

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



**ISSUE DATE:** August 18, 2023

**CASE NO(S):** OLT-23-000484

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

Appellant: 33HC TAS LP, 33HC Corp., 3168HS LP and 3168HS Corp.  
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment  
Description: To permit five apartments, 46, 43, 43, 39, and 34 storeys  
Reference Number: OZ/OPA 22-19 W7  
Property Address: 0, 25 Hillcrest Avenue and 3154, 3168 Hurontario Street  
Municipality/UT: Mississauga/Peel  
OLT Case No: OLT-23-000484  
OLT Lead Case No: OLT-23-000484  
OLT Case Name: 33HC TAS LP, 33HC Corp., 3168HS LP and 3168HS Corp. v. Mississauga (City)

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

Appellant: 33HC TAS LP, 33HC Corp., 3168HS LP and 3168HS Corp.  
Subject: Application to amend the Zoning By-law – neglect to make a decision  
Description: To permit five apartments, 46, 43, 43, 39, and 34 storeys  
Reference Number: OZ/OPA 22-19 W7  
Property Address: 0, 25 Hillcrest Avenue and 3154, 3168 Hurontario Street

Municipality/UT: Mississauga/Peel  
OLT Case No: OLT-23-000485  
OLT Lead Case No: OLT-23-000484

**Heard:** August 10, 2023, by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

33HC TAS LP, 33HC Corp.,  
3168HS LP, and 3168HS Corp.  
("Appellants")

R. Gill

City of Mississauga ("City")

M. Minkowski

Region of Peel

R. Godley

Metrolinx

I. Tang

**MEMORANDUM OF ORAL DECISION DELIVERED BY A. SAUVE ON AUGUST 10, 2023 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This is the first Case Management Conference ("CMC") respecting an appeal by the Appellants following the City's failure to render a decision respecting an application within the statutory time frame. The Application consisted of an Official Plan Amendment ("OP") and Zoning By-Law Amendment ("ZBA") required to permit five towers of varying size with 14,962 square meter ("m<sup>2</sup>"), (161,050 ft<sup>2</sup>) of commercial

floor area and 6,216 m<sup>2</sup> (66,905 ft<sup>2</sup>) of gross floor area. The subject lands are located at 0, 25

[2] Hillcrest Avenue and 3154, 3168 Hurontario Street in the City.

[3] The Appellants are asking that a portion of the property be redesignated from Residential High Density to Mixed Use to permit a maximum building height of 46 storeys. Also, for a ZBA from C4 (Mainstreet Commercial), D (Development) and RA5-33 (Apartments – Exception) to RA5 – Exception (Apartments – Exception).

[4] The subject lands are located in close proximity to the Cooksville GO Station, the rail corridor and, likely, a future Hazel McCallion LRT station.

### **SERVICE OF NOTICE OF CMC**

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

### **REQUESTS FOR STATUS**

[6] On consent of the Parties, the Tribunal granted the Region of Peel (“Peel”) and Metrolinx Party Status. Peel sought Party Status solely to ensure an adequate waste management plan is created as the sanitary sewer for the property is at capacity. Metrolinx does not oppose the redevelopment of the Subject Lands but owns and operates land and transportation services directly next to the Subject Lands.

[7] There were no requests for Participant Status.

## MEDIATION AND SETTLEMENT

[8] The Tribunal explored the possibility of mediation and settlement with the Parties. The Parties indicated that they may be interested in Tribunal-assisted mediation, and so the Tribunal directed them to contact the Case Coordinator if they choose to. However, the Parties indicated they will not be in a position to pursue mediation until City staff receive instructions from City Counsel.

[9] A public meeting has been held but City staff has not created a Recommendation Report as of yet. The report should be completed by September 5, 2023 for a meeting of the Planning Committee. City Counsel will then meet next on September 14, 2023 at which time resolution discussions can begin in earnest.

## PROCEDURAL ORDER AND ISSUES LIST

[10] A draft Procedural Order ("PO") and Issues List ("IL") had not been completed prior to this CMC. The Tribunal Ordered that a draft PO and IL be submitted by **Thursday, October 5, 2023**.

## SECOND CMC

[11] Upon request of the Parties, the Tribunal scheduled a second CMC on **Thursday October 12, 2023 at 10 a.m.** by video. No further Notice is required for the hearing.

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

<https://global.gotomeeting.com/join/519389173>

**Access Code: 519-389-173**

[13] 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>.

[14] 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: **Toll-Free 1-888-299-1889 or +1 (647) 497-9373**. The **Access Code** is as indicated above.

[15] 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 VH 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**

[16] **The Tribunal Orders** that:

1. The date and particulars of the hearing are set out above;
2. The Region of Peel is granted Party Status;
3. Metrolinx is granted Party Status;
4. No further notice shall be provided; and

5. The Member not seized but may be spoken to through the Case Coordinator if any issues arise.

*"A. Sauve"*

A. SAUVE  
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.