

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: May 28, 2019

CASE NO(S): PL180140

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	2438284 Ontario Inc.
Subject:	Application to amend Zoning By-law No. 270-2004 – Neglect of the City of Brampton to make a decision
Existing Zoning:	Residential Estate Two – TE2
Proposed Zoning:	Office Commercial – AAA (OC-AAA)
Purpose:	To permit 2 commercial retail buildings with retail and office spaces
Property Address/Description:	Ward 6 Part Of Lot 15, Concession 4
Municipality:	City of Brampton
Municipal File No.:	C04W15.028
OMB Case No.:	PL180140
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OMB Case Name:	2438248 Ontario Inc. v. Brampton (City)

Heard: May 22, 2019 in Brampton, Ontario

APPEARANCES:

Parties

2438284 Ontario Inc.

City of Brampton

The Regional Municipality of Peel

Unipetro Investments Inc.

Counsel

Harinder Gahir

Matthew Rea

Rocco Scocco

Hannah Bahmanpour

**MEMORANDUM OF ORAL DECISION DELIVERED BY JUSTIN DUNCAN ON
MAY 22, 2019 AND ORDER OF THE TRIBUNAL**

[1] This was a Pre-hearing Conference (“PHC”) on an appeal filed by 2438284 Ontario Inc. (“Appellant”) from the lack of a decision by the City of Brampton on an application for a Zoning By-law Amendment to permit the development of two commercial buildings at a property fronting on Steeles Avenue West, east of Mississauga Road and known municipally as Ward 6 Part of Lot 15, Concession 4 (“Subject Property”).

[2] During the PHC, the Tribunal added the Regional Municipality of Peel (“Region”) and Unipetro Investments Inc. (“Unipetro”) as parties to the appeal. The Region explained that Steeles Avenue is managed by the Region and that its sole issue with the proposal currently relates to access. Unipetro explained that it owns the lands abutting the Subject Property on both the east and west and that coordination of development and particularly access are of interest.

[3] Collectively, the parties were confident that they would be able to settle some if not all of their issues. However, counsel for the City explained that he would not be able to obtain instructions from Council for several months and proposed a further PHC to take place after the summer. Counsel for the Appellant requested that the Tribunal require the parties to settle the terms of a draft Procedural Order and Issues List during the PHC and schedule hearing dates.

[4] After hearing from the parties, the Tribunal determined that the parties were not in a position to finalize a Procedural Order and Issues List and, consistent with the Tribunal’s recent practice, determined that without such documents, it was not prepared to schedule hearing dates. The Tribunal scheduled a second PHC to take place on **Monday, October 21, 2019 at 10 a.m.** in:

**WT-2C & WT-2D Boardrooms, 2nd Floor
West Tower
41 George Street South
Brampton, ON L6Y 2E1**

[5] The purpose of the PHC will be for the parties to present a settlement to the Tribunal.

[6] In the event that the parties have not reached a settlement, the next PHC will take place by telephone conference call for the purpose of finalizing a Procedural Order and Issues List and scheduling hearing dates. In this eventuality, the parties were directed to file a draft Procedural Order and Issues List approximately one week in advance of the second PHC for the Tribunal's consideration during the PHC.

[7] There will be no further notice and I am not seized.

[8] This is the order of the Tribunal.

“Justin Duncan”

JUSTIN DUNCAN
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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