

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



**ISSUE DATE:** May 04, 2023

**CASE NO(S).:**

OLT-22-004548

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

Applicant and Appellant:  
Subject:

30 Eglinton Avenue West Limited  
Request to amend the Official Plan – Failure  
to adopt the requested amendment

Description:

To permit the construction of three mixed-use  
high-rise buildings

Reference Number:

OZ 21/002 W4

Property Address:

30 Eglinton Avenue West

Municipality/UT:

Mississauga/Peel

OLT Case No.:

OLT-22-004548

OLT Lead Case No.:

OLT-22-004548

OLT Case Name:

30 Eglinton Avenue West Limited v.  
Mississauga (City)

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

Applicant and Appellant:  
Subject:

30 Eglinton Avenue West Limited  
Application to amend the Zoning By-law –  
Refusal or neglect to make a decision

Description:

To permit the construction of three mixed-use  
high-rise buildings

Reference Number:

OZ 21/002 W4

Property Address:

30 Eglinton Avenue West

Municipality/UT:

Mississauga/Peel

OLT Case No.:

OLT-22-004549

OLT Lead Case No.:

OLT-22-004548

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	30 Eglinton Avenue West Limited
Subject:	Site Plan
Description:	To permit the construction of three mixed-use high-rise buildings
Reference Number:	SP 22/15 W4
Property Address:	30 Eglinton Avenue West
Municipality/UT:	Mississauga/Peel
OLT Case No.:	OLT-22-004550
OLT Lead Case No.:	OLT-22-004548

**Heard:** March 22, 2023, by video hearing (“VH”)

## **APPEARANCES:**

### **Parties**

### **Counsel**

30 Eglinton Avenue West Limited  
(Appellant / Applicant)

Ian Andres

City of Mississauga (“City”)

Michael Minkowski

Regional Municipality of Peel  
(“Region”)

Rachel Godley

## **MEMORANDUM OF ORAL DECISION DELIVERED BY K.R. ANDREWS ON MARCH 22, 2023, AND ORDER OF THE TRIBUNAL**

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### **INTRODUCTION**

[1] This is the first Case Management Conference (“CMC”) concerning an appeal by 30 Eglinton Avenue West Limited. The appeal arises following a non-decision concerning an Official Plan amendment and Zoning By-law amendment applications to permit construction of three mixed-use high-rise buildings at 30 Eglinton Avenue.

## **SERVICE OF NOTICE OF CMC**

[2] There was no issue with service of the Notice of this CMC, and so no further notice is required (except as detailed below). The Tribunal is in receipt of the Affidavit of Service, which is marked as Exhibit 1.

## **REQUESTS FOR STATUS**

[3] Counsel for the Regional Municipality of Peel attended the CMC seeking Party status. Counsel explained the Region's interest in the matter being associated with waste management and servicing associated with the proposed development. The Tribunal granted the requested party status with consent from the parties.

[4] Doug Colling also attended the CMC seeking Party status. He explained that he is interested in the matter as an area resident, living immediately South of the subject property. The Tribunal asked him how he wished to be involved in the proceedings, and he confirmed that it would be limited to him providing concerns from a local resident's perspective. The Tribunal asked him if this could be done in writing, and he confirmed that he has already provided his concerns to the Tribunal in a written statement by way of his request for Party status.

[5] The Tribunal finds that Mr. Collings' involvement in the proceedings can be appropriately satisfied by way of Participant status since he does not propose to go beyond the legislative limitations of a Participant (written statement) nor has he indicated that he will fulfill the roles and obligations of a Party. Consequently, the Tribunal accepts his written statement as his Participant Statement, marking it as Exhibit 2. The Tribunal also advised that he remains entitled to submit a new or revised Participant Statement until the deadline set out in the matter's Procedural Order ("PO").

[6] No one else attended the CMC seeking either Party or Participant status.

## **MEDIATION AND SETTLEMENT**

[7] The Tribunal explored the possibility of mediation and settlement with the parties. The parties both expressed openness to resolution discussions and expressed a preference for Tribunal-led mediation. The Tribunal advised and the parties agreed to pursue Tribunal-led mediation by contacting the Case Coordinator.

## **PROCEDURAL ORDER AND ISSUES LIST**

[8] Counsel for the Appellant provided the Tribunal with a draft PO prior to the CMC and confirmed that he had discussed the contents with the other parties. The PO included issues as proposed by the City, and the Region confirmed that it would provide language outlining its issues. There appears to be no dispute between the parties with respect to the contents of the PO in principle.

[9] As part of this discussion, the parties jointly proposed that the hearing on the merits of this matter be done in-person, rather than by video. Led by counsel for the City, the parties outlined the well-documented benefits of in-person hearings in certain circumstances (although they omitted to mention the well-documented benefits of VHs in many cases) and confirmed that the City of Mississauga has a dedicated hearing room with all of the amenities of a court-setting that can accommodate at least 40 people. The City also confirmed that technology is available to live-stream the proceedings if it is deemed desirable to do so for accessibility purposes.

[10] The Tribunal considered these submissions and confirmed with each of the parties that both counsel and their witnesses reside in the general vicinity of the City, so they can all conveniently attend an in-person hearing, and that they are not aware of any barriers facing anyone who might wish to attend the proceedings due to it being in-person.

[11] While the Tribunal is satisfied that the present matter is a good candidate for an in-person hearing, it is not prepared to routinely grant such requests at this time. As a result, the hearing will be scheduled as a typical VH, but with the caveat that the parties' request for an in-person hearing remains standing and if/when the Tribunal is prepared to consider such requests, the parties may request that the hearing be administratively converted to an in-person hearing.

[12] Subsequent to the CMC, the Tribunal received and reviewed a finalized draft Procedural Order from the parties, reflecting the outcome of the CMC. The Tribunal finds it acceptable and the proceedings shall be governed by it (see **Attachment 1**).

## **SECOND CMC and HEARING**

[13] Upon request of the parties, the Tribunal set a second CMC commencing on **Friday, October 27, 2023, at 10:00 a.m.** by VH. This hearing date may be converted to a settlement hearing upon request of the parties. No further Notice is required if the date is used as a CMC, but Notice must be provided if it is converted to a settlement hearing.

[14] Upon request of the parties, the Tribunal set a **twelve (12)-day** hearing commencing on **Monday, April 22, 2024, at 10:00 a.m.** by VH. No further Notice is required if the hearing proceeds as a VH, but Notice must be provided if it is administratively converted to an in-person hearing.

[15] The hearings are scheduled to proceed by video as follows:

**Friday, October 27, 2023 at 10:00 a.m.**

**GoTo Meeting: <https://global.gotomeeting.com/join/979388733>**

**Access code: 979-388-733**

**Audio-only telephone line: +1 (647) 497-9391 or Toll Free 1-888-455-1389**

**Audio-only access code: 765-631-861**

**Monday, April 22, 2024 at 10:00 a.m.**

**GoTo Meeting:** <https://global.gotomeeting.com/join/660145013>

**Access code:** 660-145-013

**Audio-only line:** +1 (647) 497-9391 or Toll Free 1-888-455-1389

**Audio-only access code:** 660-145-013

[16] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[17] 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>

[18] 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.

[19] 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 event may be directed to the Tribunal's Case Coordinator having carriage of this case.

## **ORDER**

[20] **THE TRIBUNAL ORDERS** that:

1. The date and particulars of the hearings are set out above;

2. The Procedural Order appended as Attachment 1 shall govern the proceedings;
3. The Regional Municipality of Peel is granted Party status;

[21] The Member is not seized but may be spoken to through the Case Coordinator if any issues arise.

*"K.R. Andrews"*

K.R. ANDREWS  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.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.

# ATTACHMENT 1



## Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
 Tel: 416-212-6349 | 1-866-448-2248  
 Web Site: olt.gov.on.ca

**LEAD CASE NO(S):** OLT-22-004548

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

Applicant/Appellant: 30 Eglinton Avenue West Limited  
 Subject: Request to amend the Official Plan – Failure to adopt the requested amendment  
 Purpose: To permit the construction of three mixed-use high-rise buildings  
 Reference Number: OZ 21/002 W4  
 Property Address: 30 Eglinton Avenue West  
 Municipality/UT: Mississauga/Peel  
 OLT Case No.: OLT-22-004548  
 OLT Lead Case No.: OLT-22-004548  
 OLT Case Name: 30 Eglinton Avenue West Limited v. Mississauga (City)

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

Applicant/Appellant: 30 Eglinton Avenue West Limited  
 Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision  
 Purpose: To permit the construction of three mixed-use high-rise buildings  
 Reference Number: OZ 21/002 W4  
 Property Address: 30 Eglinton Avenue West  
 Municipality/UT: Mississauga/Peel  
 OLT Case No.: OLT-22-004549  
 OLT Lead Case No.: OLT-22-004548

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: 30 Eglinton Avenue West Limited  
 Subject: Site Plan  
 Purpose: To permit the construction of three mixed-use high-rise buildings  
 Reference Number: SP 22/15 W4  
 Property Address: 30 Eglinton Avenue West  
 Municipality/UT: Mississauga/Peel  
 OLT Case No.: OLT-22-002434  
 OLT Lead Case No.: OLT-22-004550



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### PROCEDURAL ORDER

1. The Tribunal may vary or add to the directions in this procedural order at any time by an oral ruling or by another written order, either on the Parties' request or its own motion.

#### Organization of the Hearing

2. The hearing will begin on April 22, 2024.
3. The length of the hearing will be 12 days. The Parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues, where possible. The procedural order deadlines are generally found in **Attachment 1**.
4. The Parties and Participants are listed in **Attachment 2** to this Order.
5. The Issues are set out in the Issues List in **Attachment 3** to this Order. There will be no changes to this list unless the Tribunal permits, and a Party who asks for changes may have costs awarded against it.
6. The order of evidence is set out in **Attachment 4** to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on the Parties' consent, subject to the Tribunal's approval, or by Order of the Tribunal.
7. Any person intending to participate in the hearing shall provide a mailing address, email address and a telephone number to the Tribunal. Any such person who retains a representative must advise the other Parties and the Tribunal of the representative's name, address, email address and the phone number.
8. If the hearing is to proceed electronically, any person who intends to participate in the hearing, including Parties, counsel and witnesses, is expected to review the Tribunal's Video Hearing Guide, available on the Tribunal's website (<https://olt.gov.on.ca/tribunals/lpat/>).

#### Requirements Before the Hearing

9. If the Applicant intends to seek approval of a revised proposal at the hearing, the Applicant shall provide copies of the revised proposal, including all revised plans, drawings, proposed instruments, updated supporting documents and reports, to the other parties on or before October 20, 2023. Any revisions to the proposal after that date without the consent of the parties may be grounds for a request to adjourn the hearing.
10. A Party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other Parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before December 22, 2023. For expert witnesses,

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a Party is to identify the area of expertise in which the witness is proposed to be qualified and must include a copy of the witness's *curriculum vitae* and Acknowledgment of Expert's Duty Form.

11. Expert witnesses in the same discipline(s) shall have at least one meeting before the hearing to try to resolve or reduce the issues for the hearing. The experts shall prepare a list of any agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all of the Parties and the Tribunal on or before January 26, 2024.
12. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in Section 15. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7 of the Tribunal's *Rules of Practice and Procedure*. If the expert witness has prepared any report(s) that he/she intends to rely on at the hearing, and which did not form part of the submissions made to the City, such report(s) shall be provided to the other Parties at the same as the delivery of expert witness statements, as in Section 15.
13. A non-expert witness must provide to the Tribunal and the Parties a witness statement, as in Section 15, or the witness may not give oral evidence at the hearing. Participants are only permitted to provide written participant statements to the Tribunal which must be filed at least 10 days in advance of the hearing.
14. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the Party calling them must file a brief outline of the expert's evidence, as in Section 15.
15. On or before February 23, 2024, the Parties shall provide copies of their witness statements and expert witness statements (full disclosure including reports) to the other Parties and to the OLT case co-ordinator in accordance with Section 23 below.
16. On or before March 22, 2024, the Parties may provide to all other Parties a written response to any written evidence.
17. On or before April 5, 2024, the Parties shall provide copies of their visual evidence to all of the other Parties. The Tribunal and all Parties shall be notified if a model will be used, all Parties must have a reasonable opportunity to view it before the scheduled commencement of the hearing.
18. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. Such a motion shall be in accordance with the Tribunal's Rule 10, which requires that the moving Party provide copies of the motion to all other Parties at least 15 days before the Tribunal hears the motion or unless otherwise on a timeline agreed to by the parties.

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19. A Party who provides a witness' written evidence to the other Parties must have the witness attend the hearing to give oral evidence, unless the Party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of their record.
20. On or before April 5, 2024, the Parties shall prepare and file a detailed Work Plan that identifies the following, at a minimum: the identified Parties participating in the Hearing Event, preliminary matters (if any to be addressed), the date a witness is intended to attend the Tribunal, the identified witness name/expertise, and the approximate time allotted for Examination in Chief, Cross Examination and any re-examination (if any) (the "**Work Plan**"). The Work Plan should be adhered to guide the Hearing Event to the best ability of all the Parties, and any and all witnesses shall be available on the identified date(s), unless otherwise directed by the Tribunal. The Tribunal may, at its discretion, change or alter the Work Plan throughout the Hearing Event.
21. The Parties shall prepare and file joint or individual document books on or before April 15, 2024. One hard copy of each document book shall be filed with the Tribunal and provided to each Party that has requested a hard copy as soon as possible in advance of the hearing, in accordance with Section 23.
22. If the hearing is held virtually, at the time of cross-examination, the Parties shall provide to all Parties and the Tribunal, in a password protected format, any documents that will be used by the Party in cross-examination of an opposing Party's witness, unless the presiding Member directs otherwise. The password protected documents shall only be accessible to the Tribunal and the other Parties if they are introduced as evidence at the hearing.
23. All filing of documents and materials shall be electronic to the Tribunal, the Parties and Participants (if any). In addition, the Tribunal and each Party that has requested a hard copy shall be provided with a hard copy of documents and materials in advance of the hearing event as soon as practicable. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by the Rule 7. All documents to be filed with the Tribunal shall be organized, tabbed and digitally searchable and such materials will be filed in accordance with directions contained in the Tribunal's Video Hearing Guide, dated July 2, 2020, or as may be amended. Section 24 applies regardless if the hearing event is in-person or electronic.
24. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.
25. The Tribunal may conduct mediation on consent of all Parties, on consent of those Parties who wish to participate in mediation, or if the Tribunal sees fit.
26. The purpose of this Procedural Order and the meaning of the terms used in this Procedural Order are set out in **Attachment 5**.

This Member is [not] seized.

So orders the Tribunal.

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**ATTACHMENT 1**  
**SUMMARY OF DATES**

<b>DATE</b>	<b>EVENT</b>
October 20, 2023	Revisions to Proposal (including supporting materials)
December 22, 2023	Exchange of witness lists (names, disciplines and order to be called)
January 26, 2024	Experts Meeting and Agreed Statement of Facts
February 23, 2024	Exchange of Witness Statements, summoned witness outlines, Expert Reports and Participant Statements
March 22, 2024	Exchange of Reply Witness Statements (if any)
April 5, 2024	Exchange of Visual Evidence (if any)
April 5, 2024	Final Work Plan filed with the Tribunal
April 15, 2024	Preparation of Document Book(s)
April 22, 2024	Hearing commences

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**ATTACHMENT 2**

**LIST OF PARTIES/PARTICIPANTS**

**PARTIES**

**1. 30 Eglinton Avenue West Limited**

Ian Andres, Goodmans LLP  
iandres@goodmans.ca  
416.597.5160

**2. City of Mississauga**

Michal Minkowski  
michal.minkowski@mississauga.ca  
905.615.3200 ext. 3280

**3. Regional Municipality of Peel**

Rachel Godley  
Rachel.godley@peelregion.ca  
905.791.7800 ext. 7189

**PARTICIPANTS**

**1. Doug Colling**

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### ATTACHMENT 3

#### ISSUES LIST

*The identification of an issue does not mean that all parties agree that such issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Tribunal at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Tribunal at the hearing will be a matter of evidence and argument at the hearing.*

#### CITY OF MISSISSAUGA

##### PLANNING ACT:

1. Does the proposed development have regard to matters of Provincial Interest as outlined in Section 2 of the *Planning Act* as it relates to
  - (p) the appropriate location of growth and development
  - (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians
  - (r) the promotion of built form that,
    - (i) is well-designed,
    - (ii) encourages a sense of place, and
    - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant?

##### PROVINCIAL POLICIES:

2. Does the proposed development demonstrate consistency with the Provincial Policy Statement 2020, including but not limited to:
  - a. Policy 1.1.3.4 - appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
3. Does the proposed development conform to the Growth Plan for the Greater Golden Horseshoe, and is the development as proposed necessary to achieve the Growth Plan density targets, including but not limited to:
  - a. Policy 2.2.4.3 – Major transit station areas on priority transit corridors or subway lines will be planned for a minimum density target of:
    - b) 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit?
  - b. Policy 5.2.5?

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c. Schedule 4?

**REGION OF PEEL OFFICIAL PLAN, OFFICE CONSOLIDATION 2021:**

4. Does the proposed development conform to the Region of Peel Official Plan in relation to Section 5.3 Urban System, as it relates to development and intensification, including policies 5.2.2.1, 5.3.1.4, 5.3.1.5, and 5.3.2.6?

**REGION OF PEEL OFFICIAL PLAN, 2022:**

5. Does the proposed development conform to the Region of Peel Official Plan in relation to Section 5.6.15 Urban Systems, taking into account the characteristics of existing communities, to include in their official plans that: a) support Urban System objectives and policies in this Plan; and, b) support pedestrian friendly and transit supportive urban development?
6. Does the proposed development conform to the Region of Peel Official Plan in relation to Section 5.6.19?

**MISSISSAUGA OFFICIAL PLAN:**

7. Does the proposed development conform to the Mississauga Official Plan, including but not limited to policies in:
  - a. Chapter 5: Direct Growth – Sections 5.1.9, 5.1.10
  - b. Chapter 7: Complete Communities – Sections 7.4.1.3, 7.4.1.13
  - c. Chapter 9: Build a Desirable Urban Form – Sections 9.1.10, 9.1.11 9.1.14, 9.2.1.3, 9.2.1.10, 9.2.1.14, 9.2.1.15, 9.2.1.16, 9.2.1.21, 9.2.1.29, 9.5.1.9, 9.5.3.7, 9.5.3.9
  - d. Chapter 13: Major Nodes – Section 13.1.1.2, 13.1.1.3
  - e. Chapter 19: Implementation – Section 19.5 Criteria for Site Specific Official Plan Amendments

**PLANNING & URBAN DESIGN ISSUES:**

8. Does the proposed development have appropriate regard to the Uptown Major Node Character Area?
9. Are the proposed zoning by-law and exception standards appropriate?
10. Does the proposal appropriately address the scale of the built form relating to height, massing, orientation and location?

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11. Have the City's standards for Shadow Study requirements been adequately addressed to mitigate adverse impacts associated with the development?
12. Have the City's standards for Pedestrian Wind Comfort and Safety Study been adequately addressed to mitigate adverse impacts associated with the development?
13. Does the proposal adequately provide for amenity areas?
14. Has the Streetscape Feasibility Study appropriately addressed the amended boulevard treatment requirements along Eglinton Avenue West and the impact on the development setbacks?

**SERVICING ISSUE:**

15. In the absence of clearance from the Region of Peel, can sanitary sewer infrastructure adequately service the proposal?

**TRANSPORTATION & WORKS:**

**HOLDING "H" PROVISION**

16. In the event that the Tribunal allows the appeal in whole or in part, should the Zoning By-law include an "H" (Holding) provision which requires the following conditions to be satisfied:
  - a. Receipt of satisfactory Architectural Drawings to reflect the agreed upon design and noise barriers
  - b. Receipt of a satisfactory Functional Servicing and Stormwater Management Report
  - c. Receipt of a satisfactory Noise and Vibration Report
  - d. Receipt of a satisfactory Traffic Impact Study
  - e. Receipt of a satisfactory executed Development Agreement
  - f. Receipt of satisfactory land dedications and easements
  - g. Receipt of satisfactory affordable housing contributions
  - h. Receipt of a record of site condition
  - i. Receipt of a satisfactory Hydrogeological Investigation Report.



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17. In the event that the Tribunal allows the appeal in whole or in part, should the Final Order be withheld pending the City Solicitor advising the Tribunal that the Owner and City have agreed to the final form of the Official Plan Amendment and Zoning By-law Amendment?

**SITE PLAN RELATED ISSUES:**

18. Does the proposal provide for appropriate pedestrian routes?
19. Does the proposal adequately provide for transformer vaults?
20. Does the proposal adequately site underground parking vents?
21. Does the proposal adequately address comments from the Mississauga Urban Design Review Panel?

**SUMMARY:**

22. Does the proposed development represent good planning and is it in the public interest?

**REGIONAL MUNICIPALITY OF PEEL**

1. Has the applicant submitted a waste management plan in accordance with the Region's Waste Collection Design Standards manual that demonstrates the feasibility of the proposed site layout?
2. Has the applicant submitted a satisfactory FSR? In particular has the applicant proposed a viable solution to the sanitary sewer capacity issues?

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**ATTACHMENT 4**  
**ORDER OF EVIDENCE**

1. 30 Eglinton Avenue West Limited
2. City of Mississauga
3. Regional Municipality of Peel
4. 30 Eglinton Avenue West Limited in reply (if any)

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#### ATTACHMENT 5

##### Meaning of Terms Used in the Procedural Order

A **party** is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. An unincorporated group cannot be a party and it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer and may have an agent speak for them. The agent must have written authorization from the party.

**NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the case management conference (CMC), must ask the Tribunal to permit this.

A **participant** is an individual or corporation, whether represented by a lawyer or not, who may make a written submission to the Tribunal. A participant cannot make an oral submission to the Tribunal or present oral evidence (testify in-person) at the hearing (only a party may do so). Section 17 of the Ontario Land Tribunal Act states that a person who is not a party to a proceeding may only make a submission to the Tribunal in writing. The Tribunal may direct a participant to attend a hearing to answer questions from the Tribunal on the content of their written submission, should that be found necessary by the Tribunal. A participant may also be asked questions by the parties should the Tribunal direct a participant to attend a hearing to answer questions on the content of their written submission.

A participant must be identified and be accorded participant status by the Tribunal at the CMC. A participant will not receive notice of conference calls on procedural issues that may be scheduled prior to the hearing, nor receive notice of mediation. A participant cannot ask for costs, or review of a decision, as a participant does not have the rights of a party to make such requests of the Tribunal.

**Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.

**Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

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*A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss; and a list of reports or materials that the witness will rely on at the hearing.*

*An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons supporting their opinions and conclusions and (5) a list of reports or materials that the witness will rely on at the hearing. An expert witness statement must be accompanied by an acknowledgement of expert's duty.*

*A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a statement of the participant's position on the appeal; a list of the issues which the participant wishes to address and the submissions of the participant on those issues; and a list of reports or materials, if any, which the participant wishes to refer to in their statement.*

#### **Additional Information**

*A **summons** may compel the appearance of a person before the Tribunal who has not agreed to appear as a witness. A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons through a request. (See Rule 13 on the summons procedure.) The request should indicate how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the information provided in the request that the evidence is relevant, necessary or admissible, the party requesting the summons may provide a further request with more detail or bring a motion in accordance with the Rules.*

*The **order of examination of witnesses** is usually direct examination, cross-examination and re-examination in the following way:*

- *direct examination by the party presenting the witness;*
- *direct examination by any party of similar interest, in the manner determined by the Tribunal;*
- *cross-examination by parties of opposite interest;*
- *re-examination by the party presenting the witness; or*
- *another order of examination mutually agreed among the parties or directed by the Tribunal.*