



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### City of Mississauga OPA 182 – Ontario Land Tribunal Hearing – Request for Directions

**Date:** January 24, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** All Wards

#### REASON FOR CONFIDENTIAL INFORMATION

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

#### SUMMARY

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On April 6, 2023 as part of Bill 97, the Ministry of Municipal Affairs and Housing (the "Ministry") introduced a new definition for "areas of employment" in both the *Planning Act* and in the draft Provincial Planning Statement (PPS).

Several municipalities, including the City of Toronto (the "City"), have adopted Official Plan Amendments which respond to these legislative changes. The City adopted two Official Plan Amendments (OPAs), OPA 668 and 680, in response to these changes.

On October 18, 2024, O. Reg. 396/24 was filed by the Minister of Municipal Affairs and Housing (the "Minister"). Subject to this regulation, OPA 680 and OPA 668 will now require approval from the Minister. To date, no decision has been made by the Minister on the City's OPAs.

On October 9, 2024, the City of Mississauga adopted OPA 182 to update its Official Plan to align with the new definition of "area of employment". The approach applied in Mississauga is similar to Council's adopted Official Plan Amendments 668 and 680. Oakville (OPA 68) and St Catharines (OPA 40) have also taken a similar implementation approach.

Mississauga's OPA 182 has been appealed by several landowners to the Ontario Land Tribunal ("OLT"). A Case Management Conference has been scheduled for March 19, 2025.

The City Solicitor requires further directions for upcoming OLT proceedings.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

## FINANCIAL IMPACT

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## DECISION HISTORY

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On April 6, 2023 as part of Bill 97, the Ministry introduced a new definition for "areas of employment" in both the *Planning Act* and in the draft Provincial Planning Statement (PPS).

Bill 97 amends the definition of "area of employment" by narrowing the scope of uses from what is currently permitted in an "area of employment". In particular, it would expressly exclude from the definition all types of institutional uses and commercial uses, except for retail and office uses that are associated with manufacturing, warehousing and research and development in connection with manufacturing.

In addition to changing the definition for "areas of employment", Bill 97 also provided municipalities with the legislative authority to transition the excluded uses that would no longer meet the provincial definition, provided the use was "lawfully established".

OPA 668, which was considered and adopted by City Council on July 20, 2023, will introduce new policies to section 4.6 of the Official Plan to authorize lawfully established commercial uses and institutional uses to continue in the City's Core Employment Areas and General Employment Areas. Council's decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.2>

OPA 680, which was considered and adopted by City Council on July 25, 2024, will amend various policies in the Official Plan to bring the plan into conformity with the

amended definition of "area of employment". The OPA will, among other things, alter the land use permissions for the City's Employment Areas. Council's decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH14.1>

On October 9, 2024, the City of Mississauga adopted OPA 182 to update its Official Plan to align with the new definition of "area of employment". Mississauga's decision on OPA 182 can be found here:

<https://www.mississauga.ca/wp-content/uploads/2024/10/17094255/OPA-182-Notice-of-Passing-of-an-Official-Plan-Amendment-Public-Notice.pdf>

The approach applied in Mississauga's OPA 182 is similar to Council's adopted Official Plan Amendments 668 and 680. Oakville (OPA 68) and St Catharines (OPA 40) have also taken a similar implementation approach.

On October 18, 2024, O. Reg. 396/24 was filed by the Minister. Subject to this regulation, OPA 680 and OPA 668 will require approval from the Minister of Municipal Affairs and Housing.

City of Mississauga's OPA 182 was appealed by several landowners to the OLT. A Case Management Conference has been scheduled for March 19, 2025.

The City Solicitor requires further directions for upcoming OLT proceedings.

## **COMMENTS**

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The City Solicitor requires further instructions on this matter. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

## **CONTACT**

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Adrienne deBacker, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-5412; Fax: (416) 397-5624; Email: [adrienne.debacker@toronto.ca](mailto:adrienne.debacker@toronto.ca)

Cameron McKeich, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-4891; Fax: (416) 397-5624; Email: [cameron.mckeich@toronto.ca](mailto:cameron.mckeich@toronto.ca)

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 - Confidential Information