

# City of Mississauga Department Comments

Date Finalized: 2024-04-17	File(s): B31.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-25 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the applications meet the requirements of Section 50(3) of the Planning Act.

## Application Details

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel has a frontage of approximately 77m (253ft) and an area of approximately 3,480sq.m (37,458sq.ft).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address: 5035 Erin Mills Parkway**

### Mississauga Official Plan

Character Area: Central Erin Mills Major Node  
Designation: Residential High Density

### Zoning By-law 0225-2007

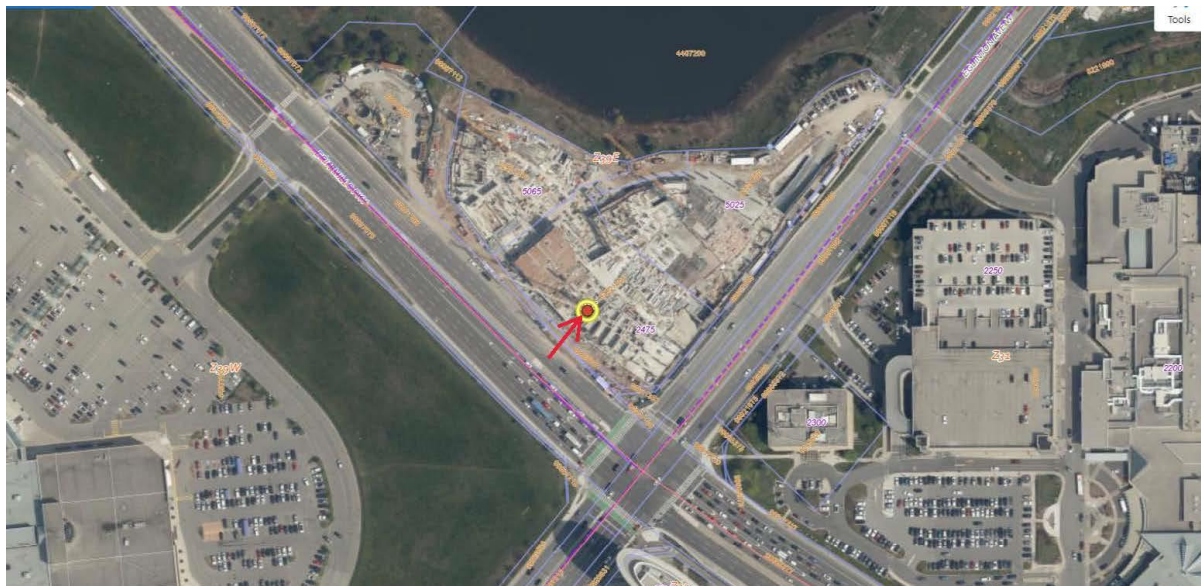
**Zoning: RA5-37**

**Other Applications:**

## Site and Area Context

The subject property forms part of a larger development on the north-east corner of Eglinton Avenue West and Erin Mills Parkway. The site is currently undergoing construction for a condominium and has no landscaping or vegetative elements. The surrounding area context includes a variety of built forms and uses, including Trillium Health Centre across Eglinton Avenue West and Erin Mills Town Centre across Erin Mills Parkway. Residential uses with varying built forms are also located within close proximity.

The applicant is proposing to sever the retail units and other ancillary spaces through a stratified consent application for Building 2.



## Comments

### Planning

#### 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.

#### 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.

The site is located within the Central Erin Mills Major Node Character Area. The subject property is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP).

The property is subject to an approved site plan application under file SP-19-148. Further, the property is subject to an ongoing condominium application under file 21CDM-M-24-8. The applicant is proposing to sever the retail units along with other ancillary spaces, including parking and mechanical spaces for one of the three approved buildings. The proposed severance is to separate the retail units and ancillary and parking spaces from the residential project components for transactional purposes and will not result in the creation of a new lot. Staff are satisfied that the stratified consent application is technical in nature.

Planning staff have discussed the proposal with the planner assigned to the above noted development applications and have no concerns with the applicant's proposal.

Staff have no concerns with the severances regarding the criteria set out in Section 51(24) of the Planning Act. Through a detailed review, Staff are of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Planning Associate

## Appendices

### Appendix 1 – Transportation and Works Comments

The Transportation and Works Department has no objections to the applicant's request for this Stratified Consent Application. It is our understanding that the intent is to permit the severance of the ground floor retail units, a portion of the first level of underground parking and mechanical/ancillary spaces associated with the retail units from the remainder of the residential building. We note that this severance relates to Block 2 which is the building at the southwest corner of this development.

A detailed letter from Glen Schnarr & Associates Inc. dated February 29, 2024, was included which specifically describes the purpose and various details of this application. We also note that under a previous stratified consent application ('B' 68 & 69/20) the three distinct parcels were created. The City processed a Rezoning and Official Plan Amendment Application for the subject lands, reference OZ 16/03 and also reviewed and approved Site Plan Application SP19-148.

Based on the information submitted we are uncertain as to any private easements which may be required to ensure the functionality between the various properties to facilitate pedestrian/vehicular circulation, servicing requirements (storm, sanitary and water services etc.), building maintenance, use of amenity areas, construction, etc. In this regard additional information will have to be provided to address any easement requirements which we assume will be a "Blanket Easement".

In view of the above, and should Committee see merit in the subject applications we provide the following comments for the Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Solicitor Letter Addressing Required Easements

Should any private easements be required to support this application, the applicant/owner will be required to provide a Solicitor's Letter to identify the private easements to be established. It should also be noted that any documentation received will be reviewed and then forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new proposed private easements can be identified and be incorporated into the Certificate of Secretary-Treasurer.

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

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition:

- The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Minan Song, Planner in Training

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has no objections to the above noted consent application and notes:

1. Given that the property is subject to a development application, SP 21-020, all of Community Services' comments and/or requirements are being addressed through the development application.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner in Training

### **Appendix 4 – CVC**

Credit Valley Conservation (CVC) staff were circulated the above noted Consent application for 5035 Erin Mills Parkway in Mississauga. Please see our comments below.

### **Ontario Regulation 41/24:**

A portion of 5035 Erin Mills Parkway in Mississauga is regulated due to the floodplain associated with a tributary of Mullet Creek. As such, the property is subject to Section 28 of the Conservation Authorities Act and Ontario Regulation 41/24, the Prohibited Activities, Exemptions, and Permits Regulation. 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:**

Based on the cover letter (GSAI, February 29, 2024), it is our understanding that the applicant is requesting the Committee to approve a consent to sever the ground floor retail units, a portion of the underground parking, and the mechanical/ancillary spaces associated with the retail units from the remainder of the residential building.

**CVC Comments:**

CVC staff previously reviewed this site through Site Plan application SP 19/148 and issued permits for development within the Regulated Area. Based on our review of the Consent Sketch – Underground Level 1 and the Consent Sketch – Ground Floor (GSAI, February 8, 2024), the proposed land to be severed is outside the CVC Regulated Area. On this basis, CVC staff have no concerns and **no objection** to the approval of this consent by the Committee at this time.

It is our understanding that the proposal is to sever off portions of the existing building and no new development is being proposed on the severed or retained lots at this time. As such, a CVC permit is not required for this proposal.

Should future development be proposed within the Regulated Area on the retained lot, the owner should contact CVC to discuss any proposals and requirements.

Comments Prepared by: Trisha Hughes. Acting Senior Planner

**Appendix 5 – Region of Peel****Consent: B-24-031M / 5035 Erin Mills Parkway**

Development Engineering: Brian Melnyk (905)-791-7800 x3602

**Comments:**

- 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.

**Conditions:**

- Arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to servicing the severed and retained parcels.

- Confirmation that the City of Mississauga will permit shared servicing is required.

Comments Prepared by: Ayooluwa Ayoola, 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.
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 April 17, 2024.
5. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 15, 2024.