

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



**ISSUE DATE:** October 10, 2018

**CASE NO(S):** PL171206  
PL180062

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:      | CGIV Developments 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 (General Commercial)   |
| Proposed Zoning:              | RA5-Exception (Apartment Dwellings)   |
| Purpose:                      | To permit a 40 storey apartment building including ground level retail commercial uses                          |
| Property Address/Description: | 3480 Hurontario Street  |
| Municipality:                 | City of Mississauga   |
| Municipality File No.:        | OZ 17/005   |
| OMB Case No.:                 | PL171206  |
| OMB File No.:                 | PL171206  |
| OMB Case Name:                | CGIV Developments Inc. v. Mississauga (City)  |

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

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|-------------------------------|--|
| Applicant and Appellant:      | CGIV Developments 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 High Density – Special Site  |
| Purpose:                      | To permit a 40 storey apartment building including ground level retail commercial uses               |
| Property Address/Description: | 3480 Hurontario Street   |

Municipality: City of Mississauga  
 Approval Authority File No.: OPA 17/005  
 OMB Case No.: PL171206  
 OMB File No.: PL180062

**Heard:** October 2, 2018 in Mississauga, Ontario

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

CGIV Developments Inc.

J. Alati and A. Margaritis

City of Mississauga

L. Magi

Region of Peel

R. Godley

Joseph Hacoheh

Self-represented\*

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. J. BRYSON ON  
 OCTOBER 2, 2018 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This was the first Pre-hearing Conference (“PHC”) regarding the appeal of the City of Mississauga’s (“City”) failure to render a decision on CGIV Developments Incorporated’s (“CGIV” and “Applicant”) requested amendments to the City zoning By-law No. 0225-2007 (“ZB”) and Official Plan (“OP”).

[2] The proposed development for 3480 Hurontario Street (“Property”) within the City of Mississauga envisions a forty storey apartment building, with 360 units, a five storey podium inclusive of residential units on floors two through five, and retail and commercial uses at grade. The Property is currently occupied by a restaurant, zoned C3 – General Commercial and within a Mixed Use designation of the City OP. The Applicant requests a change in zoning to RA5 – Exception (Apartment Dwellings) and an OP use designation of Residential High Density.

[3] The Tribunal is satisfied with the service of notice of this PHC and the affidavit of service (Exhibit 1).

[4] The Region of Peel (“Region”) and Joseph Hacoheh sought and were granted party status without objection. Mr. Hacoheh informed the Tribunal that he is representing Square One interests.

[5] James Levac appeared to seek participant status on behalf of two of his clients, BET Realty and 3420 Hurontario Street Inc., who own nearby properties and share concerns regarding additional traffic generated by the proposed development. Khursheb Kutky, a nearby resident, sought participant status due to his concerns of increased traffic and obstruction of view. BET Realty, 3420 Hurontario Street Inc., and Mr. Kutky were granted participant status without objection.

Counsel for the Applicant updated the Tribunal to the effect that the proposed development and applications have been revised as a result of City, community and agency consultations. On this basis, the Applicant and the City requested a second PHC to allow for consultation with new parties and participants on a complete Issues List and Procedural Order for the hearing of any remaining issues by the end of this month. The Applicant invited the new parties to engage in that process and timeline.

## **ORDER**

[6] Upon the submissions of the parties, the Tribunal ordered a second PHC by telephone conference call for **Friday, November 16, 2018, at 9 a.m.** The parties shall call **(416) 212-8012** or Toll Free **1(866) 633-0848** at the correct time. When prompted, they will enter the **code 1006967#** to be connected to the call.

[7] Counsel for the Applicant is directed to forward the draft PO to the Tribunal before 4 pm on Friday, November 8, 2018.

- [8] There will be no further notice of this second PHC.
- [9] Member Bryson remains seized of this second PHC.

*"C. J. Bryson"*

C. J. BRYSON  
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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