

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



**ISSUE DATE:** February 10, 2020

**CASE NO(S):** PL190221

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:	RioTrin Properties (Burnhamtorpe) Inc.
Subject:	Request to amend the Official Plan - Refusal of request by City of Mississauga
Existing Designation:	Mixed Use – Special Site
Proposed Designated:	Mixed Use – Special Site
Purpose:	To permit the intensification of an underused portion of the Property with a 25-storey mixed-use building
Property Address/Description:	3900-3980 Grand Park Drive
Municipality:	City of Mississauga
Approval Authority File No.:	OPA/OZ 15/006
OMB Case No.:	PL190221
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OMB Case Name:	RioTrin Properties (Burnhamtorpe) Inc. v. Mississ

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	RioTrin Properties (Burnhamtorpe) Inc.
Subject:	Application amend Zoning By-law No. 0225-2007 - Refusal of Application by the City of Mississauga
Existing Zoning:	H-C4-Exception (mainstreet commercial)
Proposed Zoning:	H-C4-XX
Purpose:	To permit 25-storey mixed-use building.
Property Address/Description:	3900-3980 Grand Park Drive
Municipality:	City of Mississauga

Municipality File No.: OZ 15/006  
OMB Case No.: PL190221  
OMB File No.: PL190222

**Heard:** January 29, 2020 in Mississauga, Ontario

**APPEARANCES:**

**Parties**

**Counsel\***

RioTrin Properties (Burnhamthorpe)  
Inc.

Anne Benedetti

City of Mississauga

Mark Joblin

Fielding Chemical Technologies Inc.

Susan Rosenthal and Jamie Cole

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON  
JANUARY 29, 2020 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] The matter before the Tribunal is an appeal under s. 22(7) and s. 34(11) of the *Planning Act* (the “Act”) from the City of Mississauga's (the “City”) refusal of an application to amend the Official Plan and Zoning By-law by the RioTrin Properties (Burnhamthorpe) Inc. (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. 22(7) and s. 34(11) 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 the lands at 3900 - 3980 Grand Park Drive (“subject property”) and is proposing to amend the official plan and rezone the subject property to permit a further development of the lands with a 25-storey, 272-residential unit apartment building with retail commercial uses on the ground floor.

[5] The Affidavit of Service was filed with the Tribunal and marked as Exhibit 1 and 1A confirming that Notice of the CMC was properly given.

[6] Ms. Benedetti filed a Draft Procedural Order (“DPO”) with the Tribunal that was marked as Exhibit 2. Ms. Benedetti requested that the Tribunal schedule a 15-day hearing. The Parties have been discussing the DPO and recommend that a hearing not be scheduled for at least one year as there are a number of complex issues to be considered and the Parties are planning to have their experts meet in advance of the hearing with sufficient time to prepare reports and responses in advance of a hearing. Ms. Bendetti also recommended that a further CMC be scheduled to update the Tribunal on the status of the appeal and address any other matters that may arise.

[7] The City supported the approach outlined by Ms. Benedetti.

[8] The Tribunal received a request from the Fielding Chemical Technologies Inc. (“Fielding”) requesting Party status in these proceedings. Fielding participated in the consultation process undertaken by the City including making oral and written submissions at the public meetings. The Appellant and the City did not oppose granting Party status to Fielding.

[9] Helene Bahsous was in attendance and requested Participant status in the proceedings. Ms. Bahsous submitted a written statement, filed as Exhibit 3, and advised the Tribunal that she is an immediate neighbour to the subject property. Ms. Bahsous confirmed that she participated in the public consultation process undertaken by the City. The Parties do not object to the request for participant status.

[10] The Mississauga Board of Trade (“MBOT”) represented by Brad Butt, Vice President of Government and Stakeholder Relations, attended and requested Participant status. Mr. Butt confirmed that MBOT participated in the public consultation process undertaken by the City. The Parties do not object to the request for participant status.

[11] The Tribunal considered the submissions, granted Party status to Fielding, granted Participant status to Ms. Bahsous and MBOT, set a further CMC, and scheduled a 15-day hearing on the merits of the appeal the reasons that follow.

## **DECISION**

[12] In respect to the requests for party status received from Fielding, the Tribunal agrees that Fielding has a direct and immediate impact resulting from the proposed development. Fielding is an abutting neighbour and the nature of their business is such that there are issues that must be resolved should this proposal be approved. Fielding participated in the consultation process making oral and written submissions leading up to the decision of City Council. The Appellant and the City did not object to the request for party status.

[13] Rule 8.3 of the Local Planning Appeal Tribunal Rules of Practice and Procedure (the “Rules”) states:

A party, who is not an Appellant in a proceeding, but is conferred party status by the Tribunal, may not raise or introduce new issues in the proceeding. A non-Appellant party may only participate in the proceeding by sheltering under an issue raised in an appeal by an Appellant party and may participate fully in the proceeding to the extent that issue remains in dispute. A non-Appellant party has no independent status to continue an appeal that is withdrawn by an Appellant party, or is otherwise resolved or determined by the Tribunal.

The Tribunal notes that in granting Fielding Party status, they are defined as a Non-Appellant Party under the Rules.

[14] The Tribunal grants Party status to Fielding.

[15] The Tribunal considered the request for participant status from Ms. Bahsous. She advised the Tribunal that she resides directly across Grand Park Drive from the subject property and has participated in the public consultation process conducted by the City. Ms. Bahsous submitted a written statement outlining her concerns with the proposal.

[16] The MBOT requested participant status and confirmed that they participated in the public consultation process conducted by the City. They represent the interests of the business community in Mississauga and have concerns with the proposal.

[17] The Parties do not object to the requests for participant status.

[18] The Tribunal grants Ms. Bahsous and the MBOT Participant status in the proceedings.

[19] The Tribunal recognizes the complexity of the issues surrounding the proximity of the Fielding operation and the proposed residential use. The Tribunal understands that the necessity to have the appropriate experts review the issues, prepare their reports and respond to reports will require some additional time in this instance.

[20] The Tribunal sets a further one-day CMC for **Tuesday, September 8, 2020**, commencing at **10 a.m.**, at:

**Hearing Room  
City of Mississauga  
300 City Centre Drive  
Mississauga, Ontario**

[21] The Tribunal sets a hearing on the merits of the appeal for 15 days commencing **Monday, March 8, 2021 at 10 a.m.**, at:

**Hearing Room  
City of Mississauga  
300 City Centre Drive  
Mississauga, Ontario**

[22] The Tribunal directs the City to confirm the venue with the Case Coordinator as soon as possible.

[23] The Tribunal directs that a revised DPO which includes the additional participant and dates inserted be filed with the Tribunal.

[24] No further notice of the proceedings is required.

[25] The member is not seized of this matter.

[26] This is the Order of the Tribunal.

*“David Brown”*

DAVID BROWN  
MEMBER

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

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