

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 7, 2014

CASE NO(S): PL140225
PL140282

PROCEEDING COMMENCED UNDER subsection 17(24) of the Planning Act,
R.S.O. 1990, c. P.13, as amended

Appellant: Dr. Geoff Edwards
Subject: Proposed Official Plan Amendment No.
OPA 1
Municipality: City of Mississauga
OMB Case No.: PL140225
OMB File No.: PL140225

PROCEEDING COMMENCED UNDER subsection 34(19) of the Planning Act,
R.S.O. 1990, c. P.13, as amended

Appellant: Dr. Geoff Edwards
Subject: By-law No. 0030-2014
Municipality: City of Mississauga
OMB Case No.: PL140225
OMB File No.: PL140226

PROCEEDING COMMENCED UNDER subsection 17(24) of the Planning Act, R.S.O. 1990,
c. P.13, as amended

Appellant: 2375675 Ontario Inc. Et All
Appellant: Dr. Geoff Edwards
Subject: Proposed Official Plan Amendment No. OPA 19
Municipality: City of Mississauga
OMB Case No.: PL140282
OMB File No.: PL140282

Heard: October 28, 2014 in Mississauga, Ontario
November 6, 2014 by telephone conference
call

APPEARANCES:**Parties****Counsel**

Dr. Geoff Edwards

R. Cheeseman

High Benson Holdings Inc.

G. Swinkin (October 28 - R. Freeman)

Centre City Capital Ltd.

B. Engell

City of Mississauga

R. Kehar

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON
OCTOBER 28, 2014 AND NOVEMBER 6, 2014 AND ORDER OF THE BOARD****INTRODUCTION**

[1] Under Ontario Municipal Board ("Board") file PL140225, Dr. Geoff Edwards has appealed proposed Official Plan Amendment No. OPA 1 and Zoning By-law No. 0030-2014 of the City of Mississauga ("City"), two instruments intended to facilitate development of the Centre City Capital Ltd. lands, which are adjacent to Dr. Edwards' property. Under the Board's file PL140282, Dr. Edwards and High Benson Holdings Inc. have appealed the City's proposed Official Plan Amendment No. OPA 19, an update to the Port Credit Local Area Plan.

[2] The Board granted participant status to the volunteer residents' group known as Town of Port Credit Association (TOPCA), a frequent participant in Board hearings.

[3] The Board has placed a copy of OPA 19 on its files (Exhibit 1). On consent, the Board has consolidated these two files for administrative purposes only. A future 2015 hearing on the OPA 1 matter will proceed separately from any future hearing into the OPA 19 appeals with separate decisions issued for each. On consent, the Board takes note of the parties' desire to have the same Board Member hear these matters.

[4] High Benson Holdings Inc. has already scoped its appeal in respect of OPA 19; Dr. Geoff Edwards has followed suit and a short teleconference call was held subsequent to this hearing on Thursday, November 6, 2014 so that the Board could hear a motion (on consent of the parties) as well as receive and consider planning evidence supporting the declaration that, save for the outstanding appeals, OPA 19 can be partially approved and be brought into force and effect for the balance of the lands affected by this instrument. The City's motion record is Exhibit 2 for these proceedings.

[5] The motion record includes the affidavit of the City's Community Planner, Paul Stewart, whose Acknowledgement of Expert's Duty is also part of the record as is a history of the appeals and relevant planning instruments for the subject area. This evidence was unchallenged and supports the Board's partial approval of OPA 19 with exception to the whole plan appeal to be maintained on an area-specific basis by Dr. Edwards (with respect to lands south of Lakeshore Road, east of Stavebank Road, west of St. Lawrence Drive and north of Lake Ontario) and by High Benson Holdings Inc. (with respect to lands on the east side of Benson Avenue between High Street West and Lakeshore Road West). For information purposes, Mr. Swinkin noted his client's recent acquisition of the lands known as 7 Benson Avenue, which will form part of his client's affected lands.

[6] The Board was also asked for its decision on Dr. Edwards' appeal of OPA 1 and Zoning By-law No. 0030-2014 (Board File PL140225) before a hearing on the merits on his appeal of OPA 19.

[7] The Board reviewed the grounds for the motion and finds merit in proceeding as the parties have proposed. The Board is satisfied that Dr. Edwards has scoped his appeal in a manner that does not prejudice him from the future adjudication of his issues with OPA 19. These parties agree that Dr. Edwards' OPA 19 appeal shall not proceed until the Board hears first his appeals of OPA 1 and Zoning By-law No. 0030-2014.

[8] On consent, the Board has set an eight-day hearing for the OPA 1 and Zoning By-law No. 0030-2014 matters, which will take place commencing on: **Monday, March 30, 2015 and concluding on or before Friday, April 14, 2015. Note that the Board will not sit on Friday, April 3rd and Monday, April 6th as these are statutory holidays: The hearing will commence at 10 a.m. at:**

**City of Mississauga
300 City Centre Drive
Mississauga, ON**

[9] The parties will file a Procedural Order for this hearing with the Board at a future date.

ORDER

[10] The motion is granted. The Board hereby declares OPA 19 to be in force and effect for the balance of the lands not subject to the aforementioned appeals. The Board will attempt to ensure that the same Member hears the OPA 1 and Zoning appeals as the subsequent OPA 19 appeals.

"R. Rossi"

**R. ROSSI
MEMBER**