

ISSUE DATE:

January 23, 2013



PL120278

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

Shaitel International Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 225-2007 of the City of Mississauga to rezone lands respecting 290 Derry Road West from "D" Development to "E2" Exception (Employment) to permit a hotel and accessory commercial uses

OMB File No. PL120278

IN THE MATTER OF subsection 41(12) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Referred by:	Shaitel International Inc.
Subject:	Site Plan
Property	290 Derry Rd W
Address/Description:	Part of Lot 10, Concession 1 WHS
Municipality:	City of Mississauga
OMB Case No.:	PL120278
OMB File No.:	PL120174

APPEARANCES:

Parties

City of Mississauga

Shaitel International Inc.

Counsel

K. Yerxa

C. Piersanti

DECISION DELIVERED BY C. CONTI AND ORDER OF THE BOARD

[1] This is the third pre-hearing conference, in this instance held by Telephone Conference Call ("TCC"), for an appeal by Shaitel International Inc. ("Appellant") against the failure of the City of Mississauga to make a decision regarding an application for a

Zoning By-law Amendment and site plan approval to permit the development of a hotel and associated commercial uses on a property at 290 Derry Road, Mississauga.

[2] Christian Piersanti informed the Board that significant progress has been made in resolving issues since the last TCC. He indicated that the parties may be moving toward a settlement.

[3] Kelly Yerxa concurred with Mr. Piersanti's submissions but indicated that there is still a substantial amount of work to be done. She indicated that there are no remaining planning issues regarding the principal of development. However, there still may be site plan issues that require adjudication.

[4] Both parties agreed that the second week of the hearing can be released. The first week of the hearing should be retained to either hear the settlement or to resolve outstanding issues regarding the site plan. The parties agreed to advise the Board if less than a full week of hearing time is required.

[5] The parties requested that the appeals be consolidated with the appeal of an Official Plan Amendment for the same lands, Board file No.: PL121179. The member was not in possession of this file at the time of the TCC, but indicated that consolidation could take place at the time of the hearing.

[6] After hearing the submissions, the Board determined that the dates of second week of the hearing should be released. The hearing is now scheduled for one week to commence on **April 15, 2013 at 10 a.m. at**

**Mississauga City Hall
300 City Centre Drive
Mississauga ON**

[7] The parties indicated that no further pre-hearing conferences are required.

[8] The member is not seized, but will continue case management of this appeal subject to the requirements of the Board's hearing calendar.

[9] No further notice is required.

"C. Conti"

C. CONTI
MEMBER