

ISSUE DATE:

Nov. 10, 2008



PL070625

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

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: See Attachment 1
Subject: Proposed Official Plan Amendment No. 25
Municipality: City of Mississauga
OMB Case No.: PL070625
OMB File No.: See Attachment 1

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: See Attachment 1
Subject: By-law No. 0225-2007
Municipality: City of Mississauga
OMB Case No.: PL070625
OMB File No.: See Attachment 1

APPEARANCES:

Parties

Counsel*/Agent

City of Mississauga

P. DeMelo*

2096553 Ontario Inc.

J. B. Keyser*

Kathy Deman and Peter Deman

I-Lease Inc.

D. Italiano

West End Motors and Trailer Park Limited

A. Paton*

Frank Merulla

S. D'Agostino* and B. Stacey*

Add-a-View Inc. and Nazzareno Zaffino

N. Zaffino

Orlando Corporation

L. F. Longo*

487345 Ontario Inc. and Ronald Robinson

J. Hart*

Cedar Heights Construction Limited

Glen Ellen Properties Inc.

J. Dougherty*

1128143 Ontario Limited (Safe Self Storage) P. Harrington*

Wintor Equities

DECISION DELIVERED BY D. R. GRANGER AND ORDER OF THE BOARD

This is a phased hearing of site-specific appeals against a decision of the Council of the City of Mississauga (City) to approve Amendment No. 25 to the City Official Plan (OPA 25) and the City's enactment of By-law 0225-2007 (By-law) intended to create a comprehensive zoning by-law in full conformity with the City of Mississauga Official Plan (OP).

These appeals have been managed by the Board, otherwise constituted, and are subject to a Procedural Order that includes the listing of issues relevant to each appeal.

Phase 1 was intended to address any settlements achieved prior to the commencement of the hearing. The Board was informed that the appeal by 2096553 Ontario Inc. (Phase 5) has been settled and on consent of the affected parties, the appeal is withdrawn. The appeal by Moldenhauer Developments (Phase 9) was withdrawn prior to the commencement of the hearing. The appeal by Yum Brands Canada Management Holdings Inc. (Phase 4) was transferred to a new owner I-Lease Inc., without objection, and the Board was informed that the appeal is now settled and on consent of the affected parties, the appeal is withdrawn.

With respect to the above noted withdrawals, the Boards files are now closed.

The Board will now address each of the appeals separately.

Appeal by Peter and Kathy Deman Against By-law 0225-2007 (Phase 2)

The Demans own vacant property at 2855 Mississauga Road (subject property). They do not agree with the uses now permitted within the Greenbelt zone set out in the new By-law as it affects their property and they do not agree on the restrictions imposed by the Greenbelt Overlay over that portion of their property zoned R1 Residential.

At the commencement of this phase, the Demans requested an adjournment due to not being able to serve a summons on one of two witnesses requested and a conflict with Ms Deman's schedule. The Board denied the request on the basis that both witnesses requested by the Demans, were in attendance willing to testify as was Ms Deman and Mr. Deman. The schedule has been known since their attendance at the last pre-hearing conference. The Demans were not intending to call any of their own independent witnesses and had not filed any witness statements of their own.

Qualified City land use planners M. Cassin, under summons, and R. Miller, as requested, were called by the Demans.

C. Rouse, on behalf of the City and M. Crechiolo, on behalf of the Credit Valley Conservation Authority (CVCA), presented expert land use planning evidence in support of the By-law.

The Demans wish to be able to construct a home and detached garage for their future retirement on the subject property and therefore wish to retain the uses previously permitted in the Greenbelt zone of By-law 5500 that includes residential and related accessory uses. The subject property is presently vacant.

The subject property is within the valleys associated with the Credit River and Loyalist Creek. The subject property is located within the regulatory floodline as established by CVCA, save a small sliver of land in the northwest corner that could not meet setback requirements for any structure. The subject property is within a Provincially designated Life Science Area of Natural and Scientific Interest (ANSI) and identified as habitat for vulnerable, endangered and threatened species. The entire subject property is designated Core Area Greenland in the approved Region of Peel (Region) Official Plan (ROP) and Greenbelt in the approved City OP. These facts,

confirmed by the land use planners for the City and CVCA, were not disputed by any other expert witness.

The planners confirmed the intent of the By-law as: consolidating the four (4) original old by-laws of the municipalities predating the City of Mississauga; to reflect the intent and policies of and conform to the approved City OP as required by the *Planning Act*; and, to create base zone categories consistent with the type of development occurring in the City, development that to date has resulted in approximately 2400 special sections through site-specific by-laws.

It was the opinion of the City and CVCA planners that the permitted uses of the old by-law 5500 do not conform to the policies of the approved ROP and OP and are not consistent with the Provincial Policy Statement (PPS). The inclusion of the uses requested by the Demans, including residential uses and separate accessory structures such as a garage especially important to the Demans, would not be consistent with PPS policies under 2.1 Natural Heritage nor 3.1 Natural Hazards, especially 3.1.2 d) where development and site alteration shall not be permitted within a floodway.

Similarly the approved ROP prohibits development and site alteration within the subject property designation of Core Areas of the Greenlands System, save for minor development, minor site alterations and passive recreation permitted in a municipal official plan subject to consultation with the CVCA and other relevant agencies. This is set out in ROP policy 2.3.2.5.

The relatively new approved City OP, as amended by OPA 25, designates the entire property as Greenbelt. Permitted uses do not include residential or related uses as set out in OP policy 3.9.1.1. This policy was not appealed by the Demans and is in effect on the subject property.

The planner for CVCA confirmed that the CVCA Policies on Floodplain Management, Valleyland Protection Policies and Credit Watershed Environmentally Significant Policies present serious constraints to any development or alteration within the floodplain. The floodplain and associated slopes are regulated under Ontario Regulation 160/06 made under the *Conservation Authorities Act*, Credit Valley Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. He confirmed there being no permit

applications or satisfactory reports required to be prepared by qualified professionals regarding the addressing of any of these constraints on the subject property.

It has been made clear through the evidence of the experts at this hearing that the uses proposed to be retained by the Demans would not only put the By-law in a state of non-conformity with the City OP, contrary to subsection 24 (1) of the *Planning Act*, a fact that was not contradicted by the Demans, but it would also constitute an irresponsible acknowledgement of an inappropriate use being located within a significant natural hazard area.

Both the Greenbelt zone and R1 Zone, subject to the Greenbelt overlay, portion of the subject property are wholly located within the regulated floodplain as identified by CVCA. The Demans may still exercise their right to seek permission to construct a home and related accessory buildings in the R1 portion of their property subject to qualified professional engineering reports addressing the constraints clearly evident and identified by the CVCA. The planners for the City and CVCA were forthright in expressing their opinion that in the circumstances of this property it would present a formidable challenge.

Since the devastation of Hurricane Hazel in 1954, the CVCA has been charged with the most serious responsibility of protecting citizens from any repeat of that disaster in the future. The suggestion that in a similar regional storm circumstance the Demans would secure their safety by the use of a boat, to some degree, reduced the level of the credibility of their appeal to a level of absurdity. As noted by the planner for CVCA they seemed to ignore the significant risk to life and property not just for the landowner but for the community as a whole including the necessary risks taken by emergency service personnel.

Having considered all of the evidence, including the evidence of four expert land use planners, that was not contradicted by any other expert, the Board finds that, in the circumstances of this case, zoning for residential or related accessory uses on the Greenbelt portion of subject property or on the R1 portion of the subject property without the protection afforded by the Greenbelt Overlay would not be consistent with the PPS, would not conform to the ROP or OP, would not represent good planning and would not be in the overall public interest of the community.

The Board Orders that the appeal by Kathy Deman and Peter Deman against By-law 0225-2007 is dismissed.

Appeal by West End Motors and Trailer Park Limited Against By-law 0225-2007 (Phase 6)

At the commencement of the hearing of the appeal by West End Motors and Trailer Park Limited (West End), the parties requested some time to consider a possible settlement of the appeal as it affects property at 189 Dundas Street West (subject property). The Board agreed and the parties were successful.

Upon reconvening, N. E. Davidson, on behalf of West End, presented expert land use planning evidence in support of an amendment to the By-law that settles the dispute. The proposed amendment was set out in Exhibit No. 32. No other evidence was proffered.

Mr. Davidson confirmed the nature of the dispute to be the proposed Development 'D' zoning (D zone) that only permits uses existing at the time of the passing of the By-law, the existing uses being auto service commercial and a trailer park. It was his opinion that the D zone would not be in conformity with the existing approved OP designation on the subject property of Residential High Density II.

The parties have now agreed that the Residential Apartment 'RA' zone is more appropriate in the circumstance. Mr. Davidson confirmed that any proposed development would still be subject to the completion of appropriate studies, a further By-law amendment and a possible OP amendment relating to height. It was his opinion that the 'RA' zone as now proposed would be in conformity with the OP and represent good planning. His evidence and opinion were not contradicted.

The Board relies upon and adopts the evidence and opinion of Mr. Davidson and finds that the proposed further amendment to the By-law is in conformity with the OP, represents good planning and is in the overall public interest of the community.

On consent of the affected parties, the Board Orders that the appeal by West End Motors and Trailer Park Limited is allowed, in part, and By-law 0225-2007 is

amended in the manner as set out in Attachment "2" to this decision. In all other respects, the appeal by West End is dismissed.

Appeal by Frank Merulla Against By-law 0225-2007 (Phase 7)

At the commencement of the hearing of the appeal by Frank Merulla (Merulla), the Board was requested to adjourn the matter on consent of the affected parties.

The dispute in this matter relates to the application of the Greenbelt 'G1' zone to all of the lands of Merulla at 2935 and 2955 Mississauga Road (subject property). Merulla contends that a portion of the subject property is developable and has submitted geotechnical and environmental reports by qualified expert consultants to confirm the same.

Counsel for the City submits that the City may agree subject to a conclusion of a pending action against Merulla by the CVCA pursuant to its 'Fill and Construction' regulations. This action may result in remediation work on the subject property and should subsequently confirm an accurate boundary between lands that may be developable and lands that are not. The matter is expected to go to trial February 3, 2009. Efforts will be made to settle the matter.

The City acknowledges that if an accurate boundary is established to the satisfaction of CVCA, it will form the boundary between a new City recommended Development 'D' zone with a Greenbelt Overlay for the lands that are deemed to be developable and Greenbelt 'G1' zone for the lands that are deemed not developable. Both parties acknowledge that the entire subject property is designated Greenbelt in the applicable approved OP and that any future development for purposes other than those permitted in the Greenbelt designation of the OP will require an amendment to the OP.

On consent and at the request of the affected parties, the Board Orders that the appeal by Frank Merulla is adjourned, *sine die*. Counsel for the City will report to the Board on or before February 27, 2009 with an update regarding the settlement of the matter. The Board may be spoken to and this Board Member is seized in that regard.

Appeals by Add-a-View Inc. and Nazzareno Zaffino Against By-law 0225-2007 (Phase 8)

These are appeals by Add-a-View Inc. and Nazzareno Zaffino (Zaffino) against By-law 0225-2007 related to properties owned or controlled by Mr. Zaffino at 4594 Tomken Road and 1108 Eglinton Avenue East (subject property).

The issue is the application of the new Development 'D' zone on the subject property. 4594 Tomlen Road is designated Business Employment and 1108 Eglinton Avenue East is designated General Commercial in the applicable approved OP.

At the commencement of the hearing, the parties expressed an interest in taking a few minutes to discuss the dispute in an effort to settle the matter. The Board agreed and the parties were successful.

Upon reconvening, Mr. Zaffino expressed his desire to withdraw his appeals. He confirmed his understanding of the matter, that he appreciated the communication with City staff and that he now knows how he will proceed.

The Board accepts the withdrawal of the appeals by Zaffino and the Board's files are now closed in that regard.

Appeal by Orlando Corporation Against By-law 0225-2007 (Phase 11)

This is an appeal by Orlando Corporation (Orlando) against By-law 0225-2007 pertaining to certain requirements related to the Employment zones.

At the commencement of the hearing, the Board was informed of some agreement between the parties related to the addressing of the five (5) issues in dispute.

The parties agree that issues 4 and 5, related to maximum front and side yard setbacks in the "E1" zone, should be adjourned *sine die* and linked to appeals by Orlando against Amendment No. 40 to the OP (OPA 40), an amendment dealing with the Upper Hurontario Corridor that affects the interests of Orlando. The Board accepts

the agreement between the parties and adjourns that portion of the appeal by Orlando related to issues 4 and 5 as set out in the Board's Procedural Order.

The parties also agree that an additional issue related to daycare facility permissions as accessory uses within the Gateway District Node is linked to the appeal by Orlando of OPA 25 and will be further canvassed at the next pre-hearing conference scheduled for January 23, 2009.

The three (3) remaining issues for this hearing are:

1. Should the definitions of "manufacturing facility" and warehouse/distribution facility" include mention of the temporary storage of trucks and trailers associated with such uses?
2. Should lands municipally known as 5741 Datsun Road be subject of a site-specific zoning exemption permitting their current use as a truck and trailer sales, leasing and service business; including the storage and display of trailers and associated office?
3. Should By-law Section 8.2.3.24.3 be amended by adding to its provisions the following words: "unless appropriate screening has been provided through a site plan control agreement"?

P. J. Stewart, on behalf of Orlando, presented expert land use planning evidence in support of amendments to the By-law to address the three issues as set out in Exhibits 34, 37 and 39.

K. Crouse, on behalf of the City, presented expert land use planning evidence in support of the By-law.

With respect to issue 1, there was no dispute by the two expert planners or counsel that the temporary parking and storage of trucks and trailers should be an inherent use understood to be accessory to, ancillary to and normally associated with any manufacturing, warehouse and/or distribution facility.

Orlando seeks clarity in this regard noting that certain site-specific zones, namely "E2-65," "E2-52" and "E2-53" have specifically set out the outdoor storage of accessory

trucks and trailers as additional permitted uses. This has, in the opinion of the planner for Orlando, created some question or ambiguity as to the inherent right to these uses.

The planner for the City was unequivocal in her opinion that the uses are ancillary, clarified to mean accessory. She expressed a fear that by trying to list all possible accessory uses it could lead to the inevitable missing of some. Counsel for the City submitted that it was a mistake to have separated out the uses, especially related to the "E2-65" zone, noting that the "E2-52" and "E2-53" zones relate to truck repair facilities where longer term storage may be more of an issue.

The Board does find some ambiguity in the general nature of accessory uses as noted by the planners. By-law Section 2.1.5 setting out the general provision for accessory uses is very general. This contrasts to the specificity set out for accessory uses in Employment zones, By-law Section 8.1.2, that does not specify the temporary storage of trucks and trailers in the "E1".or "E2" zones. This ambiguity is further compounded by the specific reference to the storage of trucks and trailers as additional permitted uses in the "E2-65" zone.

The planner for Orlando provided a thorough analysis of the importance of trucks and trailers as confirmed in an Industrial Sector Study undertaken for the City in 2000 and the Employment Lands Review Study, 2008. He confirmed the growing importance of logistics, supply chain management and just-in-time delivery to manufacturing and warehouse/distribution uses and it was his opinion that the By-law should clearly acknowledge these uses as important uses in and of themselves especially related to manufacturing and warehouse/distribution facilities within the Employment zones. The Board agrees.

The Board finds that the definitions of Manufacturing Facility and Warehouse/Distribution Facility in By-law 0225-2007 should be amended to add the words "and may include the temporary on-site storage of Commercial Motor Vehicles (i.e. trucks, tractors and/or trailers) for freight handling including the pick-up, delivery and transitory storage of goods incidental to motor freight shipment directly related to the primary permitted use(s)."

The undisputed importance of these uses that continue to grow in importance and sophistication should be afforded direct reference in the By-law. The Board sees

no harm related to whether or not other accessory uses, that may be deemed to be inherently permitted, should be included or excluded. No other accessory uses of the level of importance and integral nature of trucks and trailers related to employment uses were cited. The example of birdhouses is simply not comparable in stature.

With respect to issue 2, there was no dispute to the fact that property at 5741 Datsun Road (subject property) is subject to a time-limited variance due to expire November 30, 2010. The variance provides for additional outdoor storage and display permissions for the existing truck trailer sales, leasing and service use that includes storage, display and office. The variance has been in place for 14 years without complaint. Orlando seeks to have the use, as now existing, incorporated as a site-specific exemption in the By-law.

The planners confirmed that the subject property has a split OP designation of Industrial for the northern portion and Business Employment for the southerly portion that abuts Highway No. 401. These OP designations are in effect.

The Business Employment policies set out that activities operate mainly within enclosed buildings and that outdoor storage and display areas should not be visible from major roads. Policies of the Northeast District Plan do provide that existing industrial operations which have extensive outdoor storage areas in the Business Employment designation will be permitted to continue to expand in accordance with the Industrial policies.

The planner for the City confirmed the intent of the City to not address site-specific rezoning requests through the approval of the new comprehensive zoning by-law and that a separate application should be made to fully engage potential affected parties including abutting property owners. In addition, she noted that in the case of a time-limited variance that was originally requested by the owner, the matter would be more appropriately addressed, as would have been expected by anyone having an interest in the matter, through the City's Committee of Adjustment. The Board agrees.

While the planners presented evidence regarding the appropriateness of the existing use becoming permanent and the impact that might have on the character or vision along Highway No. 401 resulting from OP policies now in place and the more stringent zoning requirements set out for properties abutting Highways 401, 403 and

410, the Board finds that to address this issue now would constitute a truncating of a process begun with the Committee of Adjustment at the request of the owner. The Board finds it to be more appropriate to address the removal of the temporary nature of the existing uses through the planning body that established that restriction or through a more comprehensive site-specific by-law amendment process. Either of these processes would better serve the giving of proper notice necessary to permit the full engagement of parties that may have an interest in the matter in accordance with the requirements of the *Planning Act*. To avoid this more thorough review would not represent good planning and would not be in the overall public interest of the community. The decision of this Board does not prejudice the outcome of either of these two planning processes nor does it prejudice the owner's right to continue the existing use as varied up to November 30, 2010.

With respect to issue 3, it is submitted by Orlando that the "E2-24" zone, that applies to Employment lands along Highways 401, 403 and 410, should permit outdoor storage in a yard abutting Highway 401, 403 and 410 subject to appropriate screening confirmed through a site plan control agreement. The By-law presently prohibits this.

The planner for Orlando set out that the OP authorizes the use of screening as an appropriate method of addressing outdoor storage and that a prohibition is not necessary. He did acknowledge the City's right to apply prohibition to certain areas, that a zoning by-law can be more restrictive than an official plan and that many other opportunities were available for outdoor storage in the Employment zone areas.

The planner for the City set out her opinion that restricting outdoor storage abutting Highways 401, 403 and 410 reinforces the City's vision to give Employment uses more prominence, encouraging facades facing the highways as opposed to being hidden behind screening necessary for outdoor storage.

The Board finds that the restriction for those yards that directly abut highway 401, 403 and 410 is appropriate and conforms with the OP policy that sets out to have outdoor storage areas located to limit their visibility from the City's major roads.

The restriction to only those yards directly abutting along the three most significant highways in the City seems reasonable in achieving a higher standard of building, landscape and streetscape design along those corridors as set out in the

approved OP. There has been no evidence proffered suggesting that this restriction in any way diminishes the importance of Employment areas pursuant to the Provincial Policy Statement, Growth plan for the Greater Golden Horseshoe or Region of Peel Official Plan.

In conclusion, with respect to the appeal by Orlando, save those issues that have been adjourned and as noted previously, the Board Orders that the appeal by Orlando is allowed, in part, and By-law 0225-2007 is amended by adding the following to the definitions of Manufacturing Facility and Warehouse/Distribution Facility:

and may include the temporary on-site storage of Commercial Motor Vehicles (i.e. trucks, tractors and/or trailers) for freight handling including the pick-up, delivery and transitory storage of goods incidental to motor freight shipment directly related to the permitted use(s).

In all other respects related to the three (3) issues before this Board, the appeal is dismissed.

Appeal by 487345 Ontario Inc. and Ronald Robinson Against By-law 0225-2007 and OPA 25 (Phase 3)

These are appeals by 487345 Ontario Inc. and Ronald Robinson (Robinson) against OPA 25 and By-law 0225-2007 as they affect property at 10 and 24 Front Street North (subject property).

At the commencement of the hearing, the parties requested a few minutes to discuss the dispute in an effort to settle the matter. The Board agreed and the parties were successful.

Upon reconvening, counsel for Robinson expressed his client's desire to withdraw the two appeals on a without prejudice basis. Counsel for the City expressed agreement in that regard.

On consent of the affected parties, the Board accepts the withdrawal of the appeals by 487345 Ontario Inc. and Ronald Robinson against OPA 25 and By-law

0225-2007 on a without prejudice basis and the Board's files are now closed in that regard.

Appeal by Cedar Heights Construction Limited Against By-law 0225-2007 and OPA 25 (Phase 10)

This is an appeal by Cedar Heights Construction Limited (Cedar Heights) against By-law 0225-2007 and OPA 25 as it affects property known as Block C, Registered Plan 830 on the north side of Dundas Street West east of Cawthra Road.

Prior to the commencement of the hearing, the Board was informed that a tentative settlement had been reached between the parties.

With the consent of the affected parties, the Board Orders that the appeal by Cedar Heights is adjourned to an anticipated settlement hearing to be held by telephone conference call. The parties will request a date from the Board and will provide appropriate expert land use planning evidence by affidavit in advance of the hearing.

Appeal by Glen Ellen Properties Inc. against By-law 0225-2007 (Phase 12)

This is an appeal by Glen Ellen Properties Inc. (Glen Ellen) against By-law 0225-2007 related to the potential impact of inappropriate outdoor storage on its lands located at 2476 Argentia Road and throughout the E2-1 zone that constitutes the Meadowvale Business Park.

1128143 Ontario Limited (Safe Self Storage) was granted late status as a party to the hearing as it became known that the appeal by Glen Ellen, as was further refined, became focused on concerns specifically related to the potential of inappropriate outdoor storage occurring on the abutting lands owned by Safe Self Storage.

At the commencement of the second day of the hearing, following the evidence of a principal of Glen Ellen, a commercial development and leasing expert for Glen Ellen and the land use planning expert for Glen Ellen, the parties requested some time to

discuss a possible settlement of the dispute. The Board agreed and the parties were successful.

Upon reconvening, the Board was informed that a resolution to the dispute had been worked out with all three parties.

W. Nott, on behalf of Glen Ellen, provided expert land use planning evidence in support of a minor amendment to the By-law that provided for the same time limitation and size limitation in the By-law definitions for Parking Area and Parking Lot as set out in Exhibit No. 55. She confirmed that the amendment is appropriate, in conformity with the OP and that it represents good planning. She confirmed that, otherwise the change, accessory outdoor storage is acceptable as generally applied in the By-law and that the general parameters of outdoor storage are acceptable.

K. Crouse, on behalf of the City, provided expert land use planning evidence confirming the interpretation that boats, trailers, personal water craft, all terrain vehicles and recreational vehicles were not considered motor vehicles. She also confirmed that these types of vehicles would not be permitted in front of the front face of any buildings including the front of the front face of buildings located on the lands of Safe Self Storage.

Counsel for the City and counsel for Safe Self Storage both confirmed the concurrence of their land use planners with the agreement reached.

The Board relies upon and adopts the evidence and opinions of Ms Nott and Ms Crouse which were not contradicted.

On consent of the affected parties, the Board Orders that the appeal by Glen Ellen Properties Inc. is allowed, in part, and By-law 0225-2007 is further amended in the form of Attachment "3" to this decision. In all other respects, the appeal by Glen Ellen is dismissed.

Appeal by Wintor Equities Inc. Against By-law 0225-2007 (Phase 13)

This is an appeal by Wintor Equities Inc. (Wintor) against By-law 0225-2007 related to its lands located at the southwest corner of Creditview Road and Eglinton Avenue.

Prior to the commencement of the hearing, the Board was informed that the parties have consented to an adjournment, sine die, acknowledging that an OP amendment application is necessary.

On consent of the affected parties, the Board Orders that the appeal is adjourned, sine die. The parties will report on the progress of the matter at the next pre-hearing conference scheduled for January 23, 2009.

Conclusion

This concludes the hearing of appeals and Board dispositions regarding phases 1 through 13 as set out in the Board's Procedural Order.

The Board further confirms and directs the following:

1. The next pre-hearing conference is confirmed scheduled for Friday January 23, 2009 at 10:00 a.m. at Committee Room A, Mississauga City Hall, 300 City Centre Drive, Mississauga, Ontario. The agenda for this pre-hearing will include updates regarding the outstanding appeals by Orlando Corporation and Wintor Equities Inc. The parties should be prepared to address the final issues, date and length for the final hearing of all outstanding appeals.
2. No further notice is required.
3. This Board Member is seized.

The Board so Orders.

"D. R. Granger"

D. R. GRANGER
VICE CHAIR

ATTACHMENT "1"

OMB CASE PL070625

	OMB File No.
Appellant: Orlando Corporation	O070098
Appellant: 487345 Ontario Inc. & Ronald Robinson	O070102
Appellant: Cedar Heights Construction Limited	O070122

	OMB File No.
Appellant: Orlando Corporation	R070126
Appellant: Winton Equities Inc.	R070128
Appellant: Peter & Kathy DeMan	R070138
Appellant: 2096553 Ontario Inc.	R070142
Appellant: Add-a-View Inc.	R070144
Appellant: Nazzareno Zaffino	R070145
Appellant: 487345 Ontario Inc. & Ronald Robinson	R070146
Appellant: Frank Merulla	R070148
Appellant: West End Motors & Trailer Park Ltd. c/o John Bonin	R070155
Appellant: Petro-Canada	R070157
Appellant: Cedar Heights Construction Limited	R070158
Appellant: Glen Ellen Properties Inc.	R070168
Appellant: Yum! Restaurants International (Canada) LP (I-Leave Inc.)	R070170

ATTACHMENT "2"

Ex 32
(final form)

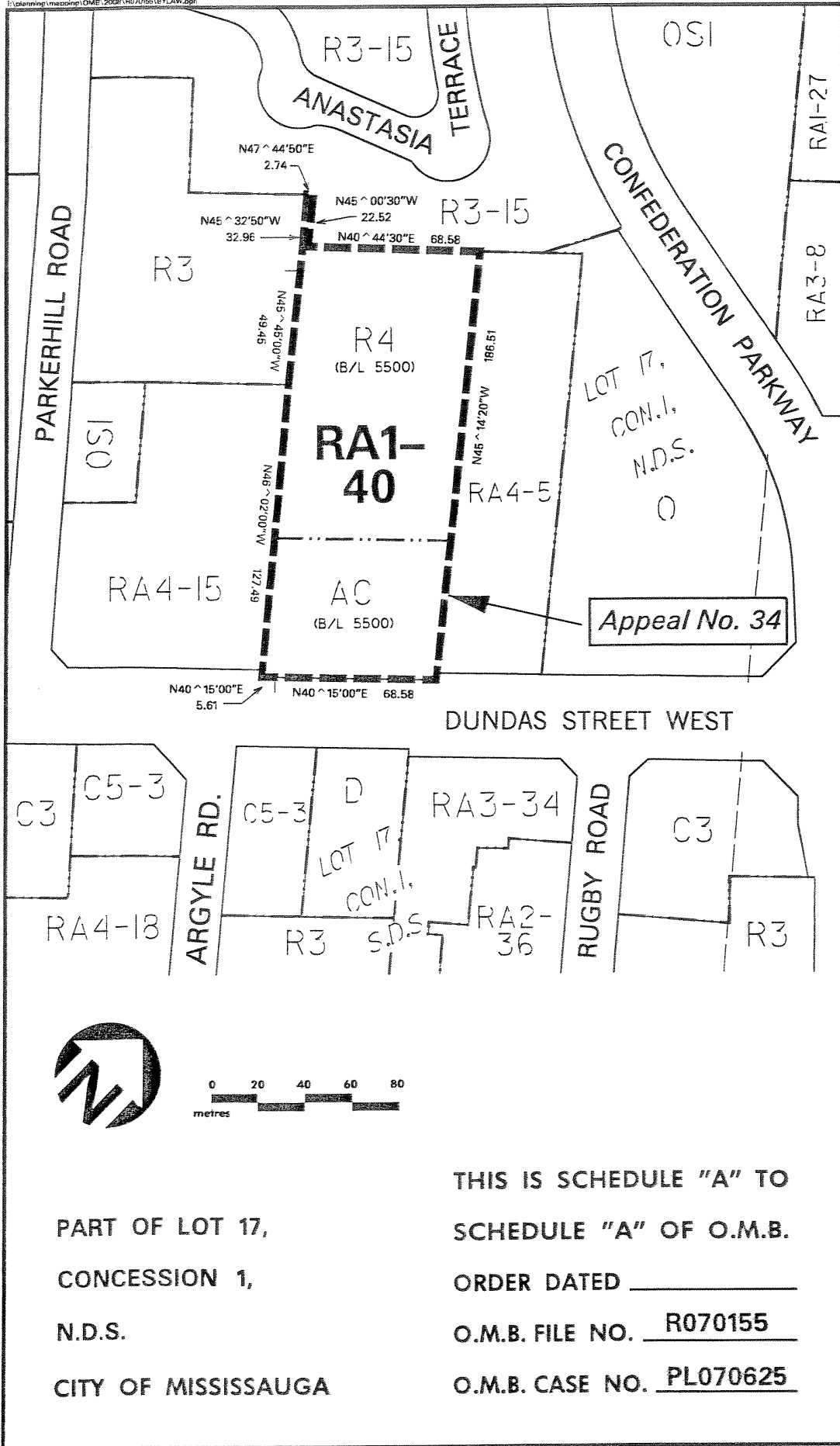
SCHEDULE "A" TO
ONTARIO MUNICIPAL BOARD
ORDER DATED _____

OMB File No. R070155
OMB Case No. PL070625
West End Motors and Trailer Park Limited

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Exception Table:

4.15.2.40	Exception: RA1-40	Map # 22	By-law:
In a RA1-40 zone the applicable regulations shall be as specified for a RA1 zone except that the following uses/regulations shall apply:			
Permitted Use			
4.15.2.40.1	Lands zoned RA1-40 shall only be used for the following: (1) The existing legal non-conforming uses		
Regulation			
4.15.2.40.2	Enlargement or redevelopment of the existing buildings or structures shall not be permitted		

2. Map Number 22 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "AC" and "R4" in By-law 5500 to "RA1-40" in By-law 0225-2007, the zoning of Part of Lot 17, Concession 1, North of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "RA1-40" zoning shall only apply to the lands which are shown on the attached Schedule "A" outlined in the heaviest broken line with the "RA1-40" zoning indicated thereon.



THIS IS SCHEDULE "A" TO
 PART OF LOT 17,
 CONCESSION 1,
 N.D.S.
 CITY OF MISSISSAUGA

THIS IS SCHEDULE "A" TO
 SCHEDULE "A" OF O.M.B.
 ORDER DATED _____
 O.M.B. FILE NO. R070155
 O.M.B. CASE NO. PL070625

APPENDIX "A" TO SCHEDULE "A" OF

OMB ORDER DATED _____

OMB File No. R070155

OMB Case No. PL070625

Explanation of the Purpose and Effect of the By-law

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "AC" and "R4" in By-law 5500 to "RA1-40" in By-law 0225-2007.

"RA1-40" permits the existing legal non-conforming uses.

Location of Lands Affected

North side of Dundas Street West, west of Confederation Parkway, in the City of Mississauga, as shown on the attached Map designated as Schedule "A".

K:\pbd\division\ZBR\By-law Amendments\Appeal No.34 OMB.doc\jmcc

Ex 55

ATTACHMENT "3"

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding Sentence 8.2.3.1.2 to Exception Table 8.2.3.1 as follows:

8.2.3.1	Exception: E2-1	Map # 19, 25, 36W, 44W, 45W, 46E, 53W, 54E, 54W, 58, 59	By-law:
In an E2-1 zone the permitted uses and applicable regulations shall be as specified for an E2 zone except that the following uses regulations shall apply:			
Uses Not Permitted			
8.2.3.1.1	(1) (2) (3) (4) (5) (6) (7)	Truck Terminal Waste Processing Station Waste Transfer Station Composting Facility Body-Rub Establishment Adult Entertainment Establishment Night Club	
Regulation			
8.2.3.1.2	"Parking Area" means an open, unobstructed area of land consisting of one (1) or more parking spaces that is served by driveways and/or aisles , where motor vehicles less than or equal to 3 000 kg in weight are parked on a temporary basis for a period of not more than 14 days and a fee may or may not be charged. This definition of parking area shall only apply to lands zoned E2-1 identified on Maps 45W, 46E, 53W, 54E and 54W.		