

ISSUE DATE:

October 10, 2013



PL130350

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants: 1077022 Ontario Inc. and Touchstone Construction
(Conservatory Group) and Jason Properties Inc.
(Conservatory Group) (335, 339, 345, 359 Rathburn Road
West @ Confederation Parkway)

Appellants: McDonalds Restaurants, Wendy's Restaurants of Canada
Inc., Ontario Restaurant Hotel and Motel Association, A & W
Food Services of Canada Inc. and TDL Group Corp

Appellants: OMERS Realty Management Corporation and 156 Square
One Limited

Appellant: Rogers Telecommunications Limited

Appellant: Morguard Investments Limited

Appellant: Baif Developments Limited and Wal-Mart Canada Corp @
Square One Mall

Appellant: Kerava Grove Estates

Appellant: Amacon Development (City Centre) Corp.

Subject: Proposed OPA No. 8

Municipality: City of Mississauga

OMB Case No.: PL130350

OMB File No.: PL130351

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants: 1077022 Ontario Inc. and Touchstone Construction
(Conservatory Group) and Jason Properties Inc.
(Conservatory Group) (335, 339, 345, 359 Rathburn Road
West @ Confederation Parkway)

Appellants: McDonalds Restaurants, Wendy's Restaurants of Canada
Inc., Ontario Restaurant Hotel and Motel Association, A & W
Food Services of Canada Inc. and TDL Group Corp

Appellants: OMERS Realty Management Corporation and 156 Square
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Appellants: Baif Developments Limited and Wal-Mart Canada Corp @
Square One Mall

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Appellant: Amacon Development (City Centre) Corp.

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OMB Case No.: PL130350
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APPEARANCES:

Parties

Counsel

1077022 Ontario Inc. and Touchtone Construction (Conservatory Group) and Jason Properties Inc. (Conservatory Group) (335, 339, 345 and 359 Rathburn Road West @ Confederation Parkway)

J. Alati (A. Suriano representing)

Quick Service Restaurants, McDonalds Restaurants, Wendy's Restaurants of Canada Inc., Ontario Restaurant Hotel and Motel Association, A&W Food Services of Canada Inc. and TDL Group Corp.

D. Baker

Omers Realty Management Corporation and 156 Square one Limited

D. Bronskill

Rogers Telecommunications Limited

N. G. Davis

Morguard Investments Limited

D. Wood

Wal-Mart Canada Corp (@ Square One Mall) and Baif Developments Limited

R. Houser (I. Andres representing)

Kerava Grove Estates

J. Dawson

Amacon Development (City Centre) Corp.

S. Rosenthal and M. Di Vona

City of Mississauga

K. Yerxa and M. Taggart

DECISION DELIVERED BY R. ROSSI ON SEPTEMBER 30, 2013 AND ORDER OF THE BOARD

[1] This is a pre-hearing conference ("PHC") into a matter relating to Official Plan Amendment No. 8 ("OPA 8"), which replaces the Downtown Core Local Area Plan of Mississauga Official Plan ("OP"). This amendment also amends the Road Classification Tables of Mississauga OP by adding the Downtown Core Character Area to the Road

Classification for Minor Collectors and deleting and replacing the right-of-way range for the road classification for local roads in the Downtown Core. As well, Land Use Designation is amended for the Downtown Core Character Area.

[2] Zoning By-law No. 0050-2013 amends Mississauga Zoning By-law No. 0225-2007 by amending various sections of the zoning by-law pertaining to Downtown Core (previously City Centre) Zones. There are various amendments proposed and the parties have identified various issues related to their individual appeals.

[3] Counsels for the parties identified themselves. The City of Mississauga ("City") furnished the Board with a list of the appellants, their respective counsels, reasons for their appeals and the extent of those appeals. This list has been placed on the Board's file. On consent, Amacon Development (City Centre) Corp., represented by counsel Susan Rosenthal and articling student Matthew Di Vona, was made a party to these proceedings. Mississauga Central Lions Club, represented at this hearing by Third Vice President, Jeffrey Friedman and Farmers Market Manager and Club Member, Manny Castellino, was made an interested participant to these proceedings.

[4] Co-counsel for the City, Kelly Yerxa, advised the Board that although an initial issues list had been circulated among the parties, it was premature to present to the Board a finalized issues list given that some of the appeals against the subject planning instruments are being prepared and some have yet to be filed. The City will be working with the other parties to scope further their issues to be heard at a full hearing before the Board, should one become necessary.

[5] The Appellants (referred to collectively as the "Quick Service Restaurants" or "QSR"s) appealed Mississauga Official Plan ("MOP") (Board File No. PL111148) had its appeals dealt with by this Board on June 27, 2013 (Decision issued on July 8, 2013) except for two policies in MOP, which relate to the Downtown Core: s. 4.1.1.e) and 4.2.1b). It was agreed between the QSRs and City in the Minutes of Settlement, which were referenced in the Board's decision, that those MOP policies would be consolidated with the QSRs' appeals of OPA 8 and Zoning By-law 0050-2013 (this Board File No. 130350), which also deals with policies for the City's Downtown Core..." At this PHC, the Board restated that order, which consolidates the above-identified QSRs appeals with the appeals of the parties who are Denise Baker's clients.

[6] Counsel for Morguard Investments Limited, Dennis Wood, alerted the other parties by way of correspondence (copy provided to the Board) to some suggested

revisions to the draft procedural order that should be incorporated into the future finalized document.

[7] All parties have requested another PHC in December 2013 to present an update to the Board.

ORDER

[8] On consent, the Board orders that a second PHC will take place on **Tuesday, December 10, 2013 at 10 a.m., at:**

**Municipal Hearing Room
City Hall
City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1**

[9] No further notice will be given. The Member remains seized for administrative carriage of the file. Hearing dates will be discussed in the future.

"R. Rossi"

R. ROSSI
MEMBER