

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



ISSUE DATE: October 17, 2018

CASE NO.: PL171051

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

Applicant and Appellant: 1854290 Ontario Inc.
Subject: Application amend Zoning By-law No.0225-2007
– Failure of the City of Mississauga to make a decision
Existing Zoning: R2-3 (Detached dwellings – typical lot)
Proposed Zoning: R16-Exception (Detached dwelling on a CEC – Private Road)
Purpose: To permit 4 detached homes on a private condominium road
Property Address/Description: 1260 Kane Road
Municipality: City of Mississauga
Municipality File No.: OZ 16/007
OMB Case No.: PL171051
OMB File No.: PL171051
OMB Case Name: 1854290 Ontario Inc. v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1854290 Ontario Inc.
Subject: Proposed Plan of Subdivision – Failure of the City of Mississauga to make a decision
Property Address/Description: 1260 Kane Road
Municipality: City of Mississauga
Municipal File No.: TM 16002
OMB Case No.: PL171051
OMB File No.: PL171052

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	1935327 Ontario Inc.
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	1262 Kane Road
Municipality:	City of Mississauga
Municipal File No.:	A 509/17
OMB Case No.:	PL171051
OMB File No.:	PL180048

Heard: September 20, 2018 in Mississauga, Ontario

APPEARANCES:

Parties

Counsel

1854290 Ontario Inc. and 1935327 Ontario Inc.	Russell Cheeseman
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City of Mississauga	Lia Magi
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Participants

Alicia and Joseph Schoroth	Self-represented
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Fayaz Karim	Self-represented
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MEMORANDUM OF ORAL DECISION DELIVERED BY JUSTIN DUNCAN ON SEPTEMBER 20, 2018 AND ORDER OF THE BOARD

[1] This was a Pre-hearing Conference (“PHC”) on appeals filed by 1854290 Ontario Inc. and 1935327 Ontario Inc. (“Appellants”) from the City of Mississauga’s lack of a decision on applications for a Zoning By-law Amendment and a proposed plan of subdivision and the refusal of the Committee of Adjustment of an application for a minor variance. The applications are intended to permit the development of four detached homes on a private condominium access road on a property known as 1260 Kane Road (“Subject Property”).

[2] At the outset of the PHC, counsel for the Appellants explained that 1262 Kane Road had been acquired by the Appellants in order to allow for the widening of the private access road to the Subject Property and that a variance is required from Zoning By-law No. 0225-2007 in order to retain the existing home on that property with a reduced side-yard setback.

[3] On consent of the parties, the Tribunal added Alicia and Joseph Schoroth and Fayaz Karim as participants to the appeals. Alicia and Joseph Schoroth own a property that backs onto the Subject Property while Mr. Karim owns the property directly south of the Subject Property with his side-yard abutting the proposed access road. The participants are opposed to the proposed development in its current form.

[4] On the basis that the parties had prepared a draft Procedural Order and had finalized an Issues List, and after having considered the number of expert witnesses intended to be called by the parties in the areas of planning, urban design and development engineering, the Tribunal scheduled a five-day hearing to commence on **Monday, July 15, 2019 at 10 a.m. at:**

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

[5] The parties are directed to file the final version Procedural Order with the filing dates that have been agreed upon with the Tribunal by October 26, 2018.

[6] No further notice of the hearing will be given.

[7] I am not seized.

[8] So orders the Tribunal.

“Justin Duncan”

JUSTIN DUNCAN
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