

ISSUE DATE:

**May 1, 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: 2333 NSW Inc. (Marland Management Services Inc.)  
Appellant: A&W Food Services of Canada Inc.  
Appellant: Antorisa Investments (Ralph Chiodo)  
Appellant: Azuria Group; and others  
Subject: New City of Mississauga Official Plan  
Municipality: City of Mississauga  
OMB Case No.: PL111148  
OMB File No.: PL111148

**APPEARANCES:**

**Parties**

**Counsel**

City of Mississauga

K. Y. Yerxa

Daraban Holdings Ltd.  
White Elm Investments Ltd.

M. Flowers

Quick Service Restaurants  
McDonalds Restaurants of Canada  
Limited  
A & W Food Services Canada Inc.  
Wendy's Restaurants of Canada  
TDL Group Corporation  
Ontario Restaurant Hotel and  
Motel Association

D. Baker

2188101 Ontario Inc.  
1615242 Ontario Inc.  
2187308 Ontario Inc.

S. Zakem

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON APRIL 25, 2013 AND ORDER OF THE BOARD**

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[1] This was the sixth prehearing conference (“PHC”) in the form of a teleconference call (“TCC”) to provide the Board with an update on the status of discussions related to a series of appeals from various parties to the City of Mississauga’s new Official Plan (“MOP”), which was adopted on September 29, 2010. The Board dealt with various appellants at this PHC who do not appear on the list of Appellants above; nevertheless, those listed above remain appellants to the MOP.

[2] Kelly Yerxa, ongoing counsel for the City of Mississauga (“City”), informed the Board that negotiations with the Quick Service Restaurants group of appellants might lead to a settlement of some of their matters in the weeks ahead. Denise Baker, representing these appellants, confirmed this fact and she further advised the Board that her clients are also appealing the City’s separate planning instrument that would prohibit drive-thru facilities in the downtown area. Both Ms. Yerxa and Ms. Baker confirmed that a preferred solution might be to resolve the less contentious issues during a July TCC and to hive off that part of the current appeal related to drive-thru prohibitions before this Member. That matter would then be consolidated with Ms. Baker’s client’s newer appeal of the separate downtown area planning instrument, a portion of which involves the aforementioned prohibition of drive-thru facilities. The Board is amenable to proceeding in that fashion and on consent it sets another TCC to deal with this matter for **Thursday, June 27, 2013 at 9 a.m.:**

**Dial 416-212-8012 or 1-866-633-0848; Code: 4779874#.**

[3] The other appellants and their counsels are not required to attend this TCC as it will deal solely with Ms. Baker’s clients’ matters. However, the Board will provide the other appellants with a copy of any order emanating from that TCC.

[4] Mark Flowers next advised the Board that one of his clients, White Elm Investments Ltd., has worked with the City to scope down its appeal resulting in one outstanding item – the matter of the Toronto Region Conservation Authority’s (“TRCA”) ongoing process of updating its flood plain mapping across lands that encompass this appellant’s property. Depending on the outcome, this appellant’s concerns will be

dependent on the final results of the TRCA study. The appeal continues for the time being and the Board permits the appellant to adjust where necessary its participation in the full hearing that is scheduled for later in the year.

[5] As for Mr. Flowers' client Daraban Holdings Ltd., an early 2013 Board decision dismissed its appeal to permit construction of a five-storey retirement home. Finding merit in the proposal generally, however, the Board left open the possibility for this appellant to resubmit a proposal that contemplates fewer storeys. Mr. Flowers advised the Board that this appellant intends to pursue a plan to construct a seven-storey retirement home; meetings with the City are planned. The Board considers this appellant's appeal of the Official Plan to be an active one and Mr. Flowers will keep the Board apprised of developments along the way.

[6] The four-week hearing remains scheduled for **Tuesday, October 15, 2013 at 10 a.m.** as follows:

**Municipal Hearing Room  
City Hall  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON L5C 3C1**

and concluding on or before Friday, November 8, 2013.

[7] If Ms. Baker's clients' issues can be resolved at the July 2013 TCC, the Fall hearing would likely necessitate some changes to the order of participants. The Board reiterates its intention to adhere to its scheduled three-day hearing for the appeals of Steven Zakem's clients (three numbered companies) beginning on **Tuesday, November 12, 2013 at 10 a.m.** at:

**Municipal Hearing Room  
City Hall  
City of Mississauga  
300 City Centre Drive  
Mississauga, ON L5C 3C1**

and concluding on or before Thursday, November 14, 2013.

[8] No further notice will be given and the Member remains seized for administrative carriage of this file only. As per an earlier request of the City, the appeals of Latiq Qureshi, Derry-Ten Limited remain active and will be dealt with at a later date as these matters progress. The Board requires all counsels to keep the Board apprised of any developments and/or changes related to these appeals.

“R. Rossi”

R. ROSSI  
MEMBER