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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, and 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 impact 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 impact 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.

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 serviced 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 current 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 short 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 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 the proposal does not adversely impact the Community Hall, the Village or the Credit River Valley Cultural Landscape or otherwise diminish or detract from the 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 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 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](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario – Environment and Land Division  
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