

ISSUE DATE:

November 29, 2012



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" 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:

Parties

Counsel*/Agent

501 Lakeshore Inc.

S. Zakem*

City of Mississauga

K. Yerxa*

F. Capobianco

D. Baker*

Region of Peel

R. Maciver*

Credit Valley Conservation

J. Campbell (Agent)

Cranberry Cove Port Credit
Ratepayers Association

C.J. Mackie (Agent)

DECISION DELIVERED BY R. ROSSI ON NOVEMBER 20, 2012 AND ORDER OF THE BOARD

[1] 501 Lakeshore Inc., the Applicant/Appellant (“Appellant”) has appealed to the Board from Mississauga City Council’s failure to make a decision within 120 days of receiving the Appellant’s application for a mixed use development consisting of sizable retail commercial and office space, two apartment buildings, 13 townhouse dwellings, six (6) two-storey units within the façade of the apartment buildings and seven (7) three-storey units on a separate block.

[2] In addition to the initial two parties – the Appellant and the City – the Board also added on consent the parties identified under the Appearances chart above. The names of five identified interested participants appear in the Appellant’s draft procedural order (on file); however, more names will be added following this hearing and a copy furnished to the Board by the City’s counsel who kindly consented to assist with the task. The Board will attach that list to its file. Residents or others seeking party status should indicate their intention to the Board no later than the next pre-hearing conference in February 2013. Otherwise, the Board will continue to accept persons seeking interested participant status up to the commencement of the future full hearing.

[3] The parties have yet to provide the Board with a consolidated issues list, which the Board ordered to be focused and not lengthy. The parties are ordered to draft their consolidated issues list and to provide it to the Board at the next pre-hearing conference. This list may be modified thereafter although the time permitted for modification will be tied to the eventual confirmation of the full hearing dates in order to allow for the proper exchange of witness statements and other evidence.

[4] The Appellant’s application was deemed to be complete by the City in 2011 but the Board learned that the Appellant will submit a revised application for the City’s consideration. Ms. K. Yerxa for the City alerted the Board that this will take several

months to process. The Board also heard that the Region of Peel has expropriated a portion of the Appellant's lands to construct a pumping station.

[5] Mr. S. Zakem for the Appellant requested an early to mid-spring date for the full hearing. Ms. Yerxa argued that it is premature for the Board to set a date for the full hearing as the revised application has not yet been submitted; staff require sufficient time to review the revised submission; City Council has not taken a position on the proposal; and Ms. Yerxa has not received instructions from Council. The Board determines that while it is premature for the Board to bind the parties to a fixed date for the full hearing, the Board maintains that a provisional date for the full hearing will be useful to guide the parties through in this process. The Board views this scheduling matter to be necessary for the efficient processing of the application and to be important for the parties and for the large number of residents in attendance. The Board also finds persuasive Ms. Yerxa's suggestion that the Board set a second pre-hearing conference in order to gather more names of interested participants and for the Board to provide guidance to the parties and to this process. It will also enable the Board to review the parties' initial, consolidated issues list.

[6] The next pre-hearing conference will be held on **Monday, February 11, 2013 at 10 a.m.** at:

**City of Mississauga
300 City Centre Drive
Mississauga ON**

No further notice is required and the Member remains seized for administrative carriage of the file.

[7] The provisional dates for the 10-day hearing (length subject to modification) are **Monday, May 6, 2013 to Friday, May 17, 2013** inclusive. The hearing will commence at **10 a.m.**

**City of Mississauga
300 City Centre Drive
Mississauga ON**

No further notice is required and the Member is not seized.

“R. Rossi”

R. ROSSI
MEMBER