

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



ISSUE DATE: January 26, 2021

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 (Burnhamthorpe) 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
OMB File No.:	PL190221
OMB Case Name:	Rio Trin Properties (Burnhamthorpe) Inc. v. Mississauga

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

Applicant and Appellant:	RioTrin Properties (Burnhamthorpe) 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 11, 2021 by video hearing

APPEARANCES:

Parties

Counsel

Rio Trin Properties (Burnhamthorpe)
Inc.

A. Benedetti
M. Laskin

City of Mississauga

M. Joblin

Fielding Chemical Technologies Inc.

M. McDermid
J. Cole

**MEMORANDUM OF ORAL DECISION DELIVERED BY T.F. NG ON JANUARY
11, 2021 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This is the third case management conference (“CMC”) held as a video hearing. Rio Trin Properties (Burnhamthorpe) Inc. (the “Appellant”) is appealing under s. 22(7) and s. 34(11) of the *Planning Act* (the “Act”) in respect of the City of Mississauga’s (the “City”) refusal of the Appellant’s application to amend the Official Plan and Zoning By-law pertaining to lands at 3900-3980 Grand Park Drive (“subject property”) proposing a further development with a 25-storey, 272 residential unit apartment building with retail commercial uses on the ground floor.

[2] The Tribunal notes that at the second CMC of September 8, 2020 the parties were directed to update the Tribunal on the progress of this matter.

[3] Parties report that a tour of the Fielding Facility had been conducted on Oct 1, 2020 and expert witnesses had met, agreed on certain facts, narrowed down issues and exchanged witness statements. The Updated Issues List has been circulated to parties

and forwarded to the Tribunal. The documents and information which are to be exchanged on or before September 18, 2020 have been exchanged.

[4] Parties' counsel have all confirmed that at this point, mediation is not a viable option and they are moving ahead with fulfilling the timelines for the hearing.

[5] The Tribunal enquired whether some issues could be dealt with by way of written submissions which could reduce the issues for hearing and hearing days could similarly be reduced. Counsel reiterated that in their view, the remaining issues are not suitable for written submissions and with the large number of witnesses, all 15 hearing days would be required. The hearing was previously fixed for 15 days starting from March 8, 2021 and ending on March 26, 2021.

[6] Ms. Benedetti advised that the next steps will be a reply to the Witness Statements on or before January 22, 2021; furnishing the Hearing Plan to the Tribunal by February 8, 2021 (the draft hearing plan, she said had been circulated to respective counsel) and exchange of visual evidence by February 22, 2021.

[7] Brad Butt, on behalf of the Mississauga Board of Trade ("MBOT") (participant), having failed to file their statement by the November 9, 2020 date, requested time to do so. Having ascertained that counsel had no objections, the Tribunal directed MBOT to file the written statement within three days, i.e. on or before January 14, 2021. Accordingly, the Witness Statements reply date of January 22, 2021 is extended to January 29, 2021.

[8] The Tribunal directed a Joint Document Book to be filed and served electronically and in hard copies on or before February 22, 2021. Documents for cross-examination are to be filed electronically and password protected on or before March 3, 2021 which may be supplemented with additions until March 7, 2021 and before cross-examination begins.

[9] Parties additionally inquired whether they could look at alternative Video Hearing formats, e.g. Zoom where according to counsel the capability and functionality may be

suitable for a hearing of this length. The Tribunal advised that parties can expect that the Go To Meeting hearing platform will be the Video Hearing Platform for the hearing commencing March 8, 2021, unless the parties make alternative arrangements at their own expense. The Tribunal advised the parties that they could propose a different platform through the Case Coordinator. They did so following this CMC. Accordingly, hearing platform details will be provided at a later date through the Case Coordinator.

[10] The Tribunal directs as follows:

- a. MBOT to file and serve the written participant statement on or before **Thursday, January 14, 2021**.
- b. The parties witness statements reply date is extended to **Friday, January 29, 2021**.
- c. The Hearing Plan to be forwarded to the case coordinator on or before **Monday, February 8, 2021**.
- d. Visual evidence and models to be exchanged on or before **Monday, February 22, 2021**.
- e. A Joint Document Book to be filed and served electronically and in hard copies on or before **Monday, February 22, 2021**.
- f. Documents for cross examination to be filed electronically and password protected on or before **Wednesday, March 3, 2021** which may be supplemented with additions until March 7, 2021 and before cross examination begins.

[11] The hearing is scheduled to proceed by video on **Monday, March 8, 2021 at 10.00 a.m. and end on Friday, March 26, 2021**. Connection details will be provided by the Case Coordinator.

[11] The Tribunal so orders.

"T.F. Ng"

T.F. NG
MEMBER

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

A constituent tribunal of Ontario Land Tribunals

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