

ISSUE DATE:

February 14, 2013



PL111148

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

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

Appellant: Orlando Corporation
Subject: New City of Mississauga Official Plan
Municipality: City of Mississauga
OMB Case No.: PL111148
OMB File No.: PL111148

APPEARANCES:

Parties

Counsel

Orlando Corporation

L.F. Longo
P. Morley (Student at Law)

City of Mississauga

K. Yerxa

MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON FEBRUARY 11, 2013 AND ORDER OF THE BOARD

[1] Orlando Corporation ("Orlando") has appealed to the Ontario Municipal Board ("Board") various policies of the new City of Mississauga ("City") Official Plan ("MOP").

[2] At this hearing, Orlando's counsel Leo Longo and the City's counsel, Kelly Yerxa advised the Board that three-quarters of Orlando's appeal has been scoped and a new Order (Attachment 1) addressing the relevant issues contained in Orlando's original issues list (Exhibit 2) was presented for the Board's approval.

[3] Angela Dietrich, Manager, City Wide Planning for the City, was qualified to provide her evidence in support of the Order. Ms. Dietrich took the Board through the various changes to and provisions of the draft Order, which the Board heard would be replaced with a final Order to be sent to the Board (received and now attached). Paragraph 66 reflects those portions of Orlando's appeals that will be dismissed.

[4] Ms. Yerxa for the City advised the Board that Orlando has other issues that are to be deferred for the time being. These issues are listed in Section 4.3 of Ms. Dietrich's Witness Statement (Exhibit 1, pp.9-10). Negotiations are ongoing between the parties and with the possibility of further Official Plan Amendments being prepared, the process is left open for further appeals and the possibility of consolidation with similar and like appeals.

[5] Ms. Dietrich opined that the modifications to the MOP as contained in the Order and as presented to the Board today are responsive to Orlando's concerns and serve to clarify various points and policies, add greater certainty and guidance to affected landowners and reinstate where appropriate former Official Plan permissions.

ORDER

[6] Having considered the uncontradicted evidence of Ms. Dietrich, the Board orders that the Orlando appeals to the MOP are allowed in part to reflect the revisions contained in the attached Order. Otherwise, the appeal is dismissed with specific reference to the paragraph 66 items. The Board confirms that several of the Orlando appeals remain deferred and not subject to this Order.

"R. Rossi"

R. ROSSI
MEMBER