

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



**ISSUE DATE:** June 25, 2018

**CASE NO(S):**

PL171203

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: Erindale Village Living Inc.  
Subject: Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment

Existing Designation: Mixed Uses  
Proposed Designated: Mixed Uses – Special Site  
Purpose: To permit an apartment dwelling with 131 residential units with commercial uses on the ground floor

Property Address/Description: 1646 Dundas Street West  
Municipality: City of Mississauga  
Approval Authority File No.: OPA-OZ 16/009  
OMB Case No.: PL171203  
OMB File No.: PL171203  
OMB Case Name: Erindale Village Living 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: Erindale Village Living Inc.  
Subject: Application to amend Zoning By-law No. 0225-2007 - Neglect of the City of Mississauga to make a decision

Existing Zoning: Commercial 4  
Proposed Zoning: Exemption Commercial 4  
Purpose: To permit an apartment building with a maximum of 131 dwellings units and 563.7 sq m of commercial spaces and a maximum height of 7 storeys

Property Address/Description: 1646 Dundas Street West  
Municipality: City of Mississauga  
Municipality File No.: OZ 16/0097 W7  
OMB Case No.: PL171203

OMB File No.: PL171204

**Heard:** June 15, 2018 in Mississauga, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

Erindale Village Living Inc.

Aaron Platt\*

City of Mississauga

Lia Magi\*

Region of Peel

Rachel Godley\*

**Participant**

Erindale Village Association

David Lawton

**MEMORANDUM OF ORAL DECISION DELIVERED BY MARCIA VALIANTE ON  
JUNE 15, 2018 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] Erindale Village Living Inc. (“Applicant”) applied to the City of Mississauga (“City”) for approval of an official plan amendment and a zoning by-law amendment to permit the development of an eight-storey building, comprised of 96 residential units and ground floor commercial uses, at 1646 Dundas Street West. The application was deemed complete on September 30, 2016. On November 20, 2017, the Applicant appealed the City’s failure to make a decision on its application within the requisite statutory period to the Ontario Municipal Board (“Board”), pursuant to s. 22(7) and s. 34(11) of the *Planning Act*. On April 3, 2018, the *Local Planning Appeal Tribunal Act, 2017* was proclaimed in force and the Board became the Local Planning Appeal Tribunal (“Tribunal”).

[2] The Tribunal held a Pre-hearing Conference (“PHC”) on June 15, 2018 in Mississauga. The parties advised the Tribunal that they were not in a position to finalize a procedural order or set dates for the hearing. They advised that, within the previous

few days, City staff had recommended approval of a revised application to the City's Planning and Development Committee ("Committee"); however, the Committee decided to recommend to City Council that it reject the application and oppose it at the Tribunal. The Committee also recommended that outside experts and counsel be retained for the Tribunal hearing. The parties requested that a second PHC be held later in the summer to permit time for new counsel to be retained and become familiar with the issues. The Tribunal agreed to set a second PHC to be heard by telephone conference call on August 24, 2018. At that time the Tribunal expects the parties to be prepared to finalize a procedural order and issues list. To facilitate this, the Tribunal directs the parties to consult on a draft procedural order and to exchange issues lists by August 10, 2018.

[3] The Tribunal received two requests for status in the hearing. The Region of Peel ("Region") requested party status. Counsel stated that the Region had provided comments on the application and has some outstanding concerns with respect to servicing and waste management. No party objected and the Tribunal granted party status to the Region.

[4] David Lawton, President, requested participant status for the Erindale Village Association, an incorporated residents' association. Mr. Lawton stated that members seek to make presentations to the Tribunal on several issues they have with the application, but will not call expert witnesses, preferring to rely on the City's witnesses. No party objected and the Tribunal granted participant status to the Association.

## ORDER

[5] The Tribunal orders:

- a. That a second PHC will be held on **Friday, August 24, 2018 at 9 a.m.** by telephone conference call. Individuals are directed to call **416-212-8012** or Toll Free **1-866-633-0848** on the assigned date at the correct time. When prompted, enter the code **4779874#** to be connected to the call. If assistance is required at any time, press '0' for the operator. Cellular telephones are not permitted to be used for

the call. 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 may be directed to Nazma Ramjaun, the Board's Case Coordinator, at 416-326-6796.

- b. That no later than August 10, 2018, the parties will consult on a draft procedural order and exchange issues lists;
- c. That the Region of Peel be granted party status in the hearing; and
- d. That the Erindale Village Association be granted participant status in the hearing.

*"Marcia Valiante"*

MARCIA VALIANTE  
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.

**Local Planning Appeal Tribunal**

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