

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



ISSUE DATE: June 27, 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 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

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 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

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OMB File No.: PL170481

Heard: June 22, 2018 by telephone conference call

APPEARANCES:

Parties

Counsel

Maple Valley Development Corporation Inc. (“Applicant”)

M. Flynn-Guglietti

City of Mississauga (“City”)

M. Minkowski

Sky-Cawthra Development Inc. (“Sky”) C. Tanzola

MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON JUNE 22, 2018 AND ORDER OF THE TRIBUNAL

[1] The Tribunal convened this telephone conference call (“TCC”) to discuss the status of this matter following Tribunal-assisted mediation held in late 2017.

[2] Ms. Flynn-Guglietti advised that while it appeared that the Applicant has resolved most issues with the Region of Peel, and is working to resolve an outstanding issue with Sky, the City’s issues are unknown at this time. Mr. Minkowski advised that a planning staff report regarding the proposal will be considered by City Council on July, 4, 2018.

[3] Ms. Flynn-Guglietti advised that the Applicant is ready to proceed with a hearing as soon as possible, given that its first prehearing conference (“PHC”) in this matter was held in September 2017. When asked by the Tribunal, she indicated that the hearing should require no more than five days. Mr. Minkowski disagreed, estimating the matter would need at least seven hearing days, noting that he will not be in a position to advise of the City’s issues until Council considers the matter on July 4, 2018.

[4] The Tribunal explained that in the case of either a five or seven day hearing, it requires a draft Procedural Order (“PO”) and Issues list in order to schedule the matter for a hearing. There was some debate between counsel for the City and Applicant as to who should provide their draft issues first. The Tribunal expects that experienced counsel can work together to prepare a draft PO and Issues List; if not, the Tribunal can adjudicate the Issues List if necessary.

[5] The Tribunal agrees with Ms. Flynn-Guglietti that it is not in the interest of fairness or efficiency to delay this matter further. The Tribunal has already devoted time on its calendar to a PHC and mediation in this matter, and sees no reason not to move this matter along. It is therefore prudent to have an additional PHC by TCC shortly after the City’s council meeting, in order to finalize a PO and issues list and schedule hearing dates.

[6] Based on the discussions during the TCC, the Tribunal Orders that a next PHC will be held by TCC on Friday, July 6, 2018 at 9 a.m. Individuals are directed to call **416-212-8012** or toll free **1-866-633-0848** and at the prompt enter **4779874#** to be

connected to the call. If assistance is required at any time please press '0' for the operator. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call should be directed to Nazma Ramjaun, Case Coordinator at 416-326-6796.

[7] No further notice of the PHC is required.

[8] The Tribunal further orders the parties to present a draft PO and Issues List for approval during the PHC. If the parties are unable to agree on an Issues List, they are each to present their desired Issues List and the Tribunal will make a determination as to which issues are to be included on the list.

[9] This panel will remain seized of the July 6, 2018 PHC only, and will be available for the 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

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