

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2026-05-04	File(s): A104.26
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:5/7/2026 1:00:00 PM

Consolidated Recommendation

The City recommends that Variances #1 and #2 be refused, however, have no concerns with Variance #3 as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow a rental apartment building proposing:

1. A building height of 44 storeys whereas By-law 0225-2007, as amended, permits a maximum building height of 40 storeys in this instance; and
2. A floor space index – apartment zone of 13.0 whereas By-law 0225-2007, as amended, permits a maximum floor space index – apartment zone of 12.0 in this instance.

Amendment

The Building Department is processing Site Plan application SP 22-75. Based on review of the information available in this application, zoning has advised that the following amendment is required:

3. An entrance canopy projecting beyond buildable area whereas By-law 0225-2007, as amended, does not permit entrance canopy projecting beyond buildable area in this instance.

Background

Property Address: 3555 Obelisk Way

Mississauga Official Plan

Character Area: Fairview Growth Centre
Designation: Residential High-Rise

Zoning By-law 0225-2007

Zoning: RA5-4 - Residential

Other Applications: OZ/OPA 20-70 and SP 22-75

Site and Area Context

The subject property is located north-east of the Hurontario Street and Elm Drive West intersection in the Fairview Growth Centre Character Area. Currently, the site contains a one-storey presentation centre on an existing surface parking lot while the remaining portion remains vacant. The surrounding area includes a mix of uses including commercial, office and residential uses. The residential uses consist of a mix of built forms such as detached dwellings, townhouse dwellings and apartment dwellings.

The applicant is proposing an increase in height for the proposed apartment building requiring variances for height and floor space index.



Comments

Planning

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. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Mississauga Official Plan 2051 (MOP2051) was adopted by Council on April 16, 2025. It was subsequently approved by the Ministry of Municipal Affairs and Housing (MMAH) on March 24, 2026, and is now in full force and effect and is the Official Plan that is being considered by staff as it relates to providing commentary on the subject application.

The proponent submitted Official Plan Amendment and Rezoning applications in June 2020 to permit a 29 storey apartment building containing 282 units. Subsequent resubmissions to the development application concluded in a final submission in July 2022 that proposed a 40 storey apartment building with 467 units. Planning and Development Committee considered a staff report on November 13th, 2023, recommending refusal of the final 40-storey proposal. Planning and Development Committee resolved to accept staff's recommendation and refused the applications.

The applicant appealed Council's decision to the Ontario Land Tribunal (OLT). Legal Services was instructed to oppose the application, and a full hearing was conducted. The OLT ultimately approved the applicant's applications for a 40 storey apartment building with a total of 463 units.

Since the OLT approval, the applicant has now submitted a minor variance application to amend the OLT approved zoning regulations as it applies to the subject site. The requests are rooted in a site redesign that reduces floor to ceiling heights and redeploys density within the same over metric height. The variances are as follows:

- An increase in height from 40 storeys to 44 storeys
- An increase in Floor Space Index (FSI) from 12.0 to 13.0
- To allow an entry canopy to project outside of the buildable area

The below are comments are for variances #1 and #2 as it relates to the application of the four test:

The subject property is located within the Fairview Growth Centre Character Area of MOP2051, which is considered a Major Transit Station Area (MTSA), and is designated Residential High- Rise with a maximum height of 25 storeys.

At the time of the recommendation report for the Official Plan Amendment and Rezoning applications, City staff determined that while an increase in building height above the permissions in the Official Plan can be supported, the proposed 40 storeys was excessive given the surrounding context. Staff were also of the opinion that the proposed 40-storey apartment building with an FSI of 12.0 was not consistent with existing and planned development for this area, as the proposal did not provide an appropriate transition, did not enhance the local character and did not respect the immediate context.

Staff have undertaken a review of applicable MOP2051 policies and find that the general policy direction for development in the subject character area remains the same as per the previous Official Plan. General policies are as such:

- Infill redevelopment is to respect the local planning context within existing neighbourhoods and are to enhance the distinct character of each community through appropriate building height and massing (Sections 8.2.3, 8.2.11 and 8.3.12(a and c)).
- MOP 2051 further requires development to be compatible with existing and planned buildings and to provide appropriate transitions in height and massing within established neighbourhoods, as well as between neighbourhoods and adjacent Strategic Growth Areas (Section 8.6.2.2, 8.6.2.5, 8.2.5.6 and 8.6.2.7).
- MOP 2051 further states the following regarding the transition in height within the Fairview Growth Centre character area:
 - 13.4.2.1. Heights and densities that are appropriate to the planned context. The greatest heights will be located at Hurontario Street and Elm Drive West, with a transition to lower building heights and densities for new developments south along Hurontario Street and east towards Mississauga Valley Boulevard;
 - 13.4.3.1 The greatest building heights will be located at the existing and planned buildings at Elm Drive West and Hurontario Street as shown on Schedule 8: Protected Major Transit Station Area (Schedule 8k). Heights beyond this intersection should transition down to ensure the prominence of the Downtown Core

In principle, staff are not supportive of the requested increase in storeys and density, as our position on appropriate built form for the subject site remains unchanged from the recommendation report for the Official Plan Amendment and Rezoning applications. While the OLT has approved a 40 storey apartment building at an FSI of 12.0, it is our opinion that the requested minor variances for additional height in storeys and density further exacerbates a built form that does not meet the intent of MOP2051, as articulated in the policies above. As such, it is staff's opinion that the minor variances do not meet the intent of applicable official plan policy and does not meet the intent of the OLT approved Zoning By-law.

The comments below are for variance #3 as it relates to the application of the four tests:

Variance 3 requests the building canopy to be located outside of the identified buildable area on the RA5-4 site-specific zoning schedule in the zoning by-law. The intent of this provision is to establish an appropriate location of the proposed development on the subject property. The requested variance seeks a minor deviation from the site-specific zoning schedule to permit an entrance canopy. Staff are satisfied that the canopy being located outside the buildable area does not change the intended design or functionality of the site, and the building will be appropriately situated on the subject property. As such, staff have no concerns with this variance.

Comments Prepared by: Sara Ukaj, Planning Associate

Appendices

Appendix 1 – Development Engineering & Construction

We are noting for Committee's information that any of this Section's requirements for the proposed apartment building will be addressed through the Site Application Process, File SP 22-75.

Comments Prepared by: Tony Iacobucci, Development Engineering



Appendix 2 – Zoning

The Building Department is processing Site Plan application SP 22-75. Based on review of the information available in this application, we advise that following amendment is required:

3. An entrance canopy projecting beyond buildable area whereas By-law 0225-2007, as amended, does not permit entrance canopy projecting beyond buildable area in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Alana Zheng, Planner Zoning Examination

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

An Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, Forestry ByLaw Officer, Forestry Section, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, Forestry ByLaw Officer