

City of Mississauga Department Comments

Date Finalized: 2022-10-19	File(s): B59.22 A467.22
To: Committee of Adjustment	A468.22
From: Committee of Adjustment Coordinator	Ward: 6
	Meeting date:2022-10-27 1:00:00 PM

Consolidated Recommendation

The City has no objection to the proposed consent and associated variances. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

B59/22

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of 22.10m (approx. 72.51ft) and an area of 842.73sq m (approx. 9071.07sq ft).

A467/22

The applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B59/22, proposing:

1. A lot frontage of 22.10m (approx. 72.51ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. A lot coverage of 28.3% whereas By-law 0225-2007, as amended, requires a lot coverage of 25% in this instance;
3. A west side yard setback of 2.28m (approx. 7.48ft) whereas By-law 0225-2007, as amended, requires a minimum west side yard setback of 4.20m (approx. 13.78ft) in this instance;
4. A west side yard setback to the eaves of 1.92m (approx. 6.30ft) for an eaves encroachment whereas By-law 0225-2007, as amended, requires a minimum west side yard setback to the eaves of 4.20m (approx. 13.78ft) for an eaves encroachment in this instance;
5. A front yard setback to the porch of 7.29m (approx. 23.92ft) whereas By-law 0225-2007, as amended, requires a front yard setback to the porch of 9.00m (approx. 29.53ft) in this instance; and,
6. A front porch encroachment of 1.83m (approx. 6.00ft) whereas By-law 0225-2007, as amended, requires a front porch encroachment of 1.60m (approx. 5.25ft) in this instance.

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Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A467/22 & A468/22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A467/22 & A468/22 shall lapse if the consent application under file B59/22 is not finalized within the time prescribed by legislation.

Background

Property Address: 5306 Drenkelly Court

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

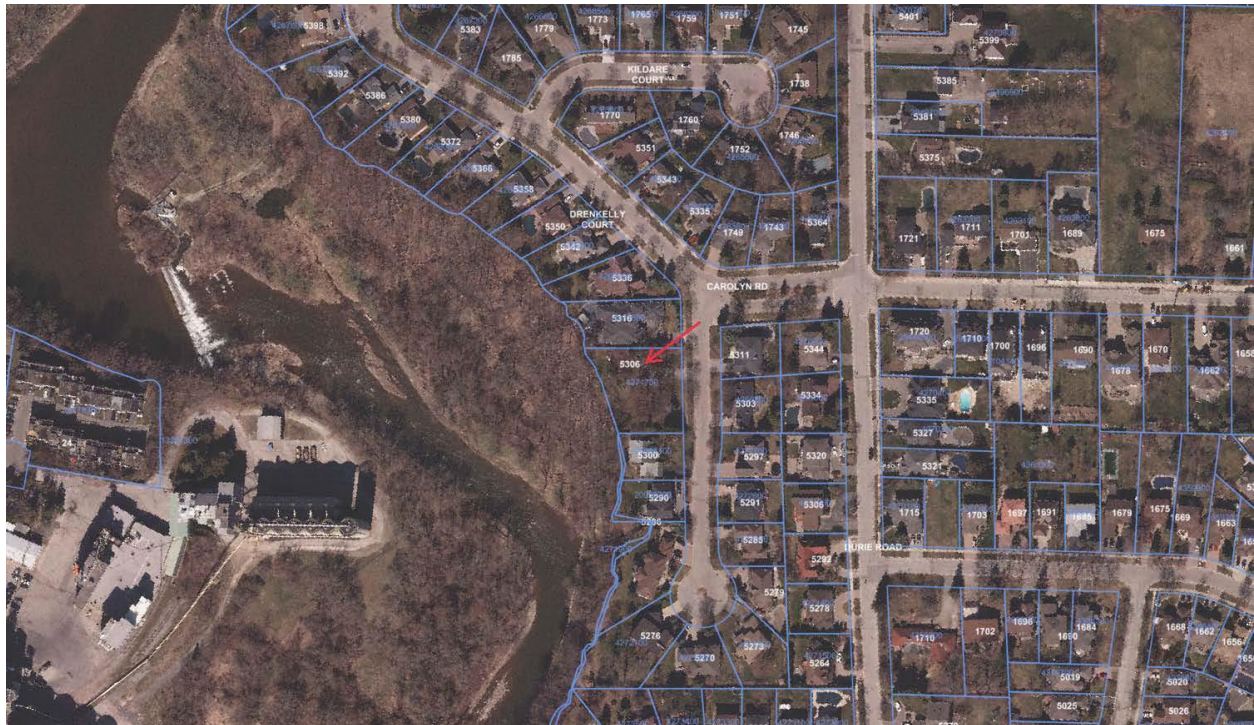
Zoning: R1 - Residential

Other Applications: PREAPP 22-1282

Site and Area Context

The subject property is located south-east of the Queen Street South and Main Street intersection, on the east side of the Credit River. It currently contains a two storey detached dwelling and has an approximate lot area of +/- 1,822.92m² (19,621.75ft²), which is larger than the average lot in the surrounding neighbourhood. Some mature vegetation is present on the subject property, abutting the Credit River to the rear. The surrounding area context is exclusively residential, consisting of detached homes on lots of varying sizes.

The applicant is proposing to sever the existing property into two parcels requiring variances for lot frontage, lot coverage, setbacks, and porch encroachment.



Comments

Planning

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards

intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached, and duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. While the applicant is seeking to sever the lot, staff note that the size of the proposed lots would be consistent with other lots in the area. Staff are therefore satisfied that the application is consistent with the official plan as the proposed lots are appropriately sized given the surrounding context, represent appropriate intensification for this area of the City, and are suitable for the proposed use.

The applicant has also requested variances for the proposed lots under files A467/22 and A468/22. Variance 1 on both applications requests relief from the minimum lot frontage. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. The proposed reduction is minor in nature and would not be visibly different than the minimum frontage currently required.

Variance 2 on both applications requests relief from lot coverage provisions. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. The applicant is proposing two dwellings of a similar size on both lots, however due to the angle of the rear lot line, one lot would be smaller than the other. Staff have reviewed the proposed designs of the dwellings and are satisfied that they would fit into the character of the area, are appropriately sized, and will not create undue massing impacts to the street or abutting properties.

Variances 3 & 4 relate to reduced side yard setbacks, measured to both the main side walls and the eaves. The intent of the side yard regulations is to ensure that: an adequate buffer exists between the massing of structures on abutting properties, appropriate drainage can be

maintained, and to ensure access to the rear yard remains unencumbered. Staff are satisfied that the proposed setbacks are sufficient to maintain circulation around the exterior of the dwelling. Furthermore Transportation and Works staff have not raised any significant drainage concerns. Staff are satisfied that the proposal maintains setbacks to abutting properties that are both appropriate and characteristic of the larger neighbourhood.

Variances 5 & 6 relate to a reduced front yard setback and increased front porch encroachment. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Porch encroachment regulations are in place to ensure appropriate setbacks to property lines. Staff are satisfied that the dwellings maintain a front yard generally in line with abutting properties and note that the main wall of the dwellings do not require a variance. Furthermore the front porch, which triggers the two variances, does not represent a significant portion of the façade of the structure.

Given the above, staff are of the opinion that the application conforms to Section 51(24) and meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request where the intent is to create two residential lots. We note that to the rear of this property there is a steep slope to the valley lands of the Credit River and in order to investigate the Long-Term Stable Top of Slope for the subject lands a Slope Stability Assessment (Geotechnical Report) will be required. In view of the above, and should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.

We note that any Slope Protection and Maintenance Considerations which may be identified in the required Slope Stability Assessment Report such as the site grading and drainage being designed to prevent direct concentrated or channelized surface runoff from flowing directly over the slope must be implemented in the site development and construction of any dwellings on the subject lands

2. Servicing Plan

The applicant is to submit a Servicing Plan prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for the proposed lots. Upon the review of the Servicing Plan it will be determined if any servicing easements will have to be established in order to support this severance proposal.

3. Slope Stability Assessment Report Requirements

As the rear of this property contains a steep slope to the valley lands of the Credit River, a Slope Stability Assessment will be required to investigate the Long-Term Stable Top of Slope for the subject property. The report is to determine the soil and groundwater conditions in order to provide geotechnical comments for the feasibility of this site for any redevelopment. Based on the findings of the Slope Stability Assessment, the applicant will be required to adhere to the recommendations with respect to the stable top of bank, building setback (including garages/structures/pools), slope hazards and any other considerations to be taken into account for any new development to be constructed on the subject lands.

It should also be noted that it will be the owner's responsibility to ensure that any findings of this report are properly interpreted and implemented to the satisfaction of the Community Services Department and Credit Valley Conservation.

4. Establishment of Top of Bank Approved by City and the Credit Valley Conservation (If Required)

Confirmation will be required that satisfactory arrangements have been made with regards to the establishment of the top of bank and gratuitous dedication to the City as Greenland's (G1), if required. The Community Services Department and Credit Valley Conservation Authority are to confirm any details pertaining to any top of bank lands dedication the City.

5. Environmental Site Assessment (ESA) for Greenlands (G1) Dedication (If Required)

In the event that the Community Services section will be requesting the gratuitous dedication of lands below the established top of bank; and in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Jessica Yong, Environmental Coordinator at 905 615-3200 ext. 3174 or Jessica.Yong@mississauga.ca should you require further information.

6. Acoustical Report

The owner will be required to retain the services of an Acoustical Consultant to prepare an Acoustical Report for the subject lands and make comments/recommendations in support of this severance application due to the proximity of/but not limited to rail traffic and stationary noise sources. This report is to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the M.O.E.'s current noise level objectives. The scope of this report is to define the

minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

7. Development Agreement

Pending the review of the Acoustical Report and Slope Stability Assessment Report the owner may be required to enter into a Development Agreement which would be registered against title of the subject lands. From some previous development applications in close proximity we note that Acoustical Reports from development in the immediate area has recommended warning clauses with regards to advising any prospective purchasers that, despite the inclusion of noise control features, noise levels emanating from the Canadian Pacific (CP) railway line and stationary noise from Kraft Foods (Ardent Mills 27 Reid Drive) and ADM Milling Company (1770 Barbertown Road) may continue to be of concern, occasionally interfering with some of the activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the municipality and the Ministry of the Environment and Climate Change.

8. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be fees required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to a Development Agreement and/or land dedications. The fee amounts payable will be in accordance with the current fees and charges bylaw.

9. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or susie.tasca@mississauga.ca

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

B. GENERAL INFORMATION

1. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner. The driveway accesses shall maintain a 1.5M setback from aboveground features such as utilities and trees.

In addition we advise that the applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance.

We are noting that any Transportation and Works Department concerns/requirements for the minor variance applications for this property will be addressed under Consent Application 'B' 59/22.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-1282. Based on review of the information currently available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Richard Thompson, Zoning Examiner

Appendix 3 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Heritage, Sport, Tourism and Culture Industries to determine the archaeological concerns related to the application. A letter from the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 4 – CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;

3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;

4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;

5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

Site Characteristics:

The subject property is regulated for valley slope associated with the Credit River. Other natural heritage features of CVC interest on and adjacent to the property include the Region of Peel Core Greenlands, Credit River Reid Dam Environmentally Significant Area (ESA), Significant Natural Site of the City of Mississauga Natural Heritage System (NHS), and the Credit River Watershed NHS (CRWNHS).

It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

Proposal:

B 59/22

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Concerns:

CVC staff have concerns with regards to the proposed severance and locations of the proposed new houses. Based on our assessment, the new lot line traverses the slope hazard and natural heritage features associated with the Credit River. It is typically our expectation that hazard

lands and natural heritage features, with appropriate buffers, be off-lot and remain on the retained parcel, thus not fragmenting the features. It must also be demonstrated that there is an appropriate building envelope on the lot to be severed and the lot to be retained for future development outside of and setback from the natural hazard and natural heritage features. In order to achieve this, the retained lot would form an “L-shape” configuration, however, based on discussions with City staff, it is our understanding that a lot in an “L-shape” configuration is generally not desired by the City. As such, CVC staff recommend that the natural hazard and natural heritage feature lands located below the greatest hazard/feature (once determined) be dedicated to the City for long term protection and maintenance.

Further review, including staking of the top of bank and natural features on the property and the completion of a Geotechnical Assessment to define the Long Term Stable Slope Line in accordance with CVC policies, is required in order to determine an appropriate setback and associated building envelopes for the proposed new lot lines and new houses.

Please also be advised that a CVC permit will be required for development proposed on both the retained and severed parcels.

Comments:

Based on the above, CVC staff **recommend deferral** of the requested severance and minor variances by the Committee until the above concerns have been addressed to the satisfaction of CVC.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Elizabeth Paudel, Planner

Appendix 5- Region of Peel**Consent Application: B-59/22, A-467/22**

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comment: Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Consent Application: B-59/22, A-467/22, A-468/22

Development Planning: Patrycia Menko (905) 791-7800 x3114

Comment: Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area - Woodland of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned designations, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning Staff, therefore, request that the Committee and City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the

provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A467-468" /22)

4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 19, 2022.
5. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 19, 2022.
6. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated October 17, 2022.