

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 20, 2015

CASE NO(S): PL150486

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Jamia Islamia Canada Ltd.
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	2380 Tedlo St
Municipality:	City of Mississauga
Municipal File No.:	A138/15
OMB Case No.:	PL150486
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OMB Case Name:	Jamia Islamia Canada Ltd. V. Mississauga (City)

Heard: November 3, 2015 in Mississauga, Ontario

APPEARANCES:

Parties

Counsel*/Representative

Jamia Islamia Canada Ltd.

Alwi Azaz

City of Mississauga

Marc Kemerer*

**MEMORANDUM OF ORAL DECISION DELIVERED BY RICHARD JONES ON
NOVEMBER 3, 2015 AND ORDER OF THE BOARD**

ADJOURNMENT

[1] At the request of Jamia Islamia Canada Inc. ("Appellant/ Applicant") the Board agreed to the adjournment of the hearing.

[2] Alwi Azaz, a director of the Appellant/Applicant and appearing as its representative, stated that there was no longer a solicitor involved in the appeal. According to Mr. Azaz, he had been out of the country for a month, and the solicitor had withdrawn his services due to non-payment of fees while he was away.

[3] Marc Kemerer, counsel for the City of Mississauga, objected to the adjournment stating that preparatory costs had already been incurred by his client with respect to the one day hearing and that Mr. Azaz's lack of counsel was not sufficient reason for an adjournment as the hearing date had been known for months beforehand.

[4] Two participants, Yousef Abdul and Nancy Mancini, also spoke against an adjournment, indicating their willingness to testify that day.

[5] The Board granted the adjournment because the case was judged to be complex and the absence of legal representation would have severely harmed the Appellant/Applicant's ability to argue the appeal. Although this decision acknowledges that adjournments are rarely granted outside of emergencies or other equally compelling circumstances, the Board is of the view that the prospects of a fair hearing would be remote without legal and /or planning representation made on behalf of the Applicant/Appellant.

[6] However, in order provide forward momentum to this matter, the Board also agreed with Mr. Kemerer's suggestion that in the event the Applicant/Appellant fails to retain a solicitor and/or representative by November 30, 2015, the Board will proceed to schedule a new hearing returnable on the first available date. The Applicant/Appellant is therefore urged to retain professional services without further delay in light of the Board's desire to avoid further delay.

ORDER

[7] The Board orders that the hearing is adjourned. Following November 30, 2015, a hearing will be scheduled as soon as the Board's calendar allows for a hearing of one day and the hearing date selection will not be restrained by the lack of legal and/or planning representation on behalf of the Applicant/Appellant. If counsel is retained prior to November 30, 2015 there should be immediate communication with the Case Coordinator so that an early hearing can be arranged.

"Richard Jones"

RICHARD JONES
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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