

Ontario Municipal Board

Commission des affaires municipales de l’Ontario

ISSUE DATE:

March 01, 2013

PL120944

501 Lakeshore Inc. 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 municipally known as 447, 453 and 501 Lakeshore Road East and 1021, 1027, 1077 and 1087 Enola Avenue from “Business Employment”, “Mainstreet Retail Commercial”, “Residential-Low Density II” and “Greenbelt” to "Mainstreet Retail Commercial", "Residential-High Density II" and "Greenbelt" and to create a new special site policy in the Lakeview District Policies section of the Mississauga Official Plan.

Approval Authority File No.: 0Z 11/017W

OMB File No. PL120944

501 Lakeshore 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 0225-2007 of the City of Mississauga to rezone lands respecting 447, 453 and 501 Lakeshore Road East and 1021, 1027, 1077 and 1087 Enola Avenue from “E2”, “C4”, “R3” and “G1” to permit redevelopment of the site from A-2 to “C4” and “RA5”, the majority of the “G1” zoning will be maintained, to permit the mixed-use redevelopment of the site.

OMB File No PL120945

APPEARANCES:

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| Parties | Counsel\*/Agent |
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| 501 Lakeshore Inc. | S. Zakem\* |
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| City of Mississauga | R.A. Biggart\* |
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| Fabio Capobianco | D. Baker\* |
|  |  |
| Region of Peel | B. Crigger, Manager of Planning |
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| Credit Valley Conservation Authority | J. Campbell, Manager of Planning |
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| Cranberry Cove Port Credit Ratepayers Association | C.J. Mackie |

MEMORANDUM OF ORAL DECISION DELIVERED BY H. JACKSON ON FEBRUARY 11, 2013 AND ORDER OF THE BOARD

1. This is the second prehearing conference for an appeal by 501 Lakeshore Inc. (“Applicant”) from Mississauga City (“City”) Council’s failure to make a decision within 120 days of receiving the Applicant’s application for a mixed use development consisting of retail commercial and office space, apartment buildings and townhouses.

**ADDITIONAL PARTIES AND PARTICIPANTS**

1. Parties to the matter were established at the initial prehearing conference, and are as listed in the Appearances.
2. The Applicant provided a second Draft Procedural Order that was entered into evidence as Exhibit 1. This document had as Attachment 1 a list of the participants that were identified prior to the initial prehearing conference, and a list of those individuals who requested participant status at the initial prehearing conference. A number of individuals at this second pre-hearing conference requested participant status. There was no objection to adding these individuals to the list of participants for the hearing, and accordingly, the Board grants participant status to these individuals.
3. The compiled list of participants is provided as “Attachment 1” to this Order.

**REVISED HEARING DATES**

1. The Applicant advised the Board that the City wished a delay to the start of the hearing from the current date of May 6, 2013 to a start date of June 10, 2013, or a later date in June. City planning staff is currently reviewing the application, and intend to make public their report on March 22, 2013. It is anticipated that Council will provide direction in regards to this matter at their meeting of April 10, 2013, therefore a May 6, 2013 start is insufficient time to prepare for a hearing. The City advised the Board that all parties consent to a date in June for a ten day hearing. The Board consented to the request for a delay, and have scheduled the hearing to begin on June 17, 2013.
2. The City advised the Board that lands have been expropriated by the Region for a pumping station on the Applicant’s lands, and that this pumping station may need to be relocated. If so, the City is concerned that there may be an impact to the hearing dates, however, the Applicant is confident that any changes to the location of the pumping station would not be problematic.

**DRAFT PROCEDURAL ORDER AND ISSUES LIST**

1. The Applicant advised the Board that they have received a list of issues from the Cranberry Cove Port Credit Ratepayers Association and have included these in the second Draft Procedural Order. The Applicant advised that Fabio Capobianco has also provided their issues; however these had not been received by the Applicant in time to be included into the Draft Procedural Order, and therefore will follow later. The issues of the City, the Conservation Authority, and the Region, who are working together, can only be provided following the direction of Council expected on April 10, 2013, and therefore will also be provided at a later date.
2. Christopher Mackie of the Cranberry Cove Port Credit Ratepayers Association and Denise Baker representing Fabio Capobianco, both expressed concern that they had not been aware that the Applicant’s proposal had been amended. Mr. Mackie further expressed concern that his issues were challenged by the Applicant, and that he did not have all the documentation from the Applicant that he required.
3. Mr. Mackie requested that the Board rule on whether his party’s issues were appropriate. The Applicant submitted, and the Board agrees, that a ruling is inappropriate at this time, particularly since the Applicant is not currently challenging any of Mr. Mackie’s party’s issues. In addition, the issues of the remaining parties have yet to be made known.
4. On the basis of Mr. Mackie’s comments, the Applicant committed to provide to all the parties the information that had been provided to the City regarding the amended application, including background reports as requested by the parties.
5. Mr. Mackie offered to discuss his issues of concern with the Applicant with a view to resolving them if possible. The Applicant invited the Cranberry Cove Port Credit Ratepayers Association to discuss settlement at any time.
6. Dorothy Tomiuk, of the Town of Port Credit Association, a participant in this matter, expressed concern, as her organization wished an opportunity to make their issues known. The City reminded the participants that the City’s issues are yet to be defined, but once they are, this will assist the participants, as the City’s issues may include concerns that the participants have. In addition, the new Draft Procedural Order will provide a date at which time the participants must provide their witness statement outlining their concerns. The Applicant committed to ensuring that the Draft Procedural Order, with the amended dates, is provided to all the participants.
7. The Applicant committed to working with the parties to provide new disclosure dates to be input to the Draft Procedural Order, to reflect the later start of the hearing. The new Draft Procedural Order will issue at a later date.

**SCHEDULED HEARING DAYS**

1. The Board has set aside ten continuous hearing days for the appeals in this matter. The hearing is scheduled to commence on **Monday June 17, 2013** **at 10 a.m. at:**

**City of Mississauga**

**300 City Centre Drive,**

**Mississauga, ON**

No further notice will be given

1. The Board may be spoken to if issues arise necessitating another Pre-hearing conference.
2. This member is not seized.

“H. Jackson”

H. JACKSON

MEMBER







