

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** August 26, 2021

**CASE NO(S):** PL210033

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	City Park (McLaughlin) Inc.
Subject:	Request to amend the Official Plan – Failure of the City of Mississauga to adopt the requested amendment
Existing Designation:	Residential Low Density II
Proposed Designated:	Residential High Density
Purpose:	To permit residential developments
Property Address/Description:	6616 McLaughlin Road
Municipality:	City of Mississauga
Approval Authority File No.:	OPA 20/014
OLT Case No.:	PL210033
OLT File No.:	PL210033
OLT Case Name:	City Park (McLaughlin) Inc. 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:	City Park (McLaughlin) Inc.
Subject:	Application to amend Zoning By-law No. 0225-2007 - neglect of the City of Mississauga to make a decision
Existing Zoning:	Residential one - R1
Proposed Zoning:	RA2- XX and the open space area to OS1
Purpose:	To permit six storey residential condominium and five detached residential lots
Property Address/Description:	6616 McLaughlin Road
Municipality:	City of Mississauga
Municipality File No.:	OZ 20/014
OLT Case No.:	PL210033
OLT File No.:	PL210034

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	City Park (McLaughlin) Inc.
Subject:	Proposed Plan of Subdivision – Failure of the City of Mississauga to make a decision
Purpose:	To permit six-storey residential condominium and five detached residential lots
Property Address/Description:	6616 McLaughlin Road
Municipality:	City of Mississauga
Municipality File No.:	T-M 20003 W11
OLT Case No.:	PL210033
OLT File No.:	PL210035

**Heard:** August 12, 2021 by telephone conference call

## **APPEARANCES:**

### **Parties**

### **Counsel**

City Park (McLaughlin) Inc. ("Appellant")	Leo F. Longo
City of Mississauga ("City")	Graham Walsh
Regional Municipality of Peel ("Region")	Rachel Godley

## **MEMORANDUM OF ORAL DECISION DELIVERED BY A. CORNACCHIA AND BLAIR S. TAYLOR ON AUGUST 12, 2021 AND ORDER OF THE TRIBUNAL**

### **INTRODUCTION**

[1] A Case Management Conference ("CMC") was held on August 12, 2021 regarding the Appellant's appeal under s. 22(7), 34(11) and 51(34) of the *Planning Act* ("Act") relating to the failure of the City of Mississauga to make a decision regarding an Official Plan Amendment ("OPA"), Zoning By-law Amendment ("ZBA") and a draft Plan of Subdivision ("Draft Plan") for a proposed development located at 6616 McLaughlin Road, City of Mississauga ("Subject Property").

[2] The Appellant proposes developing the Subject Property with a six storey, residential condominium and five detached residential lots. It filed three applications with the City to facilitate the proposed development of the Subject Property:

1. an application for an OPA changing the existing designation from Residential Low Density II to Residential High Density,
2. an application for a ZBA changing the existing zoning from Residential one (R1) to RA2-XX and an open space area to OS1, and
3. an application for a Draft Plan.

[3] The City did not make decisions on all three applications by the deadlines stipulated by the Act and the Appellant filed this appeal with the Tribunal in response.

[4] The CMC dealt with the following matters:

1. Notice of the CMC,
2. Requests for Status,
3. A case update including the status of the draft Issues List and draft Procedural Order, and
4. Scheduling a Hearing.

## **NOTICE AND AFFIDAVIT OF SERVICE**

[5] In its review of the Affidavit of Service and Exhibits to the Affidavit (Exhibits 1 and 2), the Tribunal identified discrepancies between the list in the Exhibits to the Affidavit (Exhibit 2) and the List for Notice in the Municipal Record (Exhibit 3). The Appellant's counsel, Mr. Longo explained that the City provided an updated list, which

superseded the list in the Municipal Record. Neither the City nor the Region had any concerns regarding notice.

[6] After considering the submissions of the parties, the Tribunal ruled that service of the CMC had been effected in accordance with Tribunal requirements, and no further notice of the proceedings was necessary.

### **REQUESTS FOR STATUS**

[7] Prior to the CMC, the Tribunal received a Party Status Request filed in compliance with the Tribunal's requirements from the Region.

[8] Neither of the Appellant nor the City had any objections to the Region being added as a Party to these proceedings. The Tribunal ruled that the Region was granted Party status.

[9] At the last minute during the CMC, the following attendees came forward and requested Participant Status:

1. Mr. Prabir Dutta
2. Xiaoend Qin
3. Catherine O'Connor
4. Murug Vai
5. Michael Matheson (collectively "Individuals")

[10] None of these Individuals filed Participant Status Request forms by the deadline set out in the Notice of the CMC. None of the parties had any objections to these Individuals being granted Participant Status. The Tribunal granted these individuals Participant Status on the following conditions:

1. The Participants must contact the Case Coordinator, Ms. Nazma Ramjaun at 437-215-3568 and obtain a Participant Status Request form on a timely basis,
2. The Participants must complete the Participant Status Request form including the Participant Statement section where they comprehensively explain their concerns with the proposed development,
3. The Participants must submit the Status Request form by email by **Friday, August 27, 2021 at 4:30 p.m.** at the latest to Nazma Ramjaun, the Case Coordinator, [Nazma.Ramjaun@ontario.ca](mailto:Nazma.Ramjaun@ontario.ca) and simultaneously send email copies to counsel for the Appellant, the City and the Region.
4. The Participants may obtain the email addresses for the identified counsel from Mr. Walsh, Counsel for the City at [graham.walsh@mississauga.ca](mailto:graham.walsh@mississauga.ca)

## **CASE UPDATE AND PROCEDURAL ORDER AND ISSUES LIST**

[11] The Tribunal received an update from the parties regarding the status of their discussions relating to this case. The following is the summary of their update:

1. Extensive without prejudice discussions have already occurred between the parties regarding the proposed development. At the time of the CMC, the parties believe that the major issues that need to be resolved are urban design and the siting of the proposed six storey condominium building on the Subject Property.
2. There are also waste management and servicing issues to resolve with the Region. The parties hope that they can be resolved soon.
3. The parties are uncertain whether they will be able to settle all outstanding issues and wish to schedule a hearing if resolution between the parties is not possible. If a hearing on the merits is

required, the parties requested a two-day hearing.

4. If the parties resolve all issues regarding the proposed development, they propose communicating with the Tribunal to request a settlement hearing on one of the dates reserved for the hearing on the merits, or perhaps by a written hearing pursuant to Rule 21 of the Tribunal's *Rules of Practice and Procedure*.
5. The parties are working on the resolution of the draft Procedural Order including the Issues List for the purposes of a hearing and suggested that it should be completed within a month.
6. The City hopes to present any proposed settlement arrangement to City Council for approval in September 2021 along with a planning report from its Planning Department.

[12] After the update of the parties, the Tribunal directed that the parties prepare and agree upon a draft procedural order and submit it to the Tribunal by Friday September 10, 2021 at 4:30 p.m. at the latest.

[13] The Tribunal orders that the parties comply with the following directions regarding the preparation of a draft Procedural Order:

1. Counsel for the City shall prepare its draft Issues List and shall submit it for review by Counsel for the Appellant and the Region by **Thursday, August 26, 2021** at the latest.
2. The parties shall agree upon the draft Issues List and Procedural Order by **Friday, September 10, 2021** at the latest.
3. The draft Issues List must identify the statutory provisions that the Tribunal is required to consider when reviewing the draft OPA, ZBA and Draft Plan applications within the context of the appeal.

Specific issues should be identified below each of the statutory provisions clarifying the matters in dispute relating to that statutory provisions. If the parties believe that there are no issues worthy of consideration by the Tribunal relating to a specific test, they should identify it.

4. The planning witnesses must be required to meet and agree on any facts that are not in dispute as between the planners and an agreed statement of facts should be submitted to the Tribunal at least 30 days in advance of the hearing date.
5. Counsel for the Appellant shall advise the Tribunal within five (5) days of reaching any settlement agreement and confirm that only the first day scheduled for the hearing is required for a settlement hearing, or if a settlement is reached at an earlier time, may request a settlement hearing in writing. It is important to communicate the existence of any settlement agreement to the Tribunal on a timely basis to allow it to reschedule any unrequired hearing time for other cases. This can only occur with at least 65 days advance notice.  
("Tribunal Instructions")

## **HEARING DATES**

[14] The Tribunal set hearing dates for this matter on March 15, 2022 and March 16, 2022 commencing at 10 a.m. by video hearing ("VH").

## **DECISION**

[15] The Region is granted party status.

[16] The following individuals are granted Participant status:

1. Mr. Prabir Dutta

2. Xiaoend Qin
3. Catherine O'Connor
4. Murug Vai
5. Michael Matheson

provided that they comply with the conditions set out above.

[17] Counsel for the Appellant shall with the consent of the parties submit the draft Procedural Order to the Tribunal for review by **Friday, September 10, 2021 at 4:30 p.m.** at the latest. It shall comply with the Tribunal's Instructions previously described in this decision.

[18] The Tribunal orders that the hearing of this matter will be held on **Tuesday, March 15, 2022 and Wednesday, March 16, 2022 commencing at 10 a.m. by VH.**

[19] 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/398992661>

**Access code: 398 992 661**

[20] 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](#) or a web application is available:

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

[21] 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: (Toll Free): [1 888 455 1389](tel:18884551389) or [+1 \(647\) 497-9391](tel:+16474979391).  
The access code is **398 992 661**.

[22] 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.

[23] There will be no further notice.

[24] We are not seized.

[25] Scheduling permitting, the Members may be available for case management purposes.

[26] This is the Order of the Tribunal.

*"A Cornacchia"*

A. CORNACCHIA  
MEMBER

*"Blair S. Taylor"*

BLAIR S. TAYLOR  
MEMBER

### **Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.