

ISSUE DATE:

November 26, 2013



PL111148

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. (Marlan D Management Services Inc.)
Appellant: A & W Food Services of Canada Inc.
Appellant: Azuria Group
Appellant: Derry-Ten Limited and others
Subject: New City of Mississauga Official Plan
Municipality: City of Mississauga
OMB Case No.: PL111148
OMB File No.: PL111148

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

Appellant (jointly): 2188101 Ontario Inc. et al
Subject: Failure of the Regional Municipality of Peel to announce a decision respecting Proposed New Official Plan
Municipality: City of Mississauga
OMB Case No.: PL111148
OMB File No.: PL110973

APPEARANCES:

Parties

Counsel

City of Mississauga

M. Taggart

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

D. Baker

Motel Association

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

S. Zakem

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI VIA
TELECONFERENCE CALL ON NOVEMBER 21, 2013 AND ORDER OF THE BOARD**

[1] The purpose of the Board's teleconference call ("TCC") was to deal with matters involving three sets of parties:

- 288101 Ontario Inc., 1615242 Ontario Inc., and 2187308 Ontario Inc. ("the Numbered Companies")
- Counsel Steven Zakem representing
- While Elm Investments Ltd. ("White Elm")
- Mark Flowers representing
- Orlando Corporation ("Orlando")
- Leo Longo representing (absent)

[2] The Numbered Companies and the City of Mississauga ("City") are requesting an Order from the Board accepting the Numbered Companies' withdrawal of their appeal and the cancellation of the hearing. While the Numbered Companies initially appealed the Mississauga Official Plan ("MOP") (adopted September 29, 2010) in its entirety, their appeal was eventually scoped and confined to their lands known municipally as 2960, 2970 and 2980 Drew Road.

[3] The City has confirmed by way of an October 3, 2013 letter from its counsel Marcia Taggart to Mr. Steven Zakem advising him that the City is undertaking a comprehensive review of Employment Lands and will undertake a review of the Malton local area policies and that the Numbered Companies' property will be part of those reviews. On that basis, the Numbered Companies have agreed to withdraw their appeal (Exhibit E in the affidavit package of City Planner Marianne Cassin).

[4] In her affidavit, Ms. Cassin opined that the approval of the policies and designations on the Numbered Companies' lands conforms with current policies and plans of the Region of Peel, the *Places to Grow Act* and the Provincial Policy

Statement. Ms. Cassin stated that approval of these policies will contribute to the achievement of the goals and objectives of MOP. As such, this constitutes good planning.

ORDER

[5] Having considered the professional planning evidence and opinion contained in the affidavit of Planner Ms. Cassin, the Board orders that the appeal of the Numbered Companies is dismissed on consent and the hearing is cancelled.

[6] The Board turned next to the matter of White Elm's and Orlando's appeals as they relate to the MOP definition of the word "discourage". The City and these Appellants have agreed upon an acceptable definition of this word that the City reports does not change substantively MOP. The parties have also agreed to a modification of Policy 8.2.2.1a of MOP that provides additional wording that clarifies what is meant by the word "discourage". The affidavit of City Planner Angela Dietrich (on the Board's file) sets out with specificity the existing and proposed definition of the word "discourage" and the proposed amendment to the above-named policy. In Ms. Dietrich's opinion, these modifications clarify the intent of the definition and are not substantive in nature yet they constitute good planning and conform with current policies and plans of the City, the Region of Peel, the Provincial Growth Plan and the Provincial Policy Statement.

ORDER

[7] On consent, the Board allows in part the appeals of White Elm and Orlando in respect of the definition of the term "discourage" and the appeal by White Elm of policy 8.2.2.1a. To resolve these appeals and based on the supporting affidavit of Ms. Dietrich, the Board approves the modifications to the term "discourage" and to policy 8.2.2.1a as contained in the planner's affidavit. The balance of the White Elm and Orlando appeal remains outstanding.

"R. Rossi"

R. ROSSI
MEMBER