

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



ISSUE DATE: December 20, 2018

CASE NO(S): PL171205

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:	4005 Hickory Drive Limited
Subject:	Application to amend Zoning By-law No. 0225-2007 - Neglect of the City of Mississauga to make a decision
Existing Zoning:	O Zone (Office)
Proposed Zoning:	RM9-XX with site specific exemptions
Property Address/Description:	4005 Hickory Drive
Municipality:	City of Mississauga
Municipal File No.:	OZ 17/006
OMB Case No.:	PL171205
OMB File No.:	PL171205
OMB Case Name:	4005 Hickory Drive Limited v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	4005 Hickory Drive Limited
Subject:	Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment
Existing Designation:	Office and accessory uses
Proposed Designation:	Residential Medium Density
Property Address/Description:	4005 Hickory Drive
Municipality:	City of Mississauga
Approval Authority File No.:	OPA 17/006
OMB Case No.:	PL171205
OMB File No.:	PL171300

Heard: November 28, 2018 in Mississauga, Ontario

APPEARANCES:

Parties

Counsel/Representative*

4005 Hickory Drive Limited

Max Laskin and David Bronskill (in absentia)

City of Mississauga

Marc Kemerer

Nina Rubino

Laura Rubino*

DECISION DELIVERED BY ANNE MILCHBERG AND ORDER OF THE TRIBUNAL

[1] This was the first Pre-Hearing Conference (“PHC”) on appeals under s. 22(7) and s. 34(11) of the *Planning Act* (“Act”) by 4005 Hickory Drive Limited (“Applicant” and “Appellant”). The City of Mississauga (“City”) had failed to make decisions on Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications within the time frames specified in the Act for lands at 4005 Hickory Drive (“the subject property”).

[2] The subject property is located east of Dixie Road East and Burnhamthorpe Road East (“Burnhamthorpe”) at the north-east corner of Burnhamthorpe and Hickory Drive, and currently contains a single storey office building. Proposed are 102 back-to-back stacked townhouses, in five building blocks, with an internal courtyard and driveway and underground parking, all on a private condominium road.

[3] The proposed OPA would change the land use designation from Office to Residential Medium Density, and the proposed ZBA would amend the zoning of the subject lands from “O” (Office) to “RM9-XX” (Horizontal Multiple Dwellings with more than 6 Dwelling Units – Exception).

[4] At the start of the hearing, I disclosed to the Parties that I am related to the wife of Max Laskin, who represented the Applicant at this PHC. Though Mr. Laskin's name does not appear in the Tribunal's file, he is an associate of David Bronskill, counsel of record. I polled Marc Kemerer, counsel for the City, and Mr. Laskin for any concerns that they might have with me dealing with pre-hearing procedural matters on consent. Counsel for both the Appellant and the City submitted that they did not see any issue with my pre-hearing involvement on matters of consent.

[5] On consent of the Applicant and the City, Party status was granted to Nina Rubino, who owns the properties at 4059 and 4067 Hickory Drive. No. 4059 Hickory Drive directly abuts the subject property. Ms. Rubino's daughter, Laura Rubino, served as her agent at this PHC. Laura Rubino advised the Tribunal that her mother had concerns with the proposed development, and intended to call expert witnesses at the contested hearing.

[6] Also on consent of the Applicant and the City, Participant status was granted to Giovina Petruccelli and Pileria Reda. They live near the subject property, at 4060 and 4056 Hickory Drive, respectively.

[7] The Tribunal directs that a second PHC be scheduled for **Friday, January 25, 2019 at 9 a.m.**, via **Telephone Conference Call ("TCC")**. 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 **1006967#** to be connected to the call. If assistance is required at any time, 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 may be directed to Nazma Ramjaun, the Tribunal's Case Coordinator, at 416-326-6796.

[8] The Tribunal directs that the Parties file a Draft Procedural Order ("DPO") with the Tribunal by no later than end of business day on Friday, January 18, 2019,

including: issues list(s); lists of Parties and Participants; witness lists; length of hearing; order of evidence; timing of submission and exchange of expert witness statements and timing of submission and exchange of Participant statements.

[9] The Tribunal will review the DPO at the January 25, 2019 PHC. Once the Tribunal deems it ready to issue, a hearing date may then be set.

[10] The Affidavit of Service found in the Tribunal's file has been marked as Exhibit 1.

[11] No further notice is required.

[12] I am not seized, and, should Mr. Laskin be involved in the contested hearing event, I will ensure that I do not hear the matter.

"Anne Milchberg"

ANNE MILCHBERG
MEMBER

If there is an attachment referred to in this document,
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Local Planning Appeal Tribunal

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