

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



ISSUE DATE: January 11, 2019

CASE NO(S): PL180262

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:	Daniels HR Corporation
Subject:	Request to amend the Official Plan - Failure of City of Mississauga to adopt the requested amendment
Existing Designation:	“Residential High Density” and “Greenlands”
Proposed Designated:	“Residential High Density – Special Site”
Purpose:	To permit Mixed-Use Development
Property Address/Description:	2475 Eglinton Avenue West
Municipality:	City of Mississauga
Approval Authority File No.:	OPA/OZ 16/003
OMB Case No.:	PL180262
OMB File No.:	PL180262
OMB Case Name:	Daniels HR Corporation v. Mississauga (City)
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PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Daniels HR Corporation
Subject:	Application to amend Zoning By-law No. 0225-2007 - Neglect of the City of Mississauga to make a decision
Existing Zoning:	“RA5- 37 Density – Apartment Dwellings”
Proposed Zoning:	“RA5- Exception Apartment Dwellings”
Purpose:	To permit Mixed-Use Development
Property Address/Description:	2475 Eglinton Avenue West
Municipality:	City of Mississauga
Municipality File No.:	OPA/OZ 16/003

OMB Case No.: PL180262
 OMB File No.: PL180263

Heard: January 7, 2019 at Mississauga, Ontario

APPEARANCES:

Parties

Counsel

Daniels HR Corporation (“Applicant”)	M. Flowers/J. Cole (Student at law)
City of Mississauga (“City”)	M. Minkowski
Trillium Health Partners (“Trillium”)	C. Lyons
Minister of Municipal Affairs and Housing (“Minister”)	I. Shachter

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON
 JANUARY 7, 2019 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] The Applicant had applied to the City in 2016 proposing to develop the vacant lands known municipally as 2475 Eglinton Avenue West (“Subject Lands”) located in the north east quadrant of the Eglinton Avenue West and Erin Mills Parkway intersection, with three buildings being 24, 25, and 36 storeys in height and with a proposed Floor Space Index (“FSI”) of about 3.8.

[2] The Subject Lands are designated in the City’s Official Plan as “Major Node”, and development within the other quadrants of the intersection include: the Erin Mills Town Centre to the west, Credit Valley Hospital to the south, and other medium and high density residential uses, mixed uses and office commercial retail uses.

[3] The Major Node designation permits heights up to 25 storeys, and a FSI between 1.0 and 2.5.

[4] The Subject Lands are currently zoned RA5-37 (Apartment Dwellings), which permits a maximum FSI of 2.5.

[5] As City Council had not dealt with the development application within the statutory time frames, the Applicant appealed to the Tribunal.

[6] The Tribunal held a Pre-hearing Conference (“PHC”) at which time requests for participant status, requests for party status, a request for a second PHC, and a request for a two-three week hearing date were all dealt with, for the reasons set out below.

DECISION

[7] On consent, the Tribunal awarded participant status to Latika Amin, Kavita Taneja, and Rajbir Deol.

[8] The Tribunal had received a letter marked as Exhibit 2 on behalf of Trillium (which operates the Credit Valley Hospital) wherein counsel on behalf of Trillium noted the hospital’s physical proximity to the Subject Lands, its involvement in the City’s public consultation program for this proposed development, and outlined its concerns with regard to potential impact of the proposed development on the operation of its helipad and in particular its concern that the flight paths to the helipad be adequately protected.

[9] On consent, the Tribunal awarded party status to Trillium.

[10] The Tribunal also heard a request for party status on behalf of the Minister. Counsel on behalf of the Minister had communicated with the Tribunal on the Friday before the PHC on the following Monday, indicating the Minister’s interest in being a party to the hearing with specific regard to the helipad at Credit Valley Hospital.

[11] As Trillium was already represented by counsel, and Trillium had participated in the City’s public consultation program concerning its interest in the helipad, the Tribunal inquired as to how the Minister would contribute to the hearing and avoid duplication in evidence.

[12] The Tribunal was advised that the Minister would not be dealing with the technical aspects of the evidence with regard to flight paths, but rather on the aspects of land use planning policy.

[13] With no objection from any party, the Tribunal granted party status to the Minister with the direction that there be coordination between the Minister and Trillium on the helipad issue and that the two parties' evidence was not to be duplicated to thus ensure that the Tribunal might conduct a fair, just and expeditious hearing.

[14] Counsel for the Applicant requested that the Tribunal set a second PHC for the summer of 2019 to finalize the draft Procedural Order and Issues List, and that a two-three week hearing be set in the year 2020.

[15] Counsel for the City, indicated that City Council had not yet made a decision on the application as there had been on-going discussions between the Applicant and Trillium, and accordingly he had no instructions with regard to the setting of dates. However a second PHC in the summer of 2019 would be acceptable as he anticipated that he would have instructions by that time, which would enable the finalization of the draft Procedural Order and Issues List.

[16] Counsel for Trillium had no objection to a hearing date in 2020, and counsel for the Minister had no position.

[17] In these circumstances where an application has been made in 2016, the Tribunal determined that it would be appropriate to set both a second PHC in the summer of 2019, and to set a hearing date in 2020.

SECOND PHC

[18] Accordingly the Tribunal set the second PHC by appearance for **Monday, July 15, 2019 at 10 a.m. at:**

**Committee Room C
City Hall (Mississauga)
300 City Centre Drive
Mississauga, Ontario**

[19] The purpose of the second PHC is to finalize the draft Procedural Order and deal with any other procedural matters that may arise.

[20] There will be no further notice.

[21] I am not seized of the second PHC.

2020 HEARING

[22] The Tribunal also set the hearing on the merits to commence on **Monday, March 16, 2020 at 10 a.m. for fourteen days at:**

**Municipal Hearing Room
City Hall (Mississauga)
300 City Centre Drive
Mississauga, Ontario**

[23] The Tribunal will not be sitting on **Monday, March 30, 2020.**

[24] There will be no further notice.

[25] I am not seized of the hearing on the merits.

[26] Scheduling permitting, I may be available for case management purposes.

[27] This is the Order of the Tribunal.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

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

A constituent tribunal of Environment and Land Tribunals Ontario
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