

ISSUE DATE:

Feb. 23, 2010



PL080347

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

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Orlando Corporation and Heartland (Seven) Limited
Subject: Proposed Official Plan Amendment No. 40
Municipality: City of Mississauga
OMB Case No.: PL080347
OMB File No.: PL080347

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

Appellant: Orlando Corporation
Subject: By-law No. 191-2009
Municipality: City of Mississauga
OMB Case No.: PL080347
OMB File No.: PL090625

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

Appellant: Orlando Corporation
Subject: Proposed Official Plan Amendment No. 25
Municipality: City of Mississauga
OMB Case No.: PL070625
OMB File No.: O070098

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

Appellant: Orlant Corporation
Subject: By-law No. 0225-2007
Municipality: City of Mississauga
OMB Case No.: PL070625
OMB File No.: R070126

APPEARANCES:

Parties

City of Mississauga

Orlando Corporation/Heartland (Seven) Ltd.

Region of Peel

Counsel

M. Minkowski

L. F. Longo

B. Taylor

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER
ON FEBRUARY 12, 2010 AND ORDER OF THE BOARD**

This is the second Pre-hearing Conference regarding the site-specific appeals of Orlando Corporation/Heartland (Seven) Ltd. ("Orlando") against the City of Mississauga ("City") Amendment No. 40 to the Official Plan ("OPA 40") and By-law 191-2009 ("By-law 191") enacted by the City in 2008 for the Highway 10/Hurontario corridor area within the Gateway Planning District Employment Area.

The site-specific appeals by Orlando against Amendment No. 25 to the City Official Plan ("OPA 25") and By-law 0225-2007 ("By-law 0225") had been previously consolidated with these appeals.

At the commencement of today's Pre-hearing Conference, the Board was informed of progress between the Parties in resolving these appeals, save the day care issue.

The City is hopeful of being in a position to address a possible resolution by late March/early April 2010.

Counsel for Orlando expressed appreciation for the efforts of City staff in reaching a consensus on how to meet the private and public interests in the matter.

The appeal as it relates to the day care issue against OPA 25 and By-law 0225, had been adjourned separately. Orlando is seeking an amendment to the Region of Peel Official Plan (ROPA 14) in that regard. The Region of Peel ("Region") will be considering a final staff report at its General Committee on April 15, 2010 with a recommendation to Regional Council expected on April 22, 2010.

On consent and at the request of the Parties, the Board directs the following:

1. The Board has scheduled a final Pre-Hearing Conference for one day on **Tuesday, April 27, 2010 at 10:00 a.m. at Committee Room C, Mississauga City Hall, 300 City Centre Drive, Mississauga, Ontario.** The Parties will present a settlement for consideration by the Board or the final Procedural Order, including

final issues for the hearing. On consent of the Parties, this appearance may be converted to a telephone conference call if appropriate. The Board will also hear an update with respect to the day care issue.

2. The hearing of the appeals by Orlando, save the day care issue, remains scheduled to commence on **Monday, June 7, 2010 at 10:00 a.m. at City Hall, 300 City Centre Drive, 2nd Floor, Municipal Hearing Room, Mississauga, Ontario.** Up to five (5) days have been scheduled.
3. The Board confirms that in its Decision issued December 1, 2009 the appeals by Orlando and Derry-Ten Limited were deemed to be site-specific without objection. At the request of the City, the Board, pursuant to subsection 34 (31) of the *Planning Act*, now Orders that the remainder of By-law 191-2009, outside of these site-specific appeals, is deemed to have come into effect on the day the By-law was passed.
4. No further notice is required.
5. This Board Member remains seized of these appeals.

The Board commends the Parties for their efforts in settling the issues in dispute.

The Board so Orders.

“D. R. Granger”

D. R. GRANGER
VICE CHAIR