

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** September 07, 2017

**CASE NO(S):** PL170479

**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 Rd  
 Municipality: City of Mississauga  
 Municipality File No.: TM-16/001  
 OMB Case No.: PL170479  
 OMB File No.: PL170481

**Heard:** September 5, 2017 in Mississauga, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

Maple Valley Development Corporation Inc. ("Applicant")

M. Flynn-Guglietti\*

City of Mississauga ("City")

M. Taggart\*

Region of Peel ("Region")

C. Marzo

Sky-Cawthra Development Inc. ("Sky")

C. Tanzola\*

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON SEPTEMBER 5, 2017 AND ORDER OF THE BOARD**

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## **INTRODUCTION**

[1] The Applicant had filed a development proposal with the City seeking approval of an Official Plan Amendment (“OPA”), Zoning By-law Amendment (“ZBA”) and a Draft Plan of Subdivision (“Draft Plan”) for the lands known municipally as 3111 and 3123 Cawthra Road (“Subject Lands”).

[2] As the City had not dealt with the applications within the statutory time frames, the Applicant appealed to the Board.

[3] The matter was set down for a Pre-hearing Conference (“PHC”) to organize the matter for a hearing on the merits.

[4] At the PHC, there were two entities seeking party status, and two residents seeking participant status.

[5] Additionally, the Applicant suggested and the City agreed that Board led mediation would be appropriate.

[6] The Board dealt with the requests for party and participant status, the request for mediation assessment, and the setting of dates for mediation, all as set out below.

## **DECISION**

[7] The Region seeks party status in this matter, as the Subject Lands front onto a regional road.

[8] Sky seeks party status as it owns abutting lands, has recently filed a development application for those lands, and access to the Subject Lands and to their lands may be at issue.

[9] Jack Clark and Ester Tintpulver both reside on Ericson Road and seek participant status.

[10] Based on the submissions heard, and with the consent of the parties, the Board grants party status to the Region and Sky, and grants participant status to Mr. Clark and Ms. Tintpulver.

[11] The Applicant and the City both are of the view, that Board led mediation is appropriate in these circumstances, as apparently there are a number of technical issues associated with the matters.

[12] Counsel for Sky advised that his client is agreeable to mediation as did the representative for the Region.

[13] Mr. Clark and Ms. Tintpulver have different issues, but would also like to be part of the mediation.

[14] In the circumstances, the Board will grant party status to Mr. Clark and Ms. Tintpulver for the mediation.

[15] For the mediation, the Board sets the dates of **Tuesday, December 5 and Wednesday, December 6, 2017** commencing at **10 a.m. at:**

**City of Mississauga  
300 City Centre Drive  
Mississauga, ON**

[16] Counsel for the City is to forthwith advise the Case Coordinator and the other parties to the mediation of the venue for the mediation.

[17] Mediation briefs will be required by all parties to the mediation, and they shall be filed with the Board on or before November 24, 2017.

[18] There will be no further notice.

[19] I am not seized of this matter.

[20] 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](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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