

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



ISSUE DATE: August 17, 2018

CASE NO(S):

PL180042
PL170755

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: City Park (Old Barber) Homes Inc.
Subject: Request to amend the Official Plan - Failure of City of Mississauga to adopt the requested amendment
Existing Designation: "Mixed use"
Proposed Designated: "Residential Medium Density" and "Residential Density II"
Purpose: To permit a residential development
Property: 5155 Mississauga Road
Address/Description:
Municipality: City of Mississauga
Approval Authority File No.: OPA/OZ 16/011
OMB Case No.: PL180042
OMB File No.: PL180042
OMB Case Name: City Park (Old Barber) Homes Inc. v. Mississauga (City)

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

Applicant and Appellant: City Park (Old Barber) Homes Inc.
Subject: Proposed Plan of Subdivision - Failure of City of Mississauga to make a decision
Purpose: To permit a residential development
Property: 5155 Mississauga Road
Address/Description:
Municipality: City of Mississauga
Municipality File No.: T-M16 003
OMB Case No.: PL180042

OMB File No.: PL180044

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

Applicant and Appellant: City Park (Old Barber) Homes Inc.
 Subject: Application to amend Zoning By-law No. 0225-2007 -
 Refusal or neglect of City of Mississauga to make a
 decision
 Existing Zoning: "C3-12"
 Proposed Zoning: "R4-XX" and "RM6-XX"
 Purpose: To permit a residential development
 Property: 5155 Mississauga Road
 Address/Description:
 Municipality: City of Mississauga
 Municipality File No.: OPA/OZ 16/011
 OMB Case No.: PL180042
 OMB File No.: PL180043

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: City Park (Old Barber) Homes Inc.
 Subject: Proposed Official Plan Amendment No. 64
 Municipality: City of Mississauga
 OMB Case No.: PL170755
 OMB File No.: PL170755
 OMB Case Name: City Park (Old Barber) Homes Inc. V. Mississauga (City)

Heard: August 1, 2018 in Mississauga, Ontario

APPEARANCES:

Parties

City Park (Old Barber)
Homes Inc.

City of Mississauga

Region of Peel

Counsel

Leo Longo

Michal Minkowski

Rachel Godley*

**MEMORANDUM OF ORAL DECISION DELIVERED BY RICHARD JONES ON
AUGUST 1, 2018 AND ORDER OF THE TRIBUNAL**

PRE-HEARING CONFERENCE

[1] The Pre-Hearing Conference (“PHC”) was held on August 1, 2018, with respect to two appeals before the Tribunal. The first appeal by City Park (Old Barber) Homes Inc., (Applicant/Appellant) concerns a development application, recently revised, proposing four three-storey detached homes along Barbertown Road, two three-storey semi-detached homes adjacent to Mississauga Road, 14 three-storey townhomes on a private condominium road and four-storey back-to-back dwellings within an existing heritage building (Old Barber House) on lands described municipally as 5155 Mississauga Road (“subject property”). The appeal was made pursuant to s. 22(7), 34(11) and 51(34) of the *Planning Act* involving amendments to the City’s Official Plan, Zoning By-law and the referral to the Tribunal of a proposed draft Plan of Subdivision.

[2] The second appeal concerns the Applicant/Appellant’s referral of Official Plan Amendment No. 64 (“OPA 64”) which proposes to implement policies arising from the “Road Scenic Route Policies Review” report passed by Council on June 7, 2017. According to the City of Mississauga’s Corporate Report dated May 18, 2018 (Exhibit 2), the revised applications presently comply with the general intent of OPA 64, which later prompted the City’s Planning Committee and Council to endorse the revised applications in June 2018.

[3] Accordingly, the Tribunal was advised that Minutes of Settlement (“MOS”), reflecting the recommendations in Exhibit 2, are proceeding but are not yet finalized.

[4] The Tribunal granted party status to the Region with the consent of the parties.

[5] The Tribunal was informed by Solicitor Rachel Godley, representing the Region of Peel (“Region”) that the revised applications were positive developments in the Region’s view.

[6] Participant status was granted to Sajid Aziz, June Samaras and Brian Ashford, all nearby neighbours of the subject property.

[7] The participants stated that, in their opinion, the City had neglected their interests throughout the planning process and the Tribunal notes that several participants, in particular Mr. Aziz, may seek party status at a future PHC event. Municipal solicitor, Michal Minkowski, contended that the review process carried out by the City had been thorough and informative and had not been dismissive the residents' interests.

[8] Following these statements, the Tribunal adjourned the proceedings for 30 minutes and advised the parties to update the participants on the contents of the revised applications pertinent to Exhibit 2. Following that recess, the participants, in the Tribunal's view, were not noticeably dissuaded from their previously-held view of the development applications, OPA No. 64 aside. The Tribunal advised the participants to inform case management staff in the event their opposition advances to the point where they will seek party status at a future PHC. The Tribunal further advised the parties to keep the participants informed of all matters pertinent to the MOS to ensure an open exchange of information prior to the next PHC.

[9] The next PHC is scheduled for **January 14, 2019 starting at 10 a.m.** in the:

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

No further notice is required and this Member is not seized.

[10] If requested the PHC may be converted to a hearing if the MOS document is finalized. If deemed necessary, the parties may request a status Telephone Conference Call ("TCC") sometime later this year. The case-coordinator may be contacted to make arrangements in this regard and this Member will remain seized for the purposes of the TCC.

“Richard Jones”

RICHARD JONES
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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