

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



**ISSUE DATE:** August 11, 2020

**CASE NO(S):**

PL190103  
PL070625

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 17(24) of the *Planning Act*,  
R.S.O. 1990, c. P.13, as amended

Appellant: Orlando Corporation  
Subject: Proposed Official Plan Amendment No. OPA  
67  
Municipality: City of Mississauga  
LPAT Case No.: PL190103  
LPAT File No.: PL190103  
LPAT Case Name: Orlando Corporation v. Mississauga (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*,  
R.S.O. 1990, c. P.13, as amended

Appellant: Orlando Corporation  
Subject: By-law No. 0225-2007  
Municipality: City of Mississauga  
LPAT Case No.: PL070625  
LPAT File No.: R070126

**Heard:** August 6, 2020 by video hearing

**APPEARANCES:**

**Parties**

Orlando Corporation  
City of Mississauga

**Counsel**

Leo F. Longo  
Michal Minkowski

Greater Toronto Airport Authority      Chris Barnett  
H. Borgos (student at law)

**MEMORANDUM OF ORAL DECISION DELIVERED BY MARGOT BALLAGH ON  
AUGUST 6, 2020 AND ORDER OF THE TRIBUNAL**

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[1] This Decision and Order results from the second Case Management Conference (“CMC”) held via video hearing (“VH”) on the appeal by Orlando Corporation (the “Appellant”) pursuant to s. 17(24) of the *Planning Act* (the “Act”) from the City of Mississauga’s (the “City”) approval of Official Plan Amendment No. 67 (“OPA 67”) as well as the consolidated site-specific appeal (under Tribunal Case No. PL070625) by the Appellant of the City’s enactment of Zoning By-law No. 225-2007, specifically as it relates to daycare uses in Employment Zones.

[2] The first CMC for PL190103 was held in-person on January 27, 2020. At that time, a second in-person CMC was scheduled for July 10, 2020; however, that hearing event was cancelled due to the Emergency Order issued in the Covid-19 pandemic.

[3] Counsel for the Parties confirmed at this CMC that no draft Procedural Order (“PO”) has been prepared. They told the Tribunal that their energies have been focused on settlement discussions to see if they can resolve the issues without the need for a PO and hearing.

[4] Counsel for the Appellant, Mr. Longo, told the Tribunal that he has requested disclosure from the Greater Toronto Airport Authority (“GTAA”) of acoustical monitoring data obtained over many years by the GTAA in the airport area. Mr. Longo requested that the Tribunal schedule a further CMC to allow time for Mr. Barnett to obtain instructions from his client, the GTAA, about the requested disclosure and to allow time for possible resolution of the Parties’ issues. He suggested that if settlement is not achieved, the further CMC can be used to finalize a PO and schedule a hearing date.

[5] Mr. Barnett agreed with Mr. Longo that a further CMC was indicated to allow more time for him to receive instructions from the GTAA for their position on disclosure

of the requested noise monitoring information and to further discuss possible resolution.

[6] Mr. Minkowski also agreed that a further CMC should be scheduled. However, he noted that if resolution was not achieved by the CMC, instead of scheduling a hearing, he intends to request the scheduling of a subsequent CMC or separate hearing event to bring a motion to dismiss the appeal on the basis of lack of jurisdiction.

[7] The purposes of the next CMC are for the Parties to update the Tribunal on the progress of settlement discussions, and if not settled, to consider scheduling a further CMC/hearing event for a motion to dismiss, to consider the length and date of a possible hearing, and to finalize the form and content of a PO.

## **ORDER**

[8] The Tribunal orders that a further CMC via video hearing is scheduled for **Friday, September 18, 2020 at 10 a.m.**

[9] Parties and Participants are to participate with video and audio enabled. Join the event from a computer, tablet or smartphone  
<https://global.gotomeeting.com/join/626483685>.

[10] Observers are to participate with audio only enabled. Join the event via telephone conference **by calling: 1 888 299 1889 or 1 (647) 497-9373. When prompted, enter the code 626-483-685** to be connected to the call.

[11] Individuals are directed to connect to the event on the assigned date approximately 15 minutes prior to the start of the hearing. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[12] Unless a settlement is achieved, the Tribunal further directs the Parties to file a

draft Procedural Order no later than **Friday, September 11, 2020**, in order for the Tribunal to consider approval of a final PO at the CMC on September 18, 2020.

[13] There will be no further notice.

[14] The member is not seized.

*“Margot Ballagh”*

MARGOT BALLAGH  
MEMBER

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please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

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