



MISSISSAUGA

## **FOR IMMEDIATE ATTENTION AND ACTION**

**TO:** Ed Sajecki, Commissioner of Planning & Building

**FROM:** Sacha Smith, Office of the City Clerk

**DATE:** November 23, 2017

**RE:** Appeal Pursuant to Sections 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13,  
Application to Amend Zoning By-law 0225-2007  
4005 Hickory Dr.  
File: OPA 17/006 - Ward 3

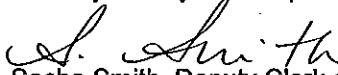
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Attached please find copy of a letter of appeal dated November 23, 2017 (received November 23, 2017) from Goodmans LLP, solicitors for 4005 Hickory Drive Ltd. Property located at 4005 Hickory Dr. in the City of Mississauga.

In accordance with Planning Act requirements, the City is required to submit the Notice of Appeal, Municipal Submission Form (including prescribed records) and appeal fee to the Ontario Municipal Board within 15 days after the Notice of Appeal is received. In order to meet this deadline, we request that you provide our office with the following information outlined on the attached Municipal Submission Form (R1) **no later than December 4, 2017**

- Part 4: Related Matters
- Part 5: Official Plan Information
- Part 6: Scheduling Information (including the estimated number of days for the hearing)
- Part 7: Municipal Representative Information (Legal or Planning)
- Part 8: Required Documentation (include the applicable documents and information indicated by a tick

Thank you for your co-operation

  
Sacha Smith, Deputy Clerk and  
Manager Legislative Services  
Corporate Services Department  
905-615-3200 ext. 4516

:mj

Att.

cc: Michael Hynes, Planning and Building (via email)  
Mary E. Bench, City Solicitor (via email)  
Councillor, Ward 3 (via email)  
Planning Notification List (via email)

November 23, 2017

Our File No.: 172996

**Via Courier**

City of Mississauga  
Office of the City Clerk  
300 City Centre Drive, 2<sup>nd</sup> Floor  
Mississauga, Ontario  
L5B 3C1

**Attention: Diana Rusnov, City Clerk**

Dear Ms. Rusnov:

**Re: Notice of Appeal Pursuant to Section 22(7) of the *Planning Act*  
4005 Hickory Drive, City of Mississauga  
City File No. OZ 17.006 W3**

We are solicitors for 4005 Hickory Drive Ltd. in respect of the property known municipally in the City of Mississauga (the "City") as 4005 Hickory Drive (the "Site"). We write on behalf of our client to appeal its official plan amendment application in respect of the Site (the "OPA Application") to the Ontario Municipal Board (the "Board"), pursuant to section 22(7) of the *Planning Act*, for the failure of the City to make a decision on the application.

On November 10, 2017, we filed an appeal of our client's zoning by-law amendment application (the "ZBA Application", together with the OPA Application, the "Applications") with the Board. The background to the Applications is set out in detail in our appeal letter in respect of the ZBA Application (the "ZBA Appeal Letter"), a copy of which is attached as Schedule A.

As explained in the ZBA Appeal Letter, our client believes the Applications are consistent with the Provincial Policy Statement, conform to the Growth Plan, appropriately implement the Regional and City Official Plans, represent good planning and are in the public interest. Further, since the filing of the Applications, our client has undertaken extensive consultation with City staff, the local Councillor and local residents, through multiple open houses and public meetings. These discussions have been productive and our client believes that continued consultation could lead to broad stakeholder support for the proposal.

Despite this momentum, in light of the current uncertainty regarding proposed amendments to the *Planning Act*, we have advised our client that it would be prudent to appeal the Applications

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to preserve its right to a hearing before the Board. Accordingly, on behalf of our client, we hereby appeal the OPA Application to the Board pursuant to section 22(7) of the *Planning Act*.

As noted, an appeal of the ZBA Application has already been filed. To facilitate an efficient hearing process, we kindly request that the appeal of the OPA Application be consolidated with the appeal of the ZBA Application.

As explained in the ZBA Appeal Letter, despite the appeals of the Applications, our client looks forward to continuing to work with City staff, the local Councillor and local residents on the Applications, as we anticipate that many issues can be resolved through continued meaningful dialogue.

The Appellant Form is enclosed, along with a cheque in the amount of \$300.00, as well as a cheque in the amount of \$150.00 for the municipality's administration fee. If any additional information is required, please contact the undersigned.

Yours truly,

**Goodmans LLP**

*Per: Mark [Signature]*

David Bronskill  
DJB/MXL

cc. Client

6755967.1

**SCHEDULE A**

**COPY OF ZBA APPEAL LETTER**

*[See next page]*

November 10, 2017

Our File No.: 000011

**Via Courier**

City of Mississauga  
Office of the City Clerk  
300 City Centre Drive, 2<sup>nd</sup> Floor  
Mississauga, Ontario  
L5B 3C1

**Attention: Diana Rusnov, City Clerk**

Dear Ms. Rusnov:

**Re: Notice of Appeal Pursuant to Section 34(11) of the *Planning Act*  
4005 Hickory Drive, City of Mississauga  
City File No. OZ 16.006 W3**

We are solicitors for 4005 Hickory Drive Ltd. in respect of the property known municipally in the City of Mississauga (the "City") as 4005 Hickory Drive (the "Site"). We write on behalf of our client to appeal its zoning by-law amendment application in respect of the Site (the "ZBA Application") to the Ontario Municipal Board (the "Board"), pursuant to section 34(11) of the *Planning Act*, for the failure of the City to make a decision on the Application.

### **Background**

The Site is located just east of the major intersection 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 located within the Rathwood-Applewood Community Node in the City's Official Plan. As a designated intensification area, the Rathwood-Applewood Community Node contains a mix of land use designations including *Residential Medium Density* and *Residential High Density*. The Site itself is designated *Office*, and is currently occupied by a one-storey office building and surface parking. Under City of Mississauga Zoning By-law 0225-2007, the Site is zoned Office (O).

On May 26, 2017, our client filed the ZBA Application as well as an Official Plan amendment application (the "OPA Application", together with the ZBA Application, the "Applications").

The Applications, which the City deemed complete, are required to permit the redevelopment of the Site with 102 horizontal multiple dwelling units, contained within five townhouse blocks. These blocks would be oriented around a central outdoor amenity space and would each be three and a half storeys in height. Vehicular access to the development would be accessed 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.

## Reasons for the Appeal

Our client believes the Applications are consistent with the Provincial Policy Statement, conform to the Growth Plan, appropriately implement the Regional and City Official Plans, represent good planning and are in the public interest. Further, since the filing of the Applications, our client has undertaken extensive consultation with City staff, the local Councillor and local residents, through multiple open houses and public meetings. These discussions have been productive and our client believes that continued consultation could lead to broad stakeholder support for the proposal.

Despite this momentum, in light of the current uncertainty regarding proposed amendments to the *Planning Act*, we have advised our client that it would be prudent to appeal the Applications to preserve its right to a hearing before the Board. Accordingly, on behalf of our client, we hereby appeal the ZBA Application to the Board pursuant to section 34(11) of the *Planning Act*.

Despite this appeal, our client looks forward to continuing to work with City staff, the local Councillor and local residents on the Applications, as we anticipate that many issues can be resolved through continued meaningful dialogue.

Please note that we expect to file a similar appeal of the OPA Application in due course. In doing so, we may seek to consolidate the appeals to facilitate an efficient Board process.

The Appellant Form is enclosed, along with a cheque in the amount of \$300.00. If any additional information is required, please contact the undersigned.

Yours truly,

Goodmans LLP



David Bronskill  
DJB/MXL

cc. Client



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
 655 Bay Street, Suite 1500  
 Toronto ON M5G 1E5  
 Telephone: 416-212-6349  
 Toll Free: 1-866-448-2248  
 Fax: 416-326-5370  
 Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

# Appellant Form (A1)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

**1. Appeal Type (Please check all applicable boxes) \***

Subject of Appeal	Type of Appeal	Act Reference (Section)
<i>Planning Act Matters</i>		
<b>Official Plan or Official Plan Amendment</b>	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input checked="" type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	
<b>Zoning By-law or Zoning By-law Amendment</b>	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
<b>Interim Control Zoning By-law</b>	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
<b>Minor Variance</b>	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
<b>Consent/Severance</b>	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
<b>Plan of Subdivision</b>	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	51(43)
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	
	<input type="checkbox"/> Appeal changed conditions	51(48)

Subject of Appeal	Type of Appeal	Act Reference (Section)
<b>Development Charges Act Matters</b>		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
<b>Education Act Matters</b>		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
<b>Aggregate Resources Act Matters</b>		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
<input type="checkbox"/> Revocation of licence	20(4)	
<b>Municipal Act Matters</b>		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
<b>Ontario Heritage Act Matters</b>		
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)



**Other Matters**

Subject of Appeal	Act/Legislation Name	Section Number
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**2. Location Information**

Address and/or Legal Description of property subject to the appeal \*  
4005 Hickory Drive

Municipality \*  
City of Mississauga

Upper Tier (Example: county, district, region)  
Region of Peel

**3. Appellant/Objector Information**

**Note:** You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name	First Name
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Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) \*  
4005 Hickory Drive Ltd.

Professional Title

Email Address  
rob@sierra.ca

Daytime Telephone Number * 416-642-0032	ext. 224	Alternate Telephone Number	Fax Number
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**Mailing Address**

Unit Number 23A	Street Number * 156	Street Name * Duncan Mill Road	PO Box
City/Town * Toronto	Province * Ontario	Country * Canada	Postal Code * M3B3N2

**4. Representative Information**

I hereby authorize the named company and/or individual(s) to represent me

Last Name Bronskill	First Name David
------------------------	---------------------

Company Name  
Goodmans LLP

Professional Title  
Partner

Email Address  
dbronskill@goodmans.ca

Daytime Telephone Number 416-597-4299	ext.	Alternate Telephone Number	Fax Number
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**Mailing Address**

Unit Number	Street Number 333	Street Name Bay Street	PO Box
City/Town Toronto	Province Ontario	Country Canada	Postal Code M5H2S7

**Note:** If you are representing the appellant and are not a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

## 5. Appeal Specific Information

Municipal Reference Number(s)  
OZ 17.006 W3

Outline the nature of your appeal and the reasons for your appeal \*

Please see attached letter.

### Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting  Written submissions to council

### Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes  No

## 6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes  No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes  No

## 7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

1 day  2 days  3 days  4 days  1 week

More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
Three

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)  
Land use planning, transportation and servicing.

Do you believe this matter would benefit from mediation?

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes  No


### 8. Required Fee

Total Fee Submitted \* \$ 300

Payment Method \*  Certified cheque  Money Order  Solicitor's general or trust account cheque

### 9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
David Bronskill	Per: 	2017/11/23

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.