

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



ISSUE DATE: January 26, 2021

CASE NO(S): PL190506

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 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Faisal & Alaa Chalya
Subject: Consent
Property Address/Description: 1426 Indian Grove
Municipality: City of Mississauga
Municipal File No.: B021/19
LPAT Case No.: PL190506
LPAT File No.: PL190506
LPAT Case Name: Chalya v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Faisal & Alaa Chalya
Subject: Consent
Property Address/Description: 1414 Indian Grove
Municipality: City of Mississauga
Municipal File No.: B022/19
LPAT Case No.: PL190506
LPAT File No.: PL190507
LPAT Case Name: Chalya v. Mississauga (City)

Heard: November 27, 2020 by Video Hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
City of Mississauga (“City”)	L. Magi
Faisal & Alaa Chalya (“Applicant/Appellant”)	R. Cheeseman
Mississauga Kane Road Ratepayers Association (“Association”)	A. Stewart

DECISION DELIVERED BY JATINDER BHULLAR AND ORDER OF THE TRIBUNAL

[1] This was the first Case Management Conference (“CMC”). There are two consent appeals for adjoining properties owned by the Applicant/Appellant. The properties are municipally known as 1414 Indian Grove (Case No. PL190506) and 1426 Indian Grove (Case No. PL190507) in Mississauga. The Applicant/Appellant applied for consent to create an extra residential dwelling unit lot at each address towards the rear of each of the properties.

[2] The Affidavit of Service for the CMC is on file and is marked as Exhibit 1.

PARTIES AND PARTICIPANTS

[3] There were three requests for party status. Tecumseh Area Residents’ Association Inc. changed their request to be a participant versus their original request for party status.

[4] Cecilia and Gord Conlin (“Conlins”) residing adjacently at 763 Terlin Boulevard requested party status. However, they informed the Tribunal that they were unaware of the Tribunal’s *Rules of Practice and Procedure* (“Rules”). Specifically, they did not have specific consideration for Rules 8.1 and 8.2 as well as Rule 19.1 in terms of the conduct of CMCs. The Conlins having been asked by the Tribunal and the Applicant/Appellant

did not raise any land use planning based issues to substantiate their request for party status.

[5] Laurence Kuysten representing as President of the Mississauga Kane Roads Ratepayers Association (“Association”) after repeated requests from the Applicant/Appellant did not identify a single land use planning policy based issue. The Association was uninforming while claiming to have counsel and then stating they were changing these arrangements and also while claiming to have an expert engaged to provide evidence then walking back from it.

[6] The City submitted that there could be benefit to have broader participation at a future hearing and that the Conlins and the Association be granted conditional status to further substantiate their requests. The Applicant/Appellant did not object to this submission.

[7] Based on submissions of the statutory parties, the Conlins and the Association were granted provisional party status subject to confirmation. The Tribunal directed that no later than January 8, 2021, the Conlins and the Association shall provide to the parties and the Tribunal their draft Issues List, and any information on engagement of counsel and expert(s) as part of making their case, as appropriate.

[8] Based on the additional information received on January 8, 2021, the Tribunal will decide and inform the Conlins and the Association on their requests for party status. The fallback would be to grant each participant status, if not granted party status.

[9] Subsequently on January 8, 2021, the Tribunal received submission from the Association. The Tribunal also received some communication from the Conlins, but it did not formulate any land use planning issues in support of their request for party status. The Tribunal having reviewed this information determines as follows:

1. Mr. Kuysten (Mississauga Kane Roads Ratepayers Association) is granted Party Status and shall work with the statutory parties in the formulation of a draft Procedural Order and make necessary contributions.
2. The Conlins are granted Participant status. The provisional Party status granted to the Conlins at the CMC is revoked.

[10] On consent of the parties and having reviewed duly submitted requests, participant status was granted to: Marion Britton; Leonard Brooks; Fernando Cavasinni; Joanne Cavasinni; Janet or Len, Stephanie or Caitlin Davies/Howell; Loretta Hanratty; Paul Hanratty; Ben Legge; Peter Marzinotto; Karen McFarlane; Lisa McFarlane; Robert McFarlane; Xavier & Samantha Mesrobain; Sharon and Robert Nash; Elizabeth Rinaldo; Sandra Rinaldo; Bill Robinson; Joy and Gerald Sieg; Mareka Smith; Mathew Blaszczyk; David Bowman; Douglas Buckerfield; Agueda Cardenas; Andre Frehn; Michelle Kalman; Kim Neuendorff; Maria Pidduck; Kris Rams; Katy Schofield; Cindy Wasyliw; and Cecilia/Gord Conlin. The Tribunal advised participants to work synergistically and make submission focussed on land use planning policy issues and their related concerns. As per Rule 7.7, a participant may only submit a written participant statement:

7.7 Participant Statements A person who wishes to participate in a proceeding as a participant, shall file a written participant statement that sets out their position on the matter and issues of the proceeding, together with an explanation of their reasons in support of their position. A participant may only make submissions to the Tribunal in writing unless participant status was conferred by the Tribunal in a procedural order that was issued prior to September 3, 2019. In that case, the person conferred participant status may make an oral submission to the Tribunal and be cross-examined by parties on the content of their oral submission or the content of their written participant statement pursuant to the procedural order. In all circumstances, the Tribunal may direct a participant to pre-file their statement in advance of a hearing event with the Tribunal and all of the parties to the proceeding.

PROCEDURAL ORDER (“PO”) AND HEARING

[11] The parties updated the Tribunal regarding proposal details and the underlying issues. The Applicant/Appellant stated that they will be calling up to two witnesses.

These will include an expert in land use planning matters and an engineer to address servicing and access. The City submitted that they will also call corresponding expert witnesses.

[12] The parties requested that a hearing be set in 2021. They jointly suggested a five-day hearing given the extent of possible expert witnesses and their evidence. This included consideration for possibly bringing forth of expert evidence by the Association, if they were granted party status. The parties also agreed to create a draft PO and submit it to the Tribunal.

[13] The Tribunal finds that the due submission of the draft PO and the setting of a five-day hearing to be conducted by video is appropriate.

HEARING TECHNICAL DETAILS

[14] Parties and Participants are asked to log into the video hearing at least 15 minutes before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/777852549>

Access code: 777-852-549

[15] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) a web application is available:

<https://app.gotomeeting.com/home.html>

[16] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **Canada (Toll Free): 1888 455 1389 or Canada: +1 (647) 497-9391. The access code is: 777-852-549.**

[17] 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.

ORDER

[18] The parties shall provide a draft PO to the Tribunal no later than February 12, 2021.

[19] A hearing to be conducted via video is set for five days beginning on **Monday, May 31, 2021 at 10 a.m.**

[20] There will be no further notice.

[21] This Member is not seized for the conduct of the hearing on merits but is available for case management purposes and the finalization of the PO.

"Jatinder Bhullar"

JATINDER BHULLAR
MEMBER

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Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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