

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** November 28, 2022

**CASE NO(S):**

OLT-22-004125

**PROCEEDING COMMENCED UNDER** section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Augend 189 Dundas West Village Properties  
Ltd. c/o Augend Investments Ltd.  
Subject: Request to amend the Official Plan – Failure to  
adopt the requested amendment  
Reference Number: OZ/OPA 21 9  
Property Address: 189 Dundas Street West  
Municipality/UT: Mississauga/Peel  
OLT Case No: OLT-22-004125  
OLT Lead Case No: OLT-22-004125  
OLT Case Name: Augend 189 Dundas West Village Properties  
Ltd. v Mississauga (City)

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

Subject: Application to amend the Zoning By-law –  
Refusal or neglect to make a decision  
Reference Number: OZ/OPA 21 9  
Property Address: 189 Dundas Street West  
Municipality/UT: Mississauga/Peel  
OLT Case No: OLT-22-004126  
OLT Lead Case No: OLT-22-004125

**Heard:** November 7, 2022 by Video Hearing

**APPEARANCES:****Parties**

Augend 189 Dundas West Village  
Properties Ltd.

City of Mississauga

**Counsel**

Jason Park  
Olivia Rasekhi

Michal Minkowski

**MEMORANDUM OF ORAL DECISION DELIVERED BY T.F. NG ON  
NOVEMBER 7, 2022 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This is the first Case Management Conference (“CMC”) for the above-noted matter. Augend 189 Dundas West Village Properties Ltd. (“Applicant”) has filed an appeal against the City of Mississauga’s (“City’s”) failure to make a decision pursuant to s.22(7) and s. 34(11) of the *Planning Act*. The Subject Property is known municipally as 189 Dundas Street West, in the City.

[2] The application under appeal is to facilitate three new residential towers of 32, 20 and 18 storeys in height with a total of 966 units and a total gross floor area of 59,020.78 square metres, of which 530.7 square metres will consist of at-grade accessory retail space.

[3] The Affidavit of Service on file was marked as Exhibit 1.

[4] There were no Party or Participant status requests received.

**Draft Procedural Order**

[5] Jason Park, Counsel for the Applicant, advised the Tribunal that he has submitted a Draft Procedural Order without a Draft Issues List as the City has yet to provide its list of issues. City’s Counsel, Michal Minkowski, explained that City Council

has yet to reach the stage - in the determination of the applications - to meaningfully provide a list of issues at this point.

[6] After some back-and-forth discussions, the Tribunal determined that there should be another CMC for the Parties to work on the Hearing issues and/or be given time to obtain resolution of expected issues.

### **Mediation**

[7] The Tribunal asked whether parties would look into mediation, to which Counsels replied that they will have to see where general discussions and Council's determination will lead them.

### **DISPOSITION**

[8] The Tribunal will schedule a CMC, during which Parties will update the Tribunal on the status of discussions and the status of the Appeal at the CMC.

[9] The Tribunal directs the Applicant and the City to submit a Procedural Order with an attached Issues List to the Case Coordinator by **Monday, February 6, 2023**.

### **CASE MANAGEMENT**

[10] A CMC is scheduled to commence on **Monday, February 13, 2023** at 10 a.m. by Video Hearing.

[11] Parties are asked to log in to the Video Hearing at least **15 minutes** before the start of the even to test their video and audio connections:

<https://global.gotomeeting.com/join/692665589>

**Access Code: 692-665-589**

[12] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://app.gotomeeting.com/home.html), or a web application is available:

<https://app.gotomeeting.com/home.html>

[13] Persons who experience technical difficulties accessing the GoToMeeting application, or who only wish to listen to the event, can connect to the event by calling into an audio-only telephone line: **+1 (647) 497-9373 or (Toll Free) 1 (888) 299-1889**. The **access code** is **692-665-589**.

[14] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the Hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the Hearing events may be directed to the Tribunal's Case Coordinator having carriage of this Case.

## ORDER

[15] The Tribunal Orders that:

1. a Case Management Conference will commence at **10 a.m.** by Video Hearing on **Monday, February 13, 2023**;
2. the Parties are to forward a Procedural Order with the Issues List to the Case Coordinator on or before, **Monday, February 6, 2023**;
3. The Parties shall be ready to finalize the Procedural Order at the next CMC.

[16] No further notice will be given.

[17] The Member is not seized.

[18] It is so ordered.

*“T.F. Ng”*

T.F. NG  
MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.