

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



ISSUE DATE: September 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 (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: September 8, 2020 by video hearing

APPEARANCES:

Parties

Counsel

Rio Trin Properties (Burnhamthorpe) Inc.	A. Benedetti M. Laskin
City of Mississauga	M. Joblin
Fielding Chemical Technologies Inc.	S. Rosenthal J. Cole

**MEMORANDUM OF ORAL DECISION DELIVERED BY T.F. NG ON
SEPTEMBER 8, 2020 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This is the second case management conference (“CMC”) held as a video hearing. The Applicant/Appellant (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 Applicant’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 first CMC of January 29, 2020 the parties requested this further CMC for the purpose of updating the Tribunal on the progress of this matter. An order issued on March 2, 2020 attaching the procedural order with the list of issues and specific timelines, which can now be referenced for this CMC to chart the progress of the required steps to be undertaken by the parties.

[3] Parties report that witness lists with Curriculum Vitae have been exchanged and the experts' meetings has been held. In other respects, and because of the COVID-19 situation, parties are still in the process of narrowing issues and exchanging the necessary information. Parties are in agreement that documents and information which are not subject to a possible claim of confidentiality will be exchanged on or before September 11, 2020. For documents and information that are confidential, and subject to any confidentiality agreement, those will be forwarded and exchanged by September 18, 2020. Items from the additional information list to be provided on or before September 11, 2020 are items 1, 2, 6 and 7 which Ms. Benedetti undertakes to particularize in an email to the case coordinator.

MEDIATION

[4] Parties' counsels have all confirmed that they are open to mediation but have yet to obtain instructions from their respective clients. Nevertheless, with the exchange of information and a soon-to-be scheduled tour of the Fielding Chemical Technologies Inc. facilities the parties may be in a better position to assess any mediation or resolution process thereafter.

[5] The Tribunal emphasized that the numerous issues should be scoped and narrowed and in the event that the number of expert witnesses are reduced with the scoping, the number of hearing days could similarly be reduced. Counsels concur that pending discussions and exchange of information, a case management date can be fixed to update the Tribunal on the progress of the timelines, efforts to narrow the issues, and to advise on the possible release of the number of hearing days. The hearing has previously been fixed for 15 days starting from March 8, 2021.

[6] The Tribunal finds the requests reasonable and as such, directs that a further CMC be fixed for the parties to update on the progress of this matter.

[7] The Tribunal directs as follows:

- a. A one-day CMC hearing will be conducted as a video hearing, and will be held at **10 a.m. on Monday, January 11, 2021**. Parties and Participants are to participate with video and audio enabled. Join the event from a computer, tablet or smartphone **by using this link:** <https://global.gotomeeting.com/join/353175093> . When prompted, **enter the code 353-175-093** to be connected to the hearing by video.

Observers are to participate with audio only enabled. Join the event via telephone conference **by calling: +1 (647) 497-9373 or Toll Free 1-888 299-1889**. When prompted, **enter the code 353-175-093** to be connected to the call.

Individuals are directed to connect to the event on the assigned date at the correct time. 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.

- b. The parties shall provide a status report at the CMC on the progress of this matter, the scoping and narrowing of issues including the reduction of the number of hearing days.
- c. The Procedural Order for the hearing and timelines for matters to be completed in the order of March 2, 2020 remain in force.

[8] There will be no further notice.

[9] The Tribunal so orders.

"T.F. Ng"

T.F. NG
MEMBER

If there is an attachment referred to in this document,
please visit 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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