

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



**ISSUE DATE:** December 29, 2016

**CASE NO(S):**

PL160192  
PL130350

**PROCEEDING COMMENCED UNDER** subsection 36(3) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Armdale Estates Inc., Touchtone Constructions Ltd. and 1077022 Ontario Inc.  
Subject: Removal of Holding Symbol: Zoning By-law No. 0225-2007 Failure of the City of Mississauga to announce a decision on the application  
Property Address/Description: 0 Enfield Place  
3600, 2606 and 3618 Hurontario Street  
Municipality: City of Mississauga  
OMB Case No.: PL160192  
OMB File No.: PL160192  
OMB Case Name: Armdale Estates Inc.

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

Referred by: 1077022 Ontario Inc. and Touchtone Construction Ltd.  
Subject: Site Plan  
Property Address/Description: 0 Enfield Place and 3618 Hurontario Street  
Municipality: City of Mississauga  
OMB Case No.: PL160192  
OMB File No.: PL160146

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

Referred by: Armdale Estates Inc.  
Subject: Site Plan  
Property Address/Description: 3600 & 3606 Hurontario Street  
Municipality: City of Mississauga  
OMB Case No.: PL160192  
OMB File No.: PL160147

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1077022 Ontario Inc. et al  
 Appellant: Baif Developments Limited  
 Appellant: Jason Properties Inc.; and others  
 Subject: Proposed Official Plan Amendment No. OPA 8  
 Municipality: City of Mississauga  
 OMB Case No.: PL130350  
 OMB File No.: PL130350  
 OMB Case Name: A & W Food Services of Canada Inc. v. Mississauga (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1077022 Ontario Inc. et al  
 Appellant: Baif Developments Limited  
 Appellant: Jason Properties Inc.; and others  
 Subject: By-law No. 0050-2013  
 Municipality: City of Mississauga  
 OMB Case No.: PL130350  
 OMB File No.: PL130351

**Board Rule 107 states:**

**107. Effective Date of Board Decision** A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

**Heard:** November 7, 2016 in Mississauga, Ontario

**APPEARANCES:**

**Parties**

1077022 Ontario Inc., Touchtone  
 Constructions Ltd., and Armdale  
 Estates Inc.  
 City of Mississauga

**Counsel**

J. Alati  
 A. Margaritis  
 R. Kehar

**DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE BOARD**

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[1] This was the second prehearing conference (“PHC”) for the appeals and referrals by 1077022 Ontario Inc., Touchtone Constructions Ltd., and Armdale Estates Inc. (together “Applicants”) regarding the removal of a Holding symbol in By-law No. 0225-2007 and referrals of site plans. This is case PL160192.

**CONSOLIDATION OF APPEALS**

[2] At the first PHC, the Board, differently constituted, was asked to consolidate these matters with the appeals by 1077022 Ontario Inc. and Touchtone Constructions Ltd. of the City of Mississauga (“City”) Official Plan Amendment No. 8 (“OPA 8) and By-law No. 0050-2013 in case PL130350. Those matters are before the Board, again differently constituted.

[3] The Board confirmed that the request at that first PHC was for consolidation in accordance with Ontario Regulation 30/02 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O.28 (“OMBA”) and Board Rule 58 of the Board’s *Rules of Practice and Procedure* (“Board Rules”). Counsel for the Applicants was clear that the request was for consolidation and not a request simply to hear matters together, as contemplated by Board Rule 59.

[4] The request for consolidation was not a request to add the matters in case PL160192 to the appeals in case PL130350. Rather, the request was to separate out the appeals by the Applicants from PL130350 and consolidate them with PL160192.

[5] Case PL130350 has several other appellants in addition to those appearing in PL160192.

[6] No notice was given to the other parties in PL130350 of this request and no motion was brought in that case to separate out certain appeals.

[7] The next appearance in case PL130350 was to have occurred a week after this appearance in case PL160192. At the request of the parties to that case, that appearance was adjourned.

[8] With no notice having been given to the parties in case PL130350, and with the scheduled appearance in that case having been adjourned, the Board directed Counsel for the Applicants to obtain confirmation of consent or no objection from the parties to case PL130350 to the separation from that case of the appeals by 1077022 Ontario Inc. and Touchtone Constructions Ltd. to enable consolidation with the site-specific matters before the Board in case PL160192.

[9] The Board has now been advised by counsel for the Applicants that all remaining parties to case PL130350 have provided consent or no objection to the appeals by the Applicants being separated out from the remaining matters in case PL130350 and consolidated with the site-specific matters before the Board in case PL160192.

[10] Having been satisfied that sufficient notice of this proposed separation and consolidation has been given to the remaining parties, and with no party objecting, the Board now separates the Applicants' appeals in case PL130350 from that case and consolidates them with the Applicants' site-specific appeal and referrals in PL160192.

### **PHASING OF HEARING**

[11] The Board understands that discussions are ongoing to determine if matters in either PL160192 or PL130305 may be resolved. To that end, the Board was asked and agreed to phase the consolidated hearing such that the issues for PL160192 will be heard and disposed of first. Following the disposition of matters before the Board in PL160192, the parties will advise the Board of the consequent status of matter in consolidated part of PL130350 and the Board will make such directions as it considers appropriate once such advice is received.

## **PARTICIPANTS**

[12] The Board heard from Gordana Djuricic, who presented a signed authorization to be the representative for a large number of the residents at 156 Enfield Place. The Board added these persons as Participants in these proceedings and notes their agreement that Ms. Djuricic will represent them and be the spokesperson for the group.

[13] Several other persons attended the first prehearing and were added as Participants. Some of those added, at that time, are also residents at 156 Enfield Place. They were not included on the list of those to be represented by Ms. Djuricic although the Board understands that they may decide to have Ms. Djuricic represent and speak for them.

[14] At that same first prehearing, some persons were added as Participants who do not appear to reside at 156 Enfield Place.

[15] The list of those in each of these three categories is found at Attachment 1 to this decision.

## **HEARING DATE AND PROCEDURAL ORDER**

[16] At the first prehearing, the Board set down a three-day hearing to commence on February 21, 2017. The parties have filed a draft Procedural Order in this matter. The parties have since requested Board-led mediation and asked that the Procedural Order not be issued. At the request of the parties, the Board will not issue a Procedural Order. If the request for Board-led mediation results in any change to the hearing dates scheduled previously, the parties and participants will be notified.

[17] I am not seized of these matters.

**ORDER**

[18] The Board orders that:

1. The site-specific appeals by Armdale Estates Inc., Touchtone Constructions Ltd. and 1077022 Ontario Inc. of City of Mississauga Official Plan Amendment 8 and of City of Mississauga By-law No. 0050-2013 are consolidated.
2. The Participants in these proceedings are set out in Attachment 1 to this decision.

*“Susan de Avellar Schiller”*

SUSAN de AVELLAR SCHILLER  
VICE-CHAIR

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**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

## ATTACHMENT 1

### **List of Participants (with respect to OMB Case No. PL160192):**

The following participant unit owners of 156 Enfield Place are represented by Gordana Djuricic ([gdjuricic@smartreit.ca](mailto:gdjuricic@smartreit.ca)). The participant 156 Enfield Place unit owners agree that only their representative participant, Gordana Djuricic, will be speaking on their behalf at the hearing.

<b>NAME</b>	<b>156 ENFIELD PLACE SUITE #</b>
Raymond Levert	1905
Mary Attia	1715
Medhat Gendy	1715
Brenda Aburto	510
Samir Al Adal	2205
Gary Grilo	2203
Antonio Grilo	2203
Beatriz Grilo	2203
Sabri Azouz	2202
Joseph Pu	2210
Jinwoo Park	2310
Neelam Hansa	616
Faisal Al-Atheri	2907
Liviv Voinea	1203
Jenny Bravo	716
Clevsa de Carmo	708
Freshta Wafa	2612

Diana Skoko	1606
Rashad Dagheim	1602
Rania Dagheim	1916
Liby Almeide	707
Lucie Levert	1905
Alice Calleja	1206
Alla Kireeva	1102
Winnie Garcia	1205
Tamer Khashaba	1215
Ghison Aljanabi	1208
Teresa Specicile	811
Franca Carrubba	1507
Edgar Wehner	1505
Jutta Wehner	1505
Abddala Hafann	2206
Mona Girgis	1106
Mathilda Greiss	805
David Clark	1901
Irana Totchi	2305
Toseefi Samina	2303
Robert Stefaiah	2312
Alireza Ableimanal	2502
Chae Sang Ro	2009
Young Ja Ro	2009



Soon Ock Choi	2105
Eung Bum Choi	507
Sung Hak Choi	507
Carlos Paulo	603
Jason Park	2906
Soomie Shui	605
Norbert Krawir	2012
Dusan Pjevae	2011
Warrell Woodrough	2010
Constantine (Coney) Pereira	2005
Steenath Tampani	2016
Graciano Toro	2007
Srikanth Srinivas	2003
Mierlvinslea Grazyna	2002
Alisia Bernetobe	2006
Leland Young	2106
Carney Ly	2102
Tim Witjewski	2107
Naheed Patel	2108
Ahmed Sabie	2109
Nicoles Doorhal	2212
Jessica Po	2218
Alex Brunan	2215
Lorena Bartlett	2201

Burt Ruddy	502
John Shumilak	501
Salmo Adip	515
Janet Petrie	509
Peter Hsu	511
Maha Daraee	602
Mohamed Amin Amod	609
Zubeida Amod	609
Nusrat Ahmad	610
Hilal Ahmad	610
Sanjay Paul	303
Mohamad Hawamdeh	1105
Dee Esposito; Grace Nolan	1909
Gordana Djuricic	2501
Azzam Sharrab	202
Rizawan Rasid	2709
Lakshmi Vellanky	1103
Lilian Zaplin	1101
Alaa Fekreelalfy	1108
Nazek Bahgat	1108
Veljko Pjevac	1110
Ksenija Pjevas	1110
Nasrin Honardar	1112
Ban AlNaqeeb	2103

Saad AlQaysi	2103
Irene Kaminskyj Naccarato	2708
Laura Luis	803
Anca Gabreanu	1263
Liviv Voinea	1203
Piotr Dabal	1202
Samra Alqaysi	312
Jolan Ladanyi	808
Paul Mohammed	1502
Brian Jenkins and Theresa Jenkins	1002
Avnerto Amorim	301
Maria Amorim	301
Aisha Nangle	802
Marlonn Nangle	802
Shirley Lobo	315
Hilda Lobo	315
Noore Allem	308
Charmaine Allem	308
Eltuh Adams	508
Germaine Adams	508
Elizabeth Porquet	516
Angela Kim	810
Ram Narayan Mohan	807
Leela Mohan	807

Maria Jurczak	606
Eleanor Ross	607
Guy Ross	607
Prem Chand	1710
Prasila Chand	1710
Ellen Dorrochne	508
Sylvio Rejvani	1511
Fernanda Silva	305
Rusald Laloshi	1702
Aurela Laloshi	1702
Anna Kaminska	1707
Theresa Bain	2901
Bruce Bain	2901
Victor M. Salazar	2702
Catalina Rodriguez	2702
Chae Ro Sang	2009
Dema Ali	

Participants from 156 Enfield Place who have not indicated that they are represented by Ms. Djuricic:	
Rita Srinivas	<a href="mailto:bettabubbly@gmail.com">bettabubbly@gmail.com</a>
Larissas Maryniuk	<a href="mailto:lmariyruk@gmail.com">lmariyruk@gmail.com</a>
Rakesh Sharma	<a href="mailto:rakesh_s@hotmail.com">rakesh_s@hotmail.com</a>

Mahendra Patel	<a href="mailto:mahendrap1946@yahoo.com">mahendrap1946@yahoo.com</a>
Chung Hin Ho – chung	<a href="mailto:hin@rogers.com">hin@rogers.com</a>
Sheg Tseng	<a href="mailto:shegtseng@yahoo.ca">shegtseng@yahoo.ca</a>

Other Participants:	
Andy Afrouz	<a href="mailto:andyafrouz@yahoo.com">andyafrouz@yahoo.com</a>
Marcia Faulkovic	<a href="mailto:m.faulkovic@yahoo.com">m.faulkovic@yahoo.com</a>
Mary Naini	<a href="mailto:marynaini@yahoo.com">marynaini@yahoo.com</a>
Sona Mooliyil and Aaron Dalal	<a href="mailto:aarondalal@gmail.com">aarondalal@gmail.com</a>
Heather Main	<a href="mailto:hmmain145@gmail.com">hmmain145@gmail.com</a>
Chris Marshall	Request for e-mail contact information made and information pending.