

ISSUE DATE:

**October 17, 2011**



PL110409

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: City of Mississauga  
Applicant: 2030509 Ontario Inc.(oba ABC Montessori School)  
Subject: Minor Variance  
Variance from By-law No.: 0225-2007  
Property Address/Description: 305 Matheson Boulevard East  
Municipality: City of Mississauga  
Municipal File No.: A 047/2011  
OMB Case No.: PL110409  
OMB File No.: PL110409

**APPEARANCES:**

**Parties**

City of Mississauga  
2030509 Ontario Inc.

**Counsel**

Andrea Wilson-Peebles  
John Keyser

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. E. SNIEZEK ON  
AUGUST 26, 2011 AND ORDER OF THE BOARD**

**Introduction**

2030509 Ontario Inc. (the Applicant), doing business as ABC Montessori School, applied for a minor variance to continue the operation of the school that has been in existence at 305 Matheson Boulevard East since 2000 when the first minor variance application was approved by this Board. A subsequent application was approved in 2006 terminating on March 31, 2011.

The variance for an extension was approved by the Committee of Adjustment without a time limit and this decision was appealed by the City of Mississauga.

The Board has reviewed the Minutes of Settlement (Exhibit #1) and the affidavit of the development consultant, David Brown (Exhibit #2).

### **Review of the Documentation**

The Board reviewed the Minutes of Settlement and the Affidavit evidence that was submitted by the parties. The Board finds that the extension of the use as a private school for a final five years represents “good planning” and satisfies the four tests of Section 41 of the *Planning Act* in that the existing industrial park contains similar educational uses, the appropriate warning clauses are in place and the Lester B. Pearson Airport operated by the Greater Toronto Airports Authority has recommended the extension of the existing use.

The Municipality and the Applicant jointly submitted that the time limitation was acceptable to both Parties and that a further extension of the use was not contemplated. The Municipality based its appeal of the use on the time limitation that had been part of previous decisions with respect to the use.

### **Disposition**

**THE BOARD ORDERS** that the appeal be allowed in part subject to the following conditions:

- (1) The ABC Montessori School will cease operations at 305 Matheson Boulevard East in the City of Mississauga five years from the issuance of this Order and there will be no further extensions.
- (2) That a sign of a size and location with an appropriate typeface and font satisfactory to the Greater Toronto Airports Authority will be affixed to the exterior of the building stating the following:

“Parents are advised that despite the inclusion of noise control features in this building, noise levels from air traffic may continue to be of concern, occasionally interfering with some activities of the school”

- (3) That all marketing materials and application/enrolment forms shall contain the following warning:

“Parents are advised that despite the inclusion of noise control features in this building, noise levels from air traffic may continue to be of concern, occasionally interfering with some activities of the school”

“J. E. Sniezek”

J. E. SNIEZEK  
MEMBER