

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



ISSUE DATE: October 26, 2018

CASE NO(S): PL180492

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:	Linda DeMaria
Subject:	Minor Variance
Variance from By-law No.:	0225-2007
Property Address/Description:	1407 Stavebank Road
Municipality:	City of Mississauga
Municipal File No.:	A011/18
LPAT Case No.:	PL180492
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LPAT Case Name:	DeMaria v. Mississauga (City)

Heard: October 11, 2018 in Mississauga, Ontario

APPEARANCES:

Parties

Counsel*/Representative

Linda DeMaria (did not appear) Did not appear

City of Mississauga Did not appear

DECISION DELIVERED BY JOHN DOUGLAS AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This was a hearing with respect to an appeal by Linda DeMaria (“Applicant/Appellant”) of a decision by the City of Mississauga (“City”) Committee of Adjustment (“CofA”) to refuse an application for minor variance with respect to property located at 1407 Stavebank Road, in the City of Mississauga.

[2] This member attended the hearing at 10 a.m. on Thursday, October 11, 2018 held in Committee Room D at the Mississauga City Hall, as per the Appointment for Hearing. Neither the Applicant/Appellant or their representative, nor a representative for the City of Mississauga, was present.

[3] Rule 3.05 of the Local Planning Appeal Tribunal (“LPAT”) *Rules of Practice and Procedure* states:

3.05 Conducting a Proceeding if a Party is Absent The Tribunal will not proceed for at least 30 minutes after the commencement time given in the Notice of Appointment for an oral hearing event if a party of record or that party’s representative has not yet appeared, unless prior notice has been given to the Tribunal that person will not attend at the scheduled time....

[4] This member checked with the LPAT Case Coordinator to determine if the Tribunal had been advised verbally or in writing of any delay by the Applicant/Appellant. Having received no correspondence to explain the delay/absence, this member waited for 50 minutes. The Appellant/Applicant or their representative did not appear.

[5] The hearing was concluded after 50 minutes. Given the absence of the Applicant/Appellant, the Tribunal was presented with no evidence upon which to consider the merits of the appeal.

ORDER

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

“John Douglas”

JOHN DOUGLAS
MEMBER

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Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario

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