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| **Local Planning Appeal Tribunal** |
| Tribunal d’appel de l’aménagement local |

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| **ISSUE DATE:** | February 03, 2020 | **CASE NO(S).:** | PL190103 |

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| 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. |

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| **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 |
| LAPTCase Name:  | Orlando Corporation v. Mississauga (City)  |

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| **Heard:** | January 27, 2020 in Mississauga, Ontario |

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| **APPEARANCES:** |  |
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| **Parties** | **Counsel** |
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| Orlando Corporation | L.F. Longo |
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| City of Mississauga | M. Minkowski |
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| Greater Toronto Airports Authority | C. Barnett H. Borgos (Student at Law) |

MEMORANDUM OF ORAL DECISION DELVERED BY DAVID BROWN ON JANUARY 27, 2020 AND ORDER OF THE TRIBUNAL

**INTRODUCTION**

1. The matter before the Tribunal is an appeal under 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") by the Orlando Corporation (the "Appellant").
2. The hearing is the first Case Management Conference ("CMC") conducted pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act,* 2017 in respect of this matter*.*
3. The proceeding is subject to the transition provisions of Ontario Regulation 303/19. Those provisions direct that s. 17(24) appeals that were commenced after April 3, 2018 but before September 3, 2019 and for which a hearing on the merits of the appeal was not scheduled before September 3, 2019, shall be continued and disposed of under the *Local Planning Appeal Tribunal Act 2017* as it reads after September 3, 2019.
4. The Appellant owns multiple properties within the City which are located within the Airport Operating Area (“AOA”) and which are covered by the proposed OPA 67.
5. The Affidavit of Service was filed as Exhibit 1 confirming that Notice of the CMC was properly given.
6. The Tribunal received a request from the Greater Toronto Airports Authority (“GTAA”) requesting Party status in these proceedings. The Appellant and the City do not oppose granting Party status to GTAA.
7. Leo Longo advised the Tribunal that the City, the GTAA, and his client have been in discussions regarding the issues of the appeal. He has spoken to the other parties and all are in agreement that a further CMC date should be scheduled to allow the discussions to evolve.
8. Mr. Longo requested that the Tribunal consolidate this matter with a zoning by-law appeal that remains unresolved before the Tribunal. The Appellant filed an appeal in 2007 in respect to daycare uses in the Employment zones in response to the City's enactment of a new City wide zoning by-law.
9. Mr. Longo requested that the Tribunal scope the appeal to allow OPA 67 to move forward without prejudice to the Appellants appeals. A letter dated March 21, 2019, was filed as Exhibit 2 which explained that the appeal was not intended to apply to the policies at issue as they relate to the Malton Community Node and Neighbourhood Character Area (the "MCNNCA").
10. Michal Minkowski confirmed that the City supports scoping of the appeal such that the appeal as it applies to the MCNNCA is effectively withdrawn by the Appellant.
11. In respect to the consolidation request, Mr. Minkowski advised that his client supports the consolidation as the issue surrounding daycare uses is part of the consideration of the appeal matter before the Tribunal. It was further explained that the appeal was part of a larger appeal of the City's new Zoning By-law No. 225-2007. The bulk of the appeals were resolved however; the Appellant’s appeal of the daycare uses was narrowed to a site specific appeal and was adjourned *sine die* pursuant to an order of the Ontario Municipal Board under Case No. PL070625 issued on May 5, 2010.
12. Mr. Longo advised that the site specific nature of the appeal is such that it applies only to properties owned by the Appellant that are located in areas which have a Noise Exposure Projection or Noise Exposure Forecast of less than 35.
13. Mr. Minkowski requested that a further CMC date be set at least six months from the date of this CMC.
14. Chris Barnett attended on behalf of the GTAA and explained that his client has interest in any development within the AOA. The policies for development as set out in OPA 67 are appropriate and the GTAA was involved in the consultation process leading up to the approval of OPA 67 by the City. He advised that the GTAA is willing to engage in further discussions with the City and the Appellant. He also advised that his client does not oppose the consolidation and is in agreement with respect to the further CMC.
15. The Tribunal considered the submissions, granted Party status to GTAA, granted the request for consolidation, will scope the appeals as it relates to the release of the MCNNCA, and sets a further one-day CMC for the reasons that follow.

**DECISION**

1. In respect to the requests for party status received from GTAA, the Tribunal agrees that GTAA has a direct and immediate impact resulting from the policies contained within OPA 67 and any changes that might arise as a result of the subject appeal. The GTAA participated in the public process conducted by the City. The Appellant and the City did not object to the request for party status of GTAA.
2. The Tribunal grants Party status to GTAA.
3. The Tribunal considered the request to allow the appeal to be scoped such that it does not involve the policies as they apply to MCNNCA. This area is described as one of the Exception Areas within OPA 67. The Tribunal received a letter from the Appellant, filed as Exhibit 2, requesting scoping of the appeal and the City supports the request.
4. The Tribunal grants the request to scope the appeal and orders that lands within the MCNNCA as delineated as an Exception Area within OPA 67 as shown on Map 6-1: Airport Operating Area and Exception Area in the OPA 67 be released from the appeal.
5. The Tribunal considered a request to consolidate the subject appeal with an appeal that the Appellant filed in respect to the City's enactment of their Zoning By-law No. 225-2007 specifically as it relates to daycare uses in Employment Zones. The appeal was an Ontario Municipal Board matter under Case No. PL070625. The City supports the consolidation as the matters are related in respect to the issues surrounding the Aircraft Noise Policies being considered by the Tribunal under this appeal.
6. Rule 16 of the Local Planning Appeal Tribunal *Rules of Practice and Procedure* provides for the Tribunal to consolidate two proceedings to be heard at the same time subject to any applicable or statutory or regulatory restrictions.
7. The Tribunal orders that the proceedings be consolidated with the site specific appeal of City Zoning By-law No. 225-2007 under Tribunal Case No. PL070625 as it relates to the Appellant's appeal of OPA 67.
8. The Parties are directed to review the notice requirements for Case No. PL070625 to ensure that proper notice of the proceedings is provided by the appropriate party as required.
9. In respect to the granting of a further CMC, the Tribunal directs that the Parties are to continue discussions with the aim to create a scoped Issues List for inclusion in a Procedural Order.
10. The Tribunal sets a further one-day CMC for **Friday, July 10, 2020,** commencing at **10 a.m.**, at:

**Municipal Hearing Room**

**City of Mississauga**

**300 City Centre Drive**

**Mississauga, Ontario**

1. There will be no further notice required unless otherwise determined pursuant to the paragraph [23].
2. The member is not seized of this matter.
3. This is the Order of the Tribunal.

“David Brown”

DAVID BROWN

IMEMBER

If there is an attachment referred to in this document,

please visit www.elto.gov.on.ca to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248