AIRD & BERLIS LLP

Barristers and Solicitors

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RECEIVED
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CLERK'S DEPARTMENT

July 11, 2007

BY COURIER

Our File No.: 95620

Ms. Crystal Greer
City Clerk
City of Mississauga
300 City Centre Drive
Mississauga, Ontario L5B 3C1

Dear Ms. Greer:

Re: Site Specific Appeal of Zoning By-law 0225-2007
Appeal in respect of 1109 Larkin Court, City of Mississauga

Aird & Berlis LLP has been retained Helder and Zelia Barcelos, the registered owners of the residential property municipally known as 1109 Larkin Court.

On November 16, 2006, our client sought minor variances from Zoning By-law 5500, the predecessor to Zoning By-law 0225-2007. On December 14, 2006, the Committee of Adjustment of the City of Mississauga denied our clients' application for minor variances, which decision was subsequently appealed to the Ontario Municipal Board on behalf of our clients, by their land use planner, Mr. Franco Romano.

The Board hearing is scheduled for July 26, 2007 at which time our clients will be seeking to vary the rear-yard setback. We are advised by Mr. Romano that Zoning By-law 0225-2007 relaxes this by-law standard and requires a setback of only 15.0 m whereas the predecessor by-law required a setback of 15.08 m. It is Mr. Romano's professional opinion that the reduced setback being sought by our clients constitutes good planning and results in an appropriate development of the site. It is our intention, therefore, to proceed with the application for minor variance and, should the variance be approved by the Board, to request that the City of Mississauga implement the site specific change to recognize the Board's ruling in this matter.

In order to ensure that By-law 0225-2007 can be amended, on a site specific basis, to permit a reduction in the rear yard setback, we are formally appealing By-law 0225-2007 solely as it relates to our clients' property. We enclose, pursuant to the Board's

requirements, a copy of Appellant Form (A1) and a filing fee of $125.00 made out to the Minister of Finance.

Should you require any additional information, please do not hesitate to contact the undersigned.

Yours very truly,

AIRD & BERLIS LLP

Eileen P. Costello

EPC/len

Encls.

cc. Helder and Zelia Barcelos
Franco Romano

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Ontario Municipal Board
Commission des affaires municipales de l'Ontario
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 326-6800 or Toll Free: 1-866-887-8820
FAX: (416) 326-5370
www.omb.gov.on.ca

Ontario

APPELLANT FORM (A1)

PLANNING ACT

(SUBMIT TO MUNICIPALITY/APPROVAL AUTHORITY)

Receipt Number (OMB Office Use Only):

Date Stamp - Appeal Received by Municipality

Instructions:

- **Complete one form for each type of appeal you are filing.**
- **A filing fee of $125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.**
- **The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.**
- **Do not send cash.**
- **Submit your completed appeal form(s) and filing fee(s) to either the Approval Authority or Municipality, as applicable, by the required filing deadline. The Approval Authority/Municipality will forward your appeal(s) and fee(s) to the Ontario Municipal Board.**
- **Please print clearly throughout the appeal form.**
- **The *Planning Act* and the *Ontario Municipal Board Act* are available at www.omb.gov.on.ca.**

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	*PLANNING ACT* REFERENCE (SECTION)
Minor Variance	☐ Appeal a decision	*45(12)*
Consent	☐ Appeal a decision	*53(19)*
	☐ Appeal changed conditions	*53(27)*
	☐ Failed to make a decision on the application within 90 days	*53(14)*
Zoning By-law	☒ Appeal the passing of a Zoning By-law	*34(19)*
Interim Control By-law	☐ Appeal the passing of an Interim Control By-law	*38(4)*
Official Plan or Official Plan Amendment	☐ Appeal a decision	*17(24) or 17(36)*
	☐ Failed to make a decision on the application within 180 days	*17(40)*
	☐ Application for an amendment to the Official Plan – refused by the municipality	*22(7)*
	☐ Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	*22(7)*
Subdivision	☐ Appeal a decision	*51(39)*
	☐ Appeal conditions imposed	*51(43) or 51(48)*
	☐ Failed to make a decision on the application within 180 days	*51(34)*

Part 2: Location Information

1109 Larkin Court, City of Mississauga
Address and/or Legal Description of property subject to the appeal:

Municipality: City of Mississauga, Region of Peel

Part 3: Appellant Information

First Name: Helder and Zelia Last Name: Barcelos

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable):

E-mail Address:
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: Alternate Telephone #:

Fax #:

Mailing Address: 1109 Larkin Court (Street Address) Apt/Suite/Unit# Mississauga (City/Town)

Ontario (Province) Country (if not Canada) L5V 1B8 (Postal Code)

Signature of Appellant: Date:

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

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.

Part 4: Representative Information (if applicable)

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

First Name: Eileen Last Name: Costello

Company Name: Aird & Berlis LLP

Professional Title: Lawyer

E-mail Address:
ecostello@airdberlis.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416.865.4740 Alternate Telephone #:

Fax #: 416.863.1515

Mailing Address: 181 Bay Street (Street Address) Suite 1800 (Apt/Suite/Unit#) Toronto (City/Town)

Ontario (Province) Country (if not Canada) M5J 2T9 (Postal Code)

Signature of Appellant: Date:
(see over)

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board'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.

Part 5: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please Print)

City of Mississauga Zoning By-law 0225-2007; City File No. BL.09-COM

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required please continue in Part 8 or attach a separate page.

(Please Print)

Please see attached letter.

Part 6: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES ☐ NO ☐

Are there other planning matters related to this appeal? YES ☐ NO ☐

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please Print)

Ontario Municipal Board File No. V070035, Case No. PL070074

Part 7: Scheduling Information

How many days do you estimate are needed for hearing this appeal? ☐ half day ☐ 1 day ☐ 2 days ☐ 3 days ☐ 4 days ☐ 1 week ☐ More than 1 week – please specify number of days: _____

How many witnesses do you expect to have at the hearing? 1

Describe witness(es)' area of expertise: Planner

Do you believe this matter would benefit from mediation? YES ☐ NO ☒

Do you believe this matter would benefit from a Prehearing Conference? YES ☒ NO ☐

If yes, why? The matter would only proceed to a hearing if the City chose not to implement the Board's ruling on the minor variance.

Part 8: Other Applicable Information **Attach a separate page if more space is required.

Part 9: Required Fee

Total Fee Submitted: $ 125.00

Payment Method: ☒ Certified cheque * ☐ Money Order

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**

*Or Solicitor's general or trust account cheque.

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