

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** July 22, 2020

**CASE NO(S):** PL171373

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Unipetro Investments Inc.
Subject:	Application to amend Zoning By-law No. 270-2004 - Neglect of the City of Brampton to make a decision
Existing Zoning:	"Agricultural - A", "Residential Estate Two - RE2" and "Floodplain (F)"
Proposed Zoning:	"Office Commercial - OC Special Sections"
Purpose:	To permit the development of office, retail and hotel uses
Property Address/Description:	7929 Mississauga Road
Municipality:	City of Brampton
Municipality File No.:	T04W15.027
OMB Case No.:	PL171373
OMB File No.:	PL171373
OMB Case Name:	Unipetro Investment Inc. v. Brampton (City)

**HEARD:** July 06, 2020 by telephone conference

**APPEARANCES:**

**Parties**

Unipetro Investments Inc.

**Counsel**

Alex Lusty, Hannah Bahmanpour  
Michael Melling, Neil Davis

City of Brampton	Matthew Rea
Metrus Central Properties Limited	Katarzyna Sliwa, Aaron Kurts
2438284 Ontario Inc.	Harinder Gahir
Regional Municipality of Peel	Rachel Godley

## **DECISION OF THE TRIBUNAL DELIVERED BY M. ARPINO AND ORDER OF THE BOARD**

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[1] Unipetro Investments Inc. (“Unipetro”) has filed an appeal to the Local Planning Appeal Tribunal under Section 34(11) of the *Planning Act* (“Act”) on the grounds that the City of Brampton (“City”) failed to make a decision on a Zoning By-law Amendment application within the timeframe specified in the Act. This proceeding originally scheduled as a hearing on the merits was converted to a settlement hearing at the request of the Parties. The matter had previously been the subject of a Pre-hearing Conference (“PHC”).

[2] On consent of Unipetro and the City the Tribunal previously granted requested Party status to the Regional Municipality of Peel (“Region”), Metrus Central Properties Limited (“Metrus”), 2438284 Ontario Inc. (“2438284”) and the Credit Valley Conservation Authority (“CVCA”).

[3] Unipetro owns land at 7929 Mississauga Road in the City (“Property”). The Property which has an area of approximately 6.69 hectares is in the southeast quadrant of Steeles Avenue West and Mississauga Road which are Regional roads.

[4] The Property is subject to Provincial Policy Statement, 2020 (“PPS”), the Growth Plan for the Greater Golden Horseshoe, 2019, (“Growth Plan”), and the Bram West Secondary Plan (“Secondary Plan”). The Property is designated as “Office and Open Space” in the City’s Official Plan. A Site Plan Control Agreement is registered on title of the Property it establishes the permitted ingress and egress to the Development (“Access”).

[5] The Property is zoned “Residential Estate Two (RE2), Agricultural (A) and Floodplain (F) in zoning By-law No. 270-2004. Unipetro filed an application to amend Zoning By-law No. 270-2004. The proposed amendment would permit approximately 10,400 square metres of floor area for retail uses; a six-storey, 8,400 square metres hotel and conference centre and 17,668 square metres of office space on the Property (“Development”). The Development is to be constructed in phases.

[6] 2438284 owns land adjacent to the Property. At the PHC the Tribunal was informed that 2438284’s interest in the matter related to the proposed shared access from its site and the Property to Steeles Avenue West.

[7] Metrus owns land abutting the Property to the east. The Tribunal was previously advised that Metrus and Unipetro are contemplating a shared access route to Steeles Avenue West to be located on the shared side lot line. The Tribunal was informed that Metrus did not intend to raise issues or call witnesses at the hearing unless the planned access road is impacted.

[8] The CVCA concerns and interests relate to natural heritage and natural hazards, as the planned site access on Mississauga Road will cross a watercourse regulated by the CVCA. The Tribunal was informed that the CVCA is satisfied that the two issues are appropriately addressed, CVCA requested withdrawal of its Party Status.

[9] David Riley is a Registered Professional Planner retained by Unipetro. The Tribunal qualified Mr. Riley to provide opinion evidence in land use planning matters. Mr. Riley informed the Tribunal that the Parties have agreed to terms of settlement of the appeal. On consent of the Parties Mr. Riley provided an affidavit for consideration of the Tribunal, Exhibit 1.

[10] Mr. Riley informed the Tribunal that Tab 5 of Exhibit 1 contained a proposed zoning by-law amendment (“ZBA”) which the Parties agree would resolve the appeal. The ZBA was submitted for consideration by the Tribunal. Mr. Riley provided the Tribunal with a summary of the ZBA, he testified that the ZBA would create three

separate zone categories to permit a range of uses, including office, hotel, commercial, personal service and institutional. The portion of the Property within the floodplain is proposed to be re-zoned Floodplain (“F”), no development is proposed within this Zone, except for a driveway providing access to the Property from Mississauga Road. The ZBA includes site-specific definitions, performance standards and use restrictions. A portion of the Property will be subject to a holding (H) symbol.

[11] Sarah Powell, the planner for the Region attended the hearing but did not testify. Katarzyna Sliwa, counsel to Metrus requested the Tribunal comment on or provide direction regarding the Access, these matters were not before the Tribunal.

[12] Mr. Riley testified that in his professional opinion the ZBA has appropriate regard for matters of provincial interests and is consistent with the PPS, he opined that the ZBA conforms to the Growth Plan, the Secondary Plan, the Region of Peel Official Plan, and the City Official Plan.

[13] Mr. Riley provided affidavit evidence that the matters related to vehicular access have been resolved and that the Region and the CVCA were satisfied with same. He testified that it was his professional opinion that implementation of the ZBA represents good planning in the public interest.

## **LEGISLATIVE TESTS**

[14] In making a decision under the Act with respect to this appeal, the Tribunal must have regard to matters of provincial interest. The proposed zoning by-law amendment must be consistent with the PPS, it must conform to the Secondary Plan, and Region’s Official Plan and the City Official Plan. The ZBA must represent good planning in the public interest.

## **DECISION AND ORDER**

[15] Notwithstanding the agreement of the Parties the Tribunal is tasked with

assessing the planning merits of the ZBA.

[16] Based upon the evidence before it, including the documentary evidence and the uncontroverted evidence of Mr. Riley the Tribunal finds that the ZBA satisfies the legislative tests.

[17] The Tribunal Orders that the appeal against By-law No. 270-2004 of the City of Brampton is allowed in part, and By-law No. 270-2004 is amended as set out in Attachment 1 to this Order.

[18] The Tribunal orders that in all other respects the appeal is dismissed.

*“M. Arpino”*

M. ARPINO  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

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