

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



ISSUE DATE: September 24, 2018

CASE NO(S): PL171224

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

Applicant and Appellant:	Vinh Ha
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	1338 Kenmuir Ave
Municipality:	City of Mississauga
Municipal File No.:	A445/17
OMB Case No.:	PL171224
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OMB Case Name:	Ha v. Mississauga (City)

Heard: August 20, 2018 in Mississauga, Ontario

APPEARANCES:

Parties

Counsel/Representative*

Vinh Ha

No one appeared

City of Mississauga

No one appeared

**DECISION DELIVERED BY MARCIA VALIANTE AND ORDER OF THE
TRIBUNAL**

INTRODUCTION

[1] Vinh Quoc Ha (“Applicant”) owns property at 1338 Kenmuir Avenue (“subject property”) in the City of Mississauga (“City”). In order to be able to construct a new two-storey dwelling on the subject property, the Applicant applied to the Committee of Adjustment (“Committee”) for variances from the City’s Zoning By-law relating to gross floor area and building height. City Planning and Building Department staff reported to the Committee that they had no objection to the requested variances.

[2] On October 19, 2017, the Committee refused to grant the requested variances. In November 2017, the Applicant appealed the Committee’s decision to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (“Tribunal”). The Tribunal scheduled the hearing of the appeal for August 20, 2018. Notice of the hearing was given by the Tribunal on March 19, 2018.

[3] Prior to the hearing, the City advised the Tribunal that “Council has directed Legal Services not to attend the hearing” of this matter. On August 20, 2018, neither the Applicant nor any representative of the Applicant attended the hearing. The Tribunal’s Case Coordinator attempted to contact the Applicant but received no response. As a result, no evidence was presented and no submissions were heard.

ORDER

[4] The Tribunal orders that the appeal is dismissed and the variances are not authorized.

“Marcia Valiante”

MARCIA VALIANTE
MEMBER

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Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario
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