

ISSUE DATE:

**November 15, 2012**



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 Case No. PL120278

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:	
Municipality:	City of Mississauga
OMB Case No.:	PL120278
OMB File No.:	PL120174

**APPEARANCES:**

**Parties**

**Counsel**

City of Mississauga

K. Yerxa

Shaitel International Inc.

C. Piersanti

**DECISION DELIVERED BY C. CONTI, AND ORDER OF THE BOARD**

[1] This is a pre-hearing conference 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] The Board heard that the parties have been attempting to resolve issues, but a number of matters are still outstanding. The Board heard that there has been consultation with the Ministry of Natural Resources and Credit Valley Conservation Authority regarding endangered species issues. In addition, the City has recently requested additional information and that the Appellant file an Official Plan Amendment application.

[3] Ms. K.Yerxa indicated that the City had never signed off on the requirement for an Official Plan Amendment application and that it will not necessarily be a contentious matter. She noted that some required information had only recently been submitted by the Appellant and the City is continuing its review.

[4] Mr. C. Piersanti requested that the hearing be scheduled so that the appeal can move forward in case issues are not resolved.

[5] After hearing the submissions of the parties, the Board determined that it would be appropriate to schedule the hearing for a date far enough into the future for the City to complete its review process and to allow the parties to continue to discuss issues. The parties indicated that two weeks should provide sufficient time to conduct the hearing.

[6] The parties agreed that another pre-hearing conference by TCC should be scheduled in order to track progress in the appeal and determine if there had been resolution of issues. If the appeal will be moving forward to a hearing the parties should be prepared to consider a Procedural Order and Issues List at the TCC.

[7] In consideration of the above the Board made the following determinations;

- A pre-hearing conference by TCC was scheduled for **Tuesday, January 8, 2013 at 9:00 a.m.**: Phone Numbers 1-866-633-0848, 1-416-212-8012, Code 1006967.

- A two week hearing was scheduled commencing on **April 15, 2013** at **10 a.m. at:**

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

The City is to ensure that space is available.

[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