

**KEEL
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12.1

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Toronto, Ontario M5C 2C5

November 1, 2023

Via Courier

Clerk, City of Mississauga
300 City Centre Drive
2nd Floor
Mississauga, Ontario
L5B 3C1

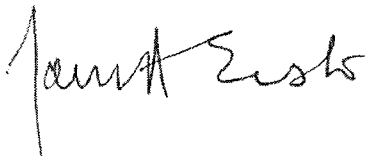
Attention: Diana Rusnov

Dear Ms. Rusnov:

Re: Passing of a Heritage By-law-1239 Lakeshore Road East
Our File No. KC 1479
Your File No. HAC-0065-2022/CS.03.LAK

We are the solicitors for Peel District School Board and on its behalf enclose an Ontario Land Tribunal Appeal Form in respect of By-Law No. 0149-2023, together with our cheque in the amount of \$310 in payment of the fee for this appeal.

Yours sincerely,

KEEL COTTRELLE LLP

James A. Easto
JAE



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

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Appeal Form (A1)

Municipal/Approval Authority Date Stamp	Receipt Number (OLT Office Use Only)	Date Stamp – Appeal Received by OLT
	OLT Case Number (OLT Office Use Only)	

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
PEEL DISTRICT SCHOOL BOARD			
Email Address:			
randy.wright@peelsb.com			
Daytime Telephone Number:		Alternative Telephone Number:	
905 890 1010	ext.	2203	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	5650	Hurontario Street	

City/Town:	Province:	Country:	Postal Code: 12.1
Mississauga	Ontario	Canada	L5R 1C6

Representative Information			
X I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
Easto		James	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
Keel Cottrelle LLP			
Email Address:			
jeasto@keelcottrelle.ca			
Daytime Telephone Number:		Alternative Telephone Number:	
416 367 7703	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
920	36	Toronto Street	
City/Town:	Province:	Country:	Postal Code:
Toronto	Ontario	Canada	M5C 2C5
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>			
<p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>			

Location Information
Are you the current owner of the subject property? x Yes <input type="checkbox"/> No
Address and/or Legal Description of property subject to the appeal:
1239 Lakeshore Road East
Municipality:
Mississauga
Upper Tier (Example: county, district, region):

Language Requirements

Do you require services in French?

☐ Yes ☒ No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Heritage Designation	Ontario Heritage Act	29(11)
2			
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act</i> , <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>Municipal Act</i> matters	3A
<input checked="" type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act</i> , <i>Environmental Protection Act</i> , <i>Nutrient Management Act</i> , <i>Ontario Water Resources Act</i> , <i>Pesticides Act</i> , <i>Resource Recovery and Circular Economy Act</i> , <i>Safe Drinking Water Act</i> , <i>Toxics Reduction Act</i> , and <i>Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5

<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	12.1 6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

N/A

Municipal Reference Number(s):

HAC-0065-2022

List the reasons for your appeal:

See attached

Has a public meeting been held by the municipality? ☐ Yes ☐ No N/A

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- ☐ Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- ☐ Fails to conform with or conflicts with a provincial plan
- ☐ Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- ☐ Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- ☐ Conformity with a provincial plan
- ☐ Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

12.1

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

☐ Oral submissions at a public meeting of council

☐ Written submissions to council

☐ Not applicable
X

Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes ☐ No
X

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

☐ Yes ☐ No
X

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 3B Checklist\(s\)](#) located [here](#) and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? ☐ Yes ☐ No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*?

☐ Yes ☐ No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

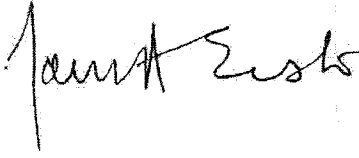
Daytime Telephone Number:		Alternative Telephone Number:		12.1
		ext.		
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available				
Unit Number:	Street Number:	Street Name:		P.O. Box:
City/Town:	Province:	Country:	Postal Code:	
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.				

Section 7 – Filing Fee

Required Fee				
Please see the attached link to view the OLT Fee Chart .				
Total Fee Submitted: \$N/A				
Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order
	<input type="checkbox"/>	Credit Card	<input type="checkbox"/> Lawyer's general or trust account cheque	
If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.				
If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form .				
<input type="checkbox"/> Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)				

Section 8 – Declaration (Mandatory)

Declaration		
I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.		
By signing this appeal form below, I consent to the collection of my personal information.		
Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)

James Easto		12.1 2023/10/31
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Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	For the Areas of:	For the Areas of:

	<p>Dufferin County (Mono)</p> <p>Region of Halton</p> <p>Region of Peel</p> <p>Region of Niagara</p> <p>City of Hamilton</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION</p> <p>232 Guelph Street, 3rd Floor</p> <p>Georgetown, ON L7G 4B1</p> <p>Phone: 905-877-5191</p> <p>Fax: 905-873-7452</p> <p>Website: www.escarpment.org</p> <p>Email: necgeorgetown@ontario.ca</p>	<p>Bruce County 12.1</p> <p>Grey County</p> <p>Simcoe County</p> <p>Dufferin County (Mulmur, Melancthon)</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION</p> <p>1450 7th Avenue</p> <p>Owen Sound, ON N4K 2Z1</p> <p>Phone: 519-371-1001</p> <p>Fax: 519-371-1009</p> <p>Website: www.escarpment.org</p> <p>Email: necowensound@ontario.ca</p>
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.

DESIGNATION OF 1239 LAKESHORE ROAD EAST, MISSISSAUGA AS BEING OF CULTURAL HERITAGE VALUE
OR INTEREST

REASONS IN SUPPORT OF THE APPEAL OF PEEL DISTRICT SCHOOL BOARD

OBJECTIONS TO THE DESIGNATING BY-LAW

1. Pursuant to subsection 29(11) of the *Ontario Heritage Act*, Peel District School Board (the “Board”) objects to By-Law No. 0149-0223 of the City of Mississauga on the grounds that the designation of the property should be restricted to the façade of the original 1923 building constructed thereon. The by-law should also be amended to expressly provide that it applies only to the 1923 building, and not to the additions constructed in 1954 and 1962.

DESIGNATION OF FAÇADE ONLY

2. While the school building on the property is not now being used by the Board as a school, there is a real possibility, given the enrolment pressures anticipated from new development in the area, that the Board will need to use it to accommodate students. Its preference would be to demolish the 1954 and 1962 additions and, subject to the balancing of any heritage considerations which might apply, the original 1923 building. It would then construct a school building on the property to current standards,
3. There are significant problems with the 1923 building, which could be avoided if the designation were limited to the façade of the building only.
4. The footings and foundations of the original 1923 building have been damaged over the years by repeated flooding, largely the result of the high-water table which fluctuates with the level of the lake which is only a couple of blocks away. The basement floor of the original building has heaved considerably and would require replacement along with the installation of a sump pump pit which would help avoid flooding and repeated structural and floor damage in future.
5. The original building lacks barrier free accessibility (e.g. elevator) which if installed within the building would reduce the classroom footprint and capacity for instruction. Construction of an elevator shaft on the exterior of the building might be a solution but only if approved as a permitted alteration under the Act.

6. The design of the entire original 1923 building does not lend itself to the design and installation of a proper, modern HVAC system that would help protect the student occupants from all kinds of airborne viruses and organisms that are otherwise easily transmitted in closed settings (e.g., Covid 19).^{12a1}
7. The current design and construction of the school does not incorporate the space for in-wall, overhead or underfloor duct work the school would need for the sufficient exchange of air to maintain a safe, healthy indoor environment.
8. In order to balance the competing interests of preserving heritage features and providing educational facilities to the standard now required, the Board submits that the by-law should be amended so that only the façade of the original 1923 building be designated and that such designation permit the façade to be placed in a different location on the property as part of any future redevelopment thereof.
9. The Board submits therefore that the heritage attributes referred to in Schedule B of the by-law be amended to refer only to the relationship and orientation of the 1923 building to Lakeshore Road East and not include the setback from Lakeshore Road East. In addition, the first design attribute listed in Schedule B should be amended to refer to the principal elevation of the 1923 school building and that the other design attributes listed be limited to those in the façade of the building.

EXTENT OF DESIGNATION

10. At the meeting of the Mississauga Heritage Advisory Committee held on September 6, 2022, City staff informed the Committee Members then in attendance that the designation would be to the original 1923 building.
11. None of the Heritage Attributes described in the by-law applies to the 1954 and 1962 additions. The heritage designation should apply only to the façade of the original 1923 building, and not to the 1954 and 1962 additions.
12. Section 1 of the By-law states that all buildings and structures on the property are designated and should therefore be amended to refer only to the façade of the 1923 building.
13. The Board further submits that the second statement of cultural heritage value or interest listed in the Schedule B to the by-law should be deleted.

FURTHER GROUNDS

14. The Board reserves the right to rely upon such further grounds of appeal as the Ontario Land Tribunal^{12,1} may permit.