

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 27, 2016

CASE NO(S): PL151125

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

Applicant and Appellant:	Kaneff Homes Compass Creek Inc.
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	202-204 Burnhamthorpe Road East
Municipality:	City of Mississauga
Municipal File No.:	A303/15
OMB Case No.:	PL151125
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OMB Case Name:	Kaneff Homes Compass Creek Inc. v. Mississauga (City)

Heard: April 1, 2016 in Mississauga, Ontario

APPEARANCES:

Parties

Counsel

Kaneff Homes Compass Creek Inc.	P. Patterson A. Baker
City of Mississauga	R. Kehar

MEMORANDUM OF ORAL DECISION DELIVERED BY J. V. ZUIDEMA ON APRIL 1, 2016 AND ORDER OF THE BOARD

[1] A first Pre-Hearing Conference (“PHC”) was held with respect to this matter. By way of some background, Kaneff Homes Compass Creek Inc. (“Appellant”) made an application to the City of Mississauga (“City”) Committee of Adjustment (“C of A”) for a

minor variance to permit the development of property located at 202 and 204 Burnhamthorpe Road East (“subject property”).

[2] The proposal is to erect two residential apartment buildings on the subject property and variances are required:

- to permit a 20-storey and a 23-storey apartment buildings
- a 4-storey podium building element above an underground and aboveground parking structure
- resident parking at a rate of 1.15 parking spaces per unit for one-bedroom units and two-bedroom units whereas By-law 0225-2007 (“the by-law”) requires resident parking at rate of 1.25 parking spaces per one-bedroom unit and 1.4 parking spaces per two-bedroom unit
- visitor parking be provided at a rate of 0.15 parking spaces per unit; whereas the by-law requires visitor parking at a rate of 0.20 parking spaces per unit
- tandem parking be permitted whereas the by-law makes no provision for tandem parking spaces
- a maximum number of 555 dwelling units within the subject zone boundary RA4-12; whereas the by-law permits a maximum number of 450 dwelling units
- a minimum landscape area of 54% of the lot area; whereas the by-law requires a minimum landscape area of 60%
- a depth of a landscape buffer along the lot line abutting Burnhamthorpe Road East of 2.50 metres (“m”) (8.20 feet (ft)) whereas, the by-law requires a minimum depth of 4.50 m (14.8 ft.)

[3] The City's Planning Department supported the proposal and recommended approval. The C of A, however, refused the variances and the Appellant appealed that decision to this Board.

[4] The purpose of this first PHC was to organize the hearing and identify those seeking status. The two parties are the City and the Appellant.

[5] There were a number of individuals and entities given participant status and they are as follows:

- 1) Eva Ereneos
- 2) Peel Condo Corp. No. 85 c/o Oksana Hlodan
- 3) Peel Condo Corp. No. 613 c/o Marie Pereira-Crockett
- 4) Mir M. Ali
- 5) Yvonne Bienko
- 6) J. Ann Wilton
- 7) Teresa Donnelly

[6] There were also a number of individuals who attended simply to observe the proceedings and those people will be circulated with notices and copies of all decisions.

- 1) Mario Palermo
- 2) Patricia Foubert
- 3) Amable Genoveva Lopez
- 4) Dave and Carol Laughton
- 5) Barbara Singh
- 6) Lyubor Pastcohenvo
- 7) Ingrid Payne
- 8) Kathleen Lobo
- 9) Maryanne Ieropoli
- 10) Grace Palmissano

- 11) Natercia Ruela
- 12) Carol Seminara
- 13) Glen Hall

[7] Peel Condominium Corporation No. 613 (“PCC 613”) appeared through its representative. Ms. Pereira-Crockett advised that Eric Davis is PCC 613’s lawyer but he was not in attendance as PCC 613 was seeking only Participant status. Should PCC 613 wish to elevate its status to Party, it will be required to bring a formal Motion.

[8] The parties undertook to prepare and circulate to the Board, a draft Procedural Order by the end of June 2016. That Procedural Order will govern the proceedings.

[9] The hearing on the merits will be held for five days commencing on **October 17, 2016, at 10 a.m.:**

**Mississauga City Hall
300 City Centre Drive
Mississauga, ON L5B 3C1**

The City is to confirm the venue with the Board as soon as possible. There will be no further notice and I am not seized of the hearing.

[10] I will however, continue to case manage this matter.

“J. V. Zuidema”

J. V. ZUIDEMA
VICE-CHAIR

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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