



Novæ Res Urbis

GREATER TORONTO AREA EDITION

WEDNESDAY, DECEMBER 20, 2006 • VOL 9 • No 50

GTТА INCHES FORWARD

Municipalities slow to appoint reps

By Anne Marie Aikins

After the recent municipal election finished, the province sent congratulatory letters to the newly elected regional governments in the GTA and the cities of **Hamilton** and **Toronto** adding a gentle push to councils to forward their nominees for the **Greater Toronto Transportation Authority**. Transportation minister **Donna Cansfield** is eager for the new GTТА to have its first long-awaited board meeting—preferably earlier rather than later in the new year. Apparently, she wants the nine nominees needed to fill the board of 11 by the end of the year.

NRU has learned, however, that some municipal leaders are not quite so eager to get with the program, and as a result, it is very unlikely the board will be ready to meet as quickly as hoped.

Although the province has reserved only one seat for **Peel Region** on the newly formed GTТА, regional council has put forward the names of both **Brampton** mayor **Susan Fennell** and **Mississauga** mayor **Hazel McCallion** for consideration. And the City of Toronto, which got four seats under the legislation, will not be sending its picks until after council meets in early February.

Sources have told NRU that Peel chair **Emil Kolb** has had trouble choosing between two strong mayors. Feeling caught in the middle, he favoured the approach of letting the province decide. Apparently, however, Cansfield will not play along—she has let Kolb know in no uncertain terms that he must choose.

continued page 6

TOP TEN PLANNING AND DEVELOPMENT LAW FIRMS IN THE GTA (2005 – 2006)

Eighth annual ranking of the region's most prolific performers

As part of our annual end of year ritual and a tribute to all those lawyers who have worked hard in the planning and development field, particularly in front of the Ontario Municipal Board, we have compiled our eighth annual ranking of the most prolific of these law firms in the Greater Toronto Area. The review comprises planning and development legal activities in the GTA from **August 2005 to July 2006**, as reported by *Novæ Res Urbis - GTA Edition*. Most were board decisions with some court appeals rounding out the analysis. For those tracking City of Toronto activity, be sure to see a copy of this Friday's edition of *Novæ Res Urbis - Toronto Edition*.

continued page 7

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For information about how our legal team can help you, please contact us at (416) 869-5500.

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COMING UP

WEDNESDAY DECEMBER 20

Durham Region Council, 10:00 a.m.

Halton Region Council, 9:30 a.m.

MONDAY JANUARY 8

Vaughan Council, 1:00 p.m.

WEDNESDAY JANUARY 10

Hamilton Council, 7:00 p.m.

MONDAY JANUARY 15

Oakville Council, 7:30 p.m.

WEDNESDAY JANUARY 17

Mississauga Council, 9:00 a.m.

MONDAY JANUARY 22

Ajax Council, 7:00 p.m.

Vaughan Council, 1:00 p.m.

WEDNESDAY JANUARY 24

Hamilton Council, 7:00 p.m.

Durham Region Council, 10:00 a.m.

Halton Region Council, 9:30 a.m.

THURSDAY JANUARY 26

Peel Region Council, 9:30 a.m.

York Region Council, 9:30 a.m.

FEBRUARY 5 - FEBRUARY 7

International Conference on Waste Management, Air and Waste Management Association, Hilton Toronto Airport, Mississauga, 1-412-232-3444, ext. 3120.

MONDAY FEBRUARY 12

Oak Ridges Moraine Symposium, Radisson Hotel, Markham, 905-685-1211.

WEDNESDAY FEBRUARY 21

Oakville Economic Development Alliance Annual Meeting, Oakville Banquet and Convention Centre, 2515 Wycroft Road, 7:00 p.m., 905-338-4187.

MARCH 7 - MARCH 8

5th Annual GTA Transportation Summit, Strategy Institute, Old Mill Inn, Toronto, 1-866-298-9343.

NO EAS FOR MINING PROJECTS

Coalition files complaint under EBR

A coalition of environmental groups filed a complaint under Ontario's *Environmental Bill of Rights* this week, calling for reforms to provincial laws that allow mining proposals to be approved without the benefit of a provincial environmental assessment potentially leading to the destruction of pristine wilderness areas and causing serious air and water pollution problems. For the past 25 years, the mining industry has been enjoying an "extended holiday from comprehensive environmental assessments in Ontario," said **Sierra Legal** lawyer **Justin Duncan**, if a "substantially equivalent" process is underway in another jurisdiction. Federal EAs, however, assess only the "physical works" and related infrastructure on mine sites leaving the ecological footprint unexamined, which environmentalists say may result in vast ecological harm.

Basically since the '80s, the province has been without a thorough review process for mining proposals, Duncan told *NRU*. After the Liberals won in 2003, however, they promised to develop a new process. The **Ministry of the Environment** gave the **Ministry of Northern Development and Mines** one year to come up with a plan, he said. The year passed without a plan so the environment ministry gave it two more years. That extension, however, proved futile as well so back in June, the environment ministry gave them additional time—this time for three years.

A spokesperson for the Ministry of Northern Development and Mines, however, claims the coalition of groups

has confused the processes. Director of mineral development and lands branch **Cindy Blancher-Smith** told *NRU* that the ministry is not developing an environmental assessment process for mines—that task remains with the environment ministry. Northern development and mines is developing a class EA for the disposition of crown lands and projects to rehabilitate mine sites.

"This is a very complex process," she said. "We are first developing the terms of reference and then must go to public consultation on the terms of reference, which are not finalized. The class EA should be finished within the next three years."

If the coalition groups want an EA process for mines, however, the groups need to petition the Ministry of the Environment, Blancher-Smith said.

Sierra Legal filed the formal EBR request for review on behalf of **MiningWatch Canada** and **CPAWS - Wildlands League**. The groups are calling on the province to review the need for regulatory and policy reform related to the assessment of the environmental impacts of mining projects under the provincial *Mining Act* and *Environmental Assessment Act*.

"The environmental assessment system for mine proposals in Ontario is like buying a used car based solely on a few kicks at the tires and a quick peak under the hood," said **Anna Baggio**, CPAWS director of conservation land use planning. "What is needed is a full examination of the cumulative impact these massive projects will have on the air, the water, the land—the entire ecosystem." •

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NOVÆ RES URBIS
GREATER TORONTO AREA

Archives finds new home at York University

The **Ontario Realty Corporation** has selected a consortium of architecture, development and construction professionals, brought together by **York University Development Corporation**, to build the new **Archives of Ontario** building at York's Keele Campus. The mixed-use "green" facility on the Harry W. Arthurs Common will also house a research facility, and is the awaited home of any future York-Spadina subway station—if and when federal funding ever comes through.

The new modern facility for the province's \$400-million archives will replace the aging building on Grenville Street. Due to the state of disrepair, the province has had to move a lot of the archival material to a secondary storage facility in the meantime until the new \$100-million building is completed in the spring of 2009.

"Partnering with an educational institution of international renown such as **York University** to build a new archival facility is an innovative and cost-effective way of protecting our province's information legacy," said government services minister **Gerry Phillips**. "Our government recognizes the importance of protecting Ontario's documentary heritage and the need to provide easier access to the province's largest information asset."

The development team includes the **Plenary Group** with **Deutsche Bank** as development lead, **PCL**, **Bregman + Hamann Architects**, **Halsall Associates**, **Smith and Anderson Consulting Engineering**, **R.V. Anderson Associates**, **Aercoustics Engineering** and **Morguard**.

The building will meet the Leadership in Energy and Environment Design silver certification, a nationally accepted benchmark for the design, construction and operation of high-performance green buildings. York University will hold title to the property and building, which will be leased to the province for approximately \$5 million per year, along with another \$800 million per year for improvements over a minimum five year period.

The new building, about 98,000 square feet, will more than double the size of the current public reference area. The new, self-contained facility will meet international archival standards and make it easier to



Archives of Ontario computer rendering

Source: York University

showcase some of the archives' most valuable collections by serving a broader clientele, including school groups and delegations.

"We are very excited to be able to work with the Ontario government to create a custom-designed building that will protect important public assets and have opportunities for collaboration on educational, research and related activities," said York University president and vice-chancellor **Lorna Marsden**. •

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REGION HONOURS BEST IN COMMUNITY DESIGN

Awards highlight smarter growth in Niagara

Niagara Region and the Niagara Economic Development Corporation presented the winners of the second annual community design awards last week at the Action Niagara smart conference in Niagara Falls. The awards honoured projects and people that have demonstrated excellence in community design in Niagara, focusing on those that enhance the built environment, make more efficient use of land and demonstrate creativity and vision.

Five winners and two honourable mentions were

selected by the awards committee. Niagara-on-the-Lake's Stratus Vineyards took the prize for overall excellence, for its LEED certified design. The city of Niagara Falls was also recognized in the policy and plan category for its brownfield community improvement plan.

The nine-member awards review committee included representatives from the Niagara Society of Architects, Brock University and regional and local area planners. •

2006 WINNERS AND HONOURABLE MENTION

SMALL-SCALE PROJECT WINNER—
Victoria Meadows Townhomes, 175
Queen Street, Niagara-on-the-Lake



Owner Deborah McMahon redeveloped a historic site in downtown Niagara-on-the-Lake creating two single-detached homes and five townhouses, while restoring a former hospital and nurses residence. The winning design by Wayne Murray (Chapman Murray Associates Architects), was recognized for historic context and buildings, attention to detail, provision of housing choice and compact built form.

LARGE-SCALE PROJECT WINNER—
Cobblestone Gates, St. Catharines

This project, designed by Joseph Colonna (Joseph Colonna Architect Inc.) for the Premium Building Group, transformed an infill lot into 24 townhouses within an existing community. The project provides positive neighbourhood elements such as dynamic

front entrances, recessed garages, landscaping, and pedestrian lighting.

ADAPTIVE RE-USE HONOURABLE MENTION—
Carnegie Lofts, Grimsby



This project by Phelps Homes Ltd. received honourable mention for reintegrating an abandoned manufacturing building back into the fabric of Grimsby's downtown. The project redeveloped the building with 13 two-storey residential units and three-commercial units. The project provides compact development that offers housing choice, and the ability to work and live in the same building.

ADAPTIVE RE-USE HONOURABLE MENTION—
James Street Lofts, St. Catharines



The second honourable mention in the category was presented to Peter Taras (Exothermal Industries Inc.) for the development of a former warehouse and distribution centre into 19-apartment units of varying sizes and six storefronts in St. Catharines. The project, designed by Dave Pounder (J. David Pounder Ltd.), provides affordable housing options and commercial storefronts suited to smaller retailers and groups that encourage a vibrant downtown core.

POLICY AND PLAN WINNER—City of
Niagara Falls Brownfield Community
Improvement Plan

Mayor Ted Salci, council and staff from the City of Niagara Falls were recognized for the city's leading-edge community improvement plan that provides a citywide strategy to encourage the redevelopment of brownfield sites through the use of incentives and other tools. The consulting team comprised Luc Piccioni (RCI Consulting), Glenn Scheels (GSP Group); and Bruce Bennett (Acres International).

LEADERSHIP WINNER—John Hawley



Heritage Village

John Hawley, developer of projects such as

CONTINUED PAGE 6

LETTER TO THE EDITOR

NORTH LESLIE DECISION IN EYES OF THE BEHOLDER

Congratulations vs. disappointment

RE. NOVAE RES URBIS GTA EDITION DECEMBER 6 LETTER TO THE EDITOR

Lawyer Michael Melling's (Davies Howe) letter to *NRU* suggests Save the Rouge and Environmental Defence called unhelpful evidence at the North Leslie hearing and wrongly claim credit for protecting the ultra-sensitive and provincially significant Rouge River Headwaters Wetland Complex. This system is now protected in the greenbelt and represents 425 acres of the 1,500-acre development area.

Consider that not long ago, Save the Rouge routinely fought to create stream buffers of 30 metres along the Rouge River and its tributaries. The Ontario Municipal Board consistently sided with developers and the Toronto and Region Conservation Authority, finding that ten metre buffers were sufficient. In North Leslie, buffers range from 100 to 300 metres.

If North Leslie is the new normal in watershed management planning, we admit defeat and I am retiring!

Protection of North Leslie was the result of two extraordinary factors:

1. The Ontario Greenbelt Alliance campaign to have North Leslie included in the greenbelt (it was omitted in the original draft); and,
2. The recusal motion brought by Melling's client accusing OMB member Bruce Krushelnicki of bias was denied by the board and resulted in the resignation of the OMB panel en masse thereby allowing the special North Leslie greenbelt designation (O/Reg. 61.05) to proceed.

Can SRVS really claim victory if our expert witnesses, including those from the ministries of natural resources and the environment, were "just not helpful?" Consider the following statements in the board's decision—

"The board acknowledges the role the SRVS had in identifying this colony [of Great Blue Herons, protected by a new policy]"; and "The board finds that Mr. Hunter's [SRVS' hydrogeologist] recommendation that these schedules be eventually tied to the land in final MESP by showing elevation as helpful."

Finally, Melling is critical of me and/or the *NRU* reporter for conducting only a "casual" reading of the board's decision by pointing out the board saw North Leslie as a "spectacular yet sensitive vision." Yet the board opines, as reported in *NRU*, in the very next



Rouge River

Source: www.toronto.ca

sentence it was "disappointed in the planning form of development" on the majority of the North Leslie lands. It concludes, "These lands are intended to be developed with more dwellings of low or medium density, similar to 1990's style subdivisions. In 2006, the board would normally require a more enlightened vision."

The only planning expert critical of North Leslie's low-density, car-oriented sprawling development pattern was called by Save the Rouge.

David Donnelly (Gilbert's LLP)

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Best in community design continued from page 4

the Heritage Village in Vineland and the village in Niagara-on-the-Lake, was recognized as a pioneer in the Niagara community, promoting good community design and smart growth principles. He was recognized for his dedication to making communities in Niagara and elsewhere more liveable and determination to create alternative development standards while involving the public and other disciplines in the change process.

AWARD OF DISTINCTION WINNER— Stratus Vineyards, Niagara-on-the-Lake

The committee recognized **Steven Cohen** (Stratus Vineyards) for helping to bring sustainable design to a new level. This is the first winery in the world to earn the LEED silver standing and the first building in Canada to achieve LEED certification



from the **Canada Green Building Council**. Some of the features of the project include gravity flow wine production, energy savings from the use of a ground water heat pump for climate

control, recycling of building materials, and use of solar lighting. **Les Andrew (Andrew Incorporated Architect)** was the architect for the project. •

All images provided by Niagara Region

GTTA inches forward continued from page 1

The minister was also hoping that Toronto mayor **David Miller** would use his new powers under the *City of Toronto Act* and make the pick rather than waiting for council. That is not going to happen, spokesperson **Stuart Green** told *NRU*.

Halton Region and **York Region** are being more co-operative—the names of their respective chairperson, **Gary Carr** and **Bill Fisch**, will be forwarded. As for the nominee from **Durham Region**—council has it on its agenda for today's meeting, but is being coy about who its pick will be.

Former **Burlington** mayor **Rob MacIsaac**, the newly-appointed GTTA chair, and vice chair **Peter Smith**, who is also **GO Transit** chair, have been busy for the past three weeks looking for a CEO. MacIsaac told *NRU* that they should be ready to make that announcement in the new year.

Although MacIsaac has hired his former Burlington executive assistant, **Fran Agnew**, to be his EA at the GTTA, other staff such as planners and communications people will have to wait until the CEO is in place, MacIsaac said. The GTTA has been given a \$10-million start-up budget, which includes a \$250-per day stipend for Smith and an annual salary of approximately \$200,000 for MacIsaac. GTTA administrative offices are currently co-locating with **GO**

Transit at its Bay Street location.

“Part of my job over the next year will be to get out there to talk about the changes that need to take place,” MacIsaac said. “We need to focus on public transit rather than encouraging auto-dependency and we need to look at this as a region rather than a 416 and 905 divide.”

“Our biggest task during this first year will be to develop a master transportation plan for the GTA as well as a rolling capital plan,” he said. •

APPOINTMENT NOTICE

STIKEMAN ELLIOTT

Stikeman Elliott LLP is pleased to announce that Calvin W. Lantz has joined the firm as a partner in our Municipal Group in Toronto.

Mr. Lantz, whose practice focuses on municipal law and land development, was previously a partner with another major national law firm. Mr. Lantz has secured development approvals for a variety of major projects, including multi-unit residential building, subdivisions, commercial and industrial sites and hospitals. A graduate of the University of Alberta Faculty of Law, he is a member of the Ontario and Alberta bars.

The addition of Calvin to our team reflects our commitment to provide the best in legal services to Ontario's municipalities as they grow to meet the needs of the future.

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Top Ten Planning Law Firms in the GTA continued from page 1

1. Aird & Berlis

[RANK LAST YEAR: 2]

Eileen Costello, Robert Doumani, Patricia Foran, Tom Halinski, Patrick Harrington, Kim Kovar, Leo Longo, John Mascarin, Josephine Matera, Jane Pepino, Christopher Williams, Steve Zakem

Reasons for Ranking: Congratulations Aird & Berlis for regaining the title of the most prolific municipal law firm in the GTA after last year's second place finish. This is the eighth year in a row that the firm has made it into the top ten. Volume of cases, along with the firm's involvement in most of the high profile hearings of the year—North Leslie, Big Bay Point in Innisfil, Palm Place and North Oakville—pushed Aird & Berlis back into the number one spot this year.

OMB and Court Matters or Hearings: representing E. Manson Investments Limited regarding ongoing appeals for the expansion of Richmond Hill's urban boundary in North Leslie to permit residential development (Foran, Zakem); representing the Town of Oakville regarding ongoing appeals by Palm Place Developments Inc. to build high-rise condominiums on the former Shell House property in Oakville (Pepino, Harrington); representing Bradford West Gwillimbury regarding appeals by landowners against the town's decision to approve an 800-home draft plan of subdivision proposed by Brookfield Homes Limited (Longo); representing Loblaw Properties Limited regarding appeals for OPA and zoning by-law amendments to permit a commercial/retail development in Markham (Zakem) (✓); representing Nextnine Ltd., 2025890 Ontario Inc., and Innisfil District Association Inc. regarding ongoing appeals by Kimvar Enterprises Inc. for OPA to permit the Big Bay Point resort in Innisfil (Pepino); representing Fernbrook Homes Limited regarding appeals by Clearbrook Developments Limited against the redesignation of the Fernbrook land by the Town of Caledon to permit a residential development (Pepino); representing the Township of Oro-Medonte regarding appeals against a proposed subdivision in Simcoe County (Halinski); representing Loblaw Properties regarding appeals against an OPA restricting GFA in the business corridor in Markham (Zakem); representing Loblaw Properties regarding ongoing appeals by Harmony Shopping Centres Limited (First Professional Shopping Centres) to expand a shopping centre in Oshawa (Halinski, Zakem); representing Township of Oro-Medonte regarding appeals by 091402

Ontario Limited (Orsi) to permit a rural estate subdivision (Williams) (✓); representing Loblaw Properties regarding ongoing appeals by landowners to permit commercial plaza developments in Bowmanville (Foran); representing the Town of Oakville regarding the settlement of site plan details resulting from appeals allowed by the board earlier last year by Daniels Oakville Corporation to build a residential high-rise tower on the former site of Sharkey's bar in Oakville (Doumani); representing Halton Region and the Town of Milton regarding appeals against amendments to the *Halton Region Official Plan* (Doumani, Matera); representing the Oshawa Hospital Foundation regarding appeals against an Oshawa interim control by-law that froze development pending completion of a heritage study (Longo) (✓); representing Loblaw Properties regarding ongoing appeals by developers for commercial designations to permit a big box retail development in Burlington (Costello, Zakem); representing the Town of Milton regarding appeals by Mississauga against a Halton Region OPA for land along the Halton boundary between Mississauga and Milton (Matera).

2. Davis & Company

[RANK LAST YEAR: 4]

Christopher Barnett, Laura Bissett, Tudor Carsten, David Crocker, Lana Finney, Liliane Gingras, Tom Lederer, Karen O'Neill (now at Miller Thompson)

Reasons for ranking: Davis & Company continues to rise, moving up two places from last year in a tight race for the top spot. The firm's large volume of cases representing clients from across the GTA and its involvement in numerous high profile hearings has helped to continue the firm's rise in the standings.

continued page 8

EXECUTIVE ASSISTANT/SENIOR CLERK REQUIRED

Municipal Lawyer in Vaughan requires an Executive Assistant with a minimum of 3 to 5 years experience in the area of land development and land use approvals.

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Knowledge of the various processes involving the Planning Act would be an asset.

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Top Ten Planning Law Firms in the GTA continued from page 7

OMB and Court Matters or Hearings: representing Berrywoods Farms Inc. in divisional court and OMB appeals by the developers to permit 381 homes in the Pickering hamlet of Greenwood, a divisional court decision ruled that the OMB had no jurisdiction to hear the appeals by Berrywoods (Barnett, Lederer and Bissett) (✗); representing Green Ginger Developments regarding ongoing appeals by developers to approve their development plan for *North Oakville East Secondary Plan* (Lederer, Bissett); representing Green Ginger Developments regarding ongoing appeals against amendments to the *Halton Region Official Plan* (Lederer); representing the South Georgetown Landowners' Group regarding ongoing appeals against Halton ROPA (Barnett); representing Watersand Development Inc., Sandy Cove Home Owners' Association, and the Residents of Innisfil Association regarding ongoing appeals by Kimvar Enterprises Inc. for an OPA to permit the Big Bay Point resort in Innisfil (Lederer); representing Jane Ruth Developments Inc. in appeals for zoning and site plan applications to permit 967-residential units in towers in Vaughan (✓)(O'Neill, Lederer); representing Town of Caledon regarding appeals by Clearbrook Developments Limited to redesignate land to permit residential development in Caledon (Lederer, Carsten); representing Sedgewick Property Inc., Dickson 48 Property Inc., Long Body Homes Inc. and 1419079 Ontario Limited regarding appeals by developers for an OPA to implement the *West Gormley Secondary Plan* in Richmond Hill (Barnett, Bissett); representing Northview Downs Developments Ltd. regarding appeals for a retail-commercial development in Brampton (Barnett); representing Lonsmount Construction Limited regarding ongoing appeals against development charges in Markham (Lederer).

3. Kagan, Shastri

[RANK LAST YEAR: 1]

Paul DeMelo, Ira Kagan

Reasons for ranking: Despite a lower volume of cases this year, Kagan, Shastri still remains within reaching distance of the top spot due to its involvement in many of the major ongoing hearings of the year such as those in North Leslie, North Oakville and Burlington.

OMB and Court Matters or Hearings: representing Brookfield Homes Limited regarding appeals by landowners against the town's decision to approve an

800-home draft plan of subdivision proposed by Brookfield (Kagan); representing C.R.A.F.T. Development Corp. regarding appeals by 1314112 Ontario Limited against a zoning by-law amendment granted to C.R.A.F.T. to permit a shopping centre in the Town of Georgina (Kagan, DeMelo) (✓); representing Osmington Inc. and Danigire Holdings Incorporated regarding ongoing appeals by developers to approve the *North Oakville East Secondary Plan* (Kagan); representing AYT Corporation regarding appeals against a decision by the Municipality of Clarington to amend the commercial policies of the official plan to implement the *Bowmanville West Main Central Area Secondary Plan* (Kagan); representing 1629397 Ontario Inc. regarding appeals against development charges imposed by the Town of Markham (Kagan) (✗); representing Osmington Inc. and Danigire Holdings regarding ongoing appeals against amendments to the *Halton Region Official Plan*

continued page 9



The City Above Toronto

LOCATED IN THE GREATER TORONTO AREA, THE MUNICIPALITY OF VAUGHAN IS ONE OF CANADA'S FASTEST GROWING URBAN COMMUNITIES, WITH A POPULATION OF 235,000.

MANAGER OF DEVELOPMENT SERVICES/SECRETARY-TREASURER TO THE COMMITTEE OF ADJUSTMENT FILE #06-129

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Email: resume@vaughan.ca
In person to 70 Tigi Court

Top Ten Planning Law Firms in the GTA continued from page 8

(Kagan); representing D. Bawden and M. Wood, S. & Z. Mizrahi Investments Limited, Mahtaf Investment Limited and Richmond Greenhouses regarding ongoing appeals for the expansion of Richmond Hill's urban boundary in North Leslie to permit residential development (Kagan); representing the City of Burlington regarding ongoing appeals by First Pro Shopping Centre against an interim control by-law for land around GO Transit stations in Burlington (DeMelo); representing the City of Mississauga regarding appeals by David and Sharon Cairns for consent to sever a property and build two single-detached dwellings on a site in Mississauga's Lorne Park Estates (DeMelo).

4. Thomson, Rogers

[RANK LAST YEAR: 17]

Roger Beaman, Al Burton, Kenneth Hare (now with the Ministry of Municipal Affairs and Housing), **David Germain, Jeffery Wilker**

Reasons for ranking: Up 13 spots from last year the folks at Thomson, Rogers had their work cut out for them representing municipalities such as Brampton, Richmond Hill, Markham and Halton Region. Thomson, Rogers has cracked the top five due to its increased volume and the nature of the cases with which it has been involved.

OMB and Court Matters or Hearings: representing the Town of Markham regarding appeals by Loblaw Properties Limited to permit a commercial, retail and service development in Markham's Cathedraltown community (Beaman); representing the Town of Markham regarding appeals by Loblaw Properties Limited against an OPA restricting GFA in the business corridor in Markham (Beaman); representing the City of Brampton regarding ongoing appeals against amendments to the *Halton Region Official Plan* (Hare); representing Bressa Developments Inc., Mattamy Development Corporation, Eno Investments Limited, and Oakville 23-2 Inc. regarding ongoing appeals against amendments to the *Halton Region Official Plan* (Beaman); representing Mattamy Development Corporation, Eno Development Limited, Oakville 23-3 Inc., and Bressa Developments Inc. regarding ongoing appeals by developers to approve the *North Oakville East Secondary Plan* (Beaman); representing the Trafalgar Golf and Country Club regarding appeals for temporary use rezoning to permit conversion of an existing barn to a

study centre (Burton); representing the Town of Richmond Hill regarding appeals by developers for OPAs to implement the *West Gormley Secondary Plan* to permit med- and low-density residential development within the urban settlement area of the Oak Ridges Moraine (Beaman, Burton); representing the Region of Halton regarding appeals by Paletta International Corporation to permit a rural estate plan of subdivision in Burlington (Walker); representing Julia Shypka regarding appeals by Mississauga against a Halton Region OPA that affects land on the Halton boundary between Mississauga and Milton (Burton); representing the City of Brampton regarding consolidated appeals by Partacc Developments Inc. and Urban & Country Developments Limited for rezoning and draft plan of subdivision to permit a 650-unit residential development in Brampton (Hare); representing the City of Brampton regarding appeals by Clearbrook Developments Limited against the redesignation of land owned by Fernbrook Homes Limited by the Town of Caledon (Hare); representing the Town of Richmond Hill regarding ongoing appeals for the expansion of Richmond Hill's urban boundary in North Leslie to permit residential development (Beaman, Burton); representing Halton Region regarding appeals by developers for commercial designations to permit a big box retail development in Burlington (Hare).

5. Davies Howe Partners

[RANK LAST YEAR: 3]

John Alati, Kim Beckman, Jeff Davies, Mark Flowers, Michael Melling, Matthew Rea, Susan Rosenthal

Reasons for ranking: Involved in many of the most notable OMB cases this year Davies, Howe Partners continues to be one of the top performing firms in the GTA. Volume and the nature of the cases keep Davies Howe in the top five for 2005-2006.

OMB and Court Matters or Hearings: representing Lionheart Enterprises and the Bayview East Landowners regarding ongoing appeals by Richmond Hill landowners and developers to expand the town's urban boundary and implement the *North Leslie Secondary Plan* permitting residential development (Davies, Rosenthal, Melling); representing Belmont Properties Inc., regarding ongoing appeals by developers to approve the developer-initiated *North*

continued page 10

Top Ten Planning Law Firms in the GTA continued from page 9

Oakville East Secondary Plan (Flowers, Davies); representing Redthorn Co. regarding ongoing appeals by developers to approve the *North Oakville East Secondary Plan* (Melling); representing Stanley and Eileen Vos regarding appeals for a rezoning to relocate an existing agricultural equipment business to the rural property in King Township (Melling) (✓); representing Moonpoint Corporation regarding ongoing appeals against a proposed subdivision in Simcoe County (Melling); representing Belmont Properties Inc. regarding ongoing appeals against amendments to the *Halton Region Official Plan* (Alati, Rosenthal); representing the Main Street (Milton) Corporation regarding ongoing appeals against amendments to the *Halton Region Official Plan* (Flowers, Rosenthal); representing Kimvar Enterprises Inc. regarding ongoing appeals by Kimvar for an OPA to permit the Big Bay Point resort in Innisfil (Davies, Rea, Melling); representing Kennedy Hart Lake Land Development Group regarding appeals by Clearbrook Developments Limited against the redesignation of land owned by Fernbrook Homes Limited by the Town of Caledon (Beckman); representing Rinor Ltd., Charter Construction Ltd. and Tonot Ltd. regarding appeals by developers for draft plan of subdivision and rezoning to permit a residential development in Keswick (Melling).

6. Goodmans

[RANK LAST YEAR: 7]

Anne Benedetti, David Bronskill, Roslyn Houser, Robert Howe, Allan Leibel, Catherine Lyons, Mark Noskiewicz, Michael Stewart

Reasons for ranking: This year Goodmans has been busy representing a range of municipal and developer clients in major hearings across the GTA such as Big Bay Point, North Oakville and Flamborough. Volume, diversity and the nature of the cases have moved Goodmans within striking distance of the top five.

OMB and Court Matters or Hearings: representing the Town of Oakville regarding ongoing appeals against amendments to the *Halton Region Official Plan* (Howe); representing Simcoe County regarding ongoing appeals by Kimvar for an OPA to permit the Big Bay Point resort in Innisfil (Bronskill, Noskiewicz); representing the Town of Oakville regarding ongoing appeals by developers to approve the *North Oakville East Secondary Plan* (Lyons, Howe); representing G.M. Buzza, Chaparral Developments Limited regarding appeals by First Pro Shopping Centre against an interim control by-law for

land around GO Transit stations in Burlington (Houser) (✓); representing West Cathedral Management Inc. regarding appeals by Loblaw Properties Limited to permit a commercial, retail and service development in Markham's Cathedraltown community (Howe); representing Flamborough Chamber of Commerce and the Waterdown Business Improvement Association regarding appeals by developers and the BIA against OPA and rezoning granted to Flamborough Power Centre Inc. to permit a big box retail development in Flamborough (Bronskill); representing West Diamond Properties Inc. and Players Business Park Ltd. regarding appeals by developers to permit various commercial plaza developments in Bowmanville; representing Riocan Holdings Inc. regarding ongoing appeals by developers for commercial land use designation to permit a big box retail development on a site northeast of Dundas Street and Appleby Line in Burlington (Houser); representing Cathedral Community Landowners Group, Cathedral Town Ltd., 404 Developments Inc., 2014039 Ontario Limited, Barrowcrest Developments Inc., Monarch Construction Limited and Clemente and Francesco Tucciarone regarding appeals against development charges imposed by the Town of Markham (Howe); representing Prato Estates Inc., St. John's Road Development Corp., Preserve Homes Corp., Minto Communities Inc., Mattamy Limited, Claretree Developments 105 Inc., and Ballymore Development Corp. regarding an appeal against the 2004 development charges applied by the Town of Aurora (Howe).

7. Ritchie, Ketcheson, Hart & Biggart

[RANK LAST YEAR: 6]

Andrew Biggart, Angela Broccolini, John Hart, Bruce Ketcheson, John Ritchie

Reasons for ranking: After breaking into the top ten in 2003, the firm has maintained its position as one of the GTA's most prolific firms in 2006 by staying with major clients such as the Toronto and Region Conservation Authority and the City of Burlington.

OMB and Court Matters or Hearings: representing the Toronto and Region Conservation Authority regarding ongoing appeals by Richmond Hill landowners and developers to expand the town's urban boundary and implement the *North Leslie Secondary Plan* permitting residential development (Ketcheson, Broccolini);

continued page 11

Top Ten Planning Law Firms in the GTA continued from page 10

representing the Toronto and Region Conservation Authority regarding appeals by developers for OPAs to implement the *West Gormley Secondary Plan* to permit med- and low-density residential development within the urban settlement area of the Oak Ridges Moraine; representing the Town of Oakville regarding appeals by Coscorp Inc. for variances and consent to convey to permit two dwellings in Old Oakville (Biggart) (✓); representing the City of Burlington regarding ongoing appeals by Paletta International Corporation, Zellers Inc. and Embee Properties Limited to permit 30,000-sq.m. of retail and service commercial facilities in Burlington (Biggart); representing the Toronto and Region Conservation Authority regarding appeals by Hornung Investments Ltd. to permit 16 single-detached homes in Ajax (Ketcheson); representing the City of Burlington regarding an ongoing appeal by Paletta International to permit a rural estate plan of subdivision in Burlington (Hart); representing the Town of Oakville regarding appeals by Thornwood Development Group Inc. for variances and consent to convey part of lands east of Bronte Creek in Oakville (Ketcheson).

8. Loopstra Nixon

[RANK LAST YEAR: 14]

Quinto Annibale, Ricardo Bozzo, Brent Duguid, Charles Loopstra, Kevin Ryan

Reasons for ranking: Work on the Halton Region OP appeals and Big Bay Point, along with wins in residential cases in Uxbridge and Scugog have propelled Loopstra Nixon into this year's the top ten.

OMB and Court Matters or Hearings: representing the Ozner Corporation and Lormel Developments Ltd. regarding ongoing appeals against amendments to the *Halton Region Official Plan* (Annibale, Ryan); representing the Town of Innisfil regarding ongoing appeals by Kimvar for an OPA to permit the Big Bay Point resort in Innisfil (Annibale, Ryan); representing the Township of Scugog regarding appeals by Anton Volk against a Scugog zoning by-law approving a plan of subdivision for Donauschwaben Park Waldheim Inc. (Annibale) (✓); representing Load Lifter 1638467 Ontario Inc. and the Township of Uxbridge regarding appeals by residents against variances granted to a heavy equipment business to permit outside storage (Annibale); representing the Township of Uxbridge regarding appeals against rezoning granted to Lafarge Canada Inc.

to permit a gravel pit in Uxbridge (Annibale) (✓); representing Antorisa Investments Ltd. regarding appeals for rezoning to permit an auto-retail store in Vaughan (Annibale) (✓); representing the Township of Uxbridge regarding appeals by Terence Brandon and Beverly Noble for a variance to permit a second-storey balcony in Uxbridge (Ryan).

9. Townsend, Rogers

[RANK LAST YEAR: 8]

Lynda Townsend, Susan Rogers

Reasons for ranking: Although the firm has taken on a new name over the summer following the addition of former Ontario Municipal Board member Susan Rogers, the former L. Townsend Renaud Law Offices holds onto its top 10 spot by representing a range of developers in hearings across the GTA.

OMB and Court Matters or Hearings: representing Halloway Holdings Ltd. properties regarding ongoing appeals by landowners to permit commercial plaza developments in Bowmanville (Townsend); representing Mattamy Brownridge Limited regarding an appeal by Mattamy against a Milton zoning by-law regulating driveway widths (Townsend); representing Loblaw Properties and Co-Operators Development Corporation regarding appeals against development charges imposed by the Town of Markham (Townsend); representing RRL Burloak Inc. regarding an appeal by Rowhedge Construction Limited for settlement of site plan to permit an industrial development in Oakville (Townsend); representing Daniels Oakville Corporation regarding the settlement of site plan details resulting from appeals allowed by the board earlier last year by Daniels to build a residential high-rise tower on the former site of Sharkey's bar in Oakville (Townsend); representing Roseart Properties regarding appeals by developers and the BIA against OPA and rezoning granted to Flamborough Power Centre Inc. to permit a big box retail development in Flamborough (Townsend).

10. Davis, Webb, Schulze & Moon

[RANK LAST YEAR: 8]

Neil Davis, James Macdonald, Ellen Pefhany, Ron Sleightholm, Ronald Webb

Reasons for ranking: Davis, Webb, Schulze & Moon

continued page 12

Top Ten Planning Law Firms in the GTA continued from page 11

rounds out the top ten in this year's closely ranked field. Volume of cases, diversity of developer clients and the firm's involvement in such notable hearings as North Oakville has kept Davis Webb in the number 10 position.

OMB and Court Matters or Hearings: representing Clay Brick Association of Canada regarding ongoing appeals against amendments to the *Halton Region Official Plan* (Webb); representing 1623397 Ontario Corp. regarding an appeal by Kalsi Motors Wholesale Inc. against a variance granted to 1623397 Ontario Corp. to permit a commercial plaza in Brampton (Webb) (✓); representing Monterey Park Inc. regarding appeals by Monterey for rezoning and OPAs to permit a range of commercial uses at a site in Brampton (Webb); representing Clearbrook Developments Limited regarding appeals by Clearbrook against the redesignation of land owned by Fernbrook Homes Limited by the Town of Caledon (Webb); representing 808306 Ontario Limited, Grandee Holdings Limited and Diam Contractors Limited regarding ongoing appeals by developers to approve the developer-initiated *North Oakville East Secondary Plan* (Webb); representing MC2 Homes regarding appeals by MC2 Homes for rezoning and draft plan of subdivision for a residential development within OPA 28 lands in Flamborough

adjacent to Burlington's municipal border (Webb); representing Kaneff Properties Limited regarding appeals by Kaneff an OPA that established a new policy framework for agricultural and rural areas in Caledon (Webb).

THE NEXT TEN

Based on mentions in *Novae Res Urbis-GTA Edition*, the following comprise the next ten firms based on municipal activity: (11) **Borden Ladner Gervais**; (12) **Russell Cheeseman**; (13) **Cassels Brock**; (14) **O'Connor MacLeod Hanna**; (15) **Wood Bull**; (16) **Gilbert's LLP**; (17) **Goodman and Carr**; (18) **Turkstra Mazza Associates**; (19) **WeirFoulds**; (20) **Blake Cassels & Graydon**.

To ensure *Novae Res Urbis-GTA Edition* covers your interesting cases, be they board decisions, development applications or court decisions, drop us a line by email or fax. The count for the ninth annual ranking has already begun. •

To advertise in **NRU GTA Edition** or **NRU City of Toronto Edition** contact: info@nrupublishing.com or call: **416-260-1304**

How the information was collected

Using manual research, we tracked each of the law firms mentioned in *Novae Res Urbis-GTA Edition* (OMB News, predominately) over this one-year period. From there we determined the firms that were the most frequently mentioned and sorted through the projects and hearings with which they were involved. It became apparent that some firms (given their size) were involved in a variety of developments across the city, while others had particular associations to major clients. The original data was collected from OMB files plus our research for news stories.

Determining the top 10

The most difficult task was in balancing the number of clients, the range of projects, the difficulty of cases, as well as some unique features about the projects/cases. Remember, this list was based only on items covered in *Novae Res Urbis-GTA Edition* and does not account for the vast number of cases and firms involved with such matters as minor variance applications, assessment appeals or for those that participated as part of a development team without our knowledge. Hence, there is a certain degree of subjectivity in our ranking.

The listings

Each grouping in the list notes the firm and the lawyers that are part of the planning and development law team for each of the top ten ranked firms. Items grouped as OMB matter/court hearing are those involved with hearings, pre-hearings, and mediation sessions. In cases that involved a board decision and a clear winner/loser or settlement was determined, we note the appropriate symbol (✓) or (X) following the case description. If there was no clear win/lose or the matter involved a pre-hearing, or is still pending before the OMB, no symbol is applied. A brief reason is given at the beginning of each listed firm explaining why we ranked it as we did.

Not so fixed date for provincial election

NRU has learned that Ontario chief elections officer **John Hollins** has a difficult task—he must decide whether to change the “fixed” date of the next provincial election, scheduled for October 4, 2007, to October 11. He is set to make a decision early in the new year, a source says.

After the 2003 election, the Liberals amended Ontario’s *Election Act* to provide for fixed dates for provincial general elections. Apparently no one thought to look ahead on a calendar. October 4 is the beginning of Simchat Torah, a Jewish holiday. The legislation, however, gives Hollins the choice of moving the date to the following Thursday, the traditional day of the week for provincial elections, if the day falls on a cultural or religious day of significance.

That date—October 11—however, also happens to be a day of significance. It falls on Quds Day, a day Muslims show respect for the oppressed.

Elections Ontario staff has been busy polling groups to see which date is more acceptable and have delivered a report to Hollins.

PIR, Urban Strategies receive U.S. planning awards

The **American Planning Association** has selected the provincial growth plan for the Greater Golden Horseshoe as one of two recipients of its 2007 Daniel Burnham Award for a comprehensive plan. It is the first time a Canadian region has been selected for this prestigious award, named in honor of America’s most famous planner, **Daniel Burnham**, who developed the 1909 Burnham Plan for the **City of Chicago**.

“This plan is a landmark comprehensive plan that is both

visionary and pragmatic,” said **Carol Rhea**, chair of the awards committee.

This plan is a landmark comprehensive plan that is both visionary and pragmatic.”

- Carol Rhea

“It provides a strategic, innovative and co-ordinated approach to sustainable growth and development for 110 different municipalities,” she added. Rhea noted that the backbone of the plan is how it integrates land-use planning for the Greater Toronto Metropolitan Region with \$7.5 billion (U.S.) worth of new infrastructure investment.

Public infrastructure renewal minister **David Caplan** will accept the award at APA’s national planning conference during a luncheon ceremony that will take place April 17 in **Philadelphia**.

Other Canadian planners were also recognized by the APA with two awards. **Urban Strategies’** plan for the London Docklands Silvertown Quays project won the 2006 best conceptual project contributing to London’s future, presented by **London** mayor **Ken Livingstone**. The award recognizes achievement and rewards excellence in planning across London. This is the third major award for Silvertown Quays, which won prestigious awards from the U.S.-based **Waterfront Centre** and **Canadian Institute of Planners** in 2005. Urban Strategies developed a vision and master plan for the 60-acre former brownfield site.

Urban Strategies was also recognized for its work with the **City of Youngstown**, Ohio, and was honoured with the public outreach award for its Youngstown 2010 Master Planning initiative. Urban Strategies was retained by

Youngstown in 2002 to kick-start that initiative.

Affordable housing programs get 2 year extension

The **Federation of Canadian Municipalities** welcomed the federal government’s announcement of a two-year extension to the Supporting Communities Partnering Initiative—renamed Homelessness Partnership Strategy—as well as funding for rehabilitation and repair of affordable housing. No plans, however, were announced concerning the development of a national affordable housing strategy. The federal government will apparently continue to consult with stakeholders before one is released.

“We commend the government for retaining the community delivery model that made the Supporting Communities Partnership Initiative so effective,” said FCM president **Gloria Kovach**. “This model allowed communities to access funds themselves, so they could develop local responses to homelessness. The new initiative holds promise to improve on this model, with provisions to tie in the support of other provincial/territorial governments and federal agencies to increase the effectiveness of the program in bringing people out of homelessness.”

Toronto mayor **David Miller** also welcomed the announcement, but looks forward to long-term solutions to homelessness.

In a state of disrepair

Financing for municipal infrastructure projects, like roads, water lines, arenas and parks, is in a state of disrepair in cities and towns across Canada, according to a new study from the **C.D. Howe Institute**. The report, written by economist **Harry**

continued page 14

continued from page 13

Kitchen, examines the problems with current financing methods and recommends best practices and innovations that will help municipal councils get their financial houses in order.

The most important reform required, says the author, is that municipal infrastructure should be financed, as far as possible, by the residents who benefit from it, because this provides the surest guide to how much should be invested in what. Other recommendations include using multi-year capital budgets and dedicated fund accounts to plan longer-term projects. Municipalities should also take advantage of innovative approaches to infrastructure finance, such as a dedicated municipal fuel tax, parking lot taxes and private-public partnerships.

Transit riders up

Preliminary Canadian public transit ridership statistics for the first six months of 2006 show an increase of 3.42 per cent as compared to the same period last year. If this trend continues, we can expect to set another record for transit ridership in 2006, said **Canadian Urban Transit Association** president **Michael Roschlau**. The upward trend in transit ridership is now in its seventh consecutive year, showing that more Canadians are choosing transit as their preferred way to travel.

Bill 51 transition date set

Bill 51, the *Planning and Conservation Land Statute Law Amendment Act, 2006*, will come into effect January 1. The province recently adopted a regulation setting January 1, 2007 as the transition date. Applications submitted prior to January 1, 2007 will continue to be subject to the Planning Act as it read on December 31, 2006.

Come clean on nuclear energy

An application was filed today for an inquiry by Canada's **Competition Bureau** into the **Canadian Nuclear Association's** high profile advertising campaign touting the benefits of nuclear power. The applicants, including **Sierra Legal** on behalf of the **Pembina Institute**, allege that claims made in a series of high-profile television, radio and print ads promoting nuclear energy are misleading.



Blowing smoke

Source: imaginethat

Supporting the global experience

The provincial government has officially opened a one-stop resource and recruitment centre, **Global Experience Ontario**, at **Ryerson University** in **Toronto** to help break down barriers for international professionals to work in their field of expertise.

Still time to comment on election reform

The Ontario Citizens' Assembly on Electoral Reform has extended the deadline for written comments until January 31.

Mayors release Great Lakes restoration agenda

Mayors from across the United States and Canada in the Great Lakes and St. Lawrence Basin are charting a course for the future of this resource

to enhance the quality of life and economic well being of their citizens. Chaired by **Toronto** mayor **David Miller**, along with founding-chair **Chicago** mayor **Richard Daley**, a meeting in Toronto last week of the board of the Great Lakes and St. Lawrence Cities Initiative launched a number of efforts for 2007 to advance the restoration agenda.

December sales up 6%

The 2006 resale home market is closing the year strongly, with 2,585 sales to December 15, **Toronto Real Estate Board** president **Dorothy Mason** announced today. "Sales are 6 per cent ahead of mid-December 2005 and close to the pace of 2001, the best December ever." Meanwhile, 2006 has already exceeded 81,000 sales, and sits within 1 per cent of last-year's record-setting pace.

HALTON

GO station improvements

Later this morning, federal infrastructure minister **Lawrence Cannon**, Ontario transportation minister **Donna Cansfield** and **GO Transit** vice-chair **Stephen Smith** will announce the restoration of Sunfish Pond, and improvements to the Aldershot and Burlington GO stations.

Oakville wades into pesticide debate

Oakville councillors **Alan Elgar** and **Jeff Knoll** introduced a motion at this week's council meeting to pass a by-law to regulate the use of pesticides within the town that will come into effect by January 1, 2008. The motion also recommends the formation of a task force to support the objectives of the by-law. Some exceptions to the prohibition included in the draft by-law are pesticide use

continued page 15

continued from page 14

on golf courses provided that an accredited groundskeeper is applying them and the use of pesticides to control organisms that are harmful to human health.



Good for golf, bad for us NRU Stock

HAMILTON

Ancaster gets a little greener

The provincial government contributed more than 28 acres of provincially significant natural heritage land to the **City of Hamilton** to preserve open space in the community of Ancaster. The woodlands, extending north from Highway 403 and east from Shaver Road, are within an area known as the Jerseyville Road Woodlot on the urban fringe of the community. The lands link to the Niagara Escarpment and the Greater Golden Horseshoe greenbelt, and will protect significant wetlands, a mature forest and hundreds of species of plants and wildlife—including some that are rare, said Mayor **Fred Eisenberger**.

PEEL

Approval for Brampton heritage incentive program

Last week, Brampton council approved a three-year pilot program to provide incentives to owners of designated heritage homes to

improve their properties. The city will match up to \$5,000 spent on the conservation, repair and maintenance of heritage features related to designated homes.

Brampton included a heritage preservation strategy in the city's new official plan. The strategy includes a program to preserve and restore the city's 29-heritage cemeteries and to identify heritage buildings and features of significance within the city.

City council also approved by-laws to apply a heritage designation to four of the city's heritage cemeteries as well as the McVean Farm site in the **Clairville Conservation Area** and the former Thomas Dale House on Main Street North.

YORK

Jackson has her hands full in Vaughan

No surprise given the majority of council backed her opponent during the election, newly elected mayor **Linda Jackson** has her hands full in **Vaughan** and the tension could spell the demise of city manager **Michael DeAngelis**.

At a special committee of the whole, called this week by DeAngelis, she alone voted against awarding the controversial \$107-million contract to build the new city hall and civic centre to **Maystar General Contractors**. Although Jackson told *NRU* she was elected to protect the public purse, her issue was not with the tendering process, she said. She is "extremely disappointed" with her city manager for "rushing through the process" when he called the special meeting earlier than expected.

According to legal sources, Vaughan's procedural by-law directs the authority to call a special meeting of council to the mayor or city clerk. The city manager, however, does have the authority to call a special meeting

of the committee of the whole. Any decisions coming out of this meeting are then ratified at a meeting of council, which immediately follows.

"I have expressed my disappointed privately with Mr. DeAngelis and I am still somewhat optimistic we can move forward," Jackson said.

Newmarket to fight recycling plants attempts to stay open

The **Town of Newmarket** will fight a plan by **Halton Recycling Ltd.** to bring a motion to the Superior Court of Justice to extend the 90-day stay ordered by the court on September 29 and remain open beyond December 29. The town's legal firm, **Willms & Shier**, will oppose any motion to extend the stay.

Halton Recycling was granted 90 days to complete its remedial action plan in an effort to eliminate the odours emanating from the plant on Harry Walker Parkway. "Halton has not completed its action plan, and now it wants more time," said Newmarket commissioner of legal and development services **Susan Plamondon**.

Markham increases development charges

Markham staff has recommended a 4.02 per cent increase in development charges effective January 1. The semi-annual adjustments have been implemented on the first of January and the first of July since 2005 in accordance with the changes in the *Statistics Canada Quarterly, Construction Price Index* for non-residential buildings in Toronto. Since January 2005, the total compounded increase has been 19.81 per cent. Staff is currently undertaking an updated development charge background study to reflect higher than expected costs for hard services and new growth related projects. •

Northwest Brampton settlement approved

In a decision issued December 8, board member **John Aker** approved amendments to the *City of Brampton Official Plan* and the *Region of Peel Official Plan* expanding Brampton's urban boundary in an area bounded by Winston Churchill Boulevard, Mayfield Road, and current urban boundaries along McLaughlin Road, Wanless Drive, Creditview Road, Bovaird Drive, Mississauga Road and the Credit River. It includes some land in the Credit River valley protected by the provincial greenbelt legislation.

As reported in November 15 *NRU GTA*, the **Sierra Club of Canada, Northwest Brampton Landowners Group Inc., Brampton Brick Limited** and **Ministry of Municipal Affairs and Housing** reached a settlement with the **Region of Peel** and the **City of Brampton** over the 2005 Peel Region decision to approve a 2,430-ha. urban boundary expansion. (See *NRU GTA August 24, 2005 and June 28, 2006.*)

At the outset of the hearing the board was presented with four executed minutes of settlement among the region, city, province, Brampton Brick and Sierra Club of Canada. Counsel for the Northwest Brampton Landowners Group **Scott Snider (Turkstra Mazza)**, told the board that the group supports all the settlement modifications before the board.

Prior to the introduction of evidence, **Therese Gain Taylor** representing **Citizens for Ethical Civic Engagement** brought forward a motion to adjourn the hearing to provide time to summons witnesses. The motion was opposed by the city, region and landowners group citing that an adjournment would violate procedural order. The board agreed and found Gain Taylor was present at the prehearings where the procedural order was issued.

Gain Taylor told the board that ROPA 15 does not represent good planning and the settlements before the board are contrary to the public interest. She also told the board that the expansion would encourage more cars, pollution and stress-related illnesses and in the long-term will remove much needed agricultural land from production. She pointed to sections in the *2005 Provincial Policy Statement* that highlight the need to optimize the use of land resources to promote long-term economic prosperity and the sustainability of the agri-food sector.

Gain Taylor argued that the regional and city official plan amendments are not consistent with the section of the *PPS* that addresses expansion onto prime agricultural

areas based on a witness statement by planner **Margaret Walton (Planscape)**, who was retained by the Sierra Club of Canada prior to the hearing.

She also gave the opinion that the proposed expansion would have significant climate change and food security implications. Other area residents appeared at the hearing to express concerns over the loss of agricultural lands.

The six remaining parties to the appeal told the board that they supported the amended ROPA 15 and OPA.

Planners **David Waters** (City of Brampton) and **Bryan Hill** (Region of Peel) provided planning evidence in support of the modified ROPA and OPA. Waters told the board that the OPA attempts to balance competing interests of shale production and agriculture while planning for future population growth in the region. He noted that no general land use designations or natural heritage features are included in the OPA but it provides a policy framework to guide the planning stages for Northwest Brampton.

Waters gave the opinion that the settlements before the board served to clarify and improve the wording and intent of the OPA and ROPA 15.

The settlement with the province addresses issues of shale production, the greenbelt and the provincial growth plan. The agreement that was reached includes policies that protect the shale resources for a minimum of ten years and ensures that development in the area will conform to the growth plan.

In addition, Waters pointed to sections in the text of both the OPA and ROPA that state that "any lands within the greenbelt area are not part of the urban area and are subject to policies of the greenbelt plan."

Waters told the board that the settlement with Brampton Brick clarifies the provincial position on shale extraction. He also told the board that the settlement with the Sierra Club further details secondary planning requirements based on the growth plan, which focuses on creating compact and complete communities. The Sierra settlement included modifications to guide development adjacent to the greenbelt area.

Waters stated that the expansion meets the settlement area criteria under the *PPS* and that based on studies by **Hemson Consulting Ltd, i Trans Consulting Inc.** and **AgPlan Limited** Northwest Brampton is the most logical location for the expansion. Waters pointed to the AgPlan study that concluded that "there are no reasonable potential development area alternatives, which could avoid prime agricultural soils in Peel

continued page 17

continued from page 16

Region” and “there are no reasonable potential development area alternatives with lower priority agricultural lands in the prime agricultural area.”

Waters and Hill concluded that both the OPA and ROPA 15 are consistent with the *2005 Provincial Policy Statement* and follow the policies of the growth plan and the greenbelt plan.

Agrologist **Jerome Hagarty** reviewed the agricultural issues raised by the Sierra Club and concluded that the expansion meets the tests under the *PPS* for expansion within prime agricultural lands.

In addition, counsel for the city, **Colin Grant**, presented a 2004 letter from the president of the **Peel Federation of Agriculture** stating that given the decline of agriculture in Northwest Brampton, the federation supports an orderly transition out of agricultural uses.

The board found that the planning process undertaken by the city and the region considered all the requirements for an urban boundary expansion as set out in the regional official plan and the *Provincial Policy Statement* and complies with all relevant planning legislation.

The board found that the amended OPA and ROPA 15 represent good planning and should be approved.

Solicitor Scott Snider (Turkstra Mazza) represented the Northwest Brampton Landowners Group. Solicitors **Ronald Webb** and **Ellen Pefhany (Davis Webb Schulze & Moon)** represented Brampton Brick Limited. Solicitors **Irvin Shachter** and **Cathy Cosentino** represented the Ministry of Municipal Affairs and Housing. Solicitors **Paula Boutis (Iler Campbell)** and **Hugh Wilkins (Sierra Legal Defence Fund)** represented the Sierra Club. Solicitors **Stephen Garrod (Garrod Pickfield)** and **Brian Loewen** (Region of Peel) represented Peel. Solicitor Colin Grant represented the City of Brampton. Therese Gain Taylor represented Citizens for Ethical Civic Engagement. (See OMB Case Nos. PL060347 and PL050743.)

Board approves Blue Mountain resort

In a decision issued December 4, board member **Malcolm Stockton** allowed, in part, an appeal by **Castle Glen Development Corporation** for an official plan amendment to permit a residential, commercial and recreational development in the **Town of Blue Mountain**.

Castle Glen proposed to redesignate the land to establish the Castle Glen Secondary Plan area and

develop the 620-ha site as a recreational resort that would include 1,720-residential units along with commercial and recreational development with golf uses. (See *NRU GTA November 1.*) The lands are within the Niagara Escarpment Planning area.

In 2004, phase one of the hearing resulted in an official plan amendment being approved for the portion of Castle Glen lands located below the escarpment. In the minutes of settlement, conceptual land use designations were provided for the lands above the escarpment and the studies that would be required to obtain these designations were identified.

Phase two of the hearing addressed only the lands above the escarpment. The **Niagara Escarpment Commission** appeared in opposition to the proposal; while Castle Glen, the town and the **County of Grey** appeared in support of the application.

Prior to the hearing the parties reached a settlement regarding issues pertaining to water quality and the surrounding geology. The remaining issues focussed on planning and natural heritage.

The commission told the board that the studies conducted supported an alternative land designation, and not that proposed by the proponent or those included in the minutes of settlement in phase one of the hearing.

Counsel for Castle Glen, **Michael Melling** and **Susan Rosenthal (Davies Howe)** told the board that the studies that were conducted supported the designations proposed in the minutes of settlement and should only be subject to minor amendments.

The “Natural Heritage Study for Castle Glen Deferred Area,” conducted by **Stantec Consulting Ltd.**, identified the significant natural heritage features and functions on the site. The board heard that the study identified the presence of two species at risk—the Butternut tree and the Hart’s Tongue fern.

Study authors **Derek Coleman** and **Allan Sandilands** told the board that the mapping proposed by the proponents was appropriate and should be approved. They also told the board that due to a disease impacting the Butternut trees on the site, their location may change in the next ten years, and it is more appropriate to protect the trees through policy as opposed to mapping. The board agreed with this conclusion.

The parties agreed to new policies that were added to the OPA approved in phase one to protect both the identified species at risk.

Marion Plaunt (Niagara Escarpment Commission)

continued page 18

ONTARIO MUNICIPAL BOARD NEWS

continued from page 17

provided planning evidence on behalf of the commission. The commission also retained environmentalist **James Dougan** to provide environmental evidence in opposition to the application.

Dougan told the board that the Stantec report did not consider integrating the natural heritage features on the site and that it had not taken an appropriate natural systems approach to the study. He gave the opinion that the loss of significant woodlands, as identified in the conceptual plan for the property, would result in an unacceptable reduction in wildlife corridors.

The board preferred the evidence of the Castle Glen and town's experts noting that although Dougan was asked to peer review the Stantec study he had not spent nearly as many hours on the site as Coleman or Sandilands.

In regard to the environmental issues the board found that the proposed amendments are appropriate and represent good planning.

In phase one of the hearing the board found that the proposed policies were consistent with the *Provincial Policy Statement*. Coleman gave the opinion that this finding is appropriate for the phase two lands as well. The board found this evidence to be largely uncontradicted.

Plaunt opposed Coleman's conclusion and proposed revised policies that in her opinion were in conformity

with the *PPS*. To conform to the number of units agreed to in phase one, she indicated that the site should be designated as combined residential and village core to increase the densities on the site.

John Genest (Malone Given Parsons Ltd.) provided planning evidence in support of the application. He told the board that the level of density suggested by Plaunt is inappropriate for lands above the escarpment.

The board found that similar to the land approved below the escarpment, the official plan amendment for the land above the escarpment conforms to all the applicable planning documents.

The board allowed the appeal, in part.

Solicitors Michael Melling and Susan Rosenthal (Davies Howe) represented Castle Glen. Solicitor **Roger Beaman (Thompson, Rogers)** represented the town. Solicitor **Errol Treslan (Kirby, Robinson)** represented the county. Solicitor **J Thompson** represented the Niagara Escarpment Commission. (*See OMB Case No. PL020603.*) •

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GTA PEOPLE

Former **Halton Region** chair **Joyce Savoline** will run for the Progressive Conservatives in the riding of **Burlington**, if and when a by-election is called to fill the vacancy left by former MPP **Cam Jackson**. Jackson stepped down to run as mayor in Burlington and won in a narrow margin against former councillor **Joan Lougheed**. Lougheed will now run against Savoline on behalf of the Liberals. Premier Dalton McGuinty has yet to announce dates for three by-elections in the GTA, including York South-Weston and Markham.

Springwater Township mayor **Tony Guergis** was acclaimed as **Simcoe County** warden for 2007 replacing outgoing warden **Terry Geddes**, who did not run in this year's municipal election in **Collingwood**.

Neil Campbell has been appointed chair of the market surveillance panel at the **Ontario Energy Board**. Campbell is a partner with **McMillan Binch Mendelsohn** where he practises competition, trade and foreign investment law.

Mabel Watt has been appointed executive assistant to

Halton Region chair **Gary Carr**. Watt had worked with Carr while he was a MPP.

Liberal leader **Stéphane Dion** announced that former leadership candidate **Michael Ignatieff** will be the deputy leader of the Official Opposition.

Ontario Public Services Employees Union president **Leah Casselman** will not seek a 7th term next year.

Durham Region was recently recognized for energy management, metering and billing control and verification by the **Ontario Municipal CAO's Benchmarking Initiative** and **Ontario Centre for Municipal Best Practices** for superior energy management and cost-saving practices at its water and wastewater plants. **Peel Region** was recognized for exceptional energy management practices in water and wastewater operations. **Halton Region** also was recognized for superior energy management practices leading to substantial energy and cost savings in the provision of the region's water and wastewater services.