

ISSUE DATE:

**July 23, 2012**



PL120307

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

Daraban Holdings Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the City of Mississauga to redesignate land at 3640-3658 and 3670 Cawthra Road from "Residential Medium Density I" and "Motor Vehicle Commercial" to "Residential High Density II - Special Site" to permit a retirement home

Approval Authority File No. OZ 10/008 W4

OMB File No. PL120307

Daraban Holdings Limited 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 0225-2007 of the City of Mississauga to rezone lands respecting 3640-3658 and 3670 Cawthra Road from "RM4" (Townhouse Dwellings) and "C5-3" (Motor Vehicle Commercial - Exception) to "R42-Exception" (Apartment Dwellings - Exception) to permit the development of a 169 units, six-storey retirement dwelling with a 7th storey mechanical room and amenity area

OMB File No. PL120324

**APPEARANCES:**

**Parties**

City of Mississauga

Daraban Holdings Limited

Regional Municipality of Peel

**Counsel**

M. Taggart

M. Flowers; R. Kehar

B. Criger

**Participants**

M. Schelter

**DECISION DELIVERED BY C. HEFFERON AND ORDER OF THE BOARD**

The first prehearing conference into this matter was held July 13, 2012, at the City Hall, Mississauga.

## **Background**

Daraban Holdings Limited (“Daraban”) proposes to develop and build a 169-unit retirement dwelling with a 7<sup>th</sup> storey mechanical room and amenity area, on a 0.53 ha site (“subject property”) at the southwest corner of Burnhamthorpe Road and Cawthra Road, in the City of Mississauga.

The north portion of the subject property is currently vacant. The south portion is developed with ten townhouse dwelling units.

The Regional Municipality of Peel asked for and was granted party status.

A number of local residents oppose the development. At the first prehearing conference into this matter, one of these residents, Mr. M. Schelter, requested and was granted participant status to these proceedings. Others considering participant status were told that they may request status at the hearing.

## **Matter before the Board**

Daraban is appealing the refusal or neglect of the City of Mississauga to make a decision on its application to amend the official plan and zoning by-law of the City of Mississauga to permit the proposed development. However, Council passed a Resolution opposing any structure higher than four-storeys on the site and/or with a density greater than 1.4 times lot coverage.

Daraban advised the Board that it has not yet appealed Council’s refusal or neglect to make a decision on the draft site plan but may yet do so.

Daraban further advised the Board that the site plan may be significantly revised before the hearing, which may necessitate revising the proposed zoning by-law amendment as well.

## **Statutory context**

The in-force official plan is the 2003 City of Mississauga Official Plan.

Although a new official plan was adopted by the City of Mississauga (March 2010) and approved with modifications by the Regional Municipality of Peel (September 2011), it is

under appeal and therefore not in effect. The Board was informed that Daraban is one of the appellants of the new official plan. Daraban advised that it has appealed the entire new official plan but only as it pertains to the subject property.

It also informed the Board that its official plan appeal is being held in abeyance until the subject appeal has been dealt with.

### **Designation requested**

The current designation on the north part of the subject site is Motor Vehicle Commercial and on the south part is Medium Density 1.

Daraban requests that the entire site be designated HD-2 (special) to allow for the proposed retirement dwelling.

### **Zoning requested**

The current zoning on the north part of the subject property is C5-3 (Motor Vehicle Commercial) and on the south part RM-4 (townhouses).

Daraban requests that the entire subject property be re-zoned to RA-2 (exception) which is a residential apartment zone.

### **Disposition and Order of the Board**

Counsel for Daraban has undertaken to prepare a draft Procedural Order with a final Issues List in concert with counsel for the City of Mississauga. This draft Procedural Order will be circulated in Fall 2012.

The parties and the participants are urged to continue to negotiate in an attempt to resolve remaining differences.

Ten days have been set aside for the hearing of this matter. The hearing will commence at 10 a.m. on Monday, January 14, 2013, in the Mississauga City Hall, 300 City Centre Drive, Mississauga.

This Member is not seized but will retain carriage of the file until the hearing.

If necessary, the Board may be spoken to regarding the Issues List.

No further notice is required.

“C. Hefferon”

C. HEFFERON  
MEMBER