

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: August 30, 2017

CASE NO(S): PL161258

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	3085 Queen Frederica Inc.
Subject:	Proposed Plan of Subdivision
Property Address/Description:	3085 Queen Frederica Dr.
Municipality:	City of Mississauga
Municipal File No.:	CDM-M 05005
OMB Case No.:	PL161258
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OMB Case Name:	3085 Queen Frederica Inc. v. Mississauga (City)

Heard: August 21, 2017 in Mississauga, Ontario

APPEARANCES:

Parties

Counsel

3085 Queen Frederica Inc.
("Applicant")

J. Knowles

City of Mississauga ("City")

L. Magi

Toronto Region Conservation
Authority ("TRCA")

T. Duncan

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON
AUGUST 21, 2017 AND ORDER OF THE BOARD**

INTRODUCTION

[1] The Board held a Pre-hearing Conference to organize for a hearing on the merits with regard to a condominium application by the Applicant proposing the conversion of the existing rental apartment building located at 3085 Queen Frederica Drive ("Subject Lands"). The application was denied by the City and appealed to the Board.

[2] The Subject Lands are improved by the 11-storey, 73 unit building which appears to be wholly located within the regulatory floodplain of the Little Etobicoke Creek.

[3] The TRCA appeared seeking party status.

[4] The parties indicated that they have been in discussions about resolving this matter, but if not resolved that a three day hearing would be required.

[5] In response to questions by the Board, it appeared that each party would likely be calling at least two expert witnesses.

[6] The Board dealt with the request for party status, dealt with the setting of a hearing date, and also made provision for the preparation and submission of a draft Procedural Order ("PO") and Issues List for the reasons set out below.

DECISION

[7] With regard to the request for party status by the TRCA, there was no objection by the Applicant and it appears to be unchallenged that the Subject Lands are within the existing regulatory area of the TRCA. Accordingly, the Board grants party status to the TRCA.

[8] With regard to the request to set down a three day hearing, the Board was concerned that with six potential expert witnesses, three hearing days may be insufficient and therefore, set the hearing down for **four days** commencing on **Tuesday, February 27, 2018 at 10 a.m.** in:

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

[9] Turning to the matter of a draft PO, the Board will set the date for Friday, December 1, 2017 for the submission of a draft PO and Issues List by counsel for the City. This date will provide ample time for settlement discussions to occur, and in the event they are not fruitful, the draft PO and Issues List will be provided to the Case Coordinator for issuance by the Board to organize the hearing.

[10] As it appears that all the parties will be calling similar experts, the Board will direct the inclusion in the draft PO of the requirement for meetings of like experts and the preparation by the experts of agreed upon statements of fact. This may assist in the scoping of issues for the hearing.

[11] In the event that the settlement discussions are successful, the parties shall forthwith advise the Case Coordinator of same.

[12] There will be no further notice.

[13] I am not seized of the matter.

[14] Scheduling permitting, I may be available for case management purposes.

[15] This is the Order of the Board.

“Blair S. Taylor”

BLAIR S. TAYLOR
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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