Another regional councillor Brampton's Hames chosen • 2

Harvesting water Downloadable guidelines • **11**



Mississauga lakeshore Settlement • 12



væ Res Urbis **GREATER TORONTO AREA EDITION** VOL 13 • No 50

WEDNESDAY • DECEMBER 15 • 2010

12TH ANNUAL GTA RANKING

Top-ten development law firms

The 2009/10 NRU GTA law review is peppered with a number of high profile cases, including some long-running OMB appeals. Oakville's new zoning by-law for the town's undeveloped northern area was brought before the OMB this year, for example. Other major cases include challenges to new official plans in Innisfil, Brampton, Halton Hills and Oakville, appeals against Mississauga's new zoning by-law and appeals of development charges by-laws in Durham Region, King Township, Mississauga, Oakville and Innisfil. The contentious King Township power plant was also before the OMB, before being exempted from Planning Act requirements.

Major residential cases before the board this year included Times Group's 4,777-unit project in Markham, Beechridge Farms' 554-unit subdivision in Ajax, several large subdivisions proposed for Clarington, Guscon Enterprises' Vaughan towers, plans from Elhara Investments Limited and Aurora-Leslie Developments Limited for a 977-unit subdivision in Aurora, and a multitower project in Richmond Hill from Great Land (Yonge 16th) Inc. Royalcliff Developments' and Lake Path Holdings' appeals for a 834-unit project in Brampton came to an end this year, and the OMB heard appeals against official plan amendments in Durham and Halton regions as staff worked to bring their plans into conformity with provincial policies.

In our 12th annual ranking of the GTA's most prominent planning and development law firms, NRU looked back at OMB decisions and stories from August 2009 to July 2010. This year saw a big shake up in the rankings, with a new topranked firm for the first time in over a decade. Three firms climbed seven spots this year, including two that didn't crack the top ten in 2008/09.

Keep an eye out for the Toronto edition of the top-10 development law firms in Friday's December 17th edition of NRU.

NIAGARA TO GTA CORRIDOR United front

By Amy Lazar

More than 800 residents joined politicians from across Halton Region at a community meeting Monday evening, to stand united in the promise to roadblock the province's plans for a new transportation corridor through the northern part of the City of Burlington.

"We're with you, we don't want the highway," Burlington Ward 3 councillor John Taylor told the crowd jammed into the Mainway Recreation Centre.

Raising his voice over the applause that erupted, he continued: "What we have to do is convince the Province of Ontario that [it doesn't] want it either."

The community meeting was held to update residents on the Provincial Niagara to GTA Corridor study. Taylor gave an 11-year history of the issue, starting with the Mid-Peninsula Highway environment assessment that was halted following a judicial review requested by Burlington and the region in 2003.

In June 2006, the province launched another environmental assessment to study existing and future transportation needs in the corridor and it is ongoing. The first in the two-phased approach is nearing completion and a draft "preferred transportation development strategy" report is expected to be released to the city and region in January, Taylor said.

CONTINUED PAGE 3

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Coming Up

DECEMBER 15

Halton Region Planning & Public Works Committee, 9:30 a.m.

Mississauga Council, 9:00 a.m.

Brampton Council, 1:00 p.m.

DECEMBER 16

York Region Council, 9:30 a.m.

DECEMBER 20 Oakville Council, 7:00 p.m.

Milton Council, 7:30 p.m.

DECEMBER 22

Halton Region Council, 9:30 a.m.

Durham Council, 10:00 a.m.

JANUARY 1

Pickering Mayor's New Year's Day Levee, Pickering Civic Complex, 2:00 – 4:00 p.m.

Brampton Mayor's New Year's Day Levee, Rose Theatre, 1:00 – 3:00 p.m.

Mississauga Mayor's New Year's Day Levee, Mississauga Civic Centre, 1:00 – 3:00 p.m.

JANUARY 2

Oshawa New Year's Levee, City Hall, 1:30 – 3:00 p.m.

JANUARY 9

Newmarket Mayor's New Year's Levee, Newmarket Municipal Office, 1:00 – 4:00 p.m.

FEBRUARY 18

Metrolinx Board Meeting, 8:30 a.m., 20 Bay St., Toronto, 6th Floor, Executive Boardroom.

MARCH 1-2

Strategy Institute: 3rd International Summit on High Performance & Sustainable Buildings, Hilton Garden Inn Toronto Airport, 3311 Caroga Drive, Mississauga. More info at <u>www.greenbuildingsummit.ca</u>. Register online or at 1-866-298-9343 or <u>registrations@strategyinstitute.ca</u>.

APRIL 28

Metrolinx Board Meeting, 8:30 a.m., 20 Bay St., Toronto, 6th Floor, Executive Boardroom.

AT THE TABLE Brampton's extra voice

Another voice from **City of Brampton** will join the mayor and five elected regional councillors around **Peel Region**'s table.

Re-elected city councillor **Sandra Hames** was appointed by Brampton council during a special meeting last week, in accordance with 2005 legislation that allows city council to appoint an additional representative to the regional table.

"It's an honour to have been chosen by my colleagues for this important position," Hames said.

"Bramptonians need strong voices at the regional level to ensure that our community gets its fair share and I intend to advocate clearly and decisively for the people of Brampton in my new role as regional councillor."

Hames joins re-elected mayor **Susan Fennell**, as well as re-elected regional councillors **Elaine Moore**, **Paul Palleschi**, **John Sanderson**, **Gael Miles** and **John Sprovieri**.

Hames has lived in Brampton since 1970 and was first elected city councillor in 1991. She has sat on numerous committees and was chair of the economic development, emergency planning, citizen awards and community services committees. She was just re-elected to represent city Wards 7 and 8.

The reason for her appointment to regional council dates back to 2005 legislation passed by the province granting an additional seat on regional council to Brampton. It was first implemented following the 2006 municipal election,



BRAMPTONIANS NEED STRONG VOICES AT THE REGIONAL LEVEL TO ENSURE THAT OUR COMMUNITY GETS ITS FAIR SHARE AND I INTEND TO ADVOCATE CLEARLY AND DECISIVELY FOR THE PEOPLE OF BRAMPTON IN MY NEW ROLE AS REGIONAL COUNCILLOR.

• Sandra Hames

even though a provincially-appointed facilitator, Judge **George Adams**, wrote a report recommending Brampton receive five additional seats at regional council to have fair representation by population.

City council passed a by-law after holding public meetings to gather feedback on how the extra representative should be selected. The by-law states that council votes to appoint one city councillor to take on the additional role of regional councillor.

Hames took the oath of office as a regional councillor at Peel Region council's inaugural meeting on December 9. At regional council's December 16 meeting, election of the chairs and vice chairs of committees and subcommittees is on the agenda.

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United front continued from page 1

The draft strategy separates the corridor into three areas with recommendations. The east section is in Niagara Region and a new corridor connecting Highway 406 to the QEW is recommended. The central section is from Niagara to Hamilton and widening of the existing highway is recommended with a long-term plan for a new corridor. The west section includes parts of Hamilton and Halton Region and recommends improvements to Highway 403 in the short term and a "new corridor study to connect Highway 403 to Highway 407."

The city and the region will have 90 days to submit comments on the first phase of the environmental assessment to the **Ministry of Transportation** (MTO), so regional council is looking to compile feedback and respond by March 2011. A member of regional council, Burlington Ward 6 councillor **Blair Lancaster** encouraged residents to provide feedback via comment cards, emails and phone calls to politicians and to sign a petition.

Taylor also explained that a second issue has arisen.

In a letter dated October 27, 2010, the provincial municipal affairs and housing ministry sent 28 pages of comments back to the region suggesting changes to its official plan amendment that brings it into conformity with the provincial growth plan.

One of the major modifications requested by the province is the addition of the transportation corridor, still under study, but which is proposed to enter Burlington from Flamborough just north of Britannia Road, cross to Oakville centred on Guelph Line and carry through, not up to Walker's Line and Highway 407, but likely to Tremaine Road, Taylor explained.

"This is a key issue in the short term for us tonight," the councillor said. "The broad path that we saw from the minister of transportation and his consultants in June [during public information centres related to the environmental assessment] has been narrowed significantly and shifted to the north."

"The reason we have to be so concerned about this is that it might not happen in my lifetime but that roadway will possibly become the new urban corridor...and it poses a significant threat to the future of Burlington for both rural and urban residents," he added, noting the Niagara Escarpment and greenbelt lands need protection, which was met with applause.

"This is just a draft decision, it's not a final decision," municipal affairs and housing ministry regional director **Larry Clay** told *NRU*.

"The conceptual arrows that are in [the draft decision] are conceptual, they're not specific, they are designed to very generally and broadly identify the potential for a future transportation corridor," he added, referring to the suggested modification found on a map included in the regional official plan amendment.



• Draft decision of Ministry of Municipal Affairs and Housing including a conceptual future provincial transportation corridor.

Source: Halton Region Official Plan Amendment 38

"We recognize that MTO is in the stages of looking at that corridor and looking at the need for it, so that's why those arrows are conceptual at this point."

The protection of lands for future infrastructure and transportation corridors has a place in the official plan, Clay added, but ministry staff wants to work with the region and transportation ministry to put the policies in place.

Regional chair **Gary Carr** urged everyone in the room to stay united and reminded the crowd that the region consulted with the local municipalities on the official plan amendment it passed unanimously at council almost a year ago to the date—and it did not include the Niagara to GTA Corridor highway.

Burlington's new mayor **Rick Goldring** voiced support, as did local Conservative MPPs for Halton, **Ted Chudleigh**, and Burlington, **Joyce Savoline**.

"We're in this together and one thing I know is that we need to remain united. We will work together with all of our municipalities and colleagues," Carr said.

"This is just the start, this isn't the end tonight."

1. [2] DAVIES HOWE PARTNERS—John Alati, Jeff Davies, Mark Flowers, Nupur Kotecha, Michael Melling, Aaron Platt, Susan Rosenthal, Katarzyna Sliwa, Daniel Steinberg, Amber Stewart



REASONS FOR RANKING: After three consecutive years in third place, Davies Howe Partners has taken the top spot. Significant cases the firm was involved in include appeals against new official plans in Brampton and Oakville, York Region's creation of a huge new employment area in Vaughan, the controversial King Township power plant, North Leslie rehearing and appeals against development charge by-laws in Oakville and Mississauga, as well as numerous residential development cases in all corners of the GTA.

OMB AND COURT MATTERS OR HEARINGS: Representing Laura Philp in her appeal for a severance to permit development of 11 townhouses and three-detached bungalows in Ajax (Alati) (✓); representing Liberty Development Corporation in an appeal for site plan approval for high-density residential towers, a hotel and an office tower in Markham (Flowers) (settlement); representing Bond Head Development Corporation in appeals for Simcoe County approval of Bradford West Gwillimbury OPA regarding intensification and boundary adjustments in Bond Head settlement area (Sliwa) (settlement); representing Pinegrove on Seven Inc. in appeals for OPA and ZBA to permit a 140-unit condo building in Vaughan (Davies, Stewart) (settlement); representing Chartwell-Maplegrove Residents Association in appeals by Edgemere Estates Limited for OPA and ZBA to permit development of 30 residential units in Oakville (Flowers) (settlement); representing Kindwin (Mayfield) Development Corporation, Osmington Inc. and Heathwood Homes Limited in appeals against Brampton's new official plan (Melling, Sliwa); representing Vaughan 400 North Landowners Group Inc. in appeals by the Ministry of Municipal Affairs and Housing against a York Region OPA establishing an 800-hectare employment area in Vaughan (Melling); representing 2106444 Ontario Inc. in appeals for rezoning and plan of subdivision approval to permit 41 detached houses in Whitchurch-Stouffville (Melling); representing York Energy Centre LP in its appeal for site plan approval to permit a new natural gas-fired power plant in King Township (Melling, Stewart); representing Clearpoint Development Ltd., Upper City Corporation and 775377 Ontario Ltd. in the rehearing of the North Leslie case (Rosenthal) (✓); representing Silgold Development Inc. and Silwell Development Limited in their appeals against Oakville's new development charges by-law (Melling); representing Cesaroni Holdings Limited and Gel-Don Investments Inc. in their appeals against a Markham OPA restricting land uses to residential in the hamlet of Victoria Square (Platt); representing The Elia Corporation in appeals by Pinnacle International (Ontario) Limited for OPA and ZBA to permit two high-rise apartment buildings in Mississauga (Davies); representing Amacon Development (City Centre) Corp. in appeals against Mississauga's new development charges by-law (Rosenthal); representing Oakville Great Lakes Marketplace Inc. in appeals against Oakville's new official plan (Sliwa).

2. [4] KAGAN, SHASTRI— Paul DeMelo, Ira Kagan

REASONS FOR RANKING: Kagan, Shastri rose from



number four to take second place this year. The firm climbed two spots by taking on several significant cases, including large residential proposals in Markham, Oakville and Aurora, the appeals against Oakville's new official plan, and appeals against Mississauga's new zoning by-law and development charges by-law.

OMB AND COURT MATTERS OR HEARINGS: Representing West Woodbridge Homeowners Association Inc. in appeals by Pinegrove on Seven Inc. for official plan and zoning by-law amendments to permit a 140-unit condo building in Vaughan (Kagan) (settlement); representing Fox Farm Developments Inc. in its appeals for official plan and zoning by-law amendments to permit development of a 376-unit residential subdivision in Oakville (Kagan) (settlement); representing Daniel Rea in appeals by 10360 Islington Avenue Inc., Fabio Alviani, Gioseffina Greco-Alviani and Frank Greco against OPA and ZBA approved by Vaughan for the *Kleinburg Area Secondary Plan* and for official plan and zoning by-law amendments for a private school and condos within the Kleinburg Heritage Conservation District (Kagan)

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(settlement); representing the City of Brampton in appeals by Intracorp for OPA and ZBA and plan of subdivision approval to permit development of a 187-unit subdivision in Brampton (De Melo) (settlement); representing Moldenhauer Seniors Developments in an appeal for rezoning to permit an eight-storey seniors' residence in Oakville (Kagan); representing the Town of Oakville in appeals by Melrose Investments Inc., Melrose Properties Inc., Rosehaven Homes Limited and Giovanni Guglietti for OPA and ZBA to permit development of nine-storey, 128-unit apartment building in Oakville (De Melo); representing Times Group Inc. in appeals for rezoning and plan of subdivision approval to permit development of several residential buildings with a total of 4,777 units, an office building, thousands of square metres of retail and commercial space, a public elementary school and large amounts of parkland and valleyland in Markham (Kagan) (settlement); representing 2056409 Ontario Inc. and 2094138 Ontario Inc. in their appeals for OPA and ZBA to permit development of a ninestorey, 172-unit condo building in Oakville (Kagan); representing Aurora Leslie Landowners Group in appeals by Aurora 2C Landowners Group Inc. for an OPA to bring Town of Aurora lands east of Yonge Street into conformity with York Region's official plan (Kagan); representing Cougs (Tillings) Limited in appeals for rezoning and plan of subdivision approval to permit development of a residential subdivision in Pickering (Kagan) (settlement); representing Nashville Landowners Group Inc. in appeals against the new North Oakville zoning by-law (Kagan); representing Major Mac 404 Realty Inc. in its appeal for rezoning to permit development of office, institutional, warehouse and hotel/convention centre uses in Richmond Hill (Kagan); representing Elhara Investments Limited and Aurora-Leslie Developments Limited in their appeals for an OPA to permit development of 977 residential units and a large amount of employment lands in Aurora (Kagan); representing the City of Mississauga in appeals against the city's new zoning by-law (De Melo) (settlement); representing the City of Mississauga in appeals against the city's new development charges by-law (De Melo); representing Riverstone Residences of Oakville Inc. and Fox Farm Developments Inc. in appeals against Oakville's new official plan (Kagan).

3. [10] GOODMANS—Ian



Drake, Roslyn Houser, Robert Howe, Allan Leibel, Catherine Lyons, Mark Noskiewicz, Nicholas Staubitz, Michael Stewart

REASONS FOR RANKING: Goodmans made a big leap this

year, rising from tenth place to reach the top three. The firm represented clients in a longstanding subdivision case in Clarington, appeals against York Region's creation of a huge new employment area in Vaughan and appeals for large residential projects in Markham and Pickering. Goodmans represented the Town of Markham in several cases, and worked with clients on appeals against new development charges bylaws in King, Innisfil and Mississauga, Innisfil's new official plan, Hamilton's rural official plan and Halton Region's growth plan conformity amendment.

OMB AND COURT MATTERS OR HEARINGS: representing Lucia Milani in her appeal against new ward boundaries in Vaughan (Bronskill) (♥); representing the Town of Markham in appeals by Liberty Development Corporation for site plan approval for high-density residential towers, a hotel and an office tower in Markham (Lyons) (settlement); representing Lebovic Enterprises Inc. and Metrus Development Inc. in their appeals against Pickering's new development charges by-law (Howe); representing 637414 Ontario Inc., 2000963 Ontario Inc., 2084696 Ontario Inc., 2101510 Ontario Inc., 2188410 Ontario Inc., Mud and First Inc., Multi-Area Developments Inc. and Paletta International Corporation in appeals against Hamilton's new rural official plan (Noskiewicz); representing West Diamond Properties Inc. and Players Business Park Ltd. in their appeals for OPA, ZBA and plan of subdivision approval to permit development of a 612-unit residential subdivision in Clarington (Houser) (settlement); representing Block 34 East Landowners Group Inc. in appeals by the Ministry of Municipal Affairs and Housing against a York Region official plan amendment establishing an 800-hectare employment area in Vaughan (Houser); representing Markham Suites Nominee Inc. in appeals by Times Group Inc. for rezoning and plan of subdivision approval to permit development of several residential buildings with a total of 4,777 units, an office building, thousands of square metres of retail and commercial space, a public elementary school and large amounts of parkland and valleyland in Markham (Stewart)

CONTINUED PAGE 6

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(settlement); representing Amica (Oakville South) Inc. in its appeals for OPA and ZBA to permit development of an eight-storey, 139-unit Oakville seniors' residence (Bronskill) (settlement); representing Brookfield Homes (Ontario) Limited and Smooth Run Developments Inc. in their appeals for separate OPA. ZBA and plans of subdivision to permit two separate Pickering subdivisions of 400 and 1,150 units (Houser); representing Baif Development Limited in an appeal by Major Mac 404 Realty Inc. for rezoning to permit development of office, institutional, warehouse and hotel/convention centre uses in Richmond Hill (Houser); representing Certain Teed Gypsum Canada in appeals against a Mississauga-approved OPA for new planning policies in the Southdown District (Bronskill, Selchan) (settlement); representing the Building Industry and Land Development Association in appeals against Innisfil's new development charges by-law (Howe); representing the Building Industry and Land Development Association in appeals against Mississauga's new development charges bylaw (Howe); representing Hamleys Developments Inc. in appeals against King's new development charges by-law (Bronskill); representing Watersand Construction Limited in appeals against Innisfil's new official plan (Bronskill); representing Georgetown Shopping Centres Ltd. in appeals against Halton Region's growth plan conformity OPA, ROPA 37 (Houser).

4. [1] AIRD & BERLIS—Eileen Costello, Robert Doumani, Patricia Foran, Tom Halinski, Patrick Harrington, Jody Johnson, Kim Kovar, Sidonia Loiacono, Leo Longo,



John Mascarin, Josephine Matera, Jane Pepino, Christopher Williams, Steve Zakem

REASONS FOR RANKING: After 11 consecutive years in the top spot Aird & Berlis slips three spots. However, the firm stayed in the top five with a number of significant cases, representing clients in appeals against new official plans in Brampton, Halton Hills and Oakville. The firm also played a role in appeals against Durham Region's greenbelt plan and Oak Ridges Moraine plan conformity amendment, as well as representing municipalities in various cases, such as the appeals against new development charges by-laws in Oakville and King.

OMB AND COURT MATTERS OR HEARINGS: Representing the Town of Bradford West Gwillimbury in an appeal by Bond Head Development Corporation for Simcoe County approval of Bradford West Gwillimbury OPA regarding intensification and boundary adjustments in Bond Head settlement area (Foran, Longo) (settlement); representing Pickering Athletic Centre Inc. and Dalar Properties Inc. in appeals by York Region against Pickering's approval of commercial recreation uses on the Athletic Centre and Dalar's lands (Harrington); representing Halton Region in appeals by Fox Farm Developments Inc. for OPA and ZBA to permit development of a 376-unit residential subdivision in Oakville (Costello, Doumani) (settlement); representing Orlando Corporation and Akeda Holdings Limited in appeals against Brampton's new official plan (Longo); representing Orlando Corporation and Heartland (Seven) Ltd. in an appeal by Derry-Ten Limited against Mississaugaapproved OPA and ZBA for the Highway 10/Hurontario corridor (Longo); representing Silwell Developments Limited in appeals for OPA and ZBA to permit development of a residential subdivision in Oakville (Williams) (settlement); representing Highmark Homes in its site-specific appeal against a Durham Region OPA bringing the region into conformity with provincial greenbelt and Oak Ridges Moraine legislation (Longo); representing the Town of Oakville in appeals against its new development charges bylaw (Doumani, Johnson); representing the City of Vaughan in an appeal by Paul Mantella against the city's approval of an OPA permitting development of a 2,625-unit residential subdivision (Zakem); representing Orlando Corporation and Heartland (Seven) Ltd. in their appeal against Mississaugaapproved OPA and ZBA for the Gateway Planning District Employment Area (Longo) (settlement); representing King Township in appeals against its new development charges by-law (Matera).

5. [12] TOWNSEND & ASSOCIATES—Lynda Townsend

REASONS FOR RANKING: Townsend & Associates is the second firm on the list to climb seven spots over last year's ranking. In addition to representing clients in the Brampton and Oakville official plan cases, the firm took on a number of large residential cases across the GTA and played a role in appeals against Oakville's new development charges by-law as well as North Oakville zoning by-law and Halton Region's growth plan conformity amendment.

OMB AND COURT MATTERS OR HEARINGS: representing Edgemere Estates Limited in its appeals for OPA and ZBA to permit development of 30 residential units in Oakville (Townsend) (settlement); representing 2100244 Ontario Inc., RioCan (Clarkson) Inc. and McDonald's Restaurants of Canada Limited in their appeals for OPA and ZBA to permit development of an eight-storey, 144-unit retirement residence and severance for McDonald's nearby property in Mississauga (Townsend) (settlement); representing the City

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Top-ten firms continued from page 6

of Vaughan in appeals by 10360 Islington Avenue Inc., Fabio Alviani, Gioseffina Greco-Alviani and Frank Greco against OPA and ZBA approved by Vaughan for the Kleinburg Area Secondary Plan and for OPA and ZBA for a private school and condos within the Kleinburg Heritage Conservation District (Townsend) (settlement); representing Aryeh Construction Ltd. in appeals by Times Group Inc. for rezoning and plan of subdivision approval to permit development of several residential buildings with a total of 4,777 units, an office building, thousands of square metres of retail and commercial space, a public elementary school and large amounts of parkland and valleyland in Markham (Townsend) (settlement); representing Guscon Enterprises in its appeals for OPA and ZBA to permit development of two 25-storey condo towers with a total of 506 units (Townsend); representing Great Gulf Group of Companies in appeals against Brampton's new official plan (Townsend); representing Courtney Valley Estates Inc. and Lillipad Developments Inc. in their appeals for rezoning and plan of subdivision approval to permit development of a 356-uni residential subdivision in Whitchurch-Stouffville (Townsend); representing Mattamy Group of Companies in appeals against Oakville's new development charges by-law (Townsend); representing Mattamy Realty Limited in appeals against the new North Oakville zoning by-law (Townsend); representing 2134111 Ontario Limited, Bronte Village Mall, 1635058 Ontario Limited, Mattamy Realty Limited and Edgemere Estate Limited in appeals against Oakville's new official plan; representing Mattamy Development Co. in appeals against Halton Region's growth plan conformity official plan amendment, ROPA 37 (Townsend).

6. [13] RITCHIE KETCHESON HART & BIGGART—Andrew Biggart, Angela Broccolini, John Hart, Bruce Ketcheson, John Ritchie

REASONS FOR RANKING: Another firm that jumped seven spots over last year's ranking, Ritchie Ketcheson Hart & Biggart was frequently tapped to represent municipalities at the OMB, including Oakville—particularly in appeals against the town's new official plan—Burlington, Whitby, Ajax and Markham.

OMB AND COURT MATTERS OR HEARINGS: Representing the Town of Oakville in appeals by Edgemere Estates Limited for OPA and ZBA to permit development of 30 residential units in Oakville (Ketcheson) (settlement); representing the Town of Ajax in a rehearing of appeals by Beechridge Farms Inc. for an OPA to permit development of a 554-unit residential subdivision (Biggart) (\checkmark); representing the Town of Whitby in appeals by Wincester Plaza Limited for OPA and

ZBA to permit development of a commercial shopping centre (Ketcheson); representing the City of Burlington in appeals by multiple corporations against a number of OPA and ZBA approved by the city (Ketcheson) (settlement); representing the City of Burlington in appeals by Paletta International Corporation for a rezoning to permit development of retail and commercial buildings and against a cityapproved OPA (Biggart) (settlement); representing the Town of Whitby in appeals by Guscon Enterprises for OPA and ZBA to permit development of two 25-storey condo towers with a total of 506 units (Biggart); representing Great Land (Yonge 16th) Inc. in their appeals for official plan and zoning by-law amendments to permit development of three

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condo towers with a total of 1,105 units in Richmond Hill (Ketcheson); representing the City of Burlington in appeals by 1345059 Ontario Ltd. for official plan and zoning by-law amendments to permit retail and service commercial development (Biggart) (settlement); representing the Town of Markham in appeals by Cesaroni Holdings Limited and Gel-Don Investments Inc. against a Markham OPA restricting land uses to residential in the hamlet of Victoria Square (Ketcheson); representing the Town of Oakville in appeals against the town's new official plan (Ketcheson).

7. [5] THOMSON, ROGERS—Roger Beaman, Al Burton, Stephen D'Agostino, David Germain, Lisa Roscoe, Beth Turner (no longer with the firm), Jeffrey Wilker



REASONS FOR RANKING: After two years spent climbing the ranks Thomson, Rogers dropped a couple of spots, though stayed in the top ten this year. The firm represented clients in appeals against new official plans in Halton Hills and Brampton, and against Durham Region's new development charges by-law. Thomson, Rogers represented Halton Region in a number of cases this year, including appeals against the region's growth plan conformity amendment.

OMB AND COURT MATTERS OR HEARINGS: Representing Chartwell Seniors Housing REIT and Spectrum Seniors Housing Development in their appeals against Durham Region's new development charges by-law (D'Agostino, Turner) (settlement); representing Simcoe County in appeals by Bond Head Development Corporation for Simcoe County approval of Bradford West Gwillimbury OPA regarding intensification and boundary adjustments in Bond Head settlement area (Beaman) (settlement); representing Halton Region in appeals by multiple corporations against a number of OPA and ZBA approved by the City of Burlington (Wilker); representing Halton Region in appeals by Paletta International Corporation for a rezoning to permit the development of retail and commercial buildings in Burlington and against a cityapproved OPA (Wilker) (settlement); representing H and W Developments Corporation in appeals by Times Group Inc. for rezoning and plan of subdivision approval to permit development of several residential buildings with a total of 4,777 units, an office building, thousands of square metres of retail and commercial space, a public



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elementary school and large amounts of parkland and valleyland in Markham (Burton) (settlement); representing the Town of Aurora in a Divisional Court case regarding a proposal for 75 luxury homes and an 18-hole golf course in Markham (Beaman) (✓); representing 2135252 Ontario Inc. and CSH (Wynfield) RE Inc. in their appeals against Durham's new development charges by-law (D'Agostino, Turner); representing Halton Region in appeals by 1345059 Ontario Ltd. for OPA and ZBA to permit retail and service commercial development in Burlington (Wilker) (settlement); representing Bluegrass Valley Properties Inc. in its appeals against Brampton's approval of OPA and ZBA to allow retail uses in one case and against some of the city's new policies intended to guide future development (D'Agostino); representing Frank Merulla in his appeal against Mississauga's new zoning by-law (D'Agostino, Turner) (settlement); representing the Town of Halton Hills in appeals against Halton Region ROPA 37 (Wilker); representing Halton Region and the Town of Halton Hills in appeals against Brampton's new official plan (Germain, Wilker); representing the Town of Halton Hills and Halton Region in appeals against the town's new official plan (Wilker).

DAVIS—Alexis 8. [6] Alyea, Chris Barnett, Laura Bisset, David Crocker



LEGAL ADVISORS **SINCE 1892**

REASONS FOR RANKING: For the second year in a row, Davis LLP slipped two spots in the law firm rankings, but maintained its top-ten spot due to its participation in some major OMB cases. Davis represented clients in a case for a large Ajax subdivision and similar residential cases in Ajax, Brampton, Clarington and Richmond Hill. The firm was also involved in an appeal against Oakville's new development charges by-law.

OMB AND COURT MATTERS OR HEARINGS: Representing Beechridge Farms Inc. in its appeals for an OPA to permit development of a 554-unit residential subdivision (Barnett, Bisset) (\checkmark); representing Intracorp in its appeals for OPA and ZBA and plan of subdivision approval to permit development of a 187-unit subdivision in ? (Alyea, Barnett) (settlement); representing Kaitlin Group in appeals by West Diamond Properties Inc. and Players Business Park Ltd. for OPA, ZBA and plan of subdivision approval to permit development of a 612-unit residential subdivision in Clarington (Crocker) (settlement); representing the Port Darlington Land Corporation in its appeals for OPA, ZBA and plan of subdivision approval for a 699-unit residential subdivision in Clarington (Alyea, Barnett); representing the Town of Richmond Hill in appeals by Great Land (Yonge 16th) Inc. for OPA and ZBA to permit development of three condo towers with a total of 1,105 units (Barnett); representing Aurora 2C Landowners Group Inc. in its appeal for an OPA to bring Town of Aurora lands east of Yonge Street into conformity with York Region's official plan (Alyea, Barnett); representing the Building Industry and Land Development Association in appeals against Oakville's new

CONTINUED PAGE 10



We have an exciting (contract for up to 12 months) opportunity in the Policy Planning Department for an experienced and motivated individual

PLANNER 1 (FILE 10-276-SSNRU)

As one of Southern Ontario's fastest growing cities, with its mix of urban and rural areas, Vaughan is an in-demand place to live and work. A City considered one of Canada's most family-friendly; Vaughan has a dynamic and diverse population of over a quarter million. With one of the top performing economies, a growing tourism industry and an enviable portfolio of recreational and cultural venues, this is the place where you want to be.

Responsible for: Under the supervision of Planners, Senior Planners, Manager and/or Director, the Planner I is responsible for the interpretation, analysis evaluation and implementation of development applications, secondary plans, special studies, long-range planning and urban design policies, etc. As the Planner I you will be responsible for the preparation of detailed reports, with recommendations to Council. In addition, you will provide the public, other Municipal departments and Regional and Provincial authorities with information on both general planning matters and specific applications. You will attend various public meetings for both general planning matters and specific applications, Council, and other appointed Committees, Ontario Municipal Board Hearings to provide information, make presentations, and receive input into planning initiatives. You will implement the goals and objectives of the Vaughan Vision.

Qualifications and experience: a University degree in a Planning related discipline as well as eligibility for, or membership in the Canadian Institute of Planners/Ontario Professional Planners Institute is preferred. You will have a minimum one (1) years' related municipal experience and the ability to deal courteously and effectively with the public, staff, developers and elected officials. You will have a well-developed written, verbal, graphic and presentation communication skills in addition to a well-developed critical judgment, analytical thinking skills, negotiation and conflict resolution skills. You are able to use various corporate computer software programs, as required and able to read and interpret plans, surveys, and material submitted in support of applications. Knowledge of Urban Design is required.

If you are an energetic person who is interested in bringing your knowledge and passion for Planning to the City of Vaughan, please forward your resume in MS Word or pdf. only, quoting File 10-276-SSNRU in the subject line by Friday December 24, 2010 to:

> Human Resources Department City of Vaughan, 2141 Major Mackenzie Drive Vaughan, ON L6A 1T1 Fax 905-832-8575 resume@vaughan.ca

Please note that only candidates selected for interviews will be contacted

The City of Vaughan is committed to diversity and inclusivity in employment and welcomes applications Fine cut of valgema is committed to diversity and inclusivity in employment and veccomes applications and from qualified individuals of diverse backgrounds. In accordance with the Freedom of Information and Protection of Privacy Act, applicant information is collected under the authority of the Municipal Act, 2001 (S.O. 2001,c.25) and will be used to determine qualifications for employment with The Corporation of the background and the sector of the sector City of Vaughan. Questions about this collection should be directed to Human Resources Department, 2141 Major Mackenzie Dive, Vaughan, ON, L6A 1T1, (905) 832-8585.

development charges by-law (Barnett); representing Aurora 2C Landowners Group Inc. in appeals by Elhara Investments Limited and Aurora-Leslie Developments Limited for an OPA to permit development of 977 residential units and a large amount of employment lands in Aurora (Alvea, Barnett); representing Royalwest Developments Inc. and NADG Holdings Inc. in appeals by Bluegrass Valley Properties Inc. against Brampton's approval of OPA and ZBA to allow retail uses in one case and against some of the city's new policies intended to guide future development (Barnett); representing Mattamy (Brock Road) Limited in appeals by Cougs (Tillings) Limited and Lebovic Enterprises Limited for separate rezonings and plans of subdivision to permit development of separate residential subdivisions in Pickering (Alyea, Barnett).

9. [3] DAVIS WEBB—Neil Davis, James Macdonald, Ellen Pefhany, Ronald Webb



REASONS FOR RANKING: Davis Webb fell six spots to place ninth, as it did two years ago before taking third place in the 2008/09 ranking. The firm stayed in the top ten this year through its participation in cases like the appeals against the new Brampton and Halton Hills official plans and a couple of significant residential cases in Markham, among others.

OMB AND COURT MATTERS OR HEARINGS: Representing Caledon Grove Developments Inc. and 1367933 Ontario Inc. in their appeals for OPA and ZBA to permit a golf course in Caledon (Webb) (♥); representing Mario and Maria Fasulo in appeals against an OPA and two by-laws approved by Brampton revising planning policies in the Village of Churchill Heritage Conservation District (Davis) (settlement); representing Maple Lodge Farms Ltd. and Brampton Brick Limited in appeals against Brampton's new official plan (Webb); representing Unionville Square Shopping Centres Inc. in appeals by Times Group Inc. for rezoning and plan of subdivision approval to permit development of several residential buildings with a total of 4,777 units, an office building, thousands of square metres of retail and commercial space, a public elementary school and large amounts of parkland and valleyland in Markham (Davis) (settlement); representing G.C. Jain Investments Limited in its appeals for OPA and ZBA to permit development of a 66-unit seniors' residence in Brampton (Webb) (settlement); representing Ahmadiyya Muslim Jama'at Canada Inc. in an appeal by Block 33 East Landowners Group against Vaughan's approval of a rezoning permitting a new place of worship (Webb); representing Maple Lodge Farms Ltd.,

611679 Ontario Ltd., 611680 Ontario Ltd., 2160555 Ontario Inc., James E. Thatcher Ltd., May Junior Farms Ltd., May Junior Holdings Ltd., John and Valda May and Arthur May in appeals against the new Halton Hills official plan (Webb).

10. [9] TURKSTRA MAZZA ASSOCIATES—Shelley Kaufman, Paul Mazza, Nancy Smith, Scott Snider, Herman Turkstra

REASONS FOR RANKING: Turkstra Mazza Associates slipped one spot since last year's ranking, but held on to the last top ten spot. The firm represented Paletta International Corporation in a couple of Burlington OMB cases, Royalcliff Developments and Lake Path Holdings in their appeal for a large residential subdivision in Brampton and also had clients involved in the appeals against Halton Hills' and Brampton's new official plans and Hamilton's rural official plan.

OMB AND COURT MATTERS OR HEARINGS: representing Paletta International Corporation, 2159804 Ontario Ltd., 1600670 Ontario Ltd. and 1314244 Ontario Ltd. in their appeals against a number of OPA and ZBA approved by the City of Burlington (Snider) (settlement); representing Paletta International Corporation in its appeals for a rezoning to permit development of retail and commercial buildings and against a city-approved OPA (Snider) (settlement); representing Royalcliff Developments Inc. and Lake Path Holdings Inc. in their appeals for OPA and ZBA to permit development of a multi-building, 834-unit residential project in Brampton (Smith, Snider) (V); representing 557619 Ontario Inc., 1175819 Ontario Ltd., 1205953 Ontario Ltd., Artstone Holdings Inc., Bella Court Developments Ltd., Copetown Lions Development Association, Corpveil Holdings Ltd., P & L Livestock Ltd., Paletta International Corporation and Weizer Investments Ltd. in appeals against Hamilton's new rural official plan (Kaufman); representing Northwest Brampton Landowners Group Inc., Metrus Developments Inc., Metrus Central Properties and Tesch Development Inc. in appeals against Brampton's new official plan (Smith); representing Northwest Brampton Landowners Group Inc. in appeals against the new Halton Hills official plan (Snider); representing Markham Centre Landowners Group Inc. in appeals by Times Group Inc. for rezoning and plan of subdivision approval to permit development of several residential buildings with a total of 4,777 units, an office building, thousands of square metres of retail and commercial space, a public elementary school and large amounts of parkland and valleyland in Markham (Smith) (settlement). CONTINUED PAGE 11

Erratum

King Township Councillor Cleve Mortelliti's name was misspelled in the December 8 NRU-GTA edition. NRU regrets the error.

<u>GTA in Brief</u>

Water conservation

Research conducted by the **Toronto** and **Region Conservation Authority** showed rainwater harvesting systems in commercial and industrial buildings can lower annual water use for toilet flushing and grounds irrigation by between 59 and 76 per cent, while reducing stormwater runoff from roofs by up to 42 per cent. In a study of rainwater harvesting in suburban homes, the **University of Guelph** reported savings of 60,000 to 70,000 litres of water annually—reducing a typical family water bill by 30-40 per cent.

The Ontario Guidelines for Residential Rainwater Harvesting Systems has been published to help builders, engineers, contractors, municipalities, community groups and homeowners implement rainwater harvesting projects. The guidelines were developed by researchers from the University of Guelph under the direction of Dr. **Khosrow Farahbakhsh**, the provincial municipal affairs and housing ministry, Waterdown-based company **Connect the Drops** and members of the private sector. The guidelines can be downloaded at <u>www.connectthedrops.ca</u>.

BILD awards

The **Building Industry and Land Development Association** (BILD) announced the recipients of the 2010 Associate Awards at its annual general meeting on December 8. The association recognizes the best of the GTA in three distinct categories annually. The 2010 service/professional of the year award was presented to **Myles Burke Architectural Models** for delivering premium quality scale models for architects, engineers and real estate development. Trade contractor of the year was given to **Martino Contractors Ltd.** for quality of work and being a leader in implementing green solutions. Manufacturer/supplier of the year went to **Tamarack Lumber** for its relationship building and solid reputation in the GTA.

NIAGARA

Niagara Region new chair

Niagara Region council appointed CONTINUED PAGE 12

Top-ten firms continued from page 10

THE NEXT TEN

Based on mentions in Novae Res Urbis - GTA Edition, the ranking of the next ten firms with last year's place indicated

in the square brackets follows: (11) [11] O'Connor MacLeod Hanna; (12) [n/a] Fogler Rubinoff; (13) [7] WeirFoulds; (14) [17] Bratty & Partners; (15) [19] Blake, Cassels & Graydon; (16) [n/a] Fasken Martineau; (17) [n/a] Russell Cheeseman; (18) [n/a] Susan Rogers; (19) [14] Borden Ladner Gervais; (20) [20] Fraser Milner Casgrain.

METHODOLOGY

The end of year tradition at NRU examines the legal side of planning and development in the Greater Toronto Area, primarily focussing on cases that have come before the Ontario Municipal Board between August 2009 and July 2010 as reported in *Novae Res Urbis - GTA Edition*.

Send us your interesting board and court decisions and development applications by email or fax, to ensure they are covered in *NRU* - *GTA Edition* for the 13th annual ranking to be published in December 2011.

How the information is collected—We track each of the law firms mentioned in *Novae Res Urbis - GTA Edition* (OMB

News predominately but not exclusively) over a one-year period between August and July. From there we determine the firms that are most frequently mentioned and sort through their projects and hearings. Some firms are involved in a variety of developments across the GTA, while others have particular associations to major clients.

DETERMINING THE TOP 10—Balancing the number of clients, the range of projects and the difficulty of cases, as well as unique features about each project or case, is our most difficult task. This assessment is 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—Lawyers that are part of the planning and development law team for each of the top-10 ranked firms are noted. In cases that involved an OMB decision where a clear winner/loser or settlement was determined, the appropriate symbol (\checkmark) or (\bigstar) or (settlement) follows the case description. If there was no clear win/lose/settlement or the matter involved a pre-hearing or is still pending before the OMB, no symbol appears. A square bracket after this year's ranking indicates the firm's placement in last year's NRU listing.

GTA OMB News

Mississauga lakeshore settlement

In a decision issued November 30, board member **Reid Rossi** allowed an appeal by **Certain Teed Gypsum Canada** against a zoning by-law amendment approved by the **City of Mississauga** as it relates to the company's property on the south side of Lakeshore Road West, east of Winston Churchill Boulevard.

The board was informed that a settlement had been reached. The settlement addresses issues that Certain Teed raised regarding setback requirements that were included in the zoning by-law amendment. As a result of the settlement, a new exception zone is being included in the by-law

GTA in Brief continued from page 11

Gary Burroughs as regional chair for the 2010-2014 term. Burroughs is the former Lord Mayor of Niagara-onthe-Lake and was re-elected as regional councillor in the town in October. He is also a chartered accountant and has been a hotel owner-operator for 30 years. The first regional council meeting of the new council term is December 16.

SIMCOE

Liberal candidate resigns

Federal Liberal candidate in the Simcoe-Grey riding **Andrea Matrosovs** released a statement resigning her candidacy immediately. In the new year, she will be living part-time in Prince Edward Island to join her husband who works there. The riding is currently held by Conservative MP Helena Guergis.

HALTON

Milton heritage

Town of Milton celebrated the completion of renovations to the historic 16 Hugh Lane building, a designated heritage building in the town's downtown core. Renovations added new energy efficient systems and an addition to transform the building into office space to support local employment. The federal government contributed up to \$230,813 to the project through the community adjustment fund and the town invested the remaining balance of the project costs of \$313,988.

Burlington transit revamp

City of Burlington's new mayor **Rick Goldring** officially re-opened the recently expanded Burlington Transit Operations Centre with MP **Mike Wallace** and MPP **Kevin Flynn**. The revamped Transit Operations Centre was upgraded with infrastructure stimulus funding and now has improved electrical and mechanical systems, as well as larger administrative areas, indoor vehicle storage areas and maintenance bays. The investment totalled \$8.6-million split equally among the federal, provincial and municipal governments.

DURHAM

Climate change plan feedback

The Durham Region Roundtable on Climate Change, an advisory committee to **Durham Region** council, is

to reduce the required setback for Certain Teed's buildings from 7.5 to 5.0 metres.

Mississauga planner **Karen Crouse** provided evidence on behalf of the city, in support of the settlement. Crouse testified the settlement complies with all relevant upper-tier planning policies and the amended zoning by-law appropriately implements the city's official plan.

As well, the board was informed that if the settlement is approved, Certain Teed will withdraw its appeal of Mississauga OPA 63, which replaced the city's planning policies for the Southdown District, in which Certain Teed's lands sit.

The board approved the settlement, allowing the appeal and authorizing the changes to the zoning by-law.

Solicitor Jennifer Drake and David Bronskill (Goodmans) represented Certain Teed Gypsum Canada. Solicitor Michal Minkowski represented the City of Mississauga. (See OMB Case No. PL081164.)

looking for feedback on the first phase of the region's draft climate change local action plan. The second phase of developing the plan begins in spring 2011. The plan outlines recommendations for action in six main themes: food systems, natural systems and resources, energy, built environment, waste and transportation. Comments are accepted until January 21 and the draft document can be viewed at www.durham.ca under the climate change tab. A final version of the plan is expected to go to regional council for approval in late 2011.

PEEL

Mississauga recount

City of Mississauga completed a recount for Ward 1 confirming the results of the October 25 municipal election. The recount revealed that Councillor **Jim Tovey** garnered 5,246 votes and candidate **Carmen Corbasson** received 5,118 votes. A third candidate, Kwaku Owusu, received 191 votes. The recount was directed by council and in total, 17 tabulators were used in the recount representing the 11 voting locations and 6 advance polls in Ward 1.

GTA People

Fred Eisenberger has been selected as the president and CEO of the **Canadian Urban Institute** following an international search by executive recruiter Promeus Inc. Formerly a councillor for the City of Hamilton and Region of Hamilton-Wentworth in the 1990s, Eisenberger was most recently the city's mayor but he was not re-elected last October after serving only one term. He begins at CUI February 7, relieving Michael Fenn of his parttime CEO duties that he took on after the previous head, Glen Murray, was elected to the provincial legislature.

York Region chair Bill **Fisch** has been acclaimed. Fisch begins his fifth term as regional chair. On regional council with him is: Town of Aurora mayor **Geoff Dawe**: Town of East Gwillimbury mayor Virginia Hackson; Town of Georgina mayor **Robert Grossi** and regional councillor **Danny Wheeler**; Township of King mayor Steve Pellegrini; Town of Markham mayor **Frank** Scarpitti and regional councillors Jack Heath, Gordon Landon. Jim Jones and Joe Li: Town of Newmarket mayor Tony Van Bynen and regional councillor John Taylor; Town of Richmond Hill mayor **Dave Barrow** and regional councillors Vito Spatafora and Brenda Hogg; City of Vaughan mayor Maurizio **Bevilacqua** and regional councillors **Gino Rosati**. Michael Di Biase and Deb

Schulte; and Town of Whitchurch-Stouffville mayor **Wayne Emmerson**.

Peel Region council elected Emil Kolb as chair for his seventh term. On council is: Town of Caledon mayor Marolyn Morrison and councillors **Patti Foley**, **Richard Paterak**, Allan Thompson and Richard Whitehead; City of Brampton mayor **Susan** Fennell and councillors Sandra Hames, Gael Miles, Elaine Moore, Paul Palleschi, John Sanderson and John Sprovieri; City of Mississauga mayor Hazel **McCallion** and councillors Eve Adams, George Carlson, Frank Dale, Chris Fonseca, Nando Iannicca, Katie Mahoney, Sue McFadden, Patricia Mullin, Pat Saito, Ron Starr and Jim Tovey.

Durham Region council elected **Roger Anderson** as chair. Anderson has held the post since December 1997 and is the region's longestserving chair. On council is: Town of Ajax mayor **Steve Parish** and councillors Shaun Collier and Colleen **Jordan**; Township of Brock mayor Larry O'Connor and councillor **Debbie Bath**; Municipality of Clarington mayor **Adrian Foster** and councillors Mary Novak and Willie Woo; City of Oshawa mayor John Henry and councillors John Aker, **Bob Chapman**, Nancy Diamond, Amy England, Tito-Dante Marimpietri, John Neal and Nester Pidwerbecki; City of

Pickering mayor **Dave Ryan** and councillors **Bill McLean**, **Jennifer O'Connell** and **Peter Rodrigues**; Township of Scugog mayor **Chuck Mercier** and councillor **Bobbie Drew**; Township of Uxbridge mayor **Gerri Lynn O'Connor** and councillor **Jack Ballinger**; and Town of Whitby mayor **Pat Perkins** and councillors **Lorne Coe**, **Joe Drumm** and **Don Mitchell**.

Halton Region chair Gary Carr was acclaimed prior to the October election. On regional council is: Town of Milton mayor **Gordon** Krantz and regional councillors Tony Lambert and Colin Best: Town of Oakville mayor **Rob Burton** and regional councillors Alan Johnston, Cathy Duddeck, Keith Bird, Allan Elgar, Jeff Knoll and Tom Adams: Town of Halton Hills mayor **Rick Bonnette** and regional councillors Clark Somerville and Jane Fogal; and City of Burlington mayor **Rick Goldring** and city and regional councillors **Rick** Craven, Marianne Meed Ward, John Taylor, Jack Dennison, Paul Sharman and Blair Lancaster



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