

ISSUE DATE:

June 27, 2013



MM130003

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 40.1(4) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18,
as amended

Appellant: Nezih Gamsiz and Ann McMenemy
Subject: By-law 0238-2012 Heritage Conservation Study Area
Municipality: City of Mississauga
OMB Case No.: MM130003
OMB File No.: MM130003

APPEARANCES:

Parties

City of Mississauga

Nezih Gamsiz
Ann McMenemy

Counsel

Marcia Taggart

Denise Baker

DECISION DELIVERED BY R. ROSSI ON JUNE 13, 2013 AND ORDER OF THE BOARD

[1] This second pre-hearing conference was convened as a telephone conference call ("TCC") for the Board to receive an update on the discussions under way between counsel Marcia Taggart for the City of Mississauga ("City") and counsel Denise Baker for Nezih Gamsiz and Ann McMenemy ("Appellants"). These Appellants have appealed to the Ontario Municipal Board ("Board") the decision of the City of Mississauga ("City") to pass Heritage Conservation District Study Area By-law No. 0238-2012. The by-law encompasses the Appellants' lands. The Appellants contend that the Study Area runs contrary to the intent and purpose of the *Ontario Heritage Act* ("OHA") and they are appealing the by-law pursuant to s. 49.1(4) of the OHA.

[2] As explained in the Board's first order, the Meadowvale Village Heritage Conservation District Review would set limitations for development of properties within the Study Area for one year. The Study Area includes lands currently within the existing

Meadowvale Village Heritage Conservation District and which are subject to Meadowvale Village Heritage Conservation District Plan.

[3] The parties advised the Board that they have not made progress on this matter. Specifically, Ms Baker complained that her clients have yet to receive a Notice of Receipt from the City. Ms Taggart responded that a number of documents are required from the Appellants in order for it to deem their application complete.

[4] The clock is ticking as the November 2013 date of expiry of the instrument approaches. The parties are committed to continuing their discussions, however. On consent, the Board will set another TCC to determine whether progress has been made or whether a hearing date will be set.

ORDER

[5] On consent, the Board will schedule a TCC on **Thursday July 18, 2013 at 9 a.m.**

The individuals shall call **(416) 212-8012** or Toll Free **1(866) 633-0848**. When prompted, enter the **code 4779874#** and you will be connected to the call. If assistance is required at any time, press '0' for the operator. Cellular telephones are not permitted to be used for the call. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time.

If you have any questions, please contact the Case Coordinator, Nazma Ramjaun, at (416)326-6796.

[6] No further notice will be given and the Member remains seized for administrative carriage of this file.

"R. Rossi"

R. ROSSI
MEMBER