

ISSUE DATE:  
**DEC. 2, 2009**



PL081540

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

IN THE MATTER OF subsection 38(4) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Brookfield Properties Limited  
Baif Developments Limited  
International Business Park Limited  
UBE Airport Development Ltd.  
Bradgate Investments Limited

Subject: Interim Control By-law No. 0332-2008

Municipality: City of Mississauga

OMB Case No.: PL081540

OMB File No.: PL081540

**APPEARANCES:**

**Parties**

City of Mississauga

UBE Airport Development Ltd.

**Counsel**

M. Minkowski

S. Zakem

**MEMORANDUM OF ORAL DECISION DELIVERED BY J.P. ATCHESON  
ON NOVEMBER 24, 2009 AND ORDER OF THE BOARD**

This was the second prehearing as directed by the Board in its decision dated June 8, 2009 with respect to Interim Control By-law 0332-2008 of the City of Mississauga. The purpose of this prehearing, was to provide the Board with an update of the results of the study authorized by Mississauga Council to examine land use policies and zoning provisions surrounding the proposed Renforth Bus Rapid Transit Station and the anticipated "replacement documents" that would flow from this study in the form of an Official Plan Amendment and Zoning By-law Amendment.

The Board was advised by Counsel for the Municipality that previous appellants being:

Brookfield Properties Limited  
Baif Developments Limited  
International Business Park Limited  
Bradgate Investments Limited

had withdrawn their appeals as set out in an e-mail from their Counsel to the Board dated November 23, 2009 (Exhibit 1).

Counsel for the Municipality advised that as a result of the study, Council for the Municipality on October 28, 2009, had adopted Official Plan Amendment No. 102 and two Zoning By-law Amendments being Zoning By-law No. 0322-2009 and Zoning By-law No. 0323-2009.

UBE Airport Development Ltd., the remaining Appellant, has appealed Official Plan Amendment No.102 and Zoning By-law No. 0323-2009. The parties requested that when these appeals reach the Board that they be consolidated with this file.

Clearly, the matters are interrelated and the Board will consolidate the Official Plan Amendment and Zoning By-law Amendment appeals when they reach the Board. The Board in its Decision of June 8, 2009, had set a three-week hearing to commence on January 19, 2010.

Counsel for the parties advised the Board that the issues outstanding were site specific and relate to a property municipally known as 2950 Citation Place, and that they need more time to consider their respective positions and to determine if a settlement of the outstanding matters could be reached.

They requested that the Board schedule a one-day prehearing in early February to consider a final Procedural Order or in the alternative, hear evidence if a settlement could be reached. They also on consent requested that the Board schedule a one-week

hearing at the end of April 2010 to hear the appeals and on this basis the parties would release the three-week hearing dates already scheduled.

The Board is satisfied from the submissions of Counsel that their request is reasonable and should be granted.

Therefore, the Board sets:

1. A prehearing in the consolidated matters to be held on Tuesday February 2, 2010, at 300 City Centre Drive, Mississauga ("City Hall") beginning at 10:00 a.m.
2. In the event a hearing is required, it shall be held at 300 City Centre Drive, Mississauga City Hall commencing Tuesday May 4, 2010, at 10:00 a.m. Four days have been set aside.
3. The three-week hearing scheduled to commence on January 19, 2010, is released.

The Board upon receipt of the appeals to Official Plan Amendment No. 102 and Zoning By-law No. 0323-2009 will determine if further notice of the next prehearing is required.

The Board member will remain seized only for case management purposes.

This is the Order of the Board.

"J. P. Atcheson"

J. P. ATCHESON  
MEMBER