

ISSUE DATE:

Sept. 13, 2010



PL100097

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

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

Appellant: Mable Eng
Subject: By-law No. 0380-2009
Property Address/Description: 35 De Jong Drive
Municipality: City of Mississauga
OMB Case No. PL100097
OMB File Nos. PL100097

APPEARANCES:

Parties

City of Mississauga

Counsel

Andrea Wilson-Peebles

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON
SEPTEMBER 8, 2010 AND ORDER OF THE BOARD**

Mrs. Wilson-Peebles, Counsel for the City of Mississauga, advised the Board that the City of Mississauga had reached a settlement in the case of Mable Eng's appeal of the City's Streetsville Infill Housing By-law 0380-2009 as it applied to her property. Neither the Appellant Mable Eng nor her Counsel, Andrew Carmichael appeared at the hearing, however, and they sent no explanation for their absence. Mrs. Wilson-Peebles said the City would not proffer a settlement to the Board without the presence of the Appellant and her Counsel. Mr. Rouse, the City's Planner, advised the Board that the number of building permits for areas affected by the Zoning By-law was increasing with no resolution of this matter. Exhibit 1 contains the relevant documents associated with this file including a copy of By-law 0380-2009.

After waiting for the Appellant and her Counsel for the requisite 30-minute period, and after the City's unsuccessful attempt to contact the Appellant and her Counsel, the Board accepted the recommendation of the City's Counsel to approve the Streetsville Infill Housing By-law save and except for the Appellant's property. Supported by Mr. Rouse's persuasive and uncontradicted planning opinion that the By-law in question

represents good planning, the Board amends the City's comprehensive Zoning By-law with Zoning By-law Amendment 0380-2009. This By-law is in force for all applicable lands save and except for the Appellant's property.

The Board directed the City's Counsel to contact Mr. Carmichael and inform him that the Board will require an explanation from Mr. Carmichael for why neither he nor the Appellant appeared at the settlement hearing. Upon receipt of a satisfactory explanation, the Board will be prepared to hold a short teleconference call at a future date to hear settlement details from the Parties.

So orders the Board.

"R. Rossi"

R. ROSSI
MEMBER