

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 22, 2021

CASE NO(S):

PL210125

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

Applicant and Appellant: Hanlon Glen Homes Inc.
Subject: Application to amend Zoning By-law No. 0225-2007 - Neglect of City of Mississauga to make a decision

Existing Zoning: D-8 (Development – Exception) and G1-7 (Greenlands - exception)

Proposed Zoning: R2-Exception (Detached Dwellings-Typical Lots), R11-Exception (Detached Dwellings-Garage Control Lots - Exception), RM2-Exception (Semi-Detached), OS1 (Open Space-Community Park) and OS1-Exception (Open Space - Community Park-Exception)

Purpose: To permit 260 detached and 62 semi-detached dwellings, a public park, a stormwater management pond and to retain the existing heritage house.

Property Address/Description: 1200 Old Derry Road
Municipality: City of Mississauga
Municipality File No.: OZ 19/020
OLT Case No.: PL210125
OLT File No.: PL210125
OLT Case Name: Hanlon Glen Homes Inc. V. Mississauga (City)

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

Applicant and Appellant: Hanlon Glen Homes Inc.
Subject: Proposed Plan of Subdivision - Failure of City of Mississauga to make a decision

Purpose: To permit the creation of lots and blocks for the dwellings, public roads, and the stormwater pond

Property Address/Description: 1200 Old Derry Road
Municipality: City of Mississauga

Municipality File No.: TM-19/007
 OLT Case No.: PL210125
 OLT File No.: PL210126

Heard: November 8, 2021 by telephone conference call

APPEARANCES:

Parties

Counsel

Hanlon Glen Homes Inc.

John Alati

City of Mississauga

Lia Magi

**MEMORANDUM OF ORAL DECISION DELIVERED BY A. CORNACCHIA ON
 NOVEMBER 8, 2021 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] A first Case Management Conference (“CMC”) was held on November 8, 2021 regarding the Appellant’s appeal under s. 34(11) and 51(34) of the *Planning Act* (“Act”) relating to the failure of the City of Mississauga (“City”) to make a decision regarding a Zoning By-law Amendment (“ZBA”) and a draft Plan of Subdivision (“Draft Plan”) relating to the property located 1200 Old Derry Road, City of Mississauga. (“Subject Property”).

[2] The Appellant proposes a development of 260 detached and 62 semi-detached dwellings, a public park, a stormwater management pond and to retain the existing heritage house (“Proposed Development”) for the Subject Property. It filed two applications with the City to facilitate the Proposed Development:

- a) An application for a ZBA changing the existing zoning from D-8 (Development – Exception) and G1-7 (Greenlands - Exception) to R2-Exception (Detached Dwellings-Typical Lots), R11-Exception (Detached

Dwellings-Garage Control Lots - Exception), RM2-Exception (Semi-Detached), OS1 (Open Space-Community Park) and OS1-Exception (Open Space-Community Park-Exception), and

b) an application for a Draft Plan Approval.

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

[4] The CMC dealt with the following matters:

a) Notice;

b) Requests for Status; and

c) A case update; and

d) Scheduling a further CMC.

NOTICE

[5] The Tribunal reviewed the Notice for the CMC and the Affidavit of Service (Exhibit 1 and 2) with Counsel and the attendees at the CMC. Submissions were sought from Counsel and the attendees generally regarding concerns with the adequacy of notice and none were expressed.

[6] 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 the Participant Requests and the Party Requests identified in Exhibit 3 (Attachment 1) and 4. Neither the Appellant nor the City

had any objections to the Participant or Party Status Requests. Mr. Jim Holmes, Chair of the Meadowvale Village Community Association confirmed that the association was incorporated in 1977, plans to engage counsel and will notify the Tribunal and the parties once counsel has been retained.

[8] The Tribunal ruled that Participant Status is granted to all the persons identified in Exhibit 3 (Attachment 1) and Party Status is granted to the following persons or entities, who are represented by the identified individuals:

<u>Party</u>	<u>Counsel/Representative*</u>
The Regional Municipality of Peel	Rachel Godley
Mr. Frank Baldesarra	Peter Van Loan
Meadowvale Village Community Association	Jim Holmes*
Credit Valley Conservation (CVC)	Lisa Hosale*

CASE UPDATE AND PROCEDURAL ORDER AND ISSUES LIST

[9] 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. The City, CVC and the Appellant have had extensive discussions regarding the Proposed Development and how the concerns expressed at public meetings might be addressed;
2. The Appellant will submit a revised Proposed Development by early December 2021 for comment by the City and notify all parties and participants by email on a timely basis that it has been submitted;
3. The Revised Proposal will be posted for public commentary on the City website and Ms. Magi will notify all the parties and participants by email on a timely basis once it has been posted and provide the website address or weblink;

4. The parties expect to be able to resolve a draft procedural order including an issues list prior to the next CMC;
5. The parties requested a further CMC in the spring of 2022 which was granted by the Tribunal.

[10] Based on the submissions of counsel, the Tribunal directs that the parties prepare and agree upon a draft procedural order in compliance with the following directions and submit it to the Tribunal by the date identified in this decision:

[11] The draft issues list must identify the statutory provisions that the Tribunal is required to consider when reviewing the appeal. Specific issues should be identified below each of the statutory provisions clarifying the matters in dispute relating to that statutory provision. If the parties believe that there are no issues worthy of consideration by the Tribunal relating to a specific test, they should identify it.

[12] 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. (“Tribunal Instructions”)

DECISION

[13] The following individuals are granted party status:

1. The Regional Municipality of Peel;
2. Mr. Frank Baldesarra;
3. Meadowvale Village Community Association; and
4. Credit Valley Conservation (CVC).

[14] The individuals identified in Exhibit 3 (Attachment 1) are granted Participant status.

[15] With the consent of the parties, counsel for the Appellant shall submit a draft Procedural Order to the Tribunal by **Monday, April 11, 2022 at 4:30 p.m. at the latest**. It shall comply with the Tribunal's Instructions previously described in this decision.

[16] The Tribunal orders that a further Case Management Conference will be held on **Tuesday, April 19, 2022** commencing at **10 a.m.** by VH.

[17] Statutory parties and anyone seeking party or participant status 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/722863693>

Access code: 722-863-693

[18] 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>

[19] 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: [+1 \(647\) 497-9391](tel:+16474979391). The access code is **722-863-693**.

[20] 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 Case Management Conference 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.

[21] There will be no further notice.

[22] The Member is not seized.

[23] Scheduling permitting, the Member may be available for case management purposes.

[24] This is the Order of the Tribunal.

“A. Cornacchia”

A. CORNACCHIA
MEMBER

Ontario Land Tribunal

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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.

ATTACHMENT 1

Exhibit 3 - Participant List

1. **Leo Polazzi**
2. Zizek - participant
3. Matteo Galvan – participant
4. Nancy Hall
5. Gray David
6. Chance Chan
7. Keith Adamson
8. Young Lee
9. Carmello Pierro
10. Mike Picco
11. Kimberley Van Wart
12. Allan Ramsay
13. Carol Cocomello
14. Elizabeth Mowling - emowling@rogers.com
15. Justin Lam - justin.lam@rogers.com
16. Steve Runstedler – steve.runstedler@rogers.com
17. Farid and Yvette Kanji - fnykanji@gmail.com
18. Andy Leung – andyleung1140@gmail.com
19. Murray Gottschlich - murray@principal10.com
20. Nishant S - drnishantsangole@gmail.com
21. James P Gazzola - james.gazzola@gmail.com
22. Anne Onn - anneonn@hotmail.com
23. Margaret Young - margieyoung26@gmail.com
24. Meghan Kerrigan - kerriganmeghan@hotmail.com
25. Donnie Persad - donniepersad@gmail.com
26. Harvinder Soodan - harvinder22.soodan@gmail.com
27. Elizabeth Eves - eveseliz@gmail.com
28. Samantha Mead - smeadgalvan@gmail.com
29. Brad Li - xin.brad_li@hotmail.com
30. David Hutchings - 3cehutch@gmail.com
31. Helen Hwang-Hutchings - homes.buyerandseller@gmail.com

32. Myrtle Chin - myrtle.chin@rogers.com
33. Devraj Dhoot - devraj54@gmail.com
34. Brian Carmody - crmdyb@yahoo.ca
35. Harnoor Grewal - h_grewal09@hotmail.com
36. Sheri Thevarkunnel - s_thevarkunnel@hotmail.com
37. Chuck Lee - chuckrlee@rogers.com
38. Mital Patel - mitalmpatel75@gmail.com
39. Manmohan and Sabina Singh - manmohan.sabina@gmail.com

40. Sabina Singh - sabinamsingh@gmail.com
41. Neha Patel - nehamitalpatel@gmail.com
42. Mary Martino - ziggygal23@hotmail.com
43. Robert and Savi Somsky - robert1550@rogers.com
44. Carolyn Wolkowich - cwolkowich@gmail.com
45. Leandra D'Souza - leandradsouza1999@gmail.com
46. Jane Ho - janejyh@gmail.com
47. Carrol D'Souza - carrol_dsouza@yahoo.com
48. Jennifer Serson - bandjerson@icloud.com
49. Anna Lee - yunjoo79@hotmail.com
50. John Bayliss - john.e.bayliss@gmail.com
51. David Moir - davidsmoir@gmail.com
52. Roberto Di Marco - dimarco1@rogers.com
53. Desiree Gomes - desiree.gomes@gmail.com
54. Tony DiFiore - tony.difiore@gmail.com
55. Vince Pugliese - vince21@bell.net
56. Judy Mossip - judymossip@gmail.co
57. Janice Gillespie - janicegillespie@rogers.com
58. Lawrence D'Souza - dsouza2107@yahoo.com
59. Steve Wolkowich - srwolkowich@gmail.com
60. Linda Simopoulos - Linda@maddangroup.com
61. Martin Boeykens - martinboeykens@hotmail.com
62. Brian Camody - crmdyb@yahoo.ca
63. E and K Maksimovich - emaks1@gmail.com
64. Peter Lashley - aubinlashley@gmail.com
65. Srikanth Balasubramanian - srikanthbala@yahoo.com
66. John and Lori Bruner - loribruner@gmail.com
67. Vince and Sandra Tripani - trapani0069@rogers.com
68. Srikanth Balasubramanian - srikanthbala@yahoo.com
69. Scott Norwood - s.norwood@rogers.com
70. Sue Miller - sue.miller0005@gmail.com
71. Harry Pannu - harrypannu2@gmail.com
72. Niraj Keswani - nikeswani@gmail.com
73. Maricar & Barry Takemura - Barry.Takemura@RichardsonWealth.com
74. – Jorge Flores - Flores.Jorge@hotmail.com
75. Peter Bartos – pbartos8@gmail.com