

Local Planning Appeal Tribunal

Tribunal d'appel de l'aménagement local



ISSUE DATE: August 15, 2018

CASE NO(S): PL170479

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Maple Valley Development Corporation Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment
Existing Designation:	"Residential Low Density 1"
Proposed Designated:	"Residential Medium Density" and "Residential Low Density II" and to repeal the current Section 16.2.3 .4 ("Special Site 4") for the Applewood Neighbourhood Character Area and replace it with an amended version
Purpose:	To permit 38 three-storey stacked townhouse units, 4 three-storey street townhomes and a public walkway
Property Address/Description:	3111 & 3123 Cawthra Road
Municipality:	City of Mississauga
Approval Authority File No.:	OPA/OZ-16/001
OMB Case No.:	PL170479
OMB File No.:	PL170479
OMB Case Name:	Maple Valley Development Corporation Inc. v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Maple Valley Development Corporation Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 - Neglect of the City of Mississauga to make a decision
Existing Zoning:	Residential Low Density 1 – Special Site 4
Proposed Zoning:	R3 (detached dwellings to RM9 - Exception Horizontal Multiple Dwellings
Purpose:	To permit 38 three-storey stacked townhomes and condominium road
Property Address/Description:	3111 & 3123 Cawthra Road
Municipality:	City of Mississauga

Municipality File No.: OPA/OZ-16/001
 OMB Case No.: PL170479
 OMB File No.: PL170480

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Maple Valley Development Corporation Inc.
 Subject: Proposed Plan of Subdivision - Failure of City of Mississauga to make a decision
 Purpose: To permit 2 residential blocks, a public walkway and a new public road (a cul-de-sac at the end of Ericson Road)
 Property Address/Description: 3111 & 3123 Cawthra Road
 Municipality: City of Mississauga
 Municipality File No.: TM-16/001
 OMB Case No.: PL170479
 OMB File No.: PL170481

Heard: July 6, 2018 by telephone conference call

APPEARANCES:

Parties

Counsel

Maple Valley Development Corporation Inc.	M. Flynn-Guglietti
City of Mississauga	M. Minkowski
Sky-Cawthra Development Inc.	C. Tanzola
Region of Peel	R. Godley

MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON JULY 6, 2018 AND ORDER OF THE TRIBUNAL

[1] The Tribunal convened this prehearing conference ("PHC") by telephone conference call ("TCC") to follow up on a TCC held on June 22, 2018. During the previous TCC, the Tribunal ordered the parties to present a draft Procedural Order ("PO") and Issues List so that the Tribunal could proceed to schedule this matter for a hearing.

[2] At the outset of this PHC, Ms. Flynn-Guglietti advised the Tribunal that she and Mr. Minkowski have engaged in productive discussions since the time of the previous TCC. They presented a draft PO and Issues List on consent of all parties, included here as Appendix 1.

[3] Counsel further advised that they intend to request one additional day of Tribunal-assisted mediation, and that they anticipate that a three-day hearing will be sufficient should they not be able to resolve any outstanding issues through mediation. If the mediation is successful, they anticipate that they will require only the first day of hearing time for a settlement hearing, and will release the additional hearing days.

[4] Based on the discussions during the TCC, the Tribunal orders that the hearing is scheduled for three (3) days, commencing at **10 a.m. on Wednesday, February 27, 2019.**

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

No further notice is required.

[5] The Tribunal further orders that the PO included as Appendix 1 is in full force and effect and shall govern the proceedings leading up to and including the hearing scheduled to commence on Wednesday, February 27, 2019.

[6] This panel is not seized, however will remain available for case management of this matter.

"S. Jacobs"

**S. JACOBS
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.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

APPENDIX 1

LOCAL PLANNING APPEAL TRIBUNAL

Applicant/Appellant: Maple Valley Development Corporation Inc.
Subject: Request to amend the Official Plan – Failure of the City of Mississauga to adopt the requested amendment
Existing Designation: “Residential Low Density 1”
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PROCEEDING COMMENCED UNDER Subsection 51(34) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended:

Applicant/Appellant:	Maple Valley Development Corporation Inc.	
Subject:	Proposed Plan of Subdivision – Failure of City of Mississauga to make a decision	
Purpose:	To permit 2 residential blocks, a public walkway and a new public road (a cul-de-sac at the end of Ericson Road)	
Property		Address
/Description:	3111 & 3123 Cawthra Road	
Municipality:	City of Mississauga	
Municipality File No.:	TM-16/001	
OMB File No.:	PL170479	
OMB Case No.:	PL170481	

PROCEDURAL ORDER

[1] The Local Planning Appeal Tribunal (“LPAT”) may vary or add to this Order at any time either on request or as it sees fit. It may amend this Order by an oral ruling or by another written Order.

Organization of the Hearing

[2] The hearing will begin on **February 27, 2019** at 10:00 am at **300 City Centre Drive, Mississauga in the Municipal Hearing Room (2nd floor) of City Hall**. All parties and participants shall attend the first day of the hearing.

[3] The length of the hearing will be **3 days**. The length of the hearing may be shortened as issues are resolved or settlement is achieved.

[4] The parties and participants identified at the prehearing conference are listed in Attachment 1 to this Order.

[5] The Issues are as set out in the Issues List attached as Attachment 2. There will be no changes to this list unless the LPAT permits it. A party who asks for changes may have costs awarded against it.

[6] The order of evidence shall be as listed in Attachment 3 to this Order. The LPAT may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the LPAT.

Requirements Before the Hearing

[7] All parties and participants (or their representatives) shall provide a mailing address, email address, and telephone number to the LPAT. Any such person who retains a representative

(legal counsel or agent) subsequent to the prehearing conference must advise the other parties and the LPAT of the representative's name, mailing address, email address and phone number.

[8] A party who intends to call witnesses, whether by summons or not, shall provide to the LPAT, the other parties and to the municipal Clerk a list of the witnesses and the order in which they will be called. This list must be delivered by **December 17, 2018**. For expert witnesses, a party is to include a copy of the curriculum vitae and the area of expertise in which the witness is proposed to be qualified.

[9] Expert witnesses in the same field shall have a meeting before the hearing to try to resolve or reduce the issues for the hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all of the parties and the municipal Clerk.

[10] An expert witness shall prepare an expert witness statement, that shall include: an acknowledgement of expert's duty form, the area(s) of expertise, any reports prepared by the expert, and any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section [13]. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the LPAT may refuse to hear the expert's testimony.

[11] A witness or participant must provide to the LPAT and the parties a witness or participant statement by **January 22, 2019**, or the witness or participant may not give oral evidence at the hearing.

[12] Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence and his or her area of expertise, as in section [13].

[13] On or before **January 22, 2019**, the parties shall provide copies of their witness and expert witness statements to the other parties. The parties shall prepare a Joint Document Book to be filed with the LPAT on the first day of the hearing. A paper copy of any document proposed to be entered into evidence or relied upon shall be provided at the hearing unless ordered otherwise by the presiding Member.

[14] On or before **February 18, 2019** the parties shall provide copies of their visual evidence to all of the other parties. If a model is proposed to be used the LPAT must be notified before the hearing. All parties must have a reasonable opportunity to view it before the hearing.

[15] Parties may provide to all other parties a written response to any written evidence by **February 11, 2019**.

[16] A person wishing to change written evidence, including witness statements, must make a written motion to the LPAT in accordance with the LPAT's Rule 7.

[17] A party who provides the written evidence of a witness to the other parties must have that witness attend the hearing to give oral evidence, unless the LPAT and the parties are notified at least 7 days before the hearing that the written evidence is not part of their record.

[18] Documents may be delivered in person, by courier, by facsimile or registered or certified mail, or by email or otherwise as the LPAT may direct. The delivery of documents by fax and email shall be governed by the LPAT's Rule 7 on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.

[19] No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The LPAT's Rule 17 applies to such requests.

This Member is [not] seized.

So orders the Tribunal.

ATTACHMENT 1

LIST OF PARTIES

MAPLE VALLEY DEVELOPMENT CORPORATION INC.

c/o Mary Flynn-Guglietti and Kailey Sutton

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CITY OF MISSISSAUGA

c/o Michal Minkowski

Solicitor

City of Mississauga

Legal Services Division

300 City Centre Drive

Mississauga, ON L5C 3C1

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REGION OF PEEL

c/o Rachel Godley

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10 Peel Centre Dr.

Brampton, Ontario L6T 4B9

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Email: rachel.godley@peelregion.ca

SKY-CAWTHRA DEVELOPMENT INC. ("SKY")

c/o Christopher Tanzola

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M2N 5P8

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LIST OF PARTICIPANTS

J.R. Clark – jrclark@sympatico.ca

Ester Tintpulver - ester@tintpulver.com

ATTACHMENT 2**ISSUES LIST****PROVINCIAL POLICY**

1. Is the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision consistent with the Provincial Policy Statement, 2014?
2. Does the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision conform to and not conflict with the Growth Plan for the Greater Golden Horseshoe, 2017?

REGION OF PEEL OFFICIAL PLAN

3. Is the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision consistent with the Region of Peel Official Plan?

MISSISSAUGA OFFICIAL PLAN

4. Section 5.3.5.2 of the Mississauga Official Plan (“**MOP**”) indicates that intensification within Neighbourhoods can be accommodated, provided that design is appropriate and context sensitive. Is the design of the proposed development appropriate and context sensitive?
5. Will the proposal adversely impact or destabilize the overall intent, goals and objectives of the Official Plan and the development or functioning of neighbouring lands?
6. Are the lands suitable for the proposed uses, and are the proposed land uses compatible with existing and future uses of the surrounding lands?
7. Are there adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application?
8. Does the development proposal consolidate access points and provide shared parking, service and amenity areas and driveway entrances consistent with MOP section 9.2.2.6, in particular with regard to the property at 3105 Cawthra Road?
9. Does the development proposal respect the surrounding scale, massing, grades and character of the surrounding area?
10. Does the development proposal provide adequate amenity area or landscaped area?
11. What are the appropriate conditions for approval of the draft plan of subdivision, including any conditions regarding consolidated access points, and shared parking, service and amenity areas, and driveway entrances with the property at 3105 Cawthra Road?

12. Has the applicant satisfied all outstanding technical issues such as grading and servicing?
13. Has the applicant provided appropriate setbacks and land dedication to the Region of Peel for the Cawthra Road right of way widening?
14. Do the proposed zoning standards meet the intent of the City of Mississauga zoning by-law and provide appropriate performance standards?

ATTACHMENT 3
ORDER OF EVIDENCE

1. Maple Valley Development Corporation Inc.;
2. City of Mississauga;
3. Region of Peel;
4. Sky Cawthra Development Inc.;
5. Participants; and,
6. Maple Valley Development Corporation Inc. in Reply.