

ISSUE DATE:

**Feb. 04, 2010**



PL081540

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: UBE Airport Development Ltd.  
Subject: Interim Control By-law No. 0332-2008  
Municipality: City of Mississauga  
OMB Case No.: PL081540  
OMB File No.: PL081540

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

Appellant: UBE Airport Development Ltd.  
Subject: Official Plan Amendment No. 102  
Municipality: City of Mississauga  
OMB Case No.: PL081540  
OMB File No.: PL091081

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

Appellant: UBE Airport Development Ltd.  
Subject: Zoning By-law No. 0323-2009  
Municipality: City of Mississauga  
OMB Case No.: PL081540  
OMB File No.: PL091063

**APPEARANCES:**

**Parties**

UBE Development Ltd.

City of Mississauga

**Counsel**

Steve Zakem

Michael Minkowski

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON  
FEBRUARY 2, 2010 AND ORDER OF THE BOARD**

This is the third pre-hearing as directed by the Board in its decision dated December 2, 2009 in respect of the above matters. The purpose of this pre-hearing is for the Board to finalize the Procedural Order (Attachment "1") in advance of the May

2010 hearing. These matters related to the property known municipally as 2950 Citation Place. As this is a site-specific appeal and on consent, the Board orders that Zoning By-law 0323-2009 is implemented in full force and effect in respect of the balance of the lands covered by this planning instrument.

The Board acknowledges that the Parties are continuing to work toward a settlement of these matters and the Board may be contacted should such a settlement be achieved prior to the May 2010 hearing. No further notice for the May 2010 hearing will be given and the Member is not seized.

So Orders the Board.

“R. Rossi”

R. ROSSI  
MEMBER

# ATTACHMENT "1"

## ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 34(4) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: UBE Airport Development Ltd.  
Subject: Interim Control By-Law No. 0332-2008  
Municipality: City of Mississauga  
OMB Case No: PL081540  
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IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: UBE Airport Development Ltd.  
Subject: OPA 102  
Municipality: City of Mississauga  
OMB Case No: PL081540  
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IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended.

Appellant: UBE Airport Development Ltd.  
Subject: Zoning By-Law No. 0323-2009  
Municipality: City of Mississauga  
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### PROCEDURAL ORDER

1. The Board may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

#### **Organization of the Hearing**

2. The hearing will begin on Tuesday, May 4, 2010 at 10:00 a.m. at City Hall, 300 City Centre Drive, Mississauga, 2<sup>nd</sup> Floor, Municipal Hearing Room in the municipality of Mississauga.
3. The length of the hearing will be about four days.

4. The parties ~~and participants~~ identified at the prehearing conference are: UBE Airport Development Ltd. and the City of Mississauga.
5. The Issues are set out in the Issues List attached as Attachment 1. There will be no changes to this list unless the Board permits, and a party who asks for changes may have costs awarded against it.

#### **Requirements Before the Hearing**

6. A party who intends to call witnesses, whether by summons or not, shall provide to the other parties' a list of witnesses and the order in which they will be called. This list must be delivered on or before April 1, 2010.
7. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of the witness statement and all reports and documents to be relied upon at the hearing by the expert witness must be provided as in section 10. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.
8. A participant must provide to the Board and the parties a participant statement on or before April 1, 2010, or the participant may not give oral evidence at the hearing.
9. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence, as in section 10.
10. On or before April 6, 2010, the parties shall provide copies of their witness and expert witness statements together with reports and documents to the other parties.
11. On or before April 26, 2010, the parties shall provide copies of their visual evidence to all of the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
12. Parties may provide to all other parties and file with the Clerk a written response to any written evidence on or before April 16, 2010.
13. A person wishing to change written evidence, including witness statements, must make a written motion to the Board.
14. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Board at least 7 days before the hearing that the written evidence is not part of their record.
15. Documents may be delivered by personal delivery, facsimile or registered or certified mail, or otherwise as the Board may direct. The delivery of documents by fax shall be

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governed by the Board's Rules (26 -- 31) on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.

16. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

This Member is seized.  
So orders the Board.

**ATTACHMENT I**  
**ISSUES LIST**

**OMB CASE NO. PL0801540**

1. Is it appropriate to require a minimum building height requirement in Mississauga Official Plan Amendment No. 102 for the lands known municipally as 2950 Citation Place? If so, what is the appropriate minimum building height requirement?
2. Is it appropriate to require a minimum building height requirement in Mississauga Zoning By-Law No. 0323-2009 for the lands known municipally as 2950 Citation Place? If so, what is the appropriate minimum building height requirement?