

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 16, 2019

CASE NO(S):

PL170479
PL180336

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

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| 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 and 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

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| 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 |

Existing Zoning: make a decision
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 and 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 and 3123 Cawthra Road
Municipality: City of Mississauga
Municipality File No.: TM-16/001
OMB Case No.: PL170479
OMB File No.: PL170481

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

Applicant and Appellant: Sky-Cawthra Development Inc.
Subject: Request to amend the Official Plan - Failure of
City of Mississauga to adopt the requested
amendment
Existing Designation: Residential Low Density 1
Proposed Designated: Residential Medium Density
Purpose: To permit 6 condominium townhouse units
Property Address/Description: 3105 Cawthra Road
Municipality: City of Mississauga
Approval Authority File No.: OZ 17/011 W3
OMB Case No.: PL180336
OMB File No.: PL180336
OMB Case Name: Sky-Cawthra Developments Inc. V. Mississauga
(City)

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

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| Applicant and Appellant: | Sky-Cawthra Development Inc. |
| Subject: | Application to amend Zoning By-law No. 0225-2007 - Refusal or neglect of the City of Mississauga to make a decision |
| Existing Zoning: | "R3" Zone |
| Proposed Zoning: | "RM6" zone and site specific |
| Purpose: | To permit 6 condominium townhouse units |
| Property Address/Description: | 3105 Cawthra Road |
| Municipality: | City of Mississauga |
| Municipality File No.: | OZ 17/011 W3 |
| OMB Case No.: | PL180336 |
| OMB File No.: | PL180337 |

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

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|-------------------------------|--|
| Applicant and Appellant: | Sky-Cawthra Development Inc. |
| Subject: | Proposed Plan of Subdivision - Failure of the City of Mississauga to make a decision |
| Purpose: | To permit 6 condominium townhouse units |
| Property Address/Description: | 3105 Cawthra Road |
| Municipality: | City of Mississauga |
| Municipality File No.: | T-M 17003 W3 |
| OMB Case No.: | PL180336 |
| OMB File No.: | PL180338 |

Heard: November 20, 2018 in Mississauga, Ontario

APPEARANCES:

Parties

Sky-Cawthra Development Inc.

Maple Valley Development Corporation Inc.

City of Mississauga

Counsel

Chris Tanzola

Kailey Sutton

Michal Minkowski

Regional Municipality of Peel

Rachel Godley

**MEMORANDUM OF ORAL DECISION DELIVERED BY JOHN DOUGLAS ON
NOVEMBER 20, 2018 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This Pre-hearing Conference (“PHC”) was held with respect to two Local Planning Appeal Tribunal (“Tribunal”) files, PL180336 and PL170479. The properties related to these appeals are adjacent to each other but owned by two separate entities. To address the interests of the Parties and the City of Mississauga (the “City”) in an efficient manner, the parties are requesting that these two files be consolidated for the purpose of a hearing before the Tribunal.

[2] In both files the applicants/appellants have appealed the failure of the to make a decision on an Official Plan Amendment (“OPA”), a Zoning By-law Amendment (“ZBLA”) and a draft Plan of Subdivision for their respective properties.

[3] The appeals by Maple Valley Development Corporation Inc. (“Maple Development”) (LPAT file PL170479) is with respect to property known municipally as 3111 and 3123 Cawthra Road, in the City of Mississauga. The purpose of the original applications is to permit development of this property for 38 three-storey stacked townhomes, 4 three-storey street townhomes, a public pathway and the completion of a new public road (cul-de-sac).

[4] The appeal by Sky-Cawthra Development Inc. (“Sky-Cawthra”) (Tribunal file PL180336) is with respect to property known municipally as 3105 Cawthra Road, in the City of Mississauga. The purpose of the original application is to permit development of this property for six condominium townhouse units.

[5] The Affidavit of Service for PL170479 was entered as Exhibit 1 at a previous PHC. The Affidavit of Service for PL180336 was entered as Exhibit 2 at this PHC.

CONSOLIDATION

[6] Chris Tanzola advised that the applicants were requesting the Tribunal consolidate these files.

[7] Mr. Tanzola advised that the two properties have frontage on Cawthra Road and are adjacent to each other. Mr. Tanzola indicated the City had expressed a concern with respect to the number and location of access points to Cawthra Road from the subject properties. To address this and other concerns Sky-Cawthra and Maple Development jointly developed an alternate concept plan which resulted in one access/egress for both properties to Cawthra located across from and in-line with Silver Creek Boulevard. In the alternative concept plan, the Sky-Cawthra property does not have direct access and, by agreement, would have to access Cawthra Road through the Maple Valley Development property.

[8] The Tribunal discussed the implications of consolidation for the parties and participants based on Rule 16 of the Tribunal's *Rules of Practice and Procedure*:

RULE 16

CONSOLIDATION

16.01 Combining Proceedings or Hearing Matters Together

The Tribunal may order that two or more proceedings be consolidated, heard at the same time, or heard one after the other, or stay or adjourn any matter until the determination of any other matter.

16.02 Effect of Consolidating Proceedings

When two or more proceedings are consolidated,

- a) statutory procedural requirements for any of the original separate proceedings apply, where appropriate, to the consolidated proceeding;
- b) parties to each of the original separate proceedings are parties to the consolidated proceeding; and,
- c) evidence to be presented in each of the separate proceedings is evidence in the consolidated proceeding.

16.03 Effect of Hearing Matters Together

When two or more proceedings are heard together but not

consolidated,

- a) statutory requirements for each proceeding apply only to that particular proceeding and not to the others;
- b) parties to the hearing are parties to their individual proceedings only and not parties to the other proceedings; and,
- c) unless otherwise ordered by the Tribunal, evidence in the hearing is evidence in each proceeding to which it could apply.

16.04 **Tribunal May Reverse Decision for Consolidated Proceedings**

The Tribunal may separate consolidated proceedings or matters heard together at any time if it finds that the proceedings have become unduly complicated, delayed or repetitive or a party is unduly prejudiced.

DECISION

[9] The Tribunal is satisfied that the parties understand the effect of consolidation. Further, the Tribunal finds that consolidation makes sense and will result in a fair and more efficient hearing process for the parties and the participants. The Tribunal directs that files PL170479 and PL180336 are consolidated.

[10] Counsel for the Regional Municipality of Peel (the "Region"), Rachel Godley, requested Party status for her client for PL180336. The Region is a Party on record for PL170479. By virtue of the consolidation the Region is now a party for both files. The parties for each file have Party status for the consolidated hearing. The parties for the consolidated hearing are: Maple Valley Development Corporation Inc., Sky Cawthra Development Inc., the City of Mississauga, and the Regional Municipality of Peel.

[11] The participants for each file have Participant Status for the consolidated hearing. The participants are: Jack Clark and Ester Tintpulver.

[12] The hearing scheduled for PL170479 is the hearing date for the consolidated hearing. The consolidated hearing is scheduled for three days and will commence at **10 a.m. on Wednesday, February 27, 2019 at:**

**Municipal Hearing Room (2nd floor)
City Hall
300 City Centre Drive
Mississauga, Ontario**

[13] The Tribunal issued a Procedural Order (“PO”) as Appendix 1 of a decision issued for a PHC regarding PL170479 on August 15, 2018. This PO now applies to the consolidated hearing and provides direction on the organization of the hearing and requirements before the hearing. Because the Parties identified in Paragraph 10 and the Participants identified in Paragraph 11 of this decision are the same as the Parties and Participants listed in the PO, all those that need a copy of the PO should have a copy. The Tribunal directs the parties to review Attachment 3 to Appendix 1 – Order of Evidence and advise the Tribunal if revision is required.

[14] No further notice will be given.

[15] This panel is not seized but may be spoken to for case management purposes.

[16] The Tribunal orders as directed above.

“John Douglas”

JOHN DOUGLAS
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

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