

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 19, 2023

CASE NO(S).:

OLT-23-000393

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

Applicant/Appellant

Subject:

Description:

Reference Number:

Property Address:

Municipality/UT:

OLT Case No:

OLT Lead Case No:

OLT Case Name:

Almega Asset Management Inc.

Request to amend the Official Plan – Failure to adopt the requested amendment

To permit the development of three residential towers, with podium

OZ OPA 22-16 W7

60 Dundas Street East

Mississauga/Peel

OLT-23-000393

OLT-23-000393

Almega Asset Management Inc. v. Mississauga (City)

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

Applicant/Appellant

Subject:

Description:

Reference Number:

Property Address:

Municipality/UT:

OLT Case No:

OLT Lead Case No:

Almega Asset Management Inc.

Application to amend the Zoning By-law – Refusal or neglect to make a decision

To permit the development of three residential towers, with podium

OZ OPA 22-16 W7

60 Dundas Street East

Mississauga/Peel

OLT-23-000394

OLT-23-000393

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

Applicant/Appellant	Almega Asset Management Inc.
Subject:	Site Plan
Description:	To permit the development of three residential towers, with podium
Reference Number:	SPA-92586
Property Address:	60 Dundas Street East
Municipality/UT:	Mississauga/Peel
OLT Case No:	OLT-23-000395
OLT Lead Case No:	OLT-23-000393

Heard: September 12, 2023 via Video Hearing

APPEARANCES:

Parties

Counsel/Representative

City of Mississauga

M. Minkowski
K. Pfaff

Almega Asset Management Inc.

M. Helfand

MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN COOKE ON SEPTEMBER 12, 2023, AND ORDER OF THE TRIBUNAL

[1] The matter before the Tribunal was the first Case Management Conference (“CMC”) for the appeals by Almega Asset Management Inc. (the “Appellants”) under s. 22(7), 34(11), and 41(12) of the *Planning Act*, for the City of Mississauga (the “City”) failure to make a decision on the applications for an Official Plan Amendment, Zoning By-law Amendment, and site plan for the property municipally known as 60 Dundas Street (the “Subject Site”).

[2] The Applicant proposes the development of three towers of varying heights, ranging from 16 to 29 storeys, along with a U-shaped podium and a mid-rise 14-storey building. The development will also feature about 2,000 square metres of non-

residential gross floor area (GFA), which includes 1,138 square metres of retail space on the ground floor and 835 square metres of commercial and flexible space. The location of the development falls under the Downtown Cooksville Character Area.

[3] The Affidavit of Service, confirming that proper Notice of the CMC was given, was marked as **Exhibit 1**. The Parties had indicated that they were not aware of any issues related to the notice.

[4] No other individuals or entities sought Party or Participant Status in these proceedings.

[5] At the outset of the CMC the Parties indicated that they had a difference in opinion on whether or not to request merit hearing dates. Counsel for the City indicated that they had not been given instructions on how to proceed. The Tribunal was informed that a planning report for the Subject Site is scheduled to be on the agenda of the October 23, 2023 City Council meeting. As such counsel for the City requested that a second CMC be conducted prior to setting hearing dates.

[6] Counsel for the Applicant countered by pointing out to the Tribunal that the appeals having been filed on April 28, 2023 gave the City multiple chances to bring forward a planning report and receive instructions from Council. It was their opinion that a 10-day hearing should be scheduled for the summer of 2024.

[7] Both Parties indicated that they have a desire to work together and will be seeking opportunities to settle issues and potentially use mediation.

[8] The Tribunal gave direction that a second CMC will be held on **Thursday, November 30, 2023** by video hearing at **10 a.m.** It is the expectation of the Tribunal that the Parties will be prepared to present a joint draft Procedural Order and Issues List, as well as a 10-day hearing plan for the Tribunal to review and approve.

[9] The Tribunal agrees with the Applicant that further delay of the scheduling of the merit hearing is not necessary. The summer of 2024 gives the Parties ample opportunity to have discussion and prepare for a 10-day hearing. The hearing of the merits is scheduled to begin on **Monday, August 12, 2024 at 10 a.m.**

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

Thursday, November 30, 2023 at 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/927921077>

Access code: 927-921-077

Audio-only telephone line: (Toll Free) 1-888-299-1889 or +1 (647) 497-9391

Monday, August 12, 2024 at 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/344779885>

Access code: 344-779-885

Audio-only line: (Toll Free) 1-888-299-1889 or +1 (647) 497-9373

[11] 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.

[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](#) 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.

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

ORDER

[15] The Tribunal orders that a one-day CMC is scheduled for **Thursday, November 30, 2023** at **10 a.m.** as directed in paragraph 8;

[16] And that a 10-day hearing of the merits is scheduled to begin on **Monday, August 12, 2024** at **10 a.m.** as directed in paragraph 9.

[17] No further notice is required.

[18] The Panel Member is not seized.

“Steven Cooke”

STEVEN COOKE
VICE-CHAIR

Ontario Land Tribunal

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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.