

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



**ISSUE DATE:** March 03, 2021

**CASE NO(S):** PL200411

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: 2726984 Ontario Ltd.  
Subject: Request to amend the Official Plan - Failure of City of Mississauga to adopt the requested amendment

Existing Designation: Residential Low Density 1  
Proposed Designated: Residential Medium Density  
Purpose: To permit four (4) standard condominium, 4-storey townhomes

Property Address/Description: 2207 Dixie Road  
Municipality: City of Mississauga  
Approval Authority File No.: OZ 20/002  
LPAT Case No.: PL200411  
LPAT File No.: PL200411  
LPAT Case Name: 2726984 Ontario Ltd v. Mississauga (City)

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

Applicant and Appellant: 2726984 Ontario Ltd.  
Subject: Application to amend Zoning By-law No. 0225-2007 - Refusal or neglect of City of Mississauga to make a decision

Existing Zoning: Residential R3  
Proposed Zoning: RM4-XX with site specific modifications  
Purpose: To permit four (4) standard condominium, 4-storey townhomes

Property Address/Description: 2207 Dixie Road

|                        |                     |
|------------------------|---------------------|
| Municipality:          | City of Mississauga |
| Municipality File No.: | OZ 20/002           |
| LPAT Case No.:         | PL200411            |
| LPAT File No.:         | PL200412            |

**Heard:** February 24, 2021 by video hearing

## **APPEARANCES:**

### **Parties**

2726984 Ontario Ltd.

City of Mississauga

Regional Municipality of Peel

### **Counsel**

Mary Flynn-Guglietti

Michal Minkowski

Rachel Godley

## **MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON FEBRUARY 24, 2021 AND ORDER OF THE TRIBUNAL**

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### **INTRODUCTION**

[1] 2726984 Ontario Ltd. (the "Applicant") filed applications with the City of Mississauga (the "City") to amend the Official Plan and the Zoning By-law to permit the redevelopment of the lands at 2207 Dixie Road (the "Subject Lands") with four standard condominium townhomes. The City deemed the applications complete on February 13, 2020. On September 16, 2020, the Applicant filed appeals pursuant to s. 22(7) and s. 34(11) of the *Planning Act* (the "Act") against the City's failure to make a decision on the applications within the prescribed timeframes of the Act.

[2] This hearing is the first Case Management Conference ("CMC") conducted in respect of the Appeals pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act, 2017* and Rule 19 of the Tribunal's *Rules of Practice and Procedure* (the "Rules").

[3] The Tribunal received an Affidavit of Service filed by the Applicant confirming that notice of the proceedings was completed in accordance with the Tribunal's direction. The Affidavit is marked as Exhibit 1.

### **CASE MANAGEMENT CONFERENCE**

[4] The Tribunal considered a request for Party status from the Regional Municipality of Peel (the "Region"). Ms. Godley advised that the Region filed a request for status on September 28, 2020. She advised the Tribunal that due to some communication confusion, she was only recently made aware of the CMC and submitted the Region's issue pertaining to waste management matters with the Tribunal and the Applicant.

[5] The Applicant and the City expressed no opposition to the Region's request for party status. The Tribunal, in consideration of s. 17(44.1) and s. 34(24.1) of the Act, finds that there are reasonable grounds to add the Region as a party to this matter. Further, as set out in Rule 8.2 of the Rules, the Tribunal finds that the Region satisfies the legislative tests to be a party and finds that the presence of the Region is necessary to enable the Tribunal to adjudicate effectively and completely on the issues in the proceeding.

[6] The Tribunal received four requests for Participant status. Gary Druker, Gary Kennedy, Marina Gandel, and the Sherway Home Owners and Recreational Association ("SHORA") each filed a Participant Status Request Form in advance of the CMC.

[7] Jamie Pugh on behalf of SHORA attended and advised that SHORA represents over 630 residents in the surrounding residential community and indicated that they have an interest in the proposal. Their concerns have been detailed in the Participant Statement portion of the form submitted to the Tribunal.

[8] No objections were raised by the Parties to the request to add SHORA as a Participant.

[9] Messrs. Druker and Kennedy, and Ms. Gandel were not in attendance at the CMC. Mr. Kennedy contacted the Tribunal Case Coordinator during the CMC to advise that he was having difficulty logging in to the proceedings. The Tribunal notes that the Notice of the CMC proceedings includes specific direction to persons who wish to request status before the Tribunal. Paragraph 4 on page 4 specifically sets out that attendance by the requestor at the CMC is required for all status requests.

[10] The Parties did not object to adding the individuals as participants; however, all Parties expressed the concern that once the individuals are granted status, they will be included in the Procedural Order and there are expectations as a result. As the requestors are not in attendance, they may not understand their obligations. The Parties suggested that a further CMC might be an appropriate means of confirming their status requests and addressing their concerns.

[11] The Tribunal, in consideration of the submissions, grants Participant status to the requestors. The Tribunal directs that the Participants provide a mailing address to the Tribunal for inclusion in the Procedural Order.

[12] Ms. Flynn-Guglietti advised the Tribunal that she has filed a draft Procedural Order and draft Issues List for consideration by the Tribunal.

[13] Ms. Flynn-Guglietti advised the Tribunal that she has discussed the anticipated hearing length required for the matter with the City. She explained that the Applicant expects to call a land use planner, possibly a transportation planner and potentially an engineer in response to the issue raised by the Region. Ms. Flynn-Guglietti did note that she is optimistic that the Region's issues may be settled prior to the hearing as they have only recently come to light and the Applicant has not had an opportunity to review

them with the Region. Ms. Flynn-Guglietti submitted that four days should be sufficient to conclude this matter.

[14] Mr. Minkowski advised the Tribunal that the City has conducted the statutory public meeting as prescribed in the Act. The City Staff have not finalized their report and recommendation to City Council at this time. The Applicant did file a resubmission after the public meeting and the circulation of the revisions has not been completed. He advised that he anticipates that the Staff Report to be finalized and presented to City Council by June. He requested that the hearing not be scheduled before September to ensure that staff have direction in respect of the Appeal. Mr. Minkowski suggested that five days would be appropriate in light of the additional issue raised by the Region and the potential need for additional witnesses.

[15] Ms. Godley recommended that five days be scheduled for the hearing as the Region would likely be calling a planner to speak to their issue if it remains unresolved.

[16] Ms. Flynn-Guglietti indicated that five days is acceptable. She noted that the Applicant responded to the issues raised by City staff in their resubmission and she is awaiting the Staff report and recommendations to determine what issues remain and how this will impact the appeals. The Applicant will continue to work with the City to narrow issues and resolve them where possible.

[17] The Tribunal schedules a further CMC for June 23, 2021 to update the Tribunal on the status of the issues in light of the City staff report and recommendations and the direction of City Council. The Tribunal will also address the status of the three Participants to confirm their involvement.

[18] The Tribunal schedules a hearing of the merits of the appeals commencing on September 27, 2021 for five days.

**ORDER**

[19] The Tribunal Orders that the Regional Municipality of Peel is added as a Party to the proceedings.

[20] The Tribunal Orders that the Sherway Home Owners and Recreational Association, Gary Druker, Gary Kennedy, and Marina Gandel are added as a Participants to the proceedings. Participants are directed to provide a mailing address to the Tribunal for inclusion in the Procedural Order.

[21] The Tribunal schedules a further CMC to be held on **Wednesday, June 23, 2021** by video commencing at **10 a.m.** The Tribunal will review the Participant status of Gary Druker, Gary Kennedy, and Marina Gandel and consider any revisions to the Issues List arising from the City Council's consideration of the City Staff report and recommendation.

**GoTo Meeting:** <https://global.gotomeeting.com/join/834991141>

**Access code: 834-991-141**

**Audio-only telephone line: 1-888-299-1889 or 1-647-497-9373**

**Audio-only access code: 834-991-141**

[22] The Tribunal schedules the hearing of the merits for five days to commence on **Monday, September 27, 2021** by video commencing at **10 a.m.**

**GoTo Meeting:** <https://global.gotomeeting.com/join/370751373>

**Access code: 370-751-373**

**Audio-only telephone line: 1-888-455-1389 or 1-647-497-9391**

**Audio-only access code: 370-751-373**

[23] The 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.

[24] 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](https://app.gotomeeting.com/home.html) or a web application is available:

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

[25] 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.

[26] 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 CMC and/or 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.

[27] There will be no further notice provided.

[28] This Member is not seized of the matter.

*"David Brown"*

DAVID BROWN  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://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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