

**Environment and Land Tribunals
Ontario**

Local Planning Appeal Tribunal

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
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**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

**Tribunal d'appel de l'aménagement
local**

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

Applicant and Appellant:	4005 Hickory Drive Limited
Subject:	Application to amend Zoning By-law No. 0225-2007 - Neglect of the City of Mississauga to make a decision
Existing Zoning:	O Zone (Office)
Proposed Zoning:	RM9-XX with site specific exemptions
Purpose:	To permit 102 horizontal multiple dwelling development
Property Address/Description:	4005 Hickory Drive
Municipality:	City of Mississauga
Municipality File No.:	OZ 17/006
OMB Case No.:	PL171205
OMB File No.:	PL171205
OMB Case Name:	4005 Hickory Drive Limited v. Mississauga (City)

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

Applicant and Appellant:	4005 Hickory Drive Limited
Subject:	Request to amend the Official Plan - Failure of the City of Mississauga to adopt the requested amendment
Existing Designation:	Office and accessory uses
Proposed Designated:	Residential Medium Density
Purpose:	To permit 102 horizontal multiple dwelling development
Property Address/Description:	4005 Hickory Drive
Municipality:	City of Mississauga
Approval Authority File No.:	OPA 17/006
OMB Case No.:	PL171205
OMB File No.:	PL171300

NOTICE OF PREHEARING CONFERENCE

The Local Planning Appeal Tribunal will conduct a prehearing conference respecting this matter.

TIME AND PLACE OF PREHEARING CONFERENCE

A prehearing conference will be held

at: 10:00 AM
on: Wednesday November 28, 2018
at: City Hall
Municipal Hearing Room
300 City Centre Drive
Mississauga, ON L5B 3C1

The Tribunal has set aside **1 day** for this conference.

If you do not attend the prehearing conference, the Local Planning Appeal Tribunal may proceed in your absence and you will not be entitled to any further notice of these proceedings. The Tribunal may finalize the list of appellants, parties and/or participants at this prehearing conference, and may order that no additional appellants, parties and/or participants be added or included in this proceeding, without leave of the Tribunal.

PURPOSE OF PREHEARING CONFERENCE

The conference will deal with preliminary and procedural matters, including the following:

- **Identification of parties** - these persons have the right to participate throughout by presenting evidence, questioning witnesses, and making final arguments. In order for the Tribunal to determine your status for the hearing, you or your representative should attend the prehearing conference and ask to be added as a party. Groups, whether incorporated or not, who wish to become parties should name a representative. Parties do not need to be represented by lawyers or agents.
- **Identification of participants** - persons who do not wish to participate throughout the hearing may attend the hearing and make a statement to the Tribunal. Such persons should also attend the prehearing conference.
- **Identification of issues.**
- **Possibility of settlement of any or all of the issues** – the panel will explore with the parties whether the case before the Tribunal and the issues in dispute are matters that may benefit from the assistance of a mediation meeting conducted by a Member of the Tribunal. Mediation is a voluntary process of negotiation that encourages all sides in a dispute to get a better understanding of each other's positions and fully explore and consider options for a mutually acceptable settlement of all or some of the issues in dispute. The panel may direct, upon consent of the parties, that some or all of the issues in dispute proceed to mediation. Where mediation is directed, a different Member of the Tribunal would conduct the mediation.
- **Start date of the hearing.**
- **Duration of the hearing.**

- **Directions for prefilings of witness lists, expert witness statements and written evidence.**
- **The hearing of motions.**
- **Such further matters as the Tribunal considers appropriate.**

Everyone present should come prepared to consider specific dates for proceedings in this matter.

EVIDENCE

Evidence or formal statements may also be heard at the prehearing conference in an attempt to settle the matters in dispute. Note that even if no settlement is reached the Tribunal may make a final decision on the evidence it received.

All parties or their representatives should attend the prehearing conference.

Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au (416) 212-6349, au moins 20 jours civils avant la date fixée pour l'audience.

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible by emailing ELTO@ontario.ca. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance. Please also identify any assistance you may require in the event of an emergency evacuation.

DATED at Toronto, this 17th day of August, 2018.

Mary Ann Hunwicks
Registrar

LOCAL PLANNING APPEAL TRIBUNAL RULES ON ADJOURNMENTS

17.01 Hearing Dates Fixed Hearing events will take place on the date set unless the Tribunal agrees to an adjournment. Adjournments will not be allowed that may prevent the Tribunal from completing and disposing of its proceedings within any applicable prescribed time period.

17.02 Requests for Adjournment if All Parties Consent If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the written consents of all parties. However, the Tribunal may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent. The consenting parties are expected to present submissions to the Tribunal on the application of any prescribed time period to dispose of the proceeding.

17.03 Requests for Adjournment without Consent If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 15 days before the date set for the hearing event. If the reason for an adjournment arises less than 15 days before the date set for the hearing event, the party must give notice of the request to the Tribunal and to the other parties and serve their motion materials as soon as possible. If the Tribunal refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.

17.04 Emergencies Only The Tribunal will grant last minute adjournments only for unavoidable emergencies, such as illnesses so close to the hearing date that another representative or witness cannot be obtained. The Tribunal must be informed of these emergencies as soon as possible.

17.05 Powers of the Tribunal upon Adjournment Request The Tribunal may,

- (a) grant the request;
- (b) grant the request and fix a new date or, where appropriate, the Tribunal will schedule a prehearing or case management conference on the status of the matter;
- (c) grant a shorter adjournment than requested;
- (d) deny the request, even if all parties have consented;
- (e) direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
- (f) grant an indefinite adjournment, if the request is made by a party and is accepted by the Tribunal as reasonable and the Tribunal finds no substantial prejudice to the other parties or to the Tribunal's schedule. In this case a party must make a request, or the Tribunal on its own initiative may direct, that the hearing be rescheduled or resumed as the case may be;
- (g) convert the scheduled date to a mediation or prehearing or case management conference;
- (h) issue a Notice of Postponement or a Notice of Resumption; or
- (i) make any other appropriate order.

April 3, 2018

EXPLANATORY NOTE

Proposed Amendments to the City of Mississauga Official Plan and City of Mississauga Zoning By-law 0225-2007

4005 Hickory Drive

Applicant: 4005 Hickory Drive Ltd.

**City File No. OZ 17/006 W3
LPAT Case No. 171205
LPAT File Nos. 171205 and 171300**

4005 Hickory Drive Ltd. (the “**Applicant**”) has applied to amend the City of Mississauga’s Official Plan (the “**Official Plan**”) and Zoning By-law 0225-2007 (the “**By-law**”) with respect to the lands known municipally as 4005 Hickory Drive (the “**Site**”). The Site is shown on a key map below.

The Council of the City of Mississauga did not make a decision with respect to the applications within the time frames prescribed in the *Planning Act*. In order to facilitate a final decision, the Applicant has appealed the applications to the Ontario Municipal Board (now the Local Planning Appeal Tribunal (the “**Tribunal**”)) under subsection 22(7) and 34(11) of the *Planning Act*. A prehearing conference with respect to the appeal is scheduled to be heard by the Tribunal on Wednesday November 28, 2018, as indicated in the enclosed Notice.

Description of the Site

The Site is located just west of Dixie Road and Burnhamthorpe Road East, at the northeast corner of Burnhamthorpe Road East and Hickory Drive. With an area of approximately 7,937 square metres, the Site has approximately 72 metres of frontage on Burnhamthorpe Road East and 92 metres of frontage on Hickory Drive. The Site is currently occupied by a one-storey office building and surface parking.

Purpose and Effect of the Official Plan and Zoning By-law Amendments

The Site is located within the Rathwood-Applewood Community Node in the Official Plan, a designated intensification area containing a mix of land use designations that provide for a diverse housing stock. The Site is designated *Office*, which permits a range of professional, business or public administration uses.

Under the By-law, the Site is zoned Office (O). This zoning category permits a range of office-type uses including medical office, commercial schools and financial institutions.

The Applicant's proposed amendments to the Official Plan and the By-law are required to facilitate the redevelopment of the Site with 102 horizontal multiple dwelling units, contained within five townhouse blocks that are three and a half storeys in height. The development would include a total 833 square metres of outdoor amenity space. Vehicular access would be provided through a private road off of Hickory Drive. A total of 154 parking spaces would be provided, along with a total of 78 bicycle parking spaces.

KEY MAP SHOWING THE SITE



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