

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



**ISSUE DATE:** June 11, 2015

**CASE NO(S):** PL130791

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*,  
R.S.O. 1990, c. P.13, as amended

Referred by: Ron Fisico  
Subject: Site Plan  
Property Address/Description: 2610 Mississauga Road  
Municipality: City of Mississauga  
OMB Case No.: PL130791  
OMB File No.: PL130791  
OMB Case Name: Fisico v. Mississauga (City)

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*,  
R.S.O. 1990, c. P.13, as amended

Referred by: Jordan Posocco  
Subject: Site Plan  
Property Address/Description: 2620 Mississauga Road  
Municipality: City of Mississauga  
OMB Case No.: PL130791  
OMB File No.: PL130792

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*,  
R.S.O. 1990, c. P.13, as amended

Referred by: Domenic Malfara  
Subject: Site Plan  
Property Address/Description: 2630 Mississauga Road  
Municipality: City of Mississauga  
OMB Case No.: PL130791  
OMB File No.: PL130793

**Heard:** June 1, 2015 in Mississauga, Ontario

**APPEARANCES:**

<u>Parties</u>	<u>Counsel</u>
Ron Fisico	G. Borean
Jordan Posocco	G. Borean
Domenic Malfara	G. Borean
City of Mississauga	R. Kehar

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON JUNE 1, 2015 AND INTERIM ORDER OF THE BOARD**

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[1] This was a Settlement hearing respecting the consolidated appeals of Ron Fisico, Jordan Posocco and Domenic Malfara (collectively, “the Appellants”) commenced pursuant to s. 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (“the Act”). The lands which are the subject of these appeals are located at 2610 Mississauga Drive, 2620 Mississauga Drive and 2630 Mississauga Drive, respectively (“subject properties”).

[2] The parties have reached a settlement with respect to these appeals in accordance with duly executed Minutes of Settlement (“MOS”), filed with the Board as Exhibit 3. The respective site plans as illustrated in Exhibits 4, 5 and 6 are subject to the fulfillment of the Conditions of Site Plan Approval which form part of the MOS.

[3] Municipal Planner David Breveglieri provided contextual and land use planning evidence in support of the settlement and Conditions of Site Plan Approval. He is a Member of the Canadian Institute of Planners and the Ontario Professional Planners Institute.

[4] The subject properties are on the west side of Mississauga Road within the Sheridan Neighbourhood District, an area which features generous-sized homes on

generous-sized lots. The subject properties are intended for residential use and the massing and design of the homes to be developed on the three lots is consistent with the character of this neighbourhood.

[5] Mr. Breveglieri told the Board that the City's primary concern in regard to the respective site plans involved a traffic safety issue. Essentially, a change in grade in combination with the curvilinear nature of Mississauga Road in front of the subject properties resulted in poor traffic sight lines. This created a problem with respect to the placement of individual accesses (driveways) to the subject properties. This issue has now been resolved through the Conditions of Site Plan Approval.

[6] In this regard, it is Mr. Breveglieri's professional opinion that the Conditions of Site Plan Approval are appropriate and necessary, and subject to these conditions, the proposals represent good land use planning.

[7] Based on the evidence and opinion of Mr. Breveglieri, the Board is satisfied that subject to the Conditions of Site Plan Approval, the respective Site Plans are appropriate and consistent with the principles of good land use planning.

## **ORDER**

[8] The Board orders that the appeals are allowed in part, and the individual Site Plans as illustrated in Exhibits 4, 5 and 6 are approved subject to the fulfillment of the Conditions of Site Plan Approval set out in Exhibit 3.

[9] The Final Order is being withheld pending notification from the parties that the Conditions of Site Plan Approval have been fulfilled.

[10] In the event difficulties arise, the Board may be spoken to further.

*"M. A. Sills"*M. A. SILLS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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