proposed Zoning:	Exemption Commercial 4 ***
Purpose:	To permit an apartment building with a maximum of 131 dwellings units and 563.7 sq m of commercial spaces and a maximum height of 7 storeys

Property Address/Description:	1646 Dundas Street West
Municipality:	City of Mississauga
Municipality File No.:	OZ 16/0097 W7
OMB Case No.:	PL171203
OMB File No.:	PL171204

Heard:	Sept. 16 – 20 and 24, 2019 in Mississauga, Ontario

APPEARANCES:

Parties	**Counsel**
Erindale Village Living Inc.	A. Platt and S. Lanpert
City of Mississauga	Q. Annibale and M. Joblin

DECISION DELIVERED BY M. A. SILLS AND INTERIM ORDER OF THE TRIBUNAL

[1] This was the hearing of the appeals of Erindale Village Living Inc. (“Erindale Inc.”) from the failure of the City of Mississauga (the “City”) to adopt an amendment to the Official Plan and to approve amendments to Zoning By-law No. 0225-2007 for the lands municipally known as 1646 Dundas Street West (the “subject lands” / “site”).

[2] The subject lands are within the Erindale Neighbourhood Character Area (“ENCA”) and are designated “Mixed-Use – Special Site Policy 1 (Erindale Neighbourhood)” by the Mississauga Official Plan (“MOP”), which permits retail stores, restaurants, secondary offices, personal service establishments, overnight accommodation, financial institutions, entertainment, recreational and sports facilities, post secondary educational facilities and residential uses. The Specific Site 1 polices permit a maximum height of 3 storeys. The subject lands are located within a designated Intensification Area/Intensification Corridor. The subject lands are zoned “C4 (Mainstreet Commercial)” by Zoning By-law No 0225-2007.

[3] Specific Site Policy 1 of the MOP is proposed to be amended to permit a maximum height of 8 storeys (“OPA”). The purpose and effect of the proposed zoning amendments (“ZBA”) is to permit a maximum height of 8 storeys and to establish other

site-specific zoning provisions, including front and rear year setbacks, height, floor space index, landscape buffers, and parking.

[4] The Regional Municipality of Peel (the “Region”) notified the Tribunal via email on August 1, 2019 that it no longer had an interest in this hearing.

[5] The Erindale Village Association is a Participant in this matter and was represented by John Lawton.

[6] Erindale Inc. called three expert witnesses: Martin Quarcoopome, William Maria, and Rick Mateljan.

[7] The City called three expert witnesses: Allan Ramsay, David Argue, and David Cuming.

Site and Area Context

[8] The subject lands are located at the corner of Dundas Street West and Nanicoke Road at the western edge of the Village of Erindale (“Village”). The Village is bound by Highway 403 to the north, the Credit River and Valley to the west and south and Mavis Road, Wolfedale Road and the St. Lawrence & Hudson Railway corridor to the east.

[9] The site is generally rectangular in shape, approximately 0.35 hectares (“ha”) in area, with a depth of approximately 71.46 metres (“m”) and frontage on Dundas Street (55 m) and Nanicoke Road (61 m). The property slopes downward from east to west and from north to south towards the Credit River. Access to and from the site is via a driveway connecting to Nanticoke Road.

[10] The subject site is currently developed with a 3-storey commercial building (restaurant and spa) set back on the west side of the property and bound on the north, east and south sides by a large asphalt parking lot. This building was constructed in 1984 and is not of heritage significance.

[11] The surrounding lands uses include: Dundas Street to the immediate north, beyond which there is a two-storey medical office with a parking lot, and Erindale Park;

the Erindale Community Hall (“Community Hall”), Mindemoya Road, detached dwellings, Erindale Academy and Erindale Presbyterian Church to the east; the Credit River Valley to the south; and Nanticoke Road and the Credit River and Valley to the west. Nanticoke Road is a closed road allowance and forms part of a pedestrian walkway to the Credit River valley.

[12] The Community Hall is a 220 square metre (“sq m”) single storey, rectangular stone building with a gable roof and partially elevated basement. The Community Hall is situated on the 0.25 ha land parcel between the site and Mindemoya Road, and is accessed via a wide driveway from Dundas Street leading to a large asphalt parking lot along the west side of the building. The Community Hall was built and maintained for many years by private citizens before being transferred to the City, but continues to be managed by a community committee. The Community Hall was constructed in 1928 and is designated under Part IV of the *Ontario Heritage Act*.

[13] The Village and the Credit River Valley are both recognized as Cultural Heritage Landscapes on the City’s Municipal Heritage Register. The Village consists of a residential core to the south-east of the site and along the south side of Dundas Street, and a mixed commercial-residential area along Dundas Street. The Dundas Street streetscape features a mix of generally one and 2-storey buildings of varying age and character, the oldest appearing to be late nineteenth-century construction. Several of the older residential buildings along Dundas Street have been re-purposed for commercial uses, while some former commercial buildings are now being used as residences. In general, the Dundas Street streetscape is highly varied and incohesive in terms of building styles and forms.

Background to the Proposal

[14] The original applications were filed with the municipality on September 30, 2016, and contemplated a 7-storey mixed use building comprised of 131 residential units, 463.7 sq m of commercial space on the ground floor and three levels of underground parking. The proposal resulted in a gross floor area (“GFA”) of 13,639 sq m and a total floor space index (“FSI”) of 3.7 times the gross site area. A Notice of Complete

Application was issued on September 30, 2016.

[15] Erindale Inc. filed appeals with the Ontario Municipal Board in November 2017 as a result of the failure of City Council to make a decision on the applications; however, Erindale continued to work with City staff to resolve the issues and address the concerns of Village residents, and on November 17, 2017, a revised concept plan and accompanying technical studies and plans were submitted.

[16] The revised proposal increased the number of storeys from 7 to 8 (27.78 m in height); decreased the number of living units from 131 to 96; increased the proportion of 2-, 3- and 4-bedroom units (to 40 one-bedroom, 45 two-bedroom, 5 three-bedroom and 1 four bed-room) and revised the floor plans to include a series of step-backs. The revised scheme has a GFA of 12,464 sq m, a FSI of 3.6 meets and meets the 45-degree angular plane from the Community Hall. The revised building is to be sited 3 m from the east lot line, 0.3 m from the west lot line, 3.69 m from the north lot line and 4.1 m from the south lot line. The service functions and accesses to the site and the parking garage are purposely placed on the west side of the building to avoid interference and nuisance conflicts with the Community Hall and residential neighbourhood. Approximately 160 automobile and 79 bicycle parking spaces will be provided in two levels of underground parking.

[17] Community meetings were hosted by the Ward Councillor on November 23, 2016 and June 8, 2017, and a Focus Group meeting was held on March 29, 2017. A statutory public was held on March 19, 2018, at which eight oral submissions were made in response to the November 17, 2017 proposal. The concerns raised at this meeting generally related to the perceived incompatibility of the proposal with the heritage aspects of the Village and Community Hall; the number of units being proposed; the adverse impacts of the height, density and architectural elements of the proposed building, including shadowing impacts on adjacent properties, increased traffic and associated health and safety concerns, overflow parking on local streets, site contamination resulting from previous uses, environmental impacts on the Credit River Valley, and reduced property values.

[18] On March 26, 2018, Erindale Inc. again submitted revised plans reflecting changes to the proposal in response to the concerns that were raised at the statutory public meeting. The revised proposal increased the height of the building by 0.32 m (to 28.1 m); decreased the number of units from 96 to 91; featured augmented landscaping treatments; and revised floor plans to further mitigate the massing of the building, particularly along the Nanicoke Road frontage. The building steps-back on all sides at all levels above the third floor.

[19] The subsequent report to the Planning and Development Committee from the City's Commissioner of Planning and Building (May 18, 2018) addressed the issues and concerns that had been raised at the statutory meeting and confirmed "that the proposed official plan amendment and rezoning are acceptable from a planning standpoint and should be approved subject to the provisions outlined in the report".

[20] Notwithstanding the favourable report and the recommendation of the Commissioner of Planning and Building, the Ward Councillor introduced the following resolution at the May 18, 2018 meeting of the Planning and Development Committee:

> a) That the staff recommendations as outlined in the report dated May 18, 2018 from the Commissioner of Planning and Building, be refused;
>
> b) That the City Solicitor take all necessary steps, including retaining outside legal counsel and outside land use planning services to represent the decision of the Planning and Development Committee at the Local Planning Appeal Tribunal with respect to applications under File OZ 16/009 W7, Erindale Village Living Inc. at 1646 Dundas Street West.

[21] The recommendation of the Planning and Development Committee was endorsed by City Council at a meeting held on June 20, 2018. The reasons for refusal as cited in the Resolution were:

> AND WHEREAS Planning and Development Committee after hearing oral and written submissions from the Erindale Village neighbourhood residents determined that the application should be refused for reasons that include but are not limited to: the development is not in keeping with the historic Erindale Village character; the proposal represents overdevelopment of the site; there will be unacceptable traffic conflicts and safety issues added to the area; it would set an inappropriate precedent for a mid-rise building overlooking the Credit River and the Dundas Connects study does not propose a higher order transit stop in the village.

[22] The following reports/studies have been submitted to support of the development proposal: Planning Justification Report, Traffic Impact Study (updated), Acoustic Feasibility Study (updated), Functional Servicing and Connection Report (updated), Environmental Assessment Report; Sun and Shadow Impact Study; Heritage Impact and Urban Design Study ("Heritage Study") (updated); Archeological Assessment; and Architectural, Landscaping, Site Grading and Site Servicing Drawings.

Planning Evidence – Erindale Inc.

[23] Mr. Quarcoopome is a registered professional planner (R.P.P.) and a Member of the of the Canadian Institute of Planners. His involvement with this development proposal dates back to January 2017.

[24] Overall, it is his professional opinion that the development proposal has appropriate regard to the matters of provincial interest set out in s. 2 of the *Planning* Act; conforms with the Places to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ("GP"), the ROP and the MOP; and is consistent with the relevant policies of the Provincial Policy Statement, 2014 ("PPS").

[25] Principally, the subject lands provide an appropriate location for growth and development and the proposal provides for an orderly development of underutilized lands within the built-up boundary of a designated Settlement Area. The subject lands are designated for intensification and higher order transit is planned for Dundas Street. The development proposal offers new housing opportunities and contemplates a compact built form that supports an active lifestyle and is within a comfortable walking distance of the University of Toronto Mississauga Campus ("UTM"). Mr. Quarcoopome underscored that areas with higher order transit, major post-secondary institutions and significant community amenities are hallmarks of an appropriate location for intensification.

[26] The proposal conforms with the Guiding Principles of the GP and supports the achievement of complete communities. The GP directs growth to within the delineated built boundary of a Settlement Area and the subject lands are within a strategic growth

area. The proposal provides a density that is supportive of existing and future transit and has the potential to reduce automobile usage and dependency. The planned development will contribute to the range and mix of housing types available to meet the needs of current and future residents of the regional market, and to the achievement of the minimum intensification and density targets assigned by the Region.

[27] The proposal is consistent with the Building Strong Healthy Communities policies of the PPS. The PPS requires planning authorities to identify appropriate locations for intensification and redevelopment where it can be accommodated. The site is strategically located for multi-residential development; directly south of the Erindale Park (the City's largest park) and within walking distance of the UTM. The proposal promotes intensification of underutilized lands within a designated growth area adjacent to existing and planned higher order transit.

[28] The subject lands are designated Urban System on Schedule "D – Regional Structure" of the ROP. The ROP establishes General Objectives and Policies for the Urban System that speak to the creation of healthy complete urban communities; compatibility of built form with adjacent properties and communities; land usage and servicing efficiencies; pedestrian-friendly and transit-supportive densities; intensification of development of underutilized lands; reduced dependence on the automobile; development of mixed use, transit-supportive, pedestrian friendly environments; and the provision of housing options and opportunities to meet the needs of current and future residents of the Region.

[29] The proposed development better utilizes the subject lands and municipal servicing infrastructure, and will contribute to the achievement of complete communities through the provision of a compact urban form and a mix of land uses and residential units to accommodate current and future residents of all ages and at all stages of life. The proposal provides an articulated and engaging frontage along Dundas Street, which will be comprised of commercial uses. The building features a high-quality built-form that is cognizant of the existing and planned context, and the increased density will support the viability of higher order transit.

[30] The ROP General Objectives for Growth Management direct area municipalities to optimize the use of existing land supply by directing a significant portion of growth to the built-up areas through intensification, and in particular, to the urban growth centres, intensification corridors and major transit service areas. The subject lands are supported by municipal servicing, currently underutilized, and within the built-up area alongside a (MOP) identified Intensification Corridor. In effect, the development proposal is directing growth, through intensification, to Dundas Street which is identified as an intensification corridor in the MOP. The scale and density of the proposed development is appropriate for this area. Moreover, the proposal will contribute to the achievement of the minimum target (40%) of residential development that is to occur within the built-up area.

[31] The ROP establishes the Objectives and Policies for Cultural Heritage in the Region. Area municipalities are required “to identify, preserve and promote cultural heritage resources…for present and future generations”. Following from that, the ROP directs “the area municipalities to only permit development and site alteration on adjacent sites to protected heritage property where the proposed property has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”. The MOP Cultural Heritage policies set out that new development is ‘encouraged’ to be compatible with a cultural heritage property and/or cultural heritage landscape.

[32] Mr. Quarcoopome emphasized that the relationship between the proposed development and the Community Hall was extensively studied during the design process and revisions have been made to the building’s setbacks and accents. The proposal provides for appropriate transitions to the adjacent heritage building. The view of the Community Hall along Dundas Street is protected by the setback of the building from the street line. The podium wall is setback 3 m from the east property boundary, providing a wall to wall separation distance between the proposed building and the Community Hall of approximately 23 m.

[33] The (4-storey) podium element terraces down to 3 storeys at the east podium

wall and aligns with the roof of the Community Hall; the floors above are stepped back providing a terraced effect. The building maintains a 45-degree angular plane measured from the datum line established by the height of the Community Hall. A series of setbacks from the Dundas Street frontage and the east property boundary further reduce the massing of the proposed development.

[34] The landscaping features and the building elements, colours and materials selected are intended to be complementary and sensitive to the Community Hall, but not the same. The Heritage Impact Assessment (updated) concluded that the proposal does not result in any detrimental impact on the Community Hall or the Village as a whole. The Sun and Shadow Impact Study (revised) demonstrates that there will be no significant shadowing impacts.

[35] The subject lands are designated Mixed Use Area by the MOP. Dundas Street is designated Intensification Corridor on Schedule “2 – “Intensification Areas” and identified as a Higher Order Transit Corridor on Schedule “6 – Long Term Transit Network”.

[36] The site is within the ENCA, and as such, is further designated Special Site Policy 1. Special Site Policy 1 establishes area specific policies for lands in the Mixed Use Area designation abutting Dundas Street from Nanticoke Road to Proudfoot Street. The proposal is in conformity with the Mixed-Use land use permissions, save and except for the building height permission that is the substance of the OPA application, which proposes to amend Special Site Policy 1 to allow a maximum height of to 8 storeys.

[37] The City is required to “ensure that housing is provided in a manner that fully implements the intent of the Provincial and Regional housing policies”. The MOP directs growth to areas that will be supported by planned and higher order transit, higher density, pedestrian oriented development and community infrastructure, services and facilities. The MOP establishes housing-related policy direction, including that housing is to be provided in a manner that maximizes the use of community infrastructure while meeting the needs and preferences of residents. The proposal results in the creation of

91 new residential units, with 1 to 4 bedrooms. This is of particular significance given that the Village is predominantly comprised of single detached, and mostly owner-occupied dwellings.

[38] The subject lands are located in the built-up area and are currently occupied with a commercial building that underutilizes the site. The proposal advances the ‘complete communities’ concept by providing a desirable compact urban form and a mix of lands uses; contributing to the range of housing types, sizes and densities to accommodate the needs of residents through all stages of life; enhances the viability of public transportation systems through the provision of transit-supportive densities; and creates a pedestrian friendly and transit-supportive public realm along Dundas Street.

[39] Although designated Neighbourhoods may not necessarily be intended for larger-scale intensification, Mr. Quarcoopome pointed out that intensification through the infilling of an existing commercial site along a Corridor is permissible so long as the built-form being proposed is compatible with surrounding development. In his opinion, the proposed development adheres to this criteria as it effects the redevelopment of an existing under-utilized commercial site adjacent to a rapid transit Corridor.

[40] The MOP establishes urban design policies for Intensification Areas, including that development is to create distinctive places and locales, high quality, compact and urban built form; reduce the impact of extensive parking areas, enhance pedestrian circulation, complement adjacent uses and distinguish the significance of the intensification from surrounding areas. Buildings and streetscapes are to be sited and designed to encourage pedestrian circulation, and as possible, surface parking should be minimized in favour of underground parking.

[41] The proposed development conforms with the urban design policies for context as it provides a high-quality animated pedestrian-friendly environment along the Dundas Street Corridor and features a series of step-backs to mitigate the visual impact of the building. The proposal introduces a high quality distinctive compact built-form with a visually interesting façade that is sensitive to the existing context and creates an animated pedestrian-friendly environment along the Dundas Street Intensification

Corridor and Nanticoke Road. The view of the Community Hall from Dundas Street is protected by the setback of the building from the street line; the zoning standard for front yard setback is 0 to 3 m – the front yard setback being provided is 4 m. Overall, the planned development respects and maintains the urban design policies for Intensification Areas. At the same time, the proposal has appropriate regard for the heritage character of the Village and the Community Hall.

[42] The Dundas Connects Master Plan, 2018 (“DCMP”) establishes a comprehensive framework for intensification along the Dundas Street Corridor, and specifically identifies mid-rise buildings of 5 to 12 storeys as the preferred built-form typography. The DCMS, as endorsed by City Council on June 20, 2018, recommends a 6-storey building height on the south side, and a 9-storey height on the north side of Dundas Street along this corridor section. Moreover, the MOP sets out that built form is to relate to the width of the street right-of-way, and further recognizes that where the right-of-way width exceeds 20 m a greater height may be required to achieve appropriate street enclosure in relation to the road width. Dundas Street in the location of the site has a right-of-way of approximately 38 m. At the tallest point, the proposed building is 28.1 m.

[43] The retail component of the proposal features glass storefronts connecting to an open terrace adjacent to a new public walkway. The new walkway replaces the existing municipal asphalt sidewalk that closely abuts the travelled roadway. The proposal contributes to the achievement of a dynamic arterial roadway, is more conducive to mobility transportation and devices contributes to the achievement of a dynamic arterial roadway and improves pedestrian safety.

[44] Based on his planning analysis and assessment, it is Mr. Quarcoopome’s opinion that the proposal supports the housing initiatives of the Province and the City. The proposal offers a building form that is unique to the Village and targets ‘empty-nesters’ who do not want the continued upkeep of a single detached residence property, which conceivably includes existing residents of the Village. In his opinion, the proposal represents good land use planning.

Planning Evidence - City

[45] Mr. Ramsay is an RPP and a Member of the Canadian Institute of Planners and the Ontario Provincial Planners Institute. He was retained by the City in August 2018.

[46] Mr. Ramsay pointed out that the Village was originally settled in the early 1800's as a Euro-Canadian settlement. In the early years the Village contained churches, a hydroelectric dam and businesses including a grist mill, saw mill, stores, taverns and inns, a turning mill and a chair factory. The pattern of development in the Village typifies nineteenth century rural village settlement, that being, individual buildings and structures on single lots organized around a grid pattern of streets typically with a main street characterized by commercial buildings. These unique characteristics of rural settlement centres, especially as these settlements grew and evolved, resulted in unique places in the current-day environment.

[47] It is Mr. Ramsay's professional opinion that the proposed development will contribute to planning conflicts. Although he acknowledged the subject lands are currently underutilized and would be an appropriate location for some growth and development, in his opinion the current proposal will result in overdevelopment of the site.

[48] The GP provides a framework for implementing the Province's vision for building stronger, prosperous communities by better managing growth. In his opinion the proposal generally conforms to the broad framework and guiding principles of the GP in that it represents infill development within the delineated built-up area. However, the height, density and overall intensity of the proposed building is not appropriate for the site; the proposal does not integrate well with the neighbourhood or create a sense of place. The building will create privacy and overlook impacts for adjacent residents and adversely impact the local heritage resources.

[49] The PPS directs planning authorities to identify appropriate locations and promote opportunities for intensification. Development standards which facilitate intensification, redevelopment and compact form are encouraged. However, the

compact urban form proposed in this case is not appropriate for an area that is defined by low intensity development. The existing character of Dundas Street is defined by one to two-and-a-half storey commercial, community and residential buildings with low lot coverages and modest building masses. The proposal results in an intensification and redevelopment that cannot be accommodated on the site without significant and inappropriate increases in height and density.

[50] The site is within a City recognized Cultural Heritage Landscape and adjacent to a designated heritage building. The PPS stipulates that planning authorities shall not permit development and site alteration on adjacent lands to a protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. In that regard, having reviewed the Cultural Heritage Review Report and witness statement of Mr. Cumming, upon which he relies, it is his opinion that the proposal is not consistent with the PPS.

[51] The ROP establishes specific policy on some matters while also provides direction to local municipalities on other matters. The subject lands are designated as part of the Urban System on Schedule D – Regional Structure and are identified as within the Built-up Area on Schedule D4 – The Growth Plan Policy Area of Peel. One of the objectives of the Urban System is to establish healthy complete communities that provide living, working and recreational opportunities that are respectful of the natural environment, the resources and the characteristics of existing communities.

[52] The ROP requires area municipalities to establish minimum density targets for intensification areas and to identify the appropriate type and scale of development in their official plans. The site is underutilized and therefore is appropriate for some form of intensification, but the extent and appropriate type and scale of development is left to the determination of the local municipalities. The proposal generally conforms to the broad growth management and intensification policies of the ROP by proposing an infill development but, does not conform with the policies requiring the conservation of cultural heritage resources.

[53] Mr. Ramsay took the Tribunal to numerous policy provisions of the MOP, and in particular, policies related density/massing, setbacks and compatibility. In his opinion, the proposed building will not fit with the current or planned urban context of the Village. The built-form aspects of the proposal are not sensitive to the existing and planned character of the Village, and does nothing to protect and conserve the cultural resources of the neighbourhood. The building is too tall and has an overpowering mass. At an 8-storey height and a FSI of 3.6 the proposal represents significant intensification and results in overdevelopment of the site.

[54] By contrast, the Village is generally defined by detached dwellings on large lots with generous setbacks and low-rise commercial and community buildings. The proposal is not consistent with either the existing or planned character of the area, will not enhance the Corridor, does not provide appropriate transition to neighbouring uses, and thereby, is not context sensitive. The proposed building does not fit with the existing urban context and will not successfully co-exist with the existing development. Overall, the development plan is out of scale with the surrounding area and will not be well integrated with the low-rise, low density built form found along Dundas Street, which he views to be one of the key attributes of the existing neighbourhood character.

[55] The Dundas Connects identifies the Dundas Street Corridor as appropriate for intensification, but it also recognizes that due to local circumstances not all segments of Intensification Corridors are appropriate locations for intensification. In this case, the extent of intensification being proposed is too great and does not sufficiently address the low intensity of the Village. The Village has not been identified as one of the focus areas for intensification; it is not in close proximity to any of the proposed station locations of the future Bus Rapid Transit service and a transit stop is not proposed for the Village.

[56] Based on his planning analysis, it is his opinion that the proposal represents an overdevelopment of the site that is not in keeping with the character of the area. The proposed OPA and ZBA would permit an overall intensity of development on the site that does not conform to the policies of the MOP, is not consistent with the PPS and

does not conform with the GP and the ROP, does not represent good planning and should not be approved.

Transportation Evidence – Erindale Inc.

[57] Mr. Maria is a Member of the Professional Engineers of Ontario, Institute of Transportation ("ITE") and a senior transportation engineer and technologist. He was retained by Erindale Inc. in 2016 to complete a Traffic Impact Study in relation to the proposed development of the subject lands.

[58] The TIS was completed for the original development proposal which identified 131 dwelling units comprised of 1-, 2- and 3-bedroom units, a 252.4 sq m restaurant, and 211 sq m of commercial area. The purpose of the TIS was to determine the site related traffic assignment to the local Dundas Street West corridor and subsequent traffic-related impacts on the adjacent intersections during the weekday morning and afternoon peak hours under 2021 future background traffic and transportation network conditions of the Village.

[59] On an explanatory note, the City requires future background and total traffic analyses for a five-year planning horizon. The TIS was completed in 2016 and consequently, the TIS adopted the expected future background conditions along Dundas Street corridor in 2021. The study area included the intersections at Mississauga Road at Dundas Street and Dundas Street at Nanticoke Road, and the T-intersection of Robinson Street at Dundas Street.

[60] The TIS determined that the signalized Dundas Street at Mississauga Road intersection was operating at capacity during the morning peak hours and the overall operations are expected to trend similar to the existing conditions, but with reductions in the overall intersection capacity as a result of growth on both sides of Dundas Street and Mississauga Road; it is however, expected to have a negligible impact on overall intersection operations. The signalized Dundas Street at Robinson Road intersection is expected to have satisfactory operating characteristics under the 2021 traffic conditions during both morning and afternoon peak hours, with only marginal impacts from the

traffic from the site.

[61] The unsignalized Dundas Street at Nanticoke Road and the Erindale Park driveway are also expected to have satisfactory operating characteristics during both morning and afternoon peak hours under the 2021 traffic, with only marginal impacts from the traffic from the site. Based on the TIS findings, there were no improvements recommended at these intersections.

[62] Overall, the Original Application was not expected to result in any significant or unacceptable impacts on traffic during both the morning and afternoon peak hours. The Revised Development, with the reduction in units to 91, will have even fewer impacts on traffic conditions and/or safety under the future conditions. The TIS was reviewed and accepted by the City's transportation staff.

[63] It is Mr. Maria's professional opinion that from a traffic operations perspective the current roadway network can appropriately accommodate the Revised Development.

Transportation Evidence – City

[64] Mr. Argue is a licensed professional Engineer and Member of the Institute of Transportation Engineers.

[65] Mr. Argue was retained by the City in August 2018 to provide transportation services in respect to the Erindale Inc. proposal. Following his review of the TIS submitted in conjunction with the development proposal he had concerns about the accuracy and correctness of the gap analysis, the sufficiency of the parking spaces being proposed, and the pending back-up movement of trucks onto the municipal street.

[66] Having been provided with supplementary information he is now satisfied that his concerns have been or will be addressed. The provision of a rotating ramp (turn-table) in the loading bay will allow a truck to exit the property in a forward motion, and the parking requirements are to be identified in the ZBA. In regard to his concerns about the inaccuracy of the gap analysis, an updated study will be required prior to the enactment of the ZBA.

Heritage Conservation Evidence – Erindale Inc.

[67] Mr. Mateljan is a Licensed Technologist and member of the Ontario Association of Architects and has served as a member and Vice-Chair of the Mississauga Heritage Advisory Committee since 2007. He was retained in April 2014 and prepared the Heritage Study on behalf of Erindale Inc.

[68] For context, the Cultural Landscape Inventory's description of the Village is generally more appropriate for the residential development to the south and east of the site than for the lands within the area fronting onto Dundas Street, in particular, certain built form criteria and arboreal patterns that exist within the embedded neighbourhood:

> This small residential enclave has a wonderful visual appearance and special landscape character defined by mature trees and a commons scale of structures. Most prominent are the rows of Norway Spruce, remnants of the former agricultural fields, which predate the housing development. The preservation of these trees through the sensitive siting of housing and roads has created unique and wonderful residential environment similar to other neighbourhoods straddling the Credit River Valley. The street pattern and scattered heritage properties are the remnants of this nineteenth century villages.

[69] The Credit River Corridor site description largely references the geological and natural geographic importance of the river but gives no direction to issues of development or built form. The site is located on the periphery, and is at a lower geodetic elevation than the rest of the Village. The analysis of the existing and proposed grade levels reveals that the proposed building is set significantly below the level of the adjacent residential neighbourhood. The differential between the grade elevation of the most northern dwelling on the east side of Mindemoya Road and the entry level of the proposed building is 8.3.

[70] The existing building has no heritage significance and does little to support the heritage context of the Community Hall or the Village Heritage Landscape. The site has been degraded by successive industrial/commercial uses, stripped of its native vegetation and artificially graded by former owners and the City to the point that the topography can only be surmised. There is no spatial organization, special definition or visual integrity. The only plantings consist of newer specimen trees that were planted around the perimeter of the existing parking lot and are not associated with the Cultural

Heritage Landscape.

[71] The existing buildings along this part of Dundas Street are smaller, one or two storey structures. The streetscape is very inconsistent because of the way the road has been re-graded over time and by varying land uses and random unsympathetic infill. Generally, the streetscape is unattractive and the buildings uncomplimentary. Given the re-grading, re-planting, construction and demolition of successive buildings on the site it is highly unlikely that any archaeological remains are present.

[72] The PPS requires that significant built heritage and cultural heritage landscapes be conserved. Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

[73] The proposal has been designed to mitigate impacts on the Community Hall, the Village and the Credit Valley River Landscapes. The building adheres to the established angular plane principles and the stepping of the building mitigates the massing effect of the proposal. The proposed building is a high quality architectural expression that creates a strong sense of place with opportunities for commercial and public uses at street level and provides opportunities for residents to enjoy the natural beauty of the Erindale Park and the views of the Credit River Valley, while providing convenient access to public transit and nearby municipal and business services. The choice and colours, accent materials and landscaping is complementary to the heritage building and landscapes.

[74] The proposed building will have a beneficial effect on the Community Hall by visually framing and creating a precinct for it. The present situation is that the Community Hall site is strongly defined to the east by Mindemoya Road, but the hall parking lot on the west side and the site seem to merge, diluting the prominence of the heritage building. Although the visibility of the Community Hall will be somewhat reduced when travelling westbound along Dundas Street, the impact is insignificant given the context.

[75] The remaining building stock of the Village commercial core is highly-varied, purpose-built and generally unsuitable to inform the future architectural development of the community. From his perspective, the emphasis must be on a revitalized community with building forms that are intense, urban and of their own time and place. Their designs must be compatible and incorporate gestures of respect to the heritage community but must also show leadership and be sufficiently strong to stand on their own merits.

[76] The appropriate transitioning to the Village is maintained by the proposal and particularly as any perceived impacts from the development are buffered by the adjacent wooded area to the west and south and the Community Hall to the east. The separation distances between the proposed building and its' neighbours are very generous. The separation distance between the building and the Community Centre is approximately 23 m; the separation distance to the closest single family home (2560 Mindemoya Road) is approximately 43 m.

[77] Overall, the proposed development will be a strong element in creating density, vitality and appropriate urban form. The proposed building is a strong architectural statement that will engage the street and become a marker for the community. It will be highly visible when approached from the west and will announce the arrival into the community, especially so, as it will create a relationship with the Erindale Park entrance on the north side of the road. These elements will respond to each other and create a gateway to the Village.

[78] The podium along the Dundas Street frontage consists of retail uses at grade and residential uses above, and will create a focus at the street level and encourage pedestrian traffic, which is a benefit to the appreciation of the community. The storefronts at grade will imply human scale to the building elevation and recalls elements of the historical main street commercial use of Dundas Street. The podium has been designed with a vertical rhythm intersected by floor lines to create a secondary grid to keep the rhythmic aspects subtle and not overwhelming. The podia of the building are proposed to be clad in dark brown/gray brick (or similar pre-cast

material) similar in colour to the Credit Valley stone construction of the Community Hall. Unlike the stone of the Community Hall this will be smoothly finished and crafted.

[79] Above the podia are terraced penthouse structures. The first penthouse is set back from the podium below and each subsequent penthouse is stepped back from the one below to give a terraced effect and reduce the impact of the upper floors. The stepback dimensions vary but average approximately 3 m at each floor level. The penthouses are enclosed and defined by glazed guard systems to give them a light and open appearance and to limit the mass of the building. The penthouses are articulated in aluminum and glass to allow these upper floors to blend with the clouds and sky.

[80] In conclusion, for reasons including adherence to established angular plane principles, sympathetic choice of materials, stepping of building massing and use of landscaping, it is his professional opinion that the cultural landscape of the Village and the heritage attributes of the Community Hall are conserved by this proposal. Consequently, the proposal is consistent with the PPS and conforms to the heritage-related policies of the GP, the ROP and the MOP.

Heritage Conservation Evidence - City

[81] Mr. Cuming is a professional planner and a member of the Canadian Institute of Planners, the Ontario Provincial Planners Institute and the Canadian Association of Heritage Professionals. He was retained by the City on April 24, 2019.

[82] In his opinion, the proposal development, as it pertains to cultural heritage planning and conservation, is not supportable or defendable.

[83] Essentially, Mr. Cuming disagrees with the facts and findings of the Heritage Study prepared on behalf of Erindale Inc; he rejects and refutes the material evidence and opinions of Mr. Mateljan; and he takes issue with the position held by City planning staff. In his opinion, the development proposal is out of keeping with the heritage character of the Village and will result in overdevelopment of the site.

[84] The subject lands are located at the western entrance to the Village immediately

east of the crossing of the Credit River. Rather than being on the ‘margin’ of the Village, he sees the site location as the gateway to the Village, which in his opinion is the least appropriate location for intensification and redevelopment given the associated cultural heritage resources.

[85] The growth and development of the Village from the 1830s to present day has typically been characterised by simple, vernacular structural forms that are low in height, modest in scale, and of relatively minor bulk. The character of the historical settlement and landscape has been retained for nearly half a century. Mr. Cuming asserts the need to provide a “good fit” of new with old is a key planning objective in creating “special places”.

[86] The development of an 8-storey building within two significant cultural heritage landscapes and adjacent to a designated heritage property is not in keeping with the historic and unique characteristics of the area. The large scale massing and form of the proposed building is out of keeping with the modest, small mass one to two-storey structures that characterize the Village.

[87] The proposal does not encourage a positive sense of place with its poor design response to this sensitive locale as a major western entranceway to the Village, but instead encourages a form of development that is not in keeping with the unique heritage characteristics of the area and the contribution they make to the heritage streetscape and landscape. The proposed building will be visually intrusive and will not contribute to the conservation and protection of any of the long and well established heritage attributes or the heritage character of the Village.

[88] The proposed building will have damaging effects on the City’s identified and designated heritage attributes, including that there will be a significant loss of views from the westerly approach along Dundas Street and Mindemoya Road, significant adverse silhouetting from the east as the one-storey Community Hall will be viewed against a backdrop of an 8-storey building, and adverse shadowing impacts on the west stone wall will potentially compromise the integrity of the wall and foundation of the Community Hall.

[89] In his opinion the proposed development would conflict with the matters of provincial interest by creating a built form of excessive mass and height with adverse visual and physical effects to significant cultural heritage landscapes and a significant built heritage building. The proposal does not conform with the cultural heritage policies of the GP; is not consistent with the Settlement Areas, Long Term Economic Prosperity and Cultural Heritage and Archaeology policies of the PPS, and does not comply with the policies of the ROP and the MOP.

Participant – Erindale Village Association

[90] The Erindale Village Association ("EVA") is a volunteer non-profit organization that has been in operation for 40 years, and is the oldest community association in the City. The EVA acts as the voice of its' membership in local and government affairs, and when necessary, supports or opposes changes in land uses, advocates for the welfare, comfort and safety of Village residents, fosters community projects, engages in other events and activities to benefit the interests of the membership. The EVA recently hosted an event at the Community Hall to celebrate its' 40th Anniversary which was attended by more than 100 residents.

[91] Mr. Layton distinguished the Village as a special place with a deep history and special character. The Village has several heritage designated and listed properties and is a very stable neighbourhood with many long-term residents. The EVA and the residents it represents are committed to preserving and improving the distinctive characteristics of the Village and are opposed to the development that is being proposed. The existing building on the site is an attractive heritage inspired structure that fits with its' environment. The proposed building does not appear or feel historically inspired. The Village residents are of the view that the proposal is an inappropriate and insensitive over-development that will change the character of the Village.

[92] The proposal will create many problems, including excessive population, increased traffic congestion and related safety concerns, increased parking demand, noise and air pollution. The proposed excessive over-development will increase the Village population by about 70%, which by far is too many people for the site and is

completely incompatible with the neighbourhood characteristic. The traffic around the site will increase significantly and the village has a limited supply of parking.

[93] The current building does not significantly block views, but the proposed building will interfere with the views that residents currently have from their yards, decks, porches, and balconies, while walking along Dundas Street or from Erindale Park. The properties closest to the site will be subjected to less privacy and more overlook. The shadowing from the proposed building will be much more than what is cast by the existing building and the loss of natural light will negatively impacts the quality of life of all residents. The Community Hall events and activities will be affected (indoors and outdoors) as some of the events could be in darkness, and the Community Hall could get damaged from slow snow and ice melt in the winter/spring months as a result of the shadowing. Sunlight is especially important in a mature-treed green neighbourhood, so negative impacts to the flora is expected. There is also concern that the proposed over-development of the site will reduce the presence of fauna in the area.

Analysis and Disposition

[94] In consideration of the whole of the evidence, the Tribunal finds that the development of the lands in the manner proposed warrants approval. The proposal provides for the efficient use and orderly development of lands and implements the higher order planning policies established by the Province. In making these findings the Tribunal accepts and adopts the evidence and opinions of Messrs. Quarcoopome, Maria and Mateljan.

[95] The Tribunal is mindful of the planning initiatives and policy directives of the Provincial planning regime and has had regard to the matters of Provincial interest enumerated in s. 2 of the *Planning Act.* The Tribunal finds that the proposal has appropriate regard for matters of Provincial interest, conforms to the policy directives of the GP is consistent with the policies of the PPS, and conforms to the spirit and intent of the ROP and the MOP. The proposal aligns with the principles of good land use planning and is in the public interest.

71. The Provincial Policy Statement, 2020 (“PPS 2020”) came into effect on May 1, 2020. The Tribunal has reviewed the evidence of Mr. Quarcoopome in support of his professional opinions that the proposal is consistent with the PPS 2014, and is satisfied that the same reasons apply to the PPS 2020. The Tribunal finds that the proposal is also consistent with the PPS 2020.

[96] The Tribunal finds that the proposal furthers the Provincial planning initiatives respecting the creation of complete communities, the creation of housing and the promotion of transit. The proposal provides for the orderly development of underutilized services lands in a location that has been identified for intensification and higher order transit. The proposal contributes to the housing supply and offers a mix and range of housing to meet the needs of people at all stages of life. The proposal offers new retail/commercial opportunities and creates an animated pedestrian-friendly public realm along a transit corridor.

[97] The Village has a rich history and is listed as a Culturally Significant Landscape on the City’s inventory registry; the Community Hall is a designated heritage building largely as a result of its long-time use as a community managed hall and even though . the building is currently owned and operated by the City, it continues to be managed by a committee of the EVA. The residents of the Village are commendably engaged in the activities and operations of the Community Hall and are committed to preserving both the heritage of this building and the Village as a whole. It comes as no surprise given their demonstrated commitment to the heritage of the community that Village residents are united in their opposition to the proposal.

[98] Clearly, the development proposal introduces a new built form concept to the Village. At an 8-storey height and with an urban built-form, the proposed structure will be by far the tallest building within the geographic boundary of the historic Village, and from what the Tribunal was told, the first multi-residential rental building. That being said, it is not to be expected that the Village will remain frozen in time.

[99] In view of the trending rapid population growth in combination with the limited supply of land in City centres and the critical shortage of housing, particularly in the

Greater Toronto Area, it is inevitable that this site will be developed in some form and fashion in the not-so-distant future. The Village is already experiencing growth in the form of new development or replacement dwellings, many of which feature an urban design format, are 3 storeys in height and have much larger footprints than most of the vintage homes.

[100] Moreover, it is to be anticipated that any development of the subject lands is going to engage a degree of intensification, typically involving increased height, regardless of whether it is for residential, commercial, or mixed use development. Taking into account the size of the site, and considering that this area is a designated Intensification Corridor and Dundas Connects recommends a 6-storey building height along the south side of Dundas Street, it is reasonable to expect that any future building on the site is going to far exceed the 1-storey height of the Community Hall and the 1 to 3 storey height of the homes in the Village.

[101] The issue that the Tribunal had to grapple with is what degree of intensification, and more specially what building height, is appropriate and necessary to ensure that the heritage attributes the Community Hall and the Village are conserved; otherwise defined as "… *the use of built heritage resources, cultural landscapes…in a manner that ensures their heritage value or interest is retained under the Ontario Heritage Act".* (PPS definitions).

[102] For context: the report of the City's Heritage Committee (February 25, 2011) recommending that the Community Hall be designated provides as follows:

> Erindale Community Hall is important in defining, maintaining, and supporting the character of the area. It is physically, functionally, visually and historically linked to its surroundings. The property is a local landmark.
>
> Erindale Community Hall is a rare surviving village community hall in Mississauga. It yields information about the time period in which it was built and is associated with the community that built and utilized it, and continue to utilize it. The local landmark defines, maintains and supports the character of the area. It is physically, functionally, visually and historically linked to its surroundings.

[103] The Site Description of the Village as detailed in the City's Cultural Heritage Landscape Inventory is as follows:

> This small residential enclave has a wonderful visual appearance and special landscape character defined by mature trees and a common scale of structures. Most prominent are the rows of Norway Spruce, remnants of the former agricultural fields, which predate the housing development. The preservation of these trees through the sensitive siting of housing and roads has created a unique and wonderful residential environment similar to other neighbourhoods straddling the Credit River Valley. The Street Pattern and scattered heritage properties are the remnants of this nineteenth century village.

[104] The City By-law designating the property as being of cultural heritage value of interest under Part IV of the *Ontario Heritage Act* Statement of Cultural Heritage Value and Interest sets out that:

> Erindale Community Hall is a rare example of a surviving purpose-built hall in Mississauga; has direct associations with the Erindale Village community and beyond and yields information that contributes to an understanding of Erindale; is important in defining, maintaining and supporting the character of the area; is physically, visually and historically linked to its surroundings; and the hall is a local landmark.

[105] In consideration of the evidence proffered at the hearing and following an extensive further review of the materials provided, the Tribunal is satisfied that the proposed development can co-exist in harmony with both the Community Hall and the Village and *vice-versa.* For greater understanding:

- In respect of a heritage designated property: development and site alteration may be permitted on adjacent lands to a protected heritage property “where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (s. 2.6.3 PPS).

- In the context of land use planning policy: ‘compatible’ essentially means development, which may not necessarily be the same as, or similar to, the existing and desired development, but nonetheless enhances an established community and co-exists with existing development without unacceptable adverse impact on the surrounding area.

[106] In regard to the view of the Community Hall from the west, the Tribunal takes note that the proposal provides a better scenario, firstly in that a 4.1 m front yard is being provided, whereas the currently zoning regulations do not even require that a

front yard be provided (0 – 3 m).

[107] In terms of the concern about ‘blocked views’, the evidence before the Tribunal was that due to the lower elevation of the subject lands to the core area of the Village, which was indicated to be equivalent to about 2 storeys, the building is not likely to be visible from the core residential area of the Village. There are 9 homes along Mindemoya Road (dead-end road) 5 of which are front-facing to the site, and 7 of the total 9 dwellings on this street are sited beyond the back wall of the proposed building. Two of these homes, which appear to be relatively new builds, plus one other would be considered to be very large homes. There are no structures of any kind along the Nanticoke closed road allowance, beyond which are valley lands.

[108] The proposed structure is at a similar elevation and directly abuts the Community Hall, but unlike a residential property, there is no tenancy at this building. A 3 m deep landscaped area is being provided in the east yard between the properties and there is a generous wall-to-wall separation distance between the two buildings (23 m), particularly, considering that this is an urban area. The height and massing influence is further diminished by the podium drop-down to 3 storeys and the floors above feature a series of stepbacks on all sides of the building.

[109] The Shadow Study demonstrates that there will be some shadowing of the Community Hall in June; minimal shadow on the southerly portion of the west wall in May/September; and some shadowing of the west wall in December for shorts periods of time in the last hours of daylight. There will be some shadowing to the backyard area of a neighbouring property to the rear (Mindemoya Road), but not to an unacceptable degree.

[110] The Tribunal rejects the notion that the December shadowing of the roof and west wall of the Community Hall could compromise the integrity of the building’s foundation. The photos provided confirm that there are already cracks and chipping of stone, particularly at the area of the back door to the building. The existence of these cracks was identified in the Heritage Impact Assessments provided by both Mr. Mateljan and Mr. Cuming. If there is concern about the integrity of the building’s foundation it is

expected that the City will be duly informed by their consultant.

[111] The Tribunal cannot agree that the site is “the least appropriate location for intensification and development”. The subject property is situated at the north-west bounds of the Village and fronts onto to Dundas Street, a major transportation corridor. The abutting lands to the west and south of the site are valley lands and therefore are undevelopable. The site is located at the edge of the Village, but is at a lower elevation than the rest of the Village lands. The site is currently under-utilized and provides an ideal location for intensification, and at the same time, presents an opportunity for the introduction of a prominent, urban format gateway building and a pedestrian-friendly and transit-supported realm.

[112] The Tribunal is satisfied that proposal does not adversely impact the Community Hall, the Village or the Credit River Valley Cultural Landscape or otherwise diminish or detract from well-being of the community. The tree canopy, scale of development and street patterns of the Village will not change and the heritage attributes of the Community Hall for which it was designated under the *Ontario Heritage Act* are not impacted and will not change. In fact, it is conceivable that the proposal will be benefit to the community in that it provides a housing option (rental) for Village residents who no longer want the upkeep associated with home ownership and/or are looking to downsize but want to continue to live in the Village. The Community Hall could also benefit by gaining a good neighbour.

[113] In sum, the Tribunal finds that the proposed development is an appropriate use of the subject lands and is in the greater public interest.

ORDER

[114] The Tribunal Orders that the appeals are allowed and the Official Plan of the City of Mississauga is amended, substantially in accordance with the draft official plan amendment contained in Exhibit 2, Tab 1 D.

[115] The City Zoning By-law No. 0225-2007 is amended, substantially in accordance with the draft zoning by-law amendment contained in Exhibit 2, Tab 1 D.

[116] The Final Order is being withheld until such time that the Tribunal is notified by the parties that the following conditions have been satisfied:

1. The draft Official Plan Amendment and the draft Zoning By-law Amendment have been finalized to the satisfaction of City Staff;
2. Confirmation that the proposal can be satisfactorily accommodated through the existing municipal storm sewer system, or alternatively, entering into any required agreement to upgrade the system;
3. Provision of a Functional Servicing Report satisfactory to City Staff;
4. Provision of a Traffic Impact Study and turning movements plans satisfactory to City Staff;
5. Provision of a Remedial Action Plan to address site contamination issues satisfactory to City Staff;
6. Completion and filing of a Record of Site Condition;
7. Entering into a Servicing and/or Development Agreement to the satisfaction of City Staff;
8. Entering into a s. 37 Agreement for the provision of community benefits; and;
9. Provision of an updated Heritage Impact Assessment to the satisfaction of City Staff.

[117] The Tribunal may be spoken to.

“M. A. Sills”

M. A. SILLS
VICE CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

APPENDIX B

Ontario

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
PL171203	Mississauga

1. My name is…….Rick Mateljan……(*name*)
   I live at the ……3566 Eglinton Ave. West……..(*municipality*)
   in the……City of Mississauga…..……..(*county or region*)
   in the …...Province of Ontario..……(*province*)

2. I have been engaged by or on behalf of…...…YYZed Project Management……(*name of party/parties*) to provide evidence in relation to the above-noted LPAT proceeding.

3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:

   a. to provide opinion evidence that is fair, objective and non-partisan;

   b. to provide opinion evidence that is related only to matters that are within my area of expertise; and

   c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.

4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date……August 2, 2019…….

……

Signature

APPENDIX C

LOOPSTRA NIXON LLP
BARRISTERS AND SOLICITORS

Quinto M. Annibale*
***Quinto M. Annibale Professional Corporation**
Direct Line: (416) 748-4757
e-mail address: qannibale@loonix.com

VIA E-MAIL & COURIER

July 8, 2020

Local Planning Appeal Tribunal
25 Grosvenor Street, 4th Floor
Toronto, ON M7A 1R1
Email to: Nazma.Ramjaun@ontario.ca

Attention: Ms. Marie Hubbard, Executive Chair, Ontario Land Tribunals

Dear Ms. Hubbard

RE: Section 35 Request for Review of the City of Mississauga
Erindale Village Living Inc. v. Mississauga (City)
Decision Issued June 12, 2020
LPAT Case No.: PL171203

We represent the City of Mississauga (the "City") and are writing to advise that the City requests a review of the Decision in this matter pursuant to Section 35 of the *Local Planning Appeal Tribunal Act* and pursuant to Rule 25 of the Tribunal's Rules of Practice and Procedure.

Overview

This Review Request arises from the decision issued on June 12, 2020, by Vice Chair Sills related to appeals in connection with the lands municipally known as 1646 Dundas Street West (the "Subject Lands") in the City of Mississauga (the "Tribunal Decision").

The Applicant, Erindale Village Living Inc. ("EVLI") had applied for site specific amendments to the City's Official Plan and Zoning By-law with respect to the Subject Lands. These applications were appealed to the Tribunal by EVLI for lack of decision on November 3, 2017. A staff report recommending approval subject to a number of conditions went to the City's Planning and Development Committee on June 11, 2018, and Council issued a refusal on June 20, 2018.

The Tribunal held a full hearing on the applications on September 16, 2019 to September 19, 2019, and September 24, 2019 (the "Hearing").

The Tribunal issued the Tribunal Decision on June 12, 2020, allowing the appeals, subject to EVLI satisfying nine conditions listed in Paragraph 116 of the Tribunal Decision.

The City is making this Review Request for the reasons set out below. These reasons rely on Rule 25.7 which provides that the Executive Chair may exercise their discretion and grant a request and order either a rehearing of the proceeding if satisfied that the request for review raises a convincing and compelling case that the Tribunal (c) made an error of law or fact such that the Tribunal would likely have reached a difference decision; and (e) should consider evidence which was not available at the time of the hearing, but that is credible and could have affected the result. Generally, the reasons are:

(a) the Tribunal made an error of law in applying an outdated definition of "conserved" from the Provincial Policy Statement, 2014 ("PPS 2104) rather than the revised definition of "conserved" from the Provincial Policy Statement, 2020 ("PPS 2020), and new evidence is available in respect of this revised definition that could have affected the result of the Hearing;

(b) the Tribunal made an error of law in applying a test of "compatibility" to the cultural heritage policies of the PPS 2014 / PPS 2020;

(c) the Tribunal made an error of law in considering that it is reasonable to expect that any future building on the Subject Lands will far exceed the height of the Community Hall and homes in Erindale Village;

(d) the Tribunal made errors of fact in considering the proposed development to be a rental housing development and a "good neighbor"; and

(e) the Tribunal made an error of law in failing to have regard for the decision and reasons of City Council to refuse the application.

Requestor and Representative Information

The requestor in this case is the City of Mississauga. Address: 300 City Centre Drive, Mississauga, ON L5B 3C1. Telephone number: 905-615-3200.

Our contact information, as the requestor's representative is as follows: Loopstra Nixon LLP, 135 Queens Plate Drive, Suite 600, Toronto, ON M9W 6V7; Telephone number: 416-746-4710. Quinto M. Annibale: qannibale@loonix.com; J. Mark Joblin: mjoblin@loonix.com.

Relief Sought

The City is seeking the following relief arising from this Review Request:

1. An Order granting this Review Request and ordering a rehearing before a different panel of the Tribunal at a date and time to be set by the Tribunal;

2. Such further and other relief as the City may request if this Review Request results in a rehearing before a different panel of the Tribunal.

Documents and Affidavit in Support of the Review Request

Enclosed is an Affidavit of Allan Ramsay, stating the facts relied upon in this Request and attaching the documents that support the request (the "Ramsay Affidavit").

Reasons for the Review Request

(a) Incorrect Definition of "Conserve"

At the time of the Hearing, the PPS 2014 was in effect. Prior to the release of the Tribunal Decision, the Province issued the PPS 2020. The PPS 2020 came into effect on May 1, 2020, and does not have transition provisions. The PPS 2020 applies to the Tribunal Decision, which is required by Section 3 of the *Planning Act* to be consistent with policy statements that are in effect on the date of the decision.

The Tribunal Decision does address the PPS 2020 in Paragraph 95, indicating that it came into effect on May 1, 2020, that the Tribunal reviewed the evidence of Mr. Quarcoopome in support of his professional opinions that the proposal is consistent with the PPS 2014, and that the Tribunal is satisfied that the same reasons apply to the PPS 2020. Although the Tribunal Decision finds that the proposal is also consistent with the PPS 2020, no evidence was heard on this point and the Tribunal Decision does not reflect any relevant changes in the PPS 2020.

Of significance to the Tribunal Decision, the definition of "conserved" was revised in the PPS 2020, as described in Paragraphs 11 and 12 of the Ramsay Affidavit. The revision is relevant to the Hearing as it forms the basis for relevant tests under the PPS 2014 and PPS 2020 as it relates to significant built heritage resources and significant cultural heritage landscapes, as described in Paragraph 19 of the Ramsay Affidavit. The Tribunal Decision, which is required to be consistent with the PPS 2020 (not the PPS 2014) quotes in Paragraph 101 the definition of "conserved" from the PPS 2014. The Tribunal Decision makes no reference to the change in the definition in the PPS 2020.

As noted in Paragraph 15 of the Ramsay Affidavit, during the Hearing there was undisputed evidence that the Erindale Village Cultural Heritage Landscape ("EVCHL") has been identified and approved by the City but has not been designated under the Ontario Heritage Act. There was also undisputed evidence that the Subject Lands are located within the limits of the EVCHL

As described in Paragraph 16 of the Ramsay Affidavit, the change in the PPS 2020 to delete the reference to the Ontario Heritage Act in the definition of "conserved" clarifies that neither designation under the Ontario Heritage Act nor the specific criteria of "heritage value or interest" under the Ontario Heritage Act are the sole determinants of whether or how a built heritage resource or a cultural heritage landscape is to be conserved. In this regard additional consideration of the heritage value or interest of the EVCHL as underlined in the City's Cultural Heritage Landscape Plan is warranted.

As described in Paragraph 17 of the Ramsay Affidavit, the second change to the definition of "conserved" adds an additional requirement that implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment must have been "… ***approved, accepted or adopted by the relevant planning authority and/or decision-maker".*** The implications of this change to the definition places considerably more weight on the recommendations and findings of the City's Cultural Heritage Landscape Plan.

The PPS 2020 came into effect well before the Tribunal Decision was issued. The Tribunal could have invited the Parties to make written supplementary submissions to the Tribunal on the new PPS 2020 and did not do so. Instead, the Tribunal issued the Tribunal Decision which considered the PPS 2020 with no submissions from counsel, and without providing counsel the opportunity to make submissions.

It is the submission of the City, and the opinion of Mr. Ramsay as set out in Paragraph 18 of the Ramsay Affidavit, that consideration of new evidence as to revised definition of "conserved" in the PPS 2020 could have affected the result of the Hearing. The application of the PPS 2014 definition is an error of law such that the Tribunal would likely have reached a different decision.

(b) Incorrect Consideration of Heritage

As described in Paragraph 19 of the Ramsay Affidavit, both the PPS 2014 and PPS 2020 provide that significant built heritage resources and significant cultural heritage landscapes "shall be conserved" (Policy 2.6.1) and that planning authorities "shall not permit development and site alteration on adjacent lands to protected heritage

property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved" (Policy 2.6.3). The Subject Lands are adjacent to a protected heritage property (the Community Hall, which is designated under the Ontario Heritage Act), but the Subject Lands are also themselves a part of the EVCHL. Both are to conserved.

Paragraph 105 of the Tribunal decision finds that "…the Tribunal is satisfied that the proposed development can co-exist in harmony with both the Community Hall and the Village and vice-versa". In elaborating on this finding the Tribunal Decision notes:

> "• In respect of a heritage designated property: development and site alteration may be permitted on adjacent lands to a protected heritage property "where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (s. 2.6.3 PPS).
>
> • In the context of land use planning policy: 'compatible' essentially means development, which may not necessarily be the same as, or similar to, the existing and desired development, but nonetheless enhances an established community and co-exists with existing development without unacceptable adverse impact on the surrounding area."

As described in Paragraph 21 of the Ramsay Affidavit, the cultural heritage policies of the PPS 2014 and PPS 2020 do not include the land use planning concept of "compatibility". The City's Official Plan includes general planning policies in connection with "compatibility", but the cultural heritage policies of the City's Official Plan do not incorporate a test of "compatibility" either.

It is the submission of the City that the Tribunal Decision makes an error of law by conflating the concept of "conserved" (as utilized in the PPS 2014, PPS 2020) with the concept of "compatibility" as used in a number of Official Plan policies that are not related directly to cultural heritage issues. These are distinct considerations; it is certainly possible to come to a conclusion that the proposed development might be "compatible" with surrounding uses strictly from a land use planning perspective, while also finding that the proposed development fails to properly "conserve" the significant cultural heritage landscape or the Community Hall. By conflating these concepts, the Tribunal Decision makes an error of law such that the Tribunal would likely have reached a different decision.

(c) Incorrect Interpretation and Application of Existing Official Plan Policies

The Tribunal Decision indicates at Paragraph 101 that the "issue that the Tribunal had to grapple with is what degree of intensification, and more specifically what building height, is appropriate and necessary…". The Tribunal's analysis in this regard is based on a fundamental misinterpretation and misapplication of the policies of the City's Official Plan. As interpretation of an Official Plan has been found by the Court of Appeal to be a question of law[1], this misinterpretation and misapplication is therefore an error of law.

Paragraph 100 of the Tribunal Decision indicates:

> "…it is to be anticipated that any development of the subject lands is going to engage a degree of intensification, typically involving increased height, regardless of whether it is for residential, commercial, or mixed use development. Taking into account the size of the site, and considering that this area is a designated Intensification Corridor and Dundas Connects recommends a 6-storey building height along the south side of Dundas Street, **it is reasonable to expect that any future building on the site is going to far exceed the 1-storey height of the Community Hall and the 1 to 3 storey height of the homes in the Village.**" (emphasis added)

The analysis of the Tribunal Decision is based on this clearly stated underlying assumption that it is to be expected that any future building on the Subject Lands will "far exceed" the heights of the Community Hall and existing homes in the EVCHL. This assumption is expressly contrary to the policies and planned development of Erindale Village and the Subject Lands in particular.

As described in Paragraph 23 of the Ramsay Affidavit, the Neighbourhoods policies of the City's Official Plan are applicable to the Subject Lands. These policies include the following:

> 5.3.5.1 Neighbourhoods will not be the focus for intensification and should be regarded as stable residential areas where the existing character is to be preserved.
>
> 5.3.5.5 Intensification within Neighbourhoods may be considered where the proposed development is compatible in

[1] *Niagara River Coalition v. Niagara-on-the-Lake (Town)*, 2010 ONCA 173 at paras 43-45.

> built form and scale to surrounding development, enhances the existing or planned development and is consistent with the policies of this Plan.
>
> 5.3.5.6 Development will be sensitive to the existing and planned context and will include appropriate transitions in use, built form, density and scale.

As described in Paragraph 24 of the Ramsay Affidavit, lands within a Neighbourhood (like the Subject Lands) have a typical maximum building height of four storeys unless Character Area policies specify alternative height requirements. As described in Paragraph 25 of the Ramsay Affidavit, Special Site Policy 16.9.2.2 applies to the Subject Lands as well as other lands within Erindale Village along Dundas Street West. Policy 16.9.2.2(g) provides that "buildings should have a minimum of two storeys and a maximum of three storeys in height".

The Dundas Connects Master Plan Study ("Dundas Connects"), the study referred to in Paragraph 100 of the Tribunal Decision, is endorsed by Council as the recommended plan for the Dundas Corridor but not yet incorporated into Official Plan policy. Section 5.1.6.6 of Dundas Connects includes recommendations for:

a. building heights on lands outside of Focus Areas west of Cooksville (which includes Erindale Village) of a maximum 6 storeys in height on the south side of Dundas Street; and

b. transition areas, including that new development within Erindale Village should respect the existing village character through height, building stepbaks and building siting. This section contemplates that within Erindale Village (including the Subject Lands), heights will be further reduced from 6 storeys.

Certainly, an applicant may seek permissions for greater development permissions than exist currently in the Official Plan, which are considered in due course by the City and sometimes the Tribunal. Such applications need to be considered in light of Provincial policy and plans and the intent and direction of the City's Official Plan. As presented to the Tribunal at the Hearing, in considering how to test an application for an Official Plan Amendment against the existing Official Plan policies, the Board (as it was then) has provided recent guidance:

> "In order for the Board to approve the OPA, the evidence must demonstrate that it would be appropriate to permit the proposal as an exception to the provisions of the Official Plan. While an Official

> Plan Amendment may require relief from one or more of the Official Plan's provisions, it should not compromise the intent and direction provided in the Plan or the ability of the Town to apply the Plan's policies. In addition, if the existing physical context or the planned context in the area reflects uses and built form similar to that proposed in an Official Plan Amendment then it may be determined that the amendment is appropriate."[2]

The Official Plan has clearly planned for Erindale Village and the Subject Lands specifically that such lands are intended to be developed at reduced heights, reduced even below the typical height permitted in a Neighbourhood designation. The Tribunal Decision, in commencing its analysis with an assumption that *any* future building on the Subject Lands would "far exceed" what is the planned height, is an error of law that is fundamental to the analysis undertaken. It is therefore, in the City's submission, an error of law such that the Tribunal would likely have reached a different decision.

(d) Errors of Fact Concerning the Proposed Development

As described in Paragraphs 27 to 30 of the Ramsay Affidavit, the Tribunal Decision contains errors of fact in describing the proposed development for the Subject Lands, consisting of the following:

- Paragraph 98 of the Tribunal Decision indicates that the development proposal will be "from what the Tribunal was told, the first multi-residential rental building" in Erindale Village. Paragraph 112 of the Tribunal Decision, discussing impacts of the proposed development on Erindale Village finds: "In fact, it is conceivable that the proposal will be beneficial to the community in that it provides a housing option (rental) for Village residents who no longer want the upkeep associated with home ownership…" No evidence was adduced at the Hearing that the proposed development would be a purpose built rental apartment building. The proposal has been marketed and sold as a residential condominium project.

- Paragraph 112 of the Tribunal Decision also finds: "The Community Hall could also benefit by gaining a good neighbour." There was no evidence presented at the Hearing that would indicate whether the proposed development would or would not be a "good neighbour". The specific uses on the ground floor are unknown. There was also no evidence provided at

[2] See Exhibit 18, paragraph 2, and *Salna v. Richmond Hill (Town),* 2017 CarswellOnt 17948 (OMB) at para 39.



> the Hearing that the proposed development would be a "good neighbour" in comparison to the existing restaurant and other uses on the Subject Lands.

It is unclear the extent to which these erroneous facts factor into the conclusions of the Tribunal Decision. It is submission of the City that, especially in conjunction with the errors of law described herein, these are errors of fact such that the Tribunal would likely have reached a different decision

(e) Lack of Regard for Council Decision

Issue 2 on the Issues List in the Procedural Order asked:

> Is the Tribunal required to have regard for the decision of Mississauga council in this matter? If so, would a decision to approve the official plan amendment, zoning by-law amendment and the proposed development have regard for Mississauga council's decision, that, amongst other matters:
>
> *(i) the proposal is not in keeping with the historic Erindale Village character;*
>
> *(ii) the proposal represents overdevelopment of the site.*

Oral submissions were made by counsel for EVLI and the City on this issue. The submissions are summarized to some extent in the written submissions filed by counsel for EVLI (Exhibit 17, pages 11-12) and counsel for the City (Exhibit 18, paragraphs 45-51). As indicated in the City's final oral submissions at the Hearing, the Haulover decision cited by counsel for EVLI needs to be considered on its facts, which are not clearly included in the decisions themselves. The resolution of Council in that case dealt only with a previous development concept that had been significantly amended, leading to a settlement between the Applicant and the Region. The Town objected at the hearing, but did not have a Council resolution that spoke to the revised proposal. The Board decision cited by the City, *Daraban Holding Ltd. V. Mississauga (City)*[3], in which the Board found that a Council decision after a non-decision appeal is still a decision to which regard must be had, came out after the Haulover decision. This is consistent with the suggestion that Haulover was based on limited circumstances, as the Tribunal has not applied the Haulover finding in circumstances where a substantive decision was made by Council following the non-decision appeal. This is clear in both the Daraban

[3] 2013 CarswellOnt 1817, City of Mississauga Book of Authorities Tab 3.

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BARRISTERS AND SOLICITORS

decision, as well as in the later decision cited by the City in final argument[4], in which the Tribunal also "had regard" for a post- appeal Council decision.

In our care, the Tribunal Decision makes no findings on this issue and does not indicate whether or not the Tribunal had regard for the decision of Council. As the direction to have regard for Council's decision is a statutory requirement, the notion of having regard for Council's decision needs to mean something. We submit that in this case, it means that the Tribunal must give serious consideration to Council's determination that this development should not be approved, and the reasons provided for doing so, despite having received a staff report recommending otherwise. Those reasons are explicitly stated in the resolution refusing the application, (and listed in Paragraph 7 of the Ramsay Affidavit. The failure of the Tribunal Decision to deal with this issue, and to have regard for the decision of Council is an error of law and in the City's submission it is an error such that the Tribunal would likely have reached a different decision

No Motion for Leave to Appeal

The City has not submitted an application for leave to appeal or judicial review to the court.

Conclusion

As a result of the above, we respectfully request on behalf of the City that you grant the City's Review Request and provide relief as described herein.

Enclosed is a cheque payable to the Minister of Finance in the amount of $400.00, the prescribed filing fee.

Yours very truly,
LOOPSTRA NIXON LLP



Per: Quinto M. Annibale

[4] *7838794 Canada Inc. v. Mississauga (City)*, 2016 CarswellOnt 2614, City of Mississauga Book of Authorities Tab 4, at para 102.

APPENDIX D

City of Mississauga
Minutes

MISSISSAUGA

Heritage Advisory Committee

Date
2017/07/11

Time
9:30 AM

Location
Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members Present
Councillor George Carlson, Ward 11 **(Chair)**
Rick Mateljan, Citizen Member **(Vice-Chair)**
Councillor Carolyn Parrish, Ward 5
Michael Battaglia, Citizen Member
Robert Cutmore, Citizen Member
James Holmes, Citizen Member
Cameron McCuaig, Citizen Member
Melisa Stolarz, Citizen Member
Matthew N. Wilkinson, Citizen Member

Members Absent
Elizabeth Bjarnason, Citizen Member
David Dodaro, Citizen Member
Lindsay Graves, Citizen Member

Staff Present
Paul Damaso, Director, Culture Division
Mark Warrack, Manager, Culture and Heritage Planning
Paula Wubbenhorst, Senior Heritage Coordinator, Culture Division
Cecilia Nin Hernandez, Heritage Coordinator, Culture Division
Mumtaz Alikhan, Legislative Coordinator

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Find it online
http://www.mississauga.ca/portal/cityhall/heritageadvisory

1. CALL TO ORDER – 9:33 am

2. APPROVAL OF AGENDA
APPROVED (R. Mateljan)

3. DECLARATION OF CONFLICT OF INTEREST

Rick Mateljan declared a conflict of interest with Item 7.2

4. MINUTES OF PREVIOUS MEETING

4.1. Approval of HAC Minutes - June 13, 2017
APPROVED (M. Wilkinson)

5. DEPUTATIONS - Nil

6. PUBLIC QUESTION PERIOD
Lisa MacCumber, neighbouring resident, and Beryl Chamberlain, President, Applewood Acres Homeowners' Association, spoke of their concerns regarding Item 7.1 with respect to the request to alter 915 North Service Road. They noted that the owners of have shown no respect for the law or the planning process and neglected the subject property identifying damage to the William Hedge Farmhouse. In addition they said the grass is overgrown and the garbage piled up. They requested the Committee to defer a decision until the damage to the historic house is repaired. Councillor Carlson advised that the Committee can only deal with the heritage component.

7. MATTERS TO BE CONSIDERED

7.1. Request to Alter a Heritage Designated Property: 915 North Service Road (Ward 1)

In response to the residents' request for deferral, Cecilia Nin Hernandez, Heritage Coordinator, stated that the owners can apply for permits per the City's Legal Services. She said that staff met with the owners on a without prejudice basis and that the owners requested a two phase process. She said that this request reflects the first phase dealing with the proposed severance and the two garage structures. Ms. Nin Hernandez noted that the next phase will require a heritage permit dealing with the Hedge House and the proposed garage. She suggested that a Letter of Credit would provide security for the next heritage permit. Paul Damaso, Director, Culture Division, stated that if the City does not respond to the Heritage Permit application, time will run out and the owners, by default, can do whatever they want.

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Megan Hobson, Heritage Consultant, addressed the Committee noting that this is a difficult project and that she has been working with the owners who now fully understand that a heritage permit is a condition and to ensure that the historic house is secured for the long term. She noted that most of the features listed in the designation as heritage attributes are still there and requested the Committee to allow the project to move forward with this phase. Ms. Hobson said that the interior features of the historic house will be restored and repaired and believed that the owners are acting in good faith and are willing to do what needs to be done.

The Committee concluded that the owners be required to provide a letter of credit in the amount of $250,000 as security and held by the City until the project is completed and an occupancy permit is issued for William Hedge Farmhouse.

RECOMMENDATION

HAC-0051-2017

1. That the request to alter the heritage designated property located at 915 North Service Road as outlined in the Corporate Report dated June 19, 2017, from the Commissioner of Community Services entitled *Request to Alter a Heritage Designated Property: 915 North Service Road (Ward 1)* be approved, subject to the following conditions:

    a. That the approval is without prejudice to charges that are pending before the courts related to this property,

    b. That, prior to the issuance of the heritage permit for the subject proposal, the owner is to submit a heritage permit application for the conservation work to the Hedge farmhouse, accompanied by a detailed Heritage Management Conservation Plan, building permit drawings for the Hedge farmhouse and the proposed new detached garage shown on Appendix D of the amended HIA report submitted (Appendix 3),

    c. That staff send comments to the Committee of Adjustment noting that, if the severance is approved by the Committee of Adjustment, conditions be imposed and the City enter into appropriate agreements with the owner in order to ensure the following:

        (i) That prior to the approval of the severance the heritage designation by-law be amended to reflect the new property boundary and that the owner provide the City with a survey and land description of the new lot boundaries to this end;

        (ii) That the building permit drawings for the new lots be circulated to Heritage Planning for review and comment.

2. That if any changes result from other City review and approval requirements, such as but not limited to building permit, committee of adjustment or site plan approval, a new heritage permit application will be required. The applicant is required to contact heritage planning at that time to review the changes prior to

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obtaining other approvals and commencing construction.

3. That a Letter of Credit from the Owner in the amount of $250,000 for the completion of the rehabilitation and heritage conservation work of the William Hedge Farmhouse (subject to approval in phase II) be submitted to the City and be held until completion of the project and until an occupancy permit is issued for the William Hedge Farmhouse.

APPROVED (R. Mateljan)

At this point R. Mateljan left the meeting.

7.2. Request to Alter a Heritage Designated Property: 929 Old Derry Road West (Ward 11)
Corporate Report dated June 6, 2017 from the Commissioner of Community Services:

RECOMMENDATION
HAC-0052-2017
That the request to alter a Heritage Designated Property located at 929 Old Derry Road West (Ward 11), as outlined in the Corporate Report dated June 6, 2017, from the Commissioner of Community Services, to extend an existing paved walkway to provide a hard surface pedestrian connection to lead to the adjacent property at 7059 Second Line West, as depicted in Appendix 1 and 2, be approved.

APPROVED (J. Holmes)

R. Mateljan returned to the meeting.

7.3. Request to Alter a Heritage Designated Property: 7080 Gaslamp Walk (Ward 11)
Corporate Report dated June 6, 2017 from the Commissioner of Community Services:

RECOMMENDATION
HAC-0053-2017
That the request to alter a Heritage Designated Property located at 7080 Gaslamp Walk (Ward 11), as outlined in the Corporate Report dated June 6, 2017 from the Commissioner of Community Services to install an in-ground pool as depicted in Appendix 1 and 2, be approved.

APPROVED (M. Stolarz)

7.4. Request to Demolish a Heritage Listed Property: 3098 Merritt Avenue (Ward 5)
Corporate Report dated June 6, 2017 from the Commissioner of Community Services:

RECOMMENDATION
HAC-0054-2017
That the property at 3098 Merritt Avenue, which is listed on the City's Heritage Register, is not worthy of heritage designation, and consequently, that the owner's request to

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demolish proceed through the applicable process.

APPROVED (Councillor C. Parrish)

7.5. Request to Demolish a Structure on a Heritage Listed Property: 1695 Dundas Street West (Ward 6)

Corporate Report dated June 14, 2017 from the Commissioner of Community Services:

RECOMMENDATION
HAC-0055-2017
That the temporary washroom at 1695 Dundas Street West, Erindale Park**,** which is listed on the City's Heritage Register, is not worthy of heritage designation, and consequently, that the owner's request to demolish proceed through the applicable process.

APPROVED (R. Mateljan)

7.6. An information report on the removal of the heritage properties located on Clarkson Road North and a review of the Heritage Permit process.

Corporate Report dated June 15, 2017 from the Commissioner of Community Services:

RECOMMENDATION
HAC-0056-2017
That the report from the Commissioner of Community Services dated June 15, 2017, on the removal of heritage properties located on Clarkson Road North and a review of the heritage permit process be received for information.

RECEIVED (C. McCuaig)

8. SUBCOMMITTEE UPDATES

8.1. Heritage Designation Sub-Committee – Nil.

8.2. Public Awareness Sub-Committee – Nil.

9. INFORMATION ITEMS

Update on the 2017 Ontario Heritage Conference

Mr. McCuaig and Mr. Mateljan provided an update of the 2017 Ontario Heritage Conference they attended from June 8th to the 10th. They spoke of looking at heritage conservation strategically and in a more utopian manner rather than just the

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preservation of a structure. Mr. McCuaig noted that he has emailed a detailed update to members of the Committee.

RECOMMENDATION
HAC-0057-2017
That the update from Cameron McCuaig and Rick Matejlan, Citizen Members, with respect to the 2017 Ontario Heritage Conference they attended from June 8 to 10, 2017, be received.

RECEIVED (R. Cutmore)

10. OTHER BUSINESS

Ms. Stolarz spoke to the impact that a proposed 7 storey condominium known as EV Royale Condominiums located at 1646 Dundas Street West will have on the neighbouring heritage designated Erindale Community Hall located at 620 Dundas Street.

At this point, Mr. Mateljan noted that he had a conflict with respect to this matter and left the meeting.

Ms. Stolarz said the Erindale community is against this development and is concerned that it will change the landscape. She asked if there is anything that can be done to prevent the development from going forward. Ms. Nin Hernandez said that as the current site had a building listed on the Heritage Register, a demolition permit will be required. Mark Warrack, Manager, Culture and Heritage Planning, suggested that the proponent be requested to make a deputation at the September Heritage Advisory Committee meeting. The Committee gave direction accordingly.

RECOMMENDATION
HAC-0058-2017
That the proponents of the EV Royale Condominiums to be located at 1646 Dundas Street West, a property listed on the City's Heritage Register, and which is adjacent to Erindale Community Hall, a designated property under the *Ontario Heritage Act*, present their proposal to the Heritage Advisory Committee at its September 5, 2017 Meeting.

APPROVED (M. Stolarz)

Mr. Mateljan returned to the meeting.

11. DATE OF NEXT MEETING - September 5, 2017

12. ADJOURNMENT - 10:58am

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APPENDIX E

City of Mississauga

Minutes

MISSISSAUGA

Meadowvale Heritage Conservation District Advisory Sub-Committee

Date
April 4, 2017

Time
1:33 p.m.

Location
Meadowvale Village Hall, 6970 Second Line West, Mississauga

Members Present
Jim Holmes, Citizen Member (Chair)
Terry Wilson, Citizen Member (Vice-Chair)
Brian Carmody, Citizen Member
Gord MacKinnon, Citizen Member
David Moir, Citizen Member
Greg Young, Citizen Member

Members Absent
John McAskin, Citizen Member
David Dodaro, HAC Representative
Janet Clewes, Citizen Member
Colleen Newmarch, Citizen Member

Staff Present
Paula Wubbenhorst, Senior Heritage Coordinator, Culture Division
Cecilia Nin Hernandez, Heritage Coordinator, Culture Division
Karen Morden, Legislative Coordinator, Legislative Services Division

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Find it online
http://www.mississauga.ca/portal/cityhall/heritageadvisory

CALL TO ORDER – 1:33 PM

APPROVAL OF AGENDA

APPROVED (G. MacKinnon)

DECLARATIONS OF CONFLICT OF INTEREST - Nil

APPROVAL OF PREVIOUS MINUTES

Approval of Minutes of June 7, 2016 Meeting

APPROVED (G. Young)

DEPUTATIONS – Nil

MATTERS CONSIDERED

1. Request to Alter 1059 Old Derry Road

Paula Wubbenhorst, Senior Heritage Coordinator briefly reviewed the application.

No further discussion took place on this matter.

RECOMMENDATION
MVHCDA-0001/2017
That the request to alter the property at 1059 Old Derry Road be approved, as described in the Memorandum dated March 29, 2017 from Paula Wubbenhorst, Senior Heritage Coordinator, Culture Division.

APPROVED (D. Moir)

2. Request to Alter 7059 Second Line West

Cecilia Nin Hernandez, Heritage Coordinator provided a brief overview of the application.

Rick Mateljan, Architect, Strickland Mateljan, provided an in-depth description of the application, noting the revisions on the application.

Brian Carmody, Citizen Member, spoke to the ownership of the property, noting that two separate corporations were present on the site and expressed concerns with regard to potential future changes to the property, such as expanding the parking lot, and the linking of the properties along the walkway. Ms. Nin Hernandez noted that the owner would have to make an application to do that. Mr. Mateljan advised that a gate would be installed along the walkway, limiting access.

Discussion amongst Members consisted of parking concerns, traffic concerns on Second Line West, pick up and drop off from school concerns, and possible signage on Second Line West, preventing stopping and parking of any sort.

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A member of the public spoke to concerns about possible future expansion of the school, parking concerns, and trees and shrubs that had been cut down on the site. Further, the resident inquired about installing a lock on the gate separating the properties along the walkway to prevent parents from parking on Second Line West while picking up their children from school.

Members agreed with the recommended approval and wished to have the following concerns noted:

1. Replacement of trees and shrubs cut down or removed from the site, to maintain the residential character of the neighbourhood;
2. The walkway would provide a link only, to be open when school is operating and locked at all other times;
3. There should never be a road that connects the buildings;
4. There should not be a drop-off or pick-up zone on Second Line West.

Recommendation

MVCHDA-02/2017

That the request to alter the property at 7059 Second Line West be approved with the following conditions:

a. That the proposed driveway be revised to reflect a reduction in driveway width to 4 metres, or 3 metres flanked with a sidewalk flush with the paving material of the driveway
b. That permeable materials are supported for the driveway and flanking sidewalk
c. That if any changes result from other City review and approval requirements, such as, but not limited to, building permit, committee of adjustment or site plan approval, a new heritage permit application will be required. The applicant is required to contact heritage planning at that time to review the changes prior to obtaining other approvals and commencing construction.

OTHER BUSINESS

1. Jim Holmes, Chair spoke regarding a large purple clothing drop-off box that was placed in the neighbourhood by a charitable organization and inquired about having it removed. Paula Wubbenhorst, Senior Heritage Coordinator, noted that the matter would have to go through By-law Enforcement and/or Legal.

2. Discussion arose about the fence on Greg Young's (Citizen Member) property. Mr. Young was advised that an application would have to be submitted.

DATE OF NEXT MEETING – Tuesday, May 9, 2017

ADJOURNMENT – 3:04 p.m.

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APPENDIX F

DRAFT MINUTES

HERITAGE ADVISORY COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

TUESDAY, JULY 21, 2015 – 9:30 A.M.

COUNCIL CHAMBER
SECOND FLOOR, CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1
www.mississauga.ca

MEMBERS PRESENT: Councillor George Carlson, Ward 11 (Chair)
Rick Mateljan, Citizen Member (Vice-Chair)
Michael Battaglia, Citizen Member
Beth Bjarnason, Citizen Member
Robert Cutmore, Citizen Member
Lindsay Graves, Citizen Member
James Holmes, Citizen Member
Cameron McCuaig, Citizen Member
Matthew N. Wilkinson, Citizen Member

MEMBER ABSENT: Councillor Carolyn Parrish, Ward 5
David Dodaro, Citizen Member
Paul McGuigan, Citizen Member

STAFF PRESENT: Mark Warrack, Manager, Culture and Heritage Planning
Paula Wubbenhorst, Senior Heritage Coordinator, Culture Division
Cecilia Nin Hernandez, Heritage Coordinator, Culture Division
Mumtaz Alikhan, Legislative Coordinator

CALL TO ORDER – 9:33 a.m.

The Chair called the meeting to order.

APPROVAL OF AGENDA

Approved (J. Holmes)

DECLARATIONS OF CONFLICT OF INTEREST

R. Mateljan declared a conflict with Item 3 regarding a request to alter the property at 1066 Old Derry Road.

DEPUTATIONS

A. Item 8(a) Inspiration Port Credit – 70 Mississauga Road South – Update for Information

Ruth Marland, Strategic Leader, Strategic Community Initiatives Division, Planning and Building, reviewed the draft Master Planning Framework for 70 Mississauga Road South under the Inspiration Port Credit Guiding Principles. The principles include embracing the water, celebrating heritage and culture, connecting land and water, creating a thriving, sustainable waterfront and balancing and catalysing growth with a regional context. She said the next step in the process is to obtain approval from the Planning and Development Committee in the Fall of this year so that the Planning Framework is available to guide the future Master Plan preparation for the site.

In response to mobility plans, Ms. Marland advised that the potential modification or expansion of the bridge over the Credit River may be possible anywhere south from the CN Rail Line to south of Lakeshore Road providing a multi model connection. As well there may also be a potential for a cycling/pedestrian bridge. Ms. Marland advised that future rapid transit will be necessary but it is not yet articulated. She said that there may be opportunities for water taxis providing transportation along the waterfront, although Lake Ontario poses weather challenges.

The Chair thanked Ms. Marland for the update.

At this point the Committee considered Item 8(a).

8(a) Inspiration Port Credit – 70 Mississauga Road South – Update for Information

RECOMMENDATION

HAC-0041-2015

That the Memorandum from Ruth Marland, Strategic Leader, Strategic Community Initiatives Division, Planning and Building, dated July 8, 2015 entitled *Inspiration Port Credit – 70 Mississauga Road South – Update for Information*, be received for information.

Received (R. Cutmore)

MATTERS CONSIDERED

1. Approval of Minutes of Previous Meeting held on June 23, 2015

The Minutes of the Heritage Advisory Committee Meeting held on June 23, 2015 were approved as presented.

Approved (M. Wilkinson)

2. Proposed Heritage Designation, 915 North Service Road (Ward 1)

This Recommendation was deferred at the Council Meeting held on June 24, 2015 pending a site visit by the Heritage Advisory Committee and the Owners.

Councillor Carlson advised that he visited the site on July 15, 2015 and noted that the purchaser is willing to preserve the property.

The Committee noted that when the Committee of Adjustment approved the severance of the property into 4 lots in September 2014, the Owner maintained that it had been indicated to him at the time that there were no issues from a heritage perspective on the severance of the property. Ms. Paula Wubbenhorst, Senior Heritage Coordinator, advised that no heritage comments were made to the Committee of Adjustment. She noted that a heritage assessment is only triggered at the time of a demolition application.

Michael Denman, the Owner's Realtor and Nephew, advised that they were in agreement with the plan to proceed with the heritage designation and therefore retention of the house.

Councillor Carlson commended the Owners for their co-operation in preserving the dwelling.

RECOMMENDATION

HAC-0042-2015

1. That the property at 915 North Service Road be designated under the *Ontario Heritage Act* for its physical/design, historical/associative and contextual value and that the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

2. That, if there are objections to the designation, City Council direct the City Clerk to refer the matter to the Conservation Review Board.

Approved (L. Graves)

At this point R. Mateljan left the meeting.

3. Request to Alter a Heritage Designated Property, Meadowvale Village Heritage Conservation District, 1066 Old Derry Road (Ward 11)

Ms. Wubbenhorst noted that the Guidelines dictate a median setback reflecting properties adjacent to the subject property.

Alison Strickland, Strickland Mateljan, and Robert Malandrino, Owner, addressed the Committee.

Ms. Strickland reviewed the proposal and advised that after the original dwelling was destroyed in a fire whilst being renovated, the Owner has incurred great cost to get to the present stage and the requirement of the setback will mean another variance is required. She said that moving the house forward will be significantly in conflict with the City's Zoning By-law guideline of 9 meters. Ms. Strickland pointed out that this requirement will push the construction into next year causing further financial strain on the Owner. She requested the Committee to consider the following conditions:

- That the house setback from the street be reduced reflecting a median to the adjacent properties through a Variance Application;
- That in the event the Variance Application is denied or appealed, the Heritage Advisory Committee recommend compliance with the Zoning By-law;
- That as a further variance is being requested by staff, the Committee of Adjustment fee of $900 be waived given that the Owner has previously paid this fee and is in compliance with the Zoning By-law;
- That if the Variance Application is successful, a conditional building permit be issued so that foundation can be put in place before winter.

The Committee noted its support for a recommendation for a conditional building permit and the waiving of the Committee of Adjustment fee.

Mr. Malandrino stated that it has been a long ordeal for his family and expressed support for the Committee's recommendations, but urged for expediency so that he can move forward with the project prior to the winter.

RECOMMENDATION

HAC-0043-2015

1. That the request to alter the property at 1066 Old Derry Road, as described in the report from the Commissioner of Community Services, dated June 30, 2015, be approved with the condition that the house setback from the street be reduced as outlined in this report;
2. That if a variance is required that the Committee of Adjustment be requested to consider waiving the fee of $900 given that the Owner has previously paid this fee and is in compliance with the Zoning By-law;
3. That the Planning and Building Department be requested to issue a conditional building permit to the Owner to commence work on the project.

Approved (J. Holmes)

R. Mateljan rejoined the meeting at 10:10 a.m.

4. Request to Demolish a Heritage Listed Property, 109 Indian Valley Trail (Ward 1)
Corporate Report from the Commissioner of Community Services dated June 23, 2015.

RECOMMENDATION
HAC-0044-2015
That the property at 109 Indian Valley Trail, which is listed on the City's Heritage Register, is not worthy of heritage designation, and consequently, that the owner's request to demolish proceed through the applicable process.

Approved (M. Battaglia)

5. Heritage Impact Assessment, 6985 Second Line West (Ward 11)
The Committee commented that the windows are more in keeping with an office and suggested that staff recommend traditional styles.

RECOMMENDATION
HAC-0045-2015
1. That the Memorandum from Paula Wubbenhorst, Senior Heritage Coordinator, dated June 25, 2015 entitled *Heritage Impact Assessment, 6985 Second Line West (Ward 11)*, be received for information.
2. That staff request that a more traditional window style be utilized.

Received (J. Holmes)

6. Appointments to the Meadowvale Village Heritage Conservation District Advisory Subcommittee
Memorandum dated July 14, 2015 from Mumtaz Alikhan, Legislative Coordinator, with respect to appointments to the Meadowvale Village Heritage Conservation District Advisory Subcommittee.

RECOMMENDATION
HAC-0046-2015
That the following Citizen Members from the Meadowvale Heritage Village Association be appointed to the Meadowvale Village Heritage Conservation District Advisory Subcommittee for a term ending November, 2018, or until a successor is appointed:
1. Brian Carmody
2. Janet Clewes
3. Jim Holmes
4. Gord MacKinnon
5. John McAskin
6. David Moir
7. Colleen Newmarch
8. Terry Wilson
9. Greg Young

Approved (J. Holmes)

7. Subcommittee Updates

Heritage Designation Subcommittee
C. McCuaig noted that he will coordinate a meeting in September, 2015 of the Subcommittee.

Public Awareness Subcommittee
M. Wilkinson advised that the Subcommittee will be meeting in the coming week.

8. Information Items

(b) UTM Study Information Item – The Impact of Deer Browsing and Movements in The Riverwood Conservancy

RECOMMENDATION
HAC-0047-2015
That the Memorandum from Cecilia Nin Hernandez, Heritage Coordinator, dated July 6, 2015 entitled *UTM Study Information Item – The Impact of Deer Browsing and Movements in The Riverwood Conservancy*, be received for information.

Received (L. Graves)

OTHER BUSINESS

(a) C. McCuaig thanked Committee Members for the potential ideas submitted by them for the Heritage Designation and Public Awareness subcommittees at the Committee's Planning Session held on July 15, 2015. He advised that he will email a summary to Members shortly.

(b) Councillor Carlson requested staff to prepare an update with respect to tax relief to owners of designated heritage properties. He noted that this will be useful information for the new members of the Committee.

(c) Councillor Carlson thanked Councillor Parrish for hosting of the HAC Planning Session at her residence on July 15, 2015.

(d) Ms. Wubbenhorst advised Committee Members to be available after the October 13, 2015 HAC meeting for a session with the consultants from TCI Management Inc. with respect to the Museums and Heritage Strategic Planning process currently underway.

DATE OF NEXT MEETING – Tuesday, September 15, 2015 at 9:30 a.m., Council Chamber

ADJOURNMENT – 10:47 am

APPENDIX G

City of Mississauga
Minutes

MISSISSAUGA

Heritage Advisory Committee

Date
2017/05/09

Time
9:30 AM

Location
Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members Present
Councillor George Carlson, Ward 11 **(Chair)**
Rick Mateljan, Citizen Member **(Vice-Chair)**
Councillor Carolyn Parrish, Ward 5 – (arr. 9:43 am)
Michael Battaglia, Citizen Member
Elizabeth Bjarnason, Citizen Member
Robert Cutmore, Citizen Member
David Dodaro, Citizen Member
James Holmes, Citizen Member
Cameron McCuaig, Citizen Member
Melissa Stolarz, Citizen Member
Matthew N. Wilkinson, Citizen Member

Members Absent
Lindsay Graves, Citizen Member

Staff Present
Paul Damaso, Director, Culture Division
Mark Warrack, Manager, Culture and Heritage Planning
Paula Wubbenhorst, Senior Heritage Coordinator, Culture Division
Cecilia Nin Hernandez, Heritage Coordinator, Culture Division
Mumtaz Alikhan, Legislative Coordinator

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Find it online
http://www.mississauga.ca/portal/cityhall/heritageadvisory

1. CALL TO ORDER – 9:33 am Introduced Melissa Stolarz

2. APPROVAL OF AGENDA
APPROVED (R. Mateljan)

3. DECLARATION OF CONFLICT OF INTEREST

Rick Mateljan declared a conflict with Items 7.2 and 7.4 as his Company is involved in the applications.

4. MINUTES OF PREVIOUS MEETING

4.1. Approval of Minutes of April 11, 2017 Meeting

APPROVED (J. Holmes)

5. DEPUTATIONS

5.1. Item 7.1 - David McComb, President and CEO, Edenshaw Developments and Jane Burgess, Architect

Jane Burgess, Architect, Stevens Burgess Architect, who prepared the Heritage Impact Assessment, reviewed her conclusion as to why the property is not worthy of designation under Section 9/06 of the Ontario Heritage Act. She noted that aside from residual historical value, the property does not get much support from the character of the neighbourhood. Mark Warrack, Manager, Culture and Heritage Planning, advised that he concurred with Ms. Burgess's findings.

David McComb, President and CEO, Edenshaw Developments, noted that this is an opportunity to look at the cenotaph to modernize it and will work with staff on this matter.

The Committee commented as follows:

- Strong consideration be given to mitigating the impact from a visual perspective of the cenotaph for future generations – make it a focal point;
- Incorporating evening lighting to show Canadian national colours;
- That any development design changes be brought back for comment to a future Heritage Advisory Committee Meeting.

At this point, the Committee considered Item 7.1 under Matters Arising.

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7.1. Proposed Heritage Designation, 21 Park Street East (Ward 1)
Corporate Report dated May 3, 2017 from the Commissioner of Community Services.

RECOMMENDATION
HAC-0033-2017

1. That the deputations from Jane Burgess, Stevens Burgess Architects Ltd., and David McComb, President and CEO, Edenshaw Developments, be received.

2. That the property at 21 Park Street East, which is listed on the City's Heritage Register, is not worthy of heritage designation, and consequently, that the owner's request to demolish proceed through the applicable process.

3. That any development design changes be brought back for comment to a future Heritage Advisory Committee Meeting.

APPROVED (D. Dodaro)

6. PUBLIC QUESTION PERIOD – Nil.

7. MATTERS TO BE CONSIDERED

7.2. Request to Alter a Heritage Designated Property: 7059 Second Line West (Ward 11)

R. Mateljan excused himself from the meeting for Item 7.2.

Jim Holmes advised that the Meadowvale Village Heritage Conservation District Advisory Sub-Committee (Sub-Committee) had reviewed the report at its April 4, 2017 meeting and is not opposed to the proposal.

Ruth Victor, Planner for the Rotherglen School, noted that changes to the basement window (south elevation) and the window on the east (rear) elevation were required due to fire safety regulations. She requested the Committee to consider excluding recommendation (a) in the Corporate Report dated April 18, 2017 from the Commissioner of Community Services. Mr. Holmes expressed support for Ms. Victor's request.

RECOMMENDATION
HAC-0034-2017
That the request to alter the property at 7059 Second Line West, as described below, and in the attached drawings be approved, as amended, with the following conditions:

(a) That the original stair, baluster, and column wood materials be salvaged for reuse.

(b) That if any changes result from other City review and approval requirements, such as but not limited to building permit, committee of adjustment or site plan approval, a new heritage permit application will be required. The applicant is required to contact Heritage Planning at that time to review the changes prior to obtaining other

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approvals and commencing construction.

APPROVED (J. Holmes)
At this point Mr. Mateljan returned to the meeting.

7.3. Request to Alter a Heritage Designated Property: 264 Queen Street South (Ward 11)
Corporate Report dated April 18, 2017 from the Commissioner of Community Services.

RECOMMENDATION
HAC-0035-2017
That the alterations and addition as depicted in the updated attached drawings for the property and building at 264 Queen Street South, which is designated under Part IV of the Ontario Heritage Act, be approved.

APPROVED (Councillor C. Parrish)

R. Mateljan excused himself from the meeting.

7.4. Request to Alter a Heritage Designated Property: 1507 Clarkson Road North (Ward 2)
Corporate Report dated April 13, 2017 from the Commissioner of Community Services.

RECOMMENDATION
HAC-0036-2017
That the proposal for the conservation of windows and doors as well as selected repair and replacement of the existing board and batten, soffit fascia, as depicted in the appendix to this report be approved for the Benares Museum's Barn building and installation of a French drain around the potting shed building at 1507 Clarkson Road North, which is designated under Part IV of the Ontario Heritage Act.

APPROVED (M. Wilkinson)

At this point, R. Mateljan returned to the meeting.

7.5. Request to Alter 1059 Old Derry Road Heritage Permit Revision
Corporate Report dated April 13, 2017 from the Commissioner of Community Services.

RECOMMENDATION
HAC-0037-2017
That the request to alter the property at 1059 Old Derry Road, as described in the Corporate Report dated April 13, 2017 from the Commissioner of Community Services, be approved.

APPROVED (C. McCuaig)

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7.6. Request to Demolish a Heritage Listed Property: 2326 Mississauga Road (Ward 8)
Corporate Report dated April 18, 2017 from the Commissioner of Community Services.

RECOMMENDATION
HAC-0038-2017
That the property at 2326 Mississauga Road, which is listed on the City of Mississauga's Heritage Register, is not worthy of heritage designation, and consequently, that the owner's request to demolish proceed through the applicable process.

APPROVED (R. Mateljan)

7.7. Request to Demolish a Heritage Listed Property: 191 Donnelly Drive (Ward 1)
Corporate Report dated May 2, 2017 from the Commissioner of Community Services.

RECOMMENDATION
HAC-0039-2017
That the property at 191 Donnelly Drive, which is listed on the City's Heritage Register, is not worthy of heritage designation, and consequently, that the owner's request to demolish proceed through the applicable process.

APPROVED (R. Cutmore)

7.8. Reduction of Mineola Cultural Landscape
Memorandum dated May 2, 2017 from Paula Wubbenhorst, Senior Heritage Coordinator.

RECOMMENDATION
HAC-0040-2017
1. That the Memorandum dated May 2, 2017 from Paula Wubbenhorst, Senior Heritage Coordinator, be received.

2. That the option to remove all properties from the Mineola Cultural Landscape without review, save for those abutting the Credit River (which are part of the Credit River Corridor Cultural Landscape), those abutting Stavebank Road, designated properties (including those protected with a notice of intent to designate), and those individually listed on the Heritage Register as shown in Appendix 2 of the Memorandum dated May 2, 2017 from Paula Wubbenhorst, Senior Heritage Coordinator, be approved.

APPROVED (C. McCuaig)

7.9. 2017 Designated Heritage Property Grants

In response to an inquiry from Mr. Cutmore regarding whether it is permissible for an applicant who has been turned down to re-apply, Mr. Warrack advised that a grant cannot be approved retroactively.

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Mr. Mateljan noted that the Grants Program does not work for larger projects. Paul Damaso, Director, Culture Division, said that it is time to review the criteria to see if the Program is meeting the demand and a report will be brought back to the Committee.

RECOMMENDATION
HAC-0041-2017

1. That the Heritage Property Grant Program requests as outlined in the corporate report dated April 4, 2017, from the Commissioner of Community Services entitled "2017 Designated Heritage Property Grants", be approved.

2. That staff be directed to report back to the Heritage Advisory Committee with respect to a review of the Heritage Property Grant Program criteria.

APPROVED (J. Holmes)

8. SUBCOMMITTEE UPDATES

8.1. Report from Meadowvale Village Heritage Conservation District Advisory Sub-Committee Meeting of April 4, 2017

RECOMMENDATION
HAC-0042-2017
That the Report from the Meadowvale Village Heritage Conservation District Advisory Sub-Committee Meeting held on April 4, 2017 be received, and the following Recommendations contained there-in be approved:

MVHCDA-001/2017
That the request to alter the property at 1059 Old Derry Road be approved, as described in the Memorandum dated March 29, 2017 from Paula Wubbenhorst, Senior Heritage Coordinator, Culture Division.

MVCHDA-002/2017
That the request to alter the property at 7059 Second Line West be approved with the following conditions:

a. That the proposed driveway be revised to reflect a reduction in driveway width to 4 metres, or 3 metres flanked with a sidewalk flush with the paving material of the driveway
b. That permeable materials are supported for the driveway and flanking sidewalk
c. That if any changes result from other City review and approval requirements, such as, but not limited to, building permit, committee of adjustment or site plan approval, a new heritage permit application will be required. The applicant is required to contact heritage planning at that time to review the changes prior to obtaining other approvals and commencing construction.

APPROVED (J. Holmes)

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8.2. Heritage Designation Sub-Committee

Mr. McCuaig spoke to a meeting he held, subsequent to the May 3, 2017 General Committee Meeting with respect to the premature demolition of 1109 Clarkson Road North (Ward 2), with Ward 2 Councillor Ras, Councillor Carlson and Mr. Dodaro. Mr. Damaso advised that a report will be brought back to the Heritage Advisory Committee outlining a post evaluation of the demolition of the property and how to improve and implement a better process.

Mr. Dodaro stated that clarification of what constitutes the 60 day period such as who initiates it, and when and how it is initiated, be included in the report.

RECOMMENDATION
HAC-0043-2017
That staff be directed to prepare a report for the July Heritage Advisory Committee meeting providing:

(a) a post evaluation of Clarkson Corners;

(b) a review of the heritage permit process.

APPROVED (C. McCuaig)

8.3. Public Awareness Sub-Committee
Nil

9. INFORMATION ITEMS - Nil

10. OTHER BUSINESS

(a) Councillor Parrish spoke to the refurbishment of a decommissioned CF100 airplane near Paul Coffey Park. She said that Malton was known for its aeronautical industry and designating the airplane would be appropriate. Mr. Warrack noted that it is only possible to designate real property and any structure on it, but will look into the matter further.

11. DATE OF NEXT MEETING - June 13, 2017

12. ADJOURNMENT – 11:16am

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MISSISSAUGA

NOTICE OF AMENDMENTS TO THE COUNCIL PROCEDURE BY-LAW 139-13

In accordance with Section 90(2) of the Council Procedure By-law 139-13, please take notice that Council at its meeting on November 11, 2020 will consider amendments to the Council Procedure By-law, as amended. The proposed amendments were recommended by the Governance Committee by recommendations GOV-0004-2020, GOV-0008-2020 and GOV-0010-2020 and subsequently adopted by Council on February 19, 2020 and October 14, 2020.

The proposed changes include:

- Consent Agenda –include for all committees
- Public Question Period – include a time limit of 5 minutes per person and a maximum of 3 people
- Additional Agendas – requirement for distribution at least 24 hours prior to meetings.

Planning and Development Committee

- Correspondence from the public, applicant or agencies regarding a PDC agenda item are submitted to the Clerk's Office at least two (2) business days prior to the PDC meeting, to ensure they are circulated to PDC members and staff prior to the meeting for consideration before a decision is made.
- Applicants and/or representatives may speak/present at a statutory public meeting for up to 20 minutes (this includes all consultants/representatives for the subject application). In cases, where it is not a public meeting (non-statutory), applicants or their representatives will be given 5 minutes to speak to the application.
- Members of the public may speak to an agenda item up to 5 minutes at statutory and non-statutory public meetings.
- Appointment of Vice Chair for Audit Committee and Planning and Development Committee
- Other Housekeeping Amendments

Sacha Smith, Manager of Legislative Services & Deputy Clerk
Legislative Services,
Corporate Services Department
905-615-3200 ext. 4516

City of Mississauga
Memorandum

MISSISSAUGA

Date: 2020/10/21

To: Mayor and Members of Council

From: Sacha Smith, Manager of Legislative Services and Deputy Clerk

Meeting Date: 2020/10/28

Subject: Review of Start Times for Council, General Committee, Budget Committee and Audit Committee

On September 25, 2019, Council adopted Resolution 0210-2019 to change the start time of Council and General Committee meetings to 9:30 am. Subsequently, Council further adopted Resolutions 0221-2019 and 0293-2019 to change the start times for Budget Committee and Audit Committee meetings to 9:30 am. Both resolutions directed a review in 12 months.

Direction is sought on whether Council, General Committee, Budget and Audit Committees meetings should continue to commence at 9:30 am or revert back to a 9:00 am start.

Attachments

Appendix 1: Resolution 0210-2019 – Start time for Council and General Committee
Appendix 2: Resolution 0221-2019 – Start time for Budget Committee
Appendix 3: Resolution 0293-2019 – Start time for Audit Committee

S. Smith

Sacha Smith, Manager, Legislative Services and Deputy Clerk

Resolution No. 0210-2019

Council Date 2019-09-25

Resolution description 0210-2019 Moved by: C. Parrish

Seconded by: G. Carlson

WHEREAS heavy traffic and congested roads have resulted from water main replacement in the City Centre;

AND WHEREAS daytime Committee meetings have traditionally begun at 9:30 a.m. after much of the rush hour is over;

AND WHEREAS it is often necessary to meet with various staff members before Council and General Committee begin;

AND WHEREAS, when asked, members of Council provided responses in writing as to when they would ideally like Council and General Committee to begin;

AND WHEREAS three members of Council preferred to remain at 9:00 a.m., seven members of Council would like start times to move to 9:30 a.m. and two preferred a 10:00 a.m. start;

THEREFORE BE IT RESOLVED:

That City Council and General Committee meetings commence at 9:30 a.m. beginning October 2, 2019; and

That this policy be reviewed in 12 months.

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie	X			
Councillor S. Dasko	X			
Councillor K. Ras		X		
Councillor C. Fonseca	X			
Councillor J. Kovac		X		

Councillor C. Parrish	X			
Councillor R. Starr			X	
Councillor D. Damerla	X			
Councillor M. Mahoney		X		
Councillor P. Saito			X	
Councillor S. McFadden	X			
Councillor G. Carlson	X			

Carried (6, 3, 2 – Absent)

Resolution No.	0221-2019
Council Date	2019-10-09
Resolution description	0221-2019 Moved by: C. Parrish Seconded by: R. Starr

WHEREAS Council adopted Resolution 0210-2019 on September 25, 2019 to move the start time of City Council and General Committee meetings to 9:30 a.m. commencing October 2, 2019;

AND WHEREAS the start time of some of the Budget Committee meetings is at 9:00 a.m.;

AND WHEREAS it is favourable to align business practices so the start time of Budget Committee meetings are the same as City Council and General Committee meetings;

THEREFORE BE IT RESOLVED:

That Budget Committee meetings commencing at 9:00 a.m. will be moved to start at 9:30 a.m. beginning November 18, 2019; and that the time change be reviewed in 12 months.

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie	X			
Councillor S. Dasko	X			
Councillor K. Ras	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish	X			
Councillor R. Starr	X			
	X			

Councillor D. Damerla				
Councillor M. Mahoney	X			
Councillor P. Saito	X			
Councillor S. McFadden	X			
Councillor G. Carlson	X			

Carried (12, 0, 0 – Absent)

Resolution No.	0293-2019
Council Date	2019-12-11
Resolution description	0293-2019 Moved by: R. Starr Seconded by: C. Parrish

WHEREAS Council adopted Resolution 0210-2019 on September 25, 2019 to move the start time of City Council and General Committee meetings to 9:30 a.m. commencing October 2, 2019;

AND WHEREAS Council subsequently adopted Resolution 0221-2019 to move the start of Budget Committee to 9:30 a.m. commencing November 18, 2019;

AND WHEREAS the start time of the Audit Committee meetings is at 9:00 a.m.;

AND WHEREAS it is favourable to align business practices so the start time of Audit Committee meetings are the same as City Council, General Committee and Budget Committee meetings;

THEREFORE BE IT RESOLVED:
That Audit Committee meetings commencing at 9:00 a.m. will be moved to start at 9:30 a.m. beginning March 2, 2020; and that the time change be reviewed in 12 months.

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie			X	
Councillor S. Dasko	X			
Councillor K. Ras	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish	X			
	X			

Councillor R. Starr				
Councillor D. Damerla			X	
Councillor M. Mahoney	X			
Councillor P. Saito	X			
Councillor S. McFadden	X			
Councillor G. Carlson	X			

Carried (10, 0, 2 – Absent)

MOTION TO NAME CENTRAL LIBRARY THE "HAZEL MCCALLION CENTRAL LIBRARY"

MOVED BY: Ron Starr

WHEREAS Hazel McCallion served the people of Mississauga for 53 years as Reeve and Mayor of Streetsville, and then as Councillor and Mayor of the City of Mississauga, and until recently, held the title of Canada's longest serving Mayor; and

WHEREAS Hazel McCallion has been conferred many awards, most notably as a Member of the Order of Canada, the Order of Ontario, the Queen's Golden and Diamond Jubilee Medals, an Honourary Doctor of Laws from the University of Toronto, the Key to the City of Mississauga, and many other national and international awards and distinctions; and

WHEREAS in 2017, the Ontario Legislature passed a bill to make February 14th Hazel McCallion Day in honour of her service to not only Mississauga, but Ontario; and

WHEREAS Hazel McCallion now serves as the Chancellor of Sheridan College, one of Mississauga's post-secondary institutions and continues to act as an advisor to the government of Ontario on municipal matters, always representing Mississauga's interests; and

WHEREAS Hazel McCallion has raised millions of dollars through her philanthropic efforts for Trillium Hospital, Sheridan College, the University of Toronto, as well as for youth, arts, culture and heritage through her own Hazel McCallion Foundation; and

WHEREAS as Mayor, Hazel McCallion presided over a sustained period of growth in the Mississauga, including the development of the Civic Precinct, which includes the Living Arts Centre, City Hall, and the Central Library; and

WHEREAS as Mayor, Hazel McCallion played a key role in many of the seminal moments of our City's history, from the 1979 train derailment and evacuation, to being a torch bearer in the 2010 Olympic Torch relay, to securing Mississauga as host site for the 2015 Pan Am Games; and

WHEREAS the Central Library is set to undergo construction to upgrade the building, including its signage, beginning in March 2021; and

WHEREAS to date, the City of Mississauga has not yet honoured Hazel McCallion for her service to this City through the naming of a building or other piece of city infrastructure; and

WHEREAS other institutions including Sheridan College, the Peel District School Board, and Square One have already honoured Hazel McCallion with a naming; and

WHEREAS Hazel McCallion will celebrate her 100th birthday on February 14, 2021…

THEREFORE BE IT RESOLVED THAT:

1. In honour of Hazel McCallion's 100th birthday and her decades of service to Mississauga, the City of Mississauga will rename the current "Central Library" the "Hazel McCallion Central Library"; and
2. Staff will bring back a report to Council for approval to execute the renaming; and
3. The new name will be unveiled in time for Hazel McCallion's 100th birthday on February 14, 2021.



Councillor Ron Starr
Ward 6

WHEREAS on October 14, 2020, Council adopted Resolution 0324-2020, being the General Committee report including recommendation GC-0217-2020 which states: 1. That the Memorandum dated September 9, 2020 from Diana Rusnov, Director, Legislative Services and City Clerk, entitled "Establishing an Ad Hoc Ranked Choice Voting Review Subcommittee of Governance Committee" be received. 2. That staff prepare a consolidated report to the Governance Committee with respect to "Ranked Choice Voting", "Electronic Voting" and "Conducting a Ward Boundary Review" for the purpose of discussing the establishment of an advisory group that includes citizens to review the information. (GOV-0006-2020);

WHEREAS on October 20, 2020, Bill 218 was introduced by the Provincial government, which among other things is proposing changes to the Municipal Elections Act to remove the option of ranked choice ballots and other changes;

WHEREAS given the upcoming legislative changes, further discussion amongst Governance Committee members would be appropriate;

NOW THEREFORE BE IT RESOLVED THAT the matter be discussed at an upcoming Governance Committee and that the previously requested consolidated report be waived.

Pat Saito

Pat Saito

Pat Saito

MOTION TO CONDEMN ALL FORMS OF ISLAMOPHOBIA IN MISSISSAUGA

MOVED BY: Councillor Parrish

WHEREAS on October 10, 2020, a Mosque in downtown Toronto received death threats. This terrible incident followed a horrific stabbing of a volunteer at another Toronto Mosque which took place in September.

WHEREAS this has not only shaken and raised fears for the Muslim community in Toronto, but our very own, here, in Mississauga and across Peel Region.

WHEREAS the Muslim Community and Mosques are people and places of peace, compassion and kindness. Any threats or attacks against Muslims or Mosques are unacceptable, and must be unequivocally condemned.

WHEREAS we are one vibrant, diverse and inclusive community in Mississauga, and there is no acceptance for Islamophobia, hate speech or threats against Muslims, or any other groups, communities or religions.

WHEREAS we stand with the Muslim community and call on all Mississaugans to ensure that the Muslim community feels supported, and we all do our part to raise awareness and condemn all forms of racism, hatred or bigotry.

THEREFORE BE IT RESOLVED THAT:

1. The City of Mississauga unequivocally condemns all forms of Islamophobia, hate speech or threats against Muslims or Mosques.
2. The City of Mississauga stands with the Muslim Community in solidarity and will raise awareness to condemn all forms of racism, hatred or bigotry.

