

ISSUE DATE:

March 01, 2013



PL120944

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

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.: OZ 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:

Parties

Counsel*/Agent

501 Lakeshore Inc.

S. Zakem*

City of Mississauga

R.A. Biggart*

Fabio Capobianco

D. Baker*

Region of Peel

B. Crigger, Manager of Planning

Credit Valley Conservation Authority

J. Campbell, Manager of Planning

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

[2] Parties to the matter were established at the initial prehearing conference, and are as listed in the Appearances.

[3] 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.

[4] The compiled list of participants is provided as "Attachment 1" to this Order.

REVISED HEARING DATES

[5] 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.

[6] 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

[7] 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.

[8] 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.

[9] 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.

[10] 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.

[11] 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.

[12] 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.

[13] 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

[14] 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

[15] The Board may be spoken to if issues arise necessitating another Pre-hearing conference.

[16] This member is not seized.

"H. Jackson"

H. JACKSON
MEMBER

ATTACHMENT 1

501 Lakeshore Inc.
PL120944

**LIST OF PARTICIPANTS
(Prior to initial Pre-Hearing Conference)**

<p>Andrew Beattie President Port Credit Village Residents Association andrew.beattie@rogers.com</p>	<p>Ian Smith 46 Woodlawn Avenue Mississauga, ON L5G 3K6 (905) 278.1427 norahsmith@sympatico.ca</p>
<p>Carmen Strati 498 Lakeshore Rd. East Mississauga, ON L5G 1J1 (905) 891.0523 billkarda@hotmail.com</p>	<p>Guiseppe Simeone (416) 460.1485 joesimeone@hotmail.com</p>
<p>Dorothy Tomiuk Vice President Town of Port Credit Association (TOPCA) dtomiuk@topca.net topca.net</p>	

**LIST OF PARTICIPANTS
(Post initial Pre-Hearing Conference)**

NAME	ADDRESS	EMAIL/PHONE
<p>Lydia Ordonez-Niles</p>	<p>74 Lakeshore Rd E, Mississauga, ON L5G 1E1</p>	<p>impressgifts@on.aibn.com 905-271-8999</p>
<p>Rodney Jackson Tom Agnew</p>	<p>1068 Enola Avenue, Mississauga, ON L5G 4A9</p>	<p>Rod.tom@hotmail.com 905-278-2148</p>

Laura Neher	401 Revus Avenue, Mississauga, ON L5G 1S2	geographygeek@gmail.com 647-770-6927
John McAnaney	2165 Stir Crescent, Mississauga, ON L4Y 3V2	johnnymaxband@rogers.com 416-902-9801
Lisa Spillane	15 Elizabeth St N, Unit 902, Mississauga, ON L5G 2Z3	Lisahartt87@hotmail.com 905-891-8422
Jay Litvinkas	1251 Myron Drive, Mississauga, ON L5E 2N5	jaylitvinkas@gmail.com 416-939-6034
Georgina Bozek	331 Lakeshore Rd E, Apt 2, Mississauga, ON L5G 1H3	georgiebozek@gmail.com 416-347-0123
Brenda Armstrong	1556 Alexandra Blvd Mississauga, ON L5E 2B6	brendaja@sympatico.ca 905-271-4247
Lena Orwin	65 Park Street East Mississauga, ON L5G 1M3	lenaorwin@hotmail.com 905-271-9743
Agatha Joseph	963 Beechwood Avenue, Mississauga, ON L5G 4E3	acj009@hotmail.com 905-990-2442 (h) 647-282-5759 (c)
Mark Scheerle	Freestyle Signs Inc. 12 – 360 Revus Avenue, Mississauga, ON L5G 4S4	freestyle@bellnet.ca suemark@live.ca 905-274-4258
Elise Perrone	586 Exbury Crescent, Mississauga, ON L5G 2P4	e-perrone@hotmail.com 905-271-2266
David McGuire	805-15 Elizabeth Street North, Mississauga, ON L5G 2Z3	Davemcg01@yahoo.com 905-274-1128
Marion Robb-Gardner	185 Briarhill Drive Mississauga, ON L5G 2N4	mrobbgardner@rogers.com 905-278-2215
Linda Dubney	617 Curzon Avenue Mississauga, ON L5G 1P8	dubvio@rogers.com
Paul Murphy	1519 Ogden Avenue Mississauga, ON L5E 2H9	midnightmurph@yahoo.com 289-981-8227
Jen McAnaney	2165 Stir Crescent Mississauga, ON L4Y 3V2	Jaymac903@hotmail.com 416-903-9801
Lisa Reed	73 Cumberland Dr Mississauga, ON L5G 8N1	lisareed@rogers.com
Andrew Beattie	96 Cumberland Dr Mississauga, ON L5G 3N2	Andrew.beattie@rogers.com

Pamela J. Bell	8 Woodlawn Ave Mississauga, ON L5G 3K6	pambell@rogers.com
Jim Judge	1064 Deta Rd Mississauga, ON L5E 2R7	jimjudge@rogers.com
J.W. Danahy	917 Goodwin Rd Mississauga, ON L5G 4K1	jwdanahy@rogers.com
Anuscka Roes Randal Myers	716 Montbeck Cr Mississauga, ON L5G 1P4	
Deborah Goss	Lakeview Rate Payers Assoc. 868 Goodwin Rd Mississauga, ON L5G 1P2	debgoss@sympatico.ca
Barry Conroy	Lakeview Rate Payers Assoc Ste 1104-1485 Lakeshore Rd E, Mississauga, ON L5E 1E9	barcon@teksavvy.com
Scott Kletke	Lakeview Rate Payers Assoc. Monbeck Cr Mississauga, ON	scottkletke@gmail.com
Ian Gardner	185 Briarhill Dr Mississauga, ON L5G 2N4	igardner@rogers.com willcocks@rogers.com
M. Robb-Gardner	185 Briarhill Dr Mississauga, ON L5G 2N4	mrobbgardner@rogers.com
Brenda Morrison	618 Byngmount Ave Mississauga, ON L5G 4J1	b-burrows@rogers.com
Andrew Morrison	618 Byngmount Ave Mississauga, ON L5G 4J1	abmorrison@rogers.com
Linda Dubney Carlos Vio	617 Curzon Ave Mississauga, ON L5G 4H7	dubvio@rogers.com
Mr. A. E. Thompson	#1006, 1150 Parkwest Place Mississauga, ON L5G 3J1	Athompson4095@rogers.com
Mary Simpson	61 Wesley Ave, PC Mississauga, ON L5G 2M7	msimpson@fopca.net
Sheila Susini	1174 Stavebank Rd Mississauga, ON L5G 2V2	susini@sympatico.ca
Todd Hansen	1023 Shaw Dr Mississauga, ON L5G 1S2	pretzeltah@yahoo.com
Ted Rodrigues	615 Curzon Ave Mississauga, ON L5G 4H7	ted@trp.ca
Olga Blaszko	46 Park St. East	Olgab333@hotmail.com

	Mississauga, ON L5G 1L9	
Halina Kiluk	1061 Enola Ave Mississauga, ON L5G 4B1	hkiluk@yahoo.ca
Paul Murphy	1519 Ogden Ave Mississauga, ON L5E 2H8	midnightmurph@yahoo.com
Neil A. Lovell	122 Cumberland Dr Mississauga, ON L5G 3N3	neilannielovell@bell.net
Margaret Ferguson	39 Wenonah Dr Mississauga, ON L5G 3N2	fdmaj@hotmail.com
Kitt Mahood	14 Wenonah Dr Mississauga, ON L5G 1C5	hmahood@sympatico.ca
Lin Mok	902 Beechwood Ave Mississauga, ON L5G 4E2	Worrall.I@hotmail.com
Terra Lariviere	44 Briarwood Ave Mississauga, ON L5G 1L1	Terra.lariviere@rogers.com
Dan Lienerth	1076 Enola Ave Mississauga, ON L5G 1S3	danlienerth@gmail.com
Peter Evans	1515 Lakeshore Rd E, #903 Mississauga, ON L5G 1E9	evanshamilton@sympatico.ca
Don McVie	1242 Stavebank Rd Mississauga, ON L5G 2V2	don@mississaugalife.ca
Ketko Suzuki	611 Byngmount Ave Mississauga, ON L5G 4J1	Kkos19@hotmail.com
Todd Davis	611 Byngmount Ave Mississauga, ON L5G 4J1	toddDavis@taksavvy.com
Eric Stephane Guerbilsky	44 Park St East Mississauga L5G 1M1	eric.querbilsky@gmail.com 647-828-3976
Willem Langelaan	812-1400 Dixie Rd Mississauga L5E 3E1	willem@langlaan.com 905-274-1286