

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: February 15, 2017

CASE NO(S): PL160844

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

Applicant and Appellant:	Lori Smith
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	1778 Fellen Place
Municipality:	City of Mississauga
Municipal File No.:	A 269/16
OMB Case No.:	PL160844
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OMB Case Name:	Smith v. Mississauga (City)

Heard: January 9, 2017 in Mississauga, Ontario

APPEARANCES:

Parties

Lori Smith
City of Mississauga

Counsel

M. Flynn-Guglietti
M. Kemerer and L. Magi

DECISION DELIVERED BY H. JACKSON AND ORDER OF THE BOARD

INTRODUCTION

[1] Lori Smith (the “Applicant/Appellant”) applied to the City of Mississauga (the “City”) Committee of Adjustment (the “COA”) for minor variances in order to legalize an existing gazebo on her property at 1778 Fellen Place. The City refused the application,

which led to this appeal. The neighbours immediately adjacent to the subject property, Ahmed Bashir Ghazi and Razia Ghazi, who live at 1770 Fellen Place, oppose the application.

[2] At the commencement of the hearing, Counsel for the City pointed to a number of discrepancies in the site plan provided by the Applicant/Appellant that was intended to be used for the hearing. Counsel for the City submitted that a Site Plan application was necessary for this application, and that an accurate site plan may reveal to the zoning examiner the requirement for further variance relief from the zoning by-law. On that basis, the City requested that the matter be adjourned for the Applicant/Appellant to undertake a Site Plan application.

[3] The Applicant/Appellant initially was opposed to the requested adjournment, under the understanding that no site plan was required for this development. The Applicant had summoned the City planner to attend at this hearing. The planner was able to consult his notes, which indicated that an expedited Site Plan application would be required for this development. With this clarification, the Applicant/Appellant agreed to the adjournment request.

[4] The Applicant/Appellant committed to submitting a Site Plan application to the COA. The City agreed to expedite the application, and would ask the COA to waive the filing fee.

ORDER

[5] Based on the foregoing, the Board adjourns this hearing to allow the Applicant/Appellant the opportunity to submit a Site Plan application for the development. Should an appeal arise from that application, it would be heard under this Case Number.

[6] I remain seized of this matter.

"H. Jackson"

H. JACKSON
MEMBER

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Ontario Municipal Board

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