

ISSUE DATE:

December 9, 2011



PL110579

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:	Morguard Investments Ltd.
Appellant:	OMERS Realty Management Corporation
Appellant:	The Great-West Life Assurance Company, et al
Appellant:	Whiterock Acquisitions Corporation
Subject:	Interim Control By-law No. 0046-2011
Municipality:	City of Mississauga
OMB Case No.:	PL110579
OMB File No.:	PL110579

APPEARANCES:

Parties

Counsel

City of Mississauga

Robert Doumani and
Andrea Wilson-Peebles

OMERS Realty Management Corporation
and 156 Square One Limited

David Bronskill

Morguard Investments Limited

Dennis Wood

Whiterock Acquisitions Corporation

Nicholas Staubitz

The Great-West life Assurance Company,
et al

Kiran Patel

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. P. ATCHESON
ON DECEMBER 2, 2011 AND ORDER OF THE BOARD**

This is a pre-hearing conference in the matter of appeals to Interim Control By-law 0046-2011 of the City of Mississauga dated March 9, 2011, as further amended by Interim Control By-law 0080-2011 on March 30, 2011. The purpose of these Interim Control By-laws is to restrict development in a portion of the City of Mississauga as set out in Schedule A to the By-law being an area bounded on the south by Webb Drive, on the east by Hurontario Street on the north by Rathburn Road West and City View Drive,

and on the west by Confederation Parkway, Rathburn Road West and Duke of York Boulevard.

The Board at the commencement of the hearing advised Counsel present of a potential conflict of interest in that this Board Member is also a member of the OMERS pension plan and further participates in a health insurance plan of the Province of Ontario that is operated by The Great-West Life Assurance Company.

The Board instructed that if any of the Parties believe that this member has a conflict of interest or is concerned with an apprehension of bias due to these relationships, the member will recuse himself and a new member will be assigned and new pre-hearing will be scheduled.

None of the Counsel present expressed any concerns with the Board Member continuing with the hearing.

The Board noted that there were two Interim Control By-laws covering the area and with the consent of the Parties consolidated the two Interim Control By-laws for the purpose of the Hearing.

Mr. Doumani advised the Board that the Municipality was proceeding with the studies of the area under interim control and anticipated that the studies would result in an Official Plan and Zoning By-law Amendment. The Board noted that these further documents were a separate matter and were not before the Board at this time.

Counsel present concurred that ongoing settlement talks were under way between the City and the Appellants to establish procedures such that the operational requirements of the Appellants would not be negatively affected by the Interim Control By-law and that the Parties need additional time to work through the details of this process.

The Parties, on consent, requested that the Board schedule a second pre-hearing after the middle of January 2012, to consider the progress the Parties were making and to perhaps consider a settlement at that time.

The Board questioned whether the next Pre-hearing might be conducted through a Telephone Conference Call. Counsel indicated that they would consider this approach but out of an abundance of caution wished to maintain a one-day Hearing event.

The Board is satisfied after considering the submissions of Counsel that a further one day pre-hearing should be scheduled.

Accordingly, the Board set a one-day Pre-hearing for:

Tuesday, February 7, 2012, 10:00 a.m.

Municipal Hearing Room

City Hall

300 City Centre Drive

Mississauga, Ontario, L5B 3C1.

The Board further directs Counsel for the Municipality to confirm the venue with the Board office and the Parties.

The Board further directs that Counsel for the Municipality confirm with the consent of the Parties at the earliest possible date but no later than one week before the scheduled Pre-hearing date whether the Hearing event can be changed to a Telephone Conference Call and to advise the Board caseworker with respect to the Hearing event.

No further notice is required.

The Member is not seized.

This is the Order of the Board.

“J. P. Atcheson”

J. P. ATCHESON
MEMBER