

ISSUE DATE:

December 27, 2013



PL121305

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

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant:	Jalal Alled
Appellant:	City of Mississauga
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address:	1865 Ivygate Court
Municipality:	City of Mississauga
Municipal File No:	A442/12
OMB Case No:	PL121305
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APPEARANCES:

Parties

Counsel

Jalal Alled

Walter Burych

City of Mississauga

Marcia Taggart

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON
DECEMBER 5, 2013 AND ORDER OF THE BOARD**

[1] The City of Mississauga (“Appellant”) has appealed the decision of the Committee of Adjustment (“Committee”) of the City of Mississauga (“City”) that granted the minor variances requested by Jalal Alled (“Applicant”) to recognize an existing swimming pool (hot tub), and existing accessory structures (shed, pool equipment, barbecue structure and pergola).

[2] By way of this teleconference call (“TCC”), the parties have brought to the Board Minutes of Settlement (“Minutes”) of this matter. While the Committee originally granted the variances, the City appealed as subsequent information was received that indicated the variance measurements as provided were not accurate and did not reflect the as-built structure in the rear yard, thus requiring amendments. Second, the pergola and

the outdoor barbecue were encroaching into a sixmetre municipal storm sanitary sewer easement across the westerly limits of the subject property.

[3] The parties now propose to the Board that as set out in these Minutes (on file), it should allow the appeal but not authorize the requested variances. Specifically, the Applicant agrees to submit to the Committee a revised application that will include a plan of survey (Schedule 'A' to the Minutes), which will reflect accurately the location of all structures, all setback dimensions and the particulars of the requested variances. The revised application will be in accordance with a list of terms and conditions laid out in the Minutes that are amenable to the parties.

[4] City planner David Ferro, whose affidavit has been attached to the Board's file, also participated in these proceedings and he opined that the Minutes represent good planning and will result in a favorable form of development that reflects the planning regime of the City while meeting the needs of the Applicant.

[5] Having considered the evidence before it and the materials placed on the Board's file in support of this settlement, the Board hereby allows the City's appeal but does not authorize the variances as per the details of the Minutes.

"R. Rossi"

R. ROSSI
MEMBER