

ISSUE DATE:

January 17, 2012



PL101408

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: City of Mississauga
Appellant: Regional Municipality of Peel
Appellant: Solmar Development Corporation
Subject: Failure of the Minister of the Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 24

Municipality: Regional Municipality of Peel
OMB Case No.: PL101408
OMB File No.: PL101408

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

Appellant: Solmar Development Corporation
Subject: Proposed Official Plan Amendment No. 21-OP-9601-020
Municipality: Regional Municipality of Peel
OMB Case No.: PL101408
OMB File No.: PL091170

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

Appellant: Solmar Development Corporation
Subject: Proposed Official Plan Amendment No. 22
Municipality: Regional Municipality of Peel
OMB Case No.: PL101408
OMB File No.: PL101063

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

Appellant: Azuria Group
Appellant: Gemini Urban Design (Cliff) Corp.
Appellant: Orlando Corporation
Subject: Proposed Official Plan Amendment No 95
Municipality: City of Mississauga
OMB Case No.: PL101408
OMB File No.: PL100111

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Solmar Development Corporation
Subject: Failure of The Regional Municipality of Peel to announce a decision respecting Proposed Official Plan Amendment No. 226

Municipality: Town of Caledon
OMB Case No.: PL101408
OMB File No.: PL110195

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Agent</u>
Regional Municipality of Peel	S. R. Garrod*
Ministry of Municipal Affairs and Housing	B. Boxma* C. Young* (in absentia)
Town of Caledon	C. Barnett* L. Bissett* (in absentia)
City of Mississauga	K. Yerxa* Q. M. Annibale* M. Joblin* (in absentia)
City of Brampton	M. Rea*
Solmar Development Corporation	L. Townsend* J. W. Harbell*
Azuria Group	S. A. Zakem*
Gemini Urban Design (Cliff) Corp.	M. R. Flowers*
Orlando Corporation	L. F. Longo*
Mayfield West Developers Groups Inc.	M. R. Flowers*
Osmington Inc.; Heathwood Homes (Brampton) Ltd.	K. Sliwa*
Mayfield Station Developments Inc.; Mayfield McLaughlin Developments Inc.; Caledon Development LP; Ben-Ted Construction Ltd.; Caledon 410 Development Limited; A-Major Homes (Ontario) Inc.; Lormel Joint Venture Inc.; (collectively, the Mayfield West Phase 2 Landowners Group)	S. A. Zakem*
Northwest Brampton Landowners Group Ltd.	S. Snider*
James Dick Construction Ltd.	J. Buhlman*

Hopewell Development (Ontario) Inc.;	C. Lyons*
M-J-J-J Developments Inc.	R. D. Howe* (in absentia)
1096288 Ontario Limited	C. Riepma
Lafarge Canada	M. Wensierski

Participants

Toronto Region Conservation Authority	L. Lee-Yates
Domenic and Antonetta Scida; POD Lift Equipment Ltd.; Giuseppe Scenna and Marco Scida	C. B. John-Baptiste
Caledon Chamber of Commerce	K. Darnley
Labourers' International Union of North America, Local 183	J. R. Evans*

MEMORANDUM OF ORAL DECISION DELIVERED BY J. R. McKENZIE ON DECEMBER 16, 2011 AND ORDER OF THE BOARD

This was a fourth Pre-Hearing Conference (PHC) to deal with the status of appeals relating to the Regional Municipality of Peel Official Plan Amendment Nos. 20, 22, and 24; City of Mississauga Official Plan Amendment No. 95; and, Town of Caledon Official Plan Amendment No. 226.

The Board sets down the following hearing events and dates:

1. A fifth PHC is scheduled for Friday, February 3, 2012, at 10:30 a.m. at the Provincial Offence Court, Court Room B7, 5 Ray Lawson Boulevard, Brampton, Ontario. The agenda for that PHC will be to finalize a Procedural Order and Issues List, as well as a Work Plan for the hearing on the merits of the appealed Regional planning instruments, (Official Plan Amendment Nos. 20, 22, and 24).
2. A hearing on the merits of the appealed Regional planning instruments is scheduled for Monday, June 25, 2012, at 10:00 a.m., for five weeks, ending on or before Friday, July 27, 2012. Mr. Garrod is directed to

secure the venue for this hearing event, which will be reported and confirmed at the February 3rd PHC.

No further notice of these two hearing events is required.

On consent, the Caledon Chamber of Commerce and the Labourers' International Union of North America, Local 183, are granted Participant Status with respect to the appealed Regional planning instruments.

A schedule for the remaining appealed planning instruments, (Mississauga OPA No. 95 and Caledon OPA No. 226), will be determined through further PHCs, to be scheduled in the new year.

Finally, Ms Yerxa broached the subject of the Region-approved and subsequently appealed new Mississauga Official Plan, and the notion of having its 18 appeals (OMB File No. PL111148) consolidated with the five matters currently before the Board. There is a pre-existing, non-decision appeal – by Mr. Zakem's clients 2188101 Ontario Inc., 1615242 Ontario Inc., and 2187308 Ontario Inc. – which has been scoped to be site-specific in nature (OMB File No. PL110973). It brings to 19 the total number of appeals filed against Mississauga's new Official Plan. Ms Yerxa and Mr. Zakem agreed that his clients' non-decision appeal should be treated in procedurally-like manner as the other 18 appeals filed against Mississauga's new Official Plan.

Ms Yerxa reported that the City would continue reviewing the notion of consolidation. As an initial step in that process, a first PHC for the 19 appeals filed against Mississauga's new Official Plan is scheduled for Friday, February 17, 2012, at 10:00 a.m. Ms Yerxa is directed to secure a venue for this hearing event. The City is directed to serve notice for all 19 appeals filed against its new Official Plan, and the Board will issue a direction letter to that effect forthwith. The matter of consolidation may be taken up further at that hearing event.

This is the Order of the Board.

“James R. McKenzie”

JAMES R. MCKENZIE
VICE-CHAIR