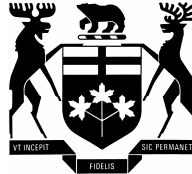


ISSUE DATE:

**May 17, 2010**



Ontario  
Municipal Board

Commission des affaires municipales de l'Ontario

PL081164

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

Appellant: Petro Canada  
Appellant: Rego Developments & Construction Ltd.  
Appellant: 643054 NB Inc.  
Appellant: Ashland Canada Group  
Appellant: Certain Teed Gypsum Canada  
Subject: Official Plan Amendment No. 63  
Municipality: City of Mississauga  
OMB Case No.: PL081164  
OMB File No.: PL081164

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

Appellant: Certain Teed Gypsum Canada  
Subject: Zoning By-law No. 0396-2009  
Municipality: City of Mississauga  
OMB Case No.: PL081164  
OMB File No.: PL100096

## **APPEARANCES:**

### **Parties**

Petro Canada  
Rego Developments & Construction Ltd.  
643054 NB Inc.  
Region of Peel  
Ashland Canada Corp.  
Certain Teed Gypsum Canada  
City of Mississauga

### **Counsel**

Andrew Paton  
Michael Garvey  
Kristine Kaneff for James W. Harbell  
Douglas Gates  
Isabel Mitchell for Mary Flynn-Guglietti  
Anna Selchen for David Bronskill  
Michal Minkowski

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON MAY 12, 2010 AND ORDER OF THE BOARD**

Counsel for the City of Mississauga, Mr. Minkowski, advised the Board that the Parties have reached a partial settlement in this case. Official Plan Amendment No. 63 would amend the City of Mississauga Official Plan in order to replace the Southdown District Policies of that Plan. The implementing Zoning By-law Amendment for this OPA is 0396-2009.

City Planner and Policy Division Manager Susan Tanabe advised the Board that OPA No. 63 deals with the entirety of the Southdown Employment District. She provided a history of the area, the planning process and the appeals as they relate to this Amendment. City Planner Karen Crouse provided her evidence and opinion in support of the implementing Zoning By-law Amendment. Both planners agreed that the subject planning instruments represent good planning and confirm to the relevant upper-tier provincial planning documents. Ms Crouse added that the Zoning By-law Amendment implements the goals and objectives of the Official Plan.

The Board finds persuasive the planners' evidence that these instruments and the settlement agreement achieve and uphold good planning principles and should be approved.

Having considered Ms Tanabe's planning evidence and professional opinion, the Board hereby allows the appeals by amending the Official Plan with Official Plan Amendment No. 63 (Exhibit 1 Tab 12). The appeals have been scoped to a site-specific appeal for the lands as it applies to 2424 Lakeshore Road West and the adjacent lands to the east owned by Certain Teed Gypsum Canada.

Having considered Ms Crouse's planning evidence and professional opinion, the Board hereby declares Zoning By-law Amendment 0396-2009 (Exhibit 2, Tab 6) to be in full force and effect save for the site-specific component pertaining to the lands as it applies to 2424 Lakeshore Road West and the adjacent lands to the east owned by Certain Teed Gypsum Canada.

At the request of the City and Certain Teed Gypsum Canada, the Board will schedule a further Pre-hearing Conference for these two Parties to be held on Tuesday,

November 23, 2010 at 10:00 a.m. in Mississauga. This date will afford the Parties sufficient time to engage in further discussions that might lead to a settlement of the remaining appeals. The Parties have been instructed to contact the Board should they achieve a resolution of these matters in advance of the aforementioned date.

The Member is not seized.

So orders the Board.

"R. Rossi"

R. ROSSI  
MEMBER