

Inclusionary zoning

## PROCEED WITH CAUTION

By Andrew Cohrs

Municipalities cautiously optimistic about newly enacted inclusionary housing legislation as they await regulations anticipated in early 2017.

With the passing of the *Promoting Affordable Housing Act* last week, paving the way for the introduction of inclusionary zoning, GTA municipalities are hopeful that it will help create more affordable units. However, implementation challenges and the potential for unintended impacts have GTA planners asking questions.

“It’s a good first step... I think the issue really comes down to: how does it get implemented? ... The devil is in the details,” Mississauga chief planner **Ed Sajecki** told *NRU*.

While Mississauga will give serious consideration to introducing inclusionary zoning, Sajecki wonders about its potential for causing unintended impacts.

“We know that there are still some financial gaps [for developers]... What could happen is those costs just get passed on, so while you get a certain segment of the units as affordable, you’re making other units less affordable.”

While acknowledging that inclusionary zoning would increase the number of affordable units in Mississauga, Sajecki wants to make sure their cost does CONTINUED PAGE 5 ▶

18th annual GTA rankings

## TOP-10 DEVELOPMENT LAW FIRMS

Record demand for new residential development across the GTA has kept the Ontario Municipal Board busier than ever adjudicating appeals ranging from modest infill developments to extremely complex matters such as the intertwined Peel Region, Brampton and Caledon official plan policies for the GTA West Transportation Corridor.

One need look no further than this year’s GTA OMB news to see that Ontario’s planning policies—which are eschewing low-density urban sprawl for significantly more intensive forms of land development in all reaches of the region—are producing measurable results. *NRU* featured board decisions for high-density, high-rise development in Mississauga, Richmond Hill, Brampton and beyond. Although often reticent to embrace these higher densities, municipalities are frequently settling with developers over large-scale proposals.

A large number of appeals were

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Milton downtown  
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## Economics Matters

- demographics
- construction economics
- planning impacts
- real estate markets
- expert testimony
- forecasting



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## UPCOMING DATES

**DECEMBER 14**

Mississauga Council, 9:00 a.m.

Hamilton Council, 9:30 a.m.

Brampton Council, 9:30 a.m.

Halton Region Council, 9:30 a.m.

Durham Region Council, 9:30 a.m.

Barrie Infrastructure, Investment & Development Services Committee, 6:30 p.m.

Georgina Council, 7:00 p.m.

**DECEMBER 15**

York Region Council, 9:00 a.m.

Burlington Committee of the Whole, 1:00 p.m.

**DECEMBER 19**

Oshawa Council, 6:30 p.m.

Burlington Council, 6:30 p.m.

Barrie Council, 7:00 p.m.

**DECEMBER 20**

East Gwillimbury Committee of the Whole, 10:00 a.m.

Whitchurch-Stouffville Council, 3:00 p.m.

East Gwillimbury Council, 3:00 p.m.

Caledon Council, 7:00 p.m.

**DECEMBER 21**

Aurora Public Planning, 7:00 p.m.

**JANUARY 3**

Clarington General Government Committee, 9:30 a.m.

**JANUARY 9**

Burlington Committee of the Whole, 1:00 p.m.



Georgina infill

# TOWNHOUSES RAISE CONCERN

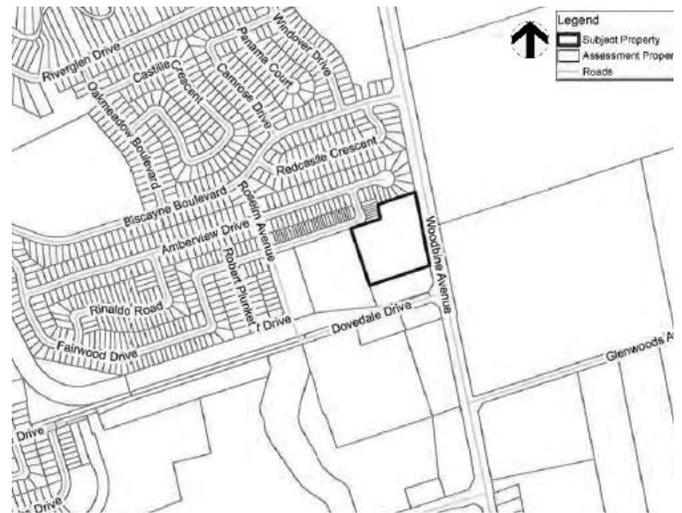
By Andrew Cohrs

Proposed townhouses and a commercial strip in Georgina are raising concerns about the scale of intensification and pedestrian safety.

“It seems like it is almost too much [development] on too small [of a site]... We are not adverse to considering [the proposal], there is certainly the potential for introducing an intensified use on the site, but the details as to how to come about that in the most efficient manner [need work],” Georgina planning manager **Velvet Ross** told *NRU*.

**Sunshine Acquisitions’** proposal for the 2.5-ha site includes construction of 70, three-storey townhouses, 1,848 m<sup>2</sup> of commercial space broken up into four one-storey buildings with four to six businesses in each structure and a combined 269 parking spaces. The development also includes a 0.24-ha park. The site is adjacent to an elementary school, an existing neighbourhood of detached dwellings and a commercial plaza that is currently under construction.

The property is designated as commercial/employment, and while Sunshine Acquisitions is seeking to redesignate it mixed use, it would not be considered an employment land conversion as **York Region** does not identify the parcel



Location of Sunrise Acquisition's mixed-use development proposal in Georgina

as strategic employment lands. Nevertheless, Ross said that Sunshine Acquisitions still needs to provide a rational for the change of designation.

“[Sunset Acquisition is] asking to change the land use designation

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Meadowvale Community Centre redevelopment

# DESIGNING FOR ACCESS

By Leah Wong

Community centres continue to serve as local hubs, offering a range of services and recreation programming and functioning as gathering spaces for residents. Recognizing the importance of these facilities, the Meadowvale Community Centre and Library was redeveloped to make it more inclusive and accessible to the area’s changing population.

“Community centres with libraries have become so much more important [to residents]—they are kind of like the third space for people to connect with programs and with each other,” Perkins + Will principal and architect **Phil Fenech** told *NRU*. “They are threshold spaces for new Canadians, for seniors who want to get out in the world... and very important spaces for youth.”

Fenech said the original Meadowvale Community Centre couldn’t keep up with the demands of the neighbourhood. Meadowvale was built as a planned community, around the man-made Lake Aquitaine in the 1970s.

“The neighbourhood and the park had matured quite a bit, but the building that was there had really served its purpose. It was too small and the program demands had increased.”

Perkins + Will, led by principal and Ontario design director **Andrew Frontini**, was retained by the **City of Mississauga** in 2011 to redevelop the Meadowvale Community Centre. Fenech said his firm was asked to incorporate a library that would be relocated from a nearby mall and increase the range of programs that could be offered at the site.

For the redevelopment three options were considered—build an entirely new facility, renovate the existing building or build a new facility around the existing pool tank. Picking

the third option, Fenech said retaining the pool tank has worked with the design of the new building and cost less than completely replacing the building.

Making the new facility accessible was part of Perkins + Will’s mandate. As of January 1 municipalities are required to make new and redeveloped public spaces accessible under the *Accessibility for Ontarians with Disabilities Act*. The building



Meadowvale Community Centre and Library entrance



Meadowvale Community Centre and Library pool



Colourful fins surround the exterior of the Meadowvale Community Centre and Library

ARCHITECT: PERKINS + WILL  
SOURCE: LISA LOGAN PHOTOGRAPHY

was recognized with an award of merit for barrier-free design by the **March of Dimes** last month.

“Our goal with our clients is to always maximize participation. You want to be able to reach as many people as possible,” said Fenech.

Having universal change rooms with a mix of cubicle types is one of the new features that makes the space more inclusive to a diverse group of users.

“The benefit of a universal change room is that it breaks down the barriers of what a change

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# DESIGNING FOR ACCESS

CONTINUED FROM PAGE 3

room experience is like,” said Fenech. The separate cubicles are more inclusive and accessible to a range of users, including older adults that need caregiver support, parents with children and transgender individuals.

“If you’ve done that with your change room, which is really the first experience for many people at the recreation portion of a community centre, then you’ve made it comfortable and welcoming and from there they will enjoy the experience and keep coming back.”

The building has also been designed with sustainability in mind. There a number of green roofs on the terraced building, which Fenech said will minimize the heat island effect and the impact of stormwater on the site. The building is also transparent, maximizing daylight and reducing the amount of artificial light that is required.

The colourful fins surround the building serve both a sustainable and an aesthetic purpose. Fenech said they block the setting sun during the summer, preventing radiant heat from coming into the building.

“Equally [the fins] have an aesthetic appeal that binds the entire façade together,” said Fenech. “It is a kind of identifier for the community that says, ‘This is yours.’” **nru**

## AODA deadlines

Municipalities are required to meet the following criteria under the *Accessibility for Ontarians with Disabilities Act* as of January 1, 2016:

- Provide accessible customer service
- Provide accessible taxi services
- Provide accessible emergency and public safety information
- Provide accessible emergency information to staff
- Provide taxi registration and identification in accessible formats
- Provide accessible transportation services
- Create accessibility policies and a multi-year plan
- Buy goods, services or facilities that are accessible
- Include accessibility features when purchasing or designing self-service kiosks
- Make websites accessible

- Train staff on Ontario’s accessibility laws
- Make it easy for people with disabilities to provide feedback when asked
- Make employment practices accessible
- Make public information accessible when asked
- Make new or redevelopment public spaces accessible

Private sector and non-profit organizations have longer to meet the following requirements:

- Make public information accessible when asked (January 1, 2017)
- Make employment practices accessible (January 1, 2017)
- Make new or redeveloped public spaces accessible (January 1, 2017 for organizations with more than 50 employees, January 1, 2018 for organizations with less than 50 employees)

# TOWNHOUSES RAISE CONCERN

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from commercial/employment, but [it hasn’t] demonstrated to us... [that] there [is] a need for more residential [land]. We have got a lot of residential land that is still is available so why would we need to change this?”

In addition, staff has noted several concerns with the proposal, particularly the impacts of additional traffic and the lack of pedestrian infrastructure. Ross said that staff are concerned with how cars and people will move to and from the site.

“We are concerned about the interior traffic flow, we are concerned about pedestrian safety... [as] there are no sidewalks [proposed].”

Several neighbouring residents have also submitted statements echoing similar concerns related to vehicular

access from Fairwood Drive, a local street. Ross agrees, saying that neither the town nor the region support that access point.

“You’ve got a quiet residential neighbourhood where you have the school in there so certainly a lot of children walking and parents walking... Do you want a main access to a small commercial plaza coming through interior streets? It doesn’t make sense from a design standpoint.”

The report will be considered by Georgina council tonight and a public meeting will follow at a later date. Project architect is **Michael Spaziani Architect**.

*Ward 1 councillor Naomi Davison and Sunrise Acquisitions were unavailable for comment before deadline.* **nru**

# PROCEED WITH CAUTION

CONTINUED FROM PAGE 1

not result in an increase in the cost of market units. He said that developers in Mississauga would likely need assistance in producing affordable units.

“What we are hearing from the [development] industry is that they are looking for true partnerships and so part of that is they are looking for some kind of financial incentives that will dovetail with the creation of [affordable] units.”

Sajecki suggests incentives could be anything from providing additional density, deferring development charges or some kind of levy dedicated to affordable housing.

Peel planning director **Arvin Prasad** told *NRU* that introducing a new policy has further challenges.

“One of the things with [inclusionary zoning] is that we don’t have a lot of experience with it... so without that experience it will be very difficult to get it going and get an administrative system in place. What does it look like on the ground? How do we put the policies in the official plan, the zoning by-law? How do we implement it on a site-specific basis? ... What are the design standards of the units? ... What kind of measures or incentives can municipalities or the province provide to developers to offset the cost of constructing these homes?”

**Ryerson University** Centre for Urban Research and Land Development director **David Amborski** is cautioning municipalities that are considering implementing inclusionary zoning.

“[Municipalities] need to understand the economic aspects and impacts on the market... If you are not careful you can have negative impacts on particular segments of the market like a negative impact on transit-oriented development or mid-rise development,” Amborski told *NRU*.

Both Amborski and Sajecki are concerned that the new legislation does not permit cash-in-lieu contributions. Sajecki said that it could be more beneficial to collect cash-in-lieu, particularly in areas with high property values, and create more units elsewhere. The same is true for the requirement that affordable units must be located on the same site, he said.

“There will be situations where, quite frankly, it probably doesn’t make sense to force units into a specific building, where you could probably get better return on investment by going to a different location.”

Nevertheless, municipalities in the GTA are hopeful. **York Region** long range planning director **Paul Freeman** told *NRU* in an email that the region is pleased with the provincial policy.

December 6 the **Province of Ontario** passed the *Promoting Affordable Housing Act* (2016) enabling municipalities to use inclusionary zoning and reducing red tape for secondary units, in addition to other reforms. The legislation amends four existing acts—the *Planning Act* (1990), *Development Charges Act* (1997), *Housing Services Act* (2011) and *Residential Tenancies Act* (2006).

Other changes introduced by the legislation include giving greater flexibility to local service managers for social housing programs and services, strengthening tenants’ rights from social housing evictions and enhancing data collection on homelessness by requiring service providers to conduct counts of people who are homeless in their communities.

**Inclusionary zoning, while not a complete solution to affordable housing gaps, would provide another tool to help municipalities address housing gaps. It would increase the mix and range of housing options in York Region, and produce a greater number of affordable options.**

• Paul Freeman

“Inclusionary zoning, while not a complete solution to affordable housing gaps, would provide another tool to help municipalities address housing gaps. It would increase the mix and range of housing options in York Region, and produce a greater number of affordable options.”

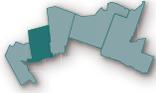
Amborski agrees but warns that municipalities need to know what type of affordability level they want to address with their by-laws.

“You have to understand what you are trying to achieve. Basically, you can either get more units that have less subsidy or fewer units with deeper subsidies. It’s been shown by studies in the U.S. that typically inclusionary zoning doesn’t provide housing for the lower-income strata, those in the deepest need.”

It is anticipated that the province will release draft regulations in early 2017, which Freeman expects will include target income levels, percentage of affordable units in a development, the length of time the units remain affordable and the size of qualifying developments. [nrU](#)

# COMMITTEE AGENDAS

## HALTON



[Milton considers downtown study final report](#)

At its December 12 meeting, Milton committee of the whole considered a final [report](#) regarding the Milton downtown study. The study develops a comprehensive policy and operation framework to support revitalization and sustainability of Milton's downtown core, in anticipation of redevelopment and intensification.

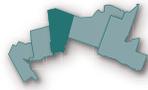
The report contains recommendations regarding land use and urban design guidelines, a business case for a mixed-use office building, parking, heritage protection, and the relationships among town departments, agencies and interest groups.

[Approval recommended for Burlington development](#)

At its December 13 meeting, Burlington development and infrastructure committee considered a final [report](#) recommending approval of official plan and zoning by-law amendment

applications by **Adi Development Group**. Adi proposes to build 21 traditional townhouses, 150 stacked townhouses and two 19-storey apartment buildings with 441 units at 4853 Thomas Alton Boulevard.

## PEEL



[Approval recommended for Caledon estate subdivision](#)

At its December 13 meeting, Caledon planning and development committee considered a final [report](#) recommending approval of zoning by-law amendment and plan of subdivision applications by **2366125 Ontario (Beaverhall Homes)**. Beaverhall proposes to build a 42-lot estate residential subdivision at 0 Mount Pleasant Road, Part of Lots 26 and 27, Concession 9 ALB.

[Caledon medical marijuana facility proposed](#)

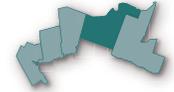
At its December 13 meeting, Caledon planning and development committee considered a [report](#) regarding official plan and

zoning by-law amendment applications by **Glen Schnarr & Associates**, on behalf of owner **White Sova Holdings**. White Sova proposes to use the existing portable office building and warehouse at 20383 Hurontario Street for a medical marijuana production facility. Submissions made at the community consultation meeting will be included in a subsequent recommendation report.

[Bolton subdivision proposed](#)

At its December 13 meeting, **Caledon** planning and development committee considered a [report](#) regarding applications for official plan and zoning by-law amendments and draft plan of subdivision approval by **Paul King**, on behalf of owner **1361605 Ontario**. 1361605 proposes to build a seven-lot residential subdivision at 13576 and 13584 Coleraine Drive. Submissions made at the community consultation meeting will be included in a subsequent recommendation report.

## YORK



[Approval recommended for Nobleton subdivision](#)

At its December 12 meeting, **King** committee of the whole considered a final [report](#) recommending approval of zoning by-law amendment and draft plan of subdivision applications by **MHBC**, on behalf of owner **Edgecore Investments (Fandor Homes)**. Fandor proposes to build a residential subdivision with 152 units, in a range of housing types, at 6178, 6220-6230 and 6288 King Road. [nruc](#)

## Erratum

In the November 23 edition of GTA OMB news, *NRU* should have identified Michael Dutschek as a municipal engineer with R.J. Burnside and Associates. *NRU* regrets the error.

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# TOP-10 DEVELOPMENT LAW FIRMS

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resolved concerning Vaughan's 2010 official plan, and Oakville's new comprehensive zoning by-law and its implementing OPA. While these two matters produced steady bursts of board decisions, appeals against the new official plans of Markham and Richmond Hill also continue to be heard, gradually bringing more elements of these OPs into full force and effect.

In last year's law review, *NRU* hinted that golf course appeals would become more prevalent in the wake of the board-approved redevelopment of Newmarket's Glenway golf course. Owners of Aurora's Highland Gate golf club and Oakville's Saw-Whet and Glen Abbey golf clubs have followed suit, reflecting the declining viability of maintaining sprawling golf courses within municipal urban boundaries. These appeals remain ongoing and it is unclear whether they will be resolved by the time we prepare next year's GTA law review.

The results of this year's GTA law review include several familiar firms as well as some exciting new additions. Two of the top-10 firms makes their inaugural appearance in the GTA rankings this year. While we have no crystal ball at *NRU* it will be interesting to see if these rising stars continue their ascent in next year's rankings.

Now in its 18<sup>th</sup> year, *NRU's* annual ranking of GTA planning and municipal law firms looks back at OMB decisions covered in *NRU* GTA from August 1, 2015 to July 31, 2016. For the Toronto rankings, see the December 16 edition of *NRU* Toronto.

for its clients at the board. With only one minor variance-related loss reported in *NRU* GTA this year, Aird & Berlis has achieved settlements and wins in a wide spectrum of appeals.

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**1** [2] **Aird & Berlis**



Solicitors: **Meaghan Barrett, Lauren Chee-Hing** (now with Ontario Ombudsman), **Eileen Costello, Laura Dean, Robert Doumani, Patricia Foran, Tom Halinski, Patrick Harrington, Jody Johnson, Kim Kovar, Sidonia Loiacono, Leo Longo, Josephine Matera** (retired), **John Mascarin, David Neligan, Jane Pepino, Andrea Skinner, Christopher Williams** and **Steven Zakem**.

Aird & Berlis retakes the top spot this year thanks to a prodigious caseload and a high degree of successful outcomes



**Director of Development Planning**

One of Southern Ontario's fastest growing centres, with a mix of urban and rural areas, Vaughan is a sought after place to live and work. Considered one of Canada's most family-friendly communities, the *City of Vaughan* has a dynamic and diverse population of over 320,000. Its vision of building "a city of choice" promotes diversity, innovation and opportunity for all citizens through public engagement. Vaughan is committed to safe residential neighbourhoods, great schools, diverse recreational opportunities, and abundant green space.

Reporting to the Deputy City Manager, Planning and Growth Management, the Director of Development Planning provides leadership that results in the development of well planned, designed, and sustainable developments. The Director guides a team of close to 40 staff, including 4 direct reports in the preparation of reports dealing with zoning by-law amendments, official plan amendments, site plan applications, subdivisions and committee of adjustment applications, Heritage Vaughan approvals, and providing recommendations which are consistent with planning principles, good design and sustainability.

A Registered Professional Planner, ideal candidates possess more than 10-15 years of relevant experience several of which include management of staff or project teams. The Director will have successfully executed complex projects and interacted directly with government and agency stakeholders and developers. You are known for your proactive approach, facilitating mutually beneficial outcomes in high pressure situations and fostering collaborative partnerships with Council, community stakeholders and professional organizations. Your understanding of the latest planning and growth management, urban design and sustainability techniques and best practices, along with your solid knowledge of relevant Provincial legislation and experience related to the OMB, set you apart. Here is your opportunity to directly influence City building projects and to be part of the development of a world-class city.

To explore this opportunity further, please contact Julia Robarts in Odgers Berndtson's Toronto office at 416-366-1990 or submit your resume and related information online at <http://www.odgersberndtson.com/en/careers/13768>

Deadline January 6, 2017

# TOP-10 DEVELOPMENT LAW FIRMS

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Several members of the practice were involved in successful appeals of Vaughan’s new official plan, getting the green light for a seniors/retirees-oriented residential development and an outdoor truck storage terminal. Another big victory was a settlement regarding a 674-unit residential subdivision in Caledon. The firm also obtained settlements for appellants of Whitby’s Growth Plan conformity OPA and Newmarket’s urban centres secondary plan.

**OMB Cases and Decisions**—Representing Sam and Joanne Gideon in an appeal by CIM Developments against Richmond Hill’s failure to make a decision on its OPA/ZBA applications for a mixed-use development at the southeast corner of Bayview Avenue and Elgin Mills Road East (Skinner); representing First Capital (Bayview) in an appeal for minor variances to permit conversion of parking spaces into retail

at Bayview Lanes Plaza at 8190 Bayview Avenue in Markham (Costello) (settlement); representing HDP Canada Industrial Fund I, GP (now 2334193 Ontario) regarding a settlement with Durham Region for modifications to an OPA for lands in Ajax (Zakem) (settlement); representing Maple Lodge Farms in an appeal by Ashley Homes against Brampton’s failure to make a decision on its draft plan of subdivision and ZBA applications (Johnson) (settlement); representing Bronte Green in its appeal against the Oakville’s failure to make a decision on its OPA, ZBA, plans of subdivision and condominium applications for an integrated mixed-use, mixed-density community at 1401 Bronte Road (Harrington, Foran); representing Loblaw Properties in an appeal against Scugog OPA (Foran) (settlement); representing Ballantry Homes and Silwell Developments in their appeals against Oakville’s implementing OPA for the new

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## Development Opportunity OAKVILLE, ONTARIO, CANADA

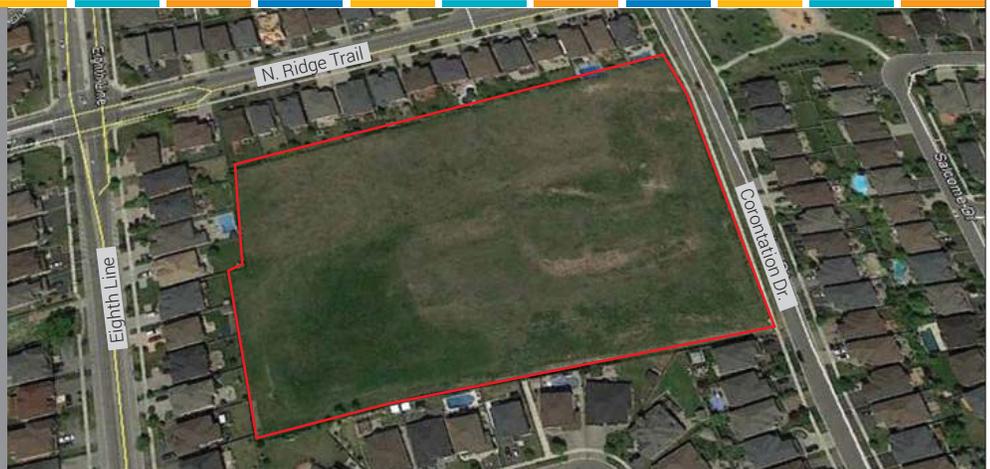
The Halton Catholic District School Board (HCDSB) is inviting developers to bid on the purchase of its lands at

**2337  
CORONATION DRIVE**

The property consists of about 6.8 acres of land with about 460 feet of frontage on Coronation Drive.

The HCDSB is seeking a purchaser that has the capacity and experience with lower density housing projects to successfully redevelop this property in accordance with the Town’s Official Plan policy framework

**SUBMISSIONS DUE January 16, 2017**



All inquiries regarding this property should be directed to

Sean L. Gosnell, *Borden Ladner Gervais LLP* 416 367 6120  
 Mark Conway, *N. Barry Lyon Consultants Limited* 416 364 4414 x201  
 Scott Walker, *N. Barry Lyon Consultants Limited* 416 364 4414 x206

*Borden Ladner Gervais LLP has been retained as legal counsel by the HCDSB in connection with this transaction and will be assisted by N. Barry Lyon Consultants Limited as process advisors.*

For additional information regarding this process, visit **[www.2337CoronationDrive.com](http://www.2337CoronationDrive.com)**

# TOP-10 DEVELOPMENT LAW FIRMS

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comprehensive ZBL (Williams) (settlement); representing 678280 Ontario in an appeal against a ZBA for parking in Richmond Hill (Chee-Hing) (settlement); representing EMGO (North Oakville 1) in an appeal by Star Oak Developments and Mel Oak Developments against Oakville's failure to make a decision on its ZBA and plan of subdivision applications for 3369 Sixth Line (Harrington); representing 2058258 Ontario in an appeal against Vaughan's refusal to approve its OPA and ZBA applications for apartments and seniors residence (Skinner, Williams) (✓); representing CountryWide Homes in an appeal by Gillian Evans and David Toyne against Vaughan's OPA 744 (block plan for lands south of Teston Road, straddling Pine Valley Drive) (Pepino, Barrett, Harrington) (✓); representing Danik Daniels in an appeal by Margaret Tushingham against Richmond Hill's failure to make a decision on her ZBA application (Zakem) (✓); representing 225600 Investments in appeal against several conditions imposed by Brampton as part of an approval of a draft plan of subdivision (Foran) (settlement); representing Forest Green Homes on a site-specific appeal against Vaughan's new OP (Skinner) (settlement); representing Amar Transport on a site-specific appeal against Vaughan's new OP (Harrington) (✓); representing Peter and Darleen Bardoel in appeal against Hamilton's refusal of a ZBA to permit a secondary detached dwelling unit in an accessory rear-yard building (Harrington) (✓); representing a group of neighbours known as the Glassco Group in an appeal by Riteland Development against Caledon's failure to approve their applications for ZBA and plan of subdivision (Harrington) (settlement); representing appellants against numerous planning instruments adopted by Peel Region, Brampton and Caledon to protect lands for the GTA West Transportation Corridor (Longo, Zakem); representing 2357847 Ontario in its appeal against Vaughan's failure to make a decision on its ZBA and site plan applications to build townhouses/semi-detached units at 8204/8210 Pine Valley Road (Longo) (settlement); representing Patrick Ko and Christina Ma in their appeal against Markham COA's refusal of their minor variance application for 1 Milmar Court (Halinski) (settlement); representing Orlando Corporation in its appeal against Mississauga's DC by-law (Longo); representing Yonge & Green Lane South Development in

its appeal against East Gwillimbury's refusal of its site plan application for the northeast corner of Yonge Street and Green Lane (Halinski) (settlement); representing Carol Vesters in her appeal of Oakville COA's approval of minor variances for Victoria Wozniczka (Zakem) (x); representing multiple appellants against Richmond Hill's new OP (Foran); representing Orlando Corporation in its appeal against Halton Region's new OP (Harrington) (settlement); representing Milton in an appeal by TSI against Halton Region's new OP (Costello, Skinner) (✓); representing Countrywide Homes in its appeal against Vaughan's failure to make a decision on its ZBA and plan of subdivision applications (Pepino, Harrington) (settlement); representing Colette Nemni in an appeal by Highland Gate Developments against Aurora's

CONTINUED PAGE 10 ➤



Diamondcorp

## DEVELOPMENT PLANNER

Permanent full-time position

Acting under the direction of the Development Managers and Senior Management, this comprehensive role as Development Planner requires the individual to engage in various planning and development tasks.

### KEY RESPONSIBILITIES

- Assist the Development Managers in the submission and processing of development applications, including official plan amendment, zoning by-law amendment, minor variance applications and site plan control applications
- Monitor and research municipal planning initiatives and policies for the purposes of informing ongoing development projects and potential site acquisitions
- Complete property research with respect to applicable planning framework, city guidelines, property assessment data, Ontario Municipal Board decisions, heritage matters, parkland, environmental remediation and other municipal requirements, as well as the surrounding context

### QUALIFICATIONS

- Minimum five years of experience in planning and/or development
- University degree from an accredited Urban & Regional Planning Program or related discipline
- Knowledge of provincial policy and municipal zoning by-laws and official plans
- Membership in CIP / OPPI or other land development organization is preferred

Visit [www.diamondcorp.ca](http://www.diamondcorp.ca) for more information.

Please send in all applications by January 5<sup>th</sup>, 2017, 4pm EST to [hkrishnan@diamondcorp.ca](mailto:hkrishnan@diamondcorp.ca).

Only those applicants selected for an interview will be contacted.

BUILDING ON A LEGACY

# TOP-10 DEVELOPMENT LAW FIRMS

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failure to make a decision on its OPA, ZBA, plan of subdivision applications for a residential development at 21 Golf Links Drive (the former Highland Gates Golf Club lands) (Longo); representing Argo Caledon in its appeal against Caledon's failure to make a decision on its ZBA, draft plan of subdivision applications (Harrington) (settlement); representing Tony and Vera Chiovitti in an appeal by Marino Ciampa against King's approval of Chiovitti's minor variance application for 165 Patricia Drive (Halinski) (✓); representing Nordeagle Developments in its appeal against Whitby's Growth Plan conformity OPA (Harrington) (settlement); representing Tavco Realty Holdings in its appeal against Newmarket's Urban Centres Secondary Plan OPA (Harrington) (settlement); representing Newmarket in appeals by multiple landowners against the town's adoption of its Urban Centres Secondary Plan OPA (Longo) (settlement); representing Grace Foon Yung To in her appeal against Richmond Hill COA's refusal of her minor variance application for 386 Marybay Crescent (Skinner) (✓); representing Dunbury Developments (Regional) in its appeal against Clarington's failure to make a decision on its ZBA and plan of subdivision applications for 2278, 2318 and 2360 Regional Road 57 (Skinner) (settlement).

## 2 [3] Davies Howe Partners



Solicitors: **John Alati, Isaiah Banach, Kimberley Beckman, Jeffrey Davies, Matthew Di Vona, Kate Fairbrother, Mark Flowers, Kyle Gossen, Marisa Keating, Andy Margaritis, Meaghan McDermid, Michael Melling, Aaron Platt, Susan Rosenthal, Katarzyna Sliwa** (now a partner at Dentons), **Daniel Steinberg, and Ann Twigg.**

Davies Howe Partners moves up this year to the penultimate position in the rankings, reflecting a hefty caseload and its successful involvement in the resolution of a number of significant appeals. The firm was also involved in several ongoing appeals including redevelopment of Aurora's Highland Gate Golf Club and Oakville's Glen Abbey Golf Club.

Partners Melling and Sliwa achieved settlements for a group of Vaughan landowners seeking to build residential subdivisions within the Block 40/47 secondary plan area—and successfully fought against an appeal of the plan by CONTINUED PAGE 11 ▶

## WeirFoulds<sup>LLP</sup>

WeirFoulds LLP congratulates our Partner, **Lynda Townsend**, on her retirement at the end of 2016, after more than 30 years of legal practice.

Lyn is one of Ontario's leading municipal lawyers. In 1991, she founded a boutique planning firm, Townsend and Associates, where she spent over 25 years building her career and the reputation that she is known for today. In 2013, Townsend and Associates merged with WeirFoulds to create one of the top planning and development teams in Ontario.

Lyn has received an array of awards and recognitions throughout her career. To name just a few examples, Lyn received the Ontario Bar Association Award of Excellence in Municipal Law in 2013. She received the Ontario Home Builders' Association Member of the Year award that same year. Most recently, Lyn was named Toronto "Lawyer of the Year - Municipal Law" in the 2017 edition of *Best Lawyers®* in Canada.

In her free time, Lyn has worked in various capacities for provincial and federal political parties and volunteered on number of charitable and other Boards of Directors. She has been an invaluable mentor to young lawyers and a strong advocate for the advancement of women in the workplace.

"Lyn will be truly missed," said WeirFoulds' Managing Partner, Michael Statham. "Her wisdom, passion and commitment have been instrumental in creating one of Canada's strongest planning and development teams. It has been a privilege to practice law with her."

"I can say without a doubt that my time with WeirFoulds was rewarding and welcoming," said Lyn. "I couldn't have chosen a better way to transition from our boutique firm to a new home for the team."

WeirFoulds is grateful for the many contributions Lyn has made to our firm during her too-brief time with us. We will miss her friendship and infectious energy each day. But we are delighted to say that while this may be farewell, it is not goodbye - Lyn will still be available, from time to time, to consult when we need her.

Please join us in congratulating Lyn on a wonderful career and in wishing her all the best for the future.

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Protect your assets. Gain a **strategic** advantage. WeirFoulds LLP.

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farmers Gillian Evans and David Toyne to dramatically increase the size of the buffer separating the developers' subdivisions and the agricultural uses at the Upper Cold Creek Farm.

**OMB Cases and Decisions**—Representing Solmar Development in its appeal against Peel Region for the Bolton Residential Expansion Area OPA (McDermid, Melling); representing Stockworth MBG and 513487 Ontario in an appeal against Scugog OPA (Flowers) (settlement); representing Osmington and Heathwood Homes (Brampton) in an appeal against Brampton OPA (Platt) (settlement); representing Daste Investments and Finchrose Development in an appeal by Magnum Opus Developments (Ajax) against Ajax's refusal to make a decision on its OPA, ZBA and plan of subdivision applications for 727 Shoal Point Road (Sliwa); representing Ashief and Jacqueline Ajani in a rehearing for consent and minor variances to construct a detached dwelling within the Oak Ridges Moraine in Richmond Hill (Alati) (✓); representing Eden Oak (Creditview Heights) in its appeal against Halton Hill's failure to make a decision on its ZBA and plan of subdivision applications for Part Lot 20, Concession 9 (Alati); representing 776377 Ontario in an appeal by Leslie Elgin against Richmond Hill's failure to make a decision on ZBA and plan of subdivision applications (Rosenthal) (settlement); representing Chelten Developments in an appeal against Hamilton's refusal of applications for ZBA, consent and site plan approval at 70 Barton Avenue (Platt, Keating) (settlement); representing Block 40/47 Developers Group in an appeal by Gillian Evans and David Toyne against Vaughan's OPA for a block plan for lands South of Teston Road, straddling Pine Valley Drive (Melling, Sliwa) (✓); representing Highway 27 Langstaff GP in its appeal against Vaughan's new OP (Rosenthal) (✓); representing Block 40/47 Developers Group in appeal against Vaughan's new OP (Sliwa) (settlement); representing Riteland Development in an appeal against Caledon's failure to grant ZBA and plan of subdivision for estate residential subdivision (Alati, Di Vona) (settlement); representing appellants against numerous planning instruments adopted by Peel Region, Brampton and Caledon to protect lands for the GTA West Transportation Corridor (McDermid); representing Southlawn Developments in

its appeal against Mississauga's failure to make a decision on its OPA and ZBA applications for 732 and 784 Eglinton Avenue West and 4920 Mavis Road (Alati) (settlement); representing a group of neighbours in appeal by Patrick Ko and Christina Ma against the Markham COA's refusal of their minor variance application for 1 Milmar Court (Margaritas) (settlement); representing Amacon Development (City Centre) in its appeal against Mississauga's 2014 DC by-law (Rosenthal); representing Rhonda and Louise Laskovski in an appeal by FBNM Enterprises against Richmond Hill's failure to make a decision on its OPA and ZBA applications for a condo at 9825 Yonge Street (Fairbrother); representing White Elm Investments in its appeal against Mississauga's new OP and Growth Plan conformity OPA (Flowers) (settlement); representing Ciro and Rita Polsinelli in their appeal against Vaughan COA's refusal of their minor variance application for 99 Vaughan Boulevard (Banach) (✓); representing multiple appellants against Richmond Hill's new OP (Platt, Rosenthal, McDermid); representing TSI International in its appeal against Halton Region's new OP (Alati, McDermid) (x); representing 2097500 Ontario, Liliana Damiani, 840999 Ontario, Prima Vista Estates, Mosaik Pinewest, 1387700 Ontario, Roybridge Holdings and Lindvest Properties (Pine Valley RB) in their appeals against Vaughan's failure to make a decision on their ZBA and plan of subdivision applications (Melling, Sliwa) (settlement); representing Highland Gate Developments in its appeal against Aurora's failure to make a decision on its OPA, ZBA and plan of subdivision applications for a residential development at 21 Golf Links Drive (the former Highland Gates Golf Club lands) (Flowers); representing King David in its appeal against Markham's failure to make a decision on its OPA, ZBA and plan of subdivision applications for 10340, 10350 and 10370 Woodbine Avenue (McDermid); representing Sagio Investments in an appeal by Stefano Fava against Oakville's approval of Sagio's plan of condominium application for 70 Stewart Avenue and 73 Washington Avenue (Platt) (settlement); representing Montanaro Estates/Sundance Development in multiple landowners' appeals against the failure of Richmond Hill to make a decision on ZBA and draft plan of subdivision applications for the northwest corner of Stouffville Road and Leslie Street (Rosenthal) CONTINUED PAGE 12

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(settlement); representing Primont Homes (Bayview) in its appeal against Richmond Hill's failure to make a decision on its ZBA, site plan and plan of subdivision applications for 0 19<sup>th</sup> Avenue and 5 Glen Meadow Lane (McDermid); representing 775377 Ontario in its appeal against Richmond Hill's failure to make a decision on its ZBA and draft plan of subdivision applications for Part of Lot 29, Concession 3 (Rosenthal, McDermid); representing Amacon Development (City Centre) in its appeal against Peel Region's DC by-law (Rosenthal, Banach); representing ClubLink Corporation ULC and ClubLink Holdings in their appeals against Oakville's adoption of an ICBL to freeze development on ClubLink's property (Glen Abbey Golf Course) (Flowers).

## 3 [1] WeirFoulds



Solicitors: **Denise Baker, Lia Boritz, John Buhlman, Michael Connell, Jeff Cowan, Bruce Engell, Aisling Flarity, Sean Foran, Barnet Kussner, Ian Lord, Michael McQuaid, Jennifer Meader, Kim Mullin, Gregory Richards, Sylvain Rouleau, Lynda Townsend and Christopher Tzekas.**

WeirFoulds falls back two spots this year due to a drop in cases reported in *NRU* GTA, but stays comfortably ensconced within the top three rankings. As reported in last year's GTA law review, WeirFoulds continues to represent Vaughan and Richmond Hill in ongoing appeals of their new OPs. Those appeals yielded several settlements, which were reported by *NRU* throughout the year.

Other highlights include numerous settlements for appellants of Oakville's new comprehensive zoning by-law and its implementing OPA, the legalization of a triplex near McMaster University, the granting of a severance and variances for an estate residential property in Oakville and a 151-unit townhouse development in Milton.

**OMB Cases and Decisions**—Representing Shorewood Properties in an appeal by Oakville against the Oakville COA's approval of Shorewood's minor variance application seeking

approval for a restaurant and financial institution at 2035 Cornwall Road (Meader) (x); representing Anneke Feberwee and William Ardell in appeal by 822403 Ontario against Oakville's refusal of its ZBA application (Baker) (x); representing 2322244 Ontario in its appeal against the implementing OPA for the West Whitby Secondary Plan (Baker) (x); representing Adi Developments in Adi's appeal against Burlington's failure to make a decision on its OPA and ZBA applications for a 28-storey building at 374 Martha Street (Baker); representing Terence Jarman in his appeal against Oakville COA's refusal of minor variances for Theodore Rapanos for a new home at 125 Chartwell Road (Meader) (settlement); representing Vaughan in a settlement with John Duca for OPA, ZBA and site plan to permit six stacked townhouses (Engell) (settlement); representing Metrolinx against an appeal for OPA, ZBA and draft plan of subdivision to permit a large commercial development and 10 detached dwellings in Mississauga (Kussner) (settlement); representing Brampton in multiple appeals against its growth plan conformity OPA (Kussner) (settlement); representing Storage Spot Holdings (Oakville), Ganwood, Carttera Private Equities, Shorewood Properties and Westerkirk Capital in their appeals against Oakville's new comprehensive zoning by-law and its implementing OPA (Meader) (settlements); representing Tabas Realty Capital in its appeal of Oakville's 2014 comprehensive zoning by-law (✓); representing Hallawest Developments Milton in an appeal of a 151-unit townhouse development in Milton (Baker) (✓); representing Aurora against an appeal for minor variances to permit a home occupation (Meader) (✓); representing 783878 Ontario and Penady (Stoney Creek) in their appeals against Hamilton's adoption of the Fruitland-Winona Secondary Plan (Meader, Baker); representing Vaughan in multiple appeals against Vaughan's new OP (Engell) (settlement/ongoing); representing Brampton in multiple appeals against numerous planning instruments adopted by Peel Region, Brampton and Caledon to protect lands for the GTA West Transportation Corridor (Kussner, Meader); representing 1165435 Ontario in its appeal against Hamilton's refusal of its OPA and ZBA applications to recognize an illegal triplex use (Baker) (✓); representing Richmond Hill in multiple appeals to its new OP (Tzekas) (settlement); representing

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Richmond Hill in multiple appeals to its new OP (settlement/ongoing); representing Aurora in an appeal by Highland Gate Developments against Aurora’s failure to make a decision on its OPA, ZBA and plan of subdivision applications for a residential development at 21 Golf Links Drive (the former Highland Gates Golf Club lands) (Baker, Mullin); representing Silverwood Homes and Fernbrook Resorts in their appeals against the new Rural Hamilton OP and ZBL (Baker); representing Vaughan in an appeal by Portside Developments for a townhouse development at 7476 Kipling Avenue (Engell) (x); representing 1056626 Ontario in its appeal against Whitby’s Growth Plan conformity OPA (Meador) (settlement); representing The TDL Group, Ontario Restaurant Hotel & Motel Association, McDonald’s Restaurants of Canada and A&W Food Services of Canada in their appeals against Newmarket’s Urban Centres Secondary Plan OPA (Meador) (settlement); representing Jonathan Bowman in his appeal against Oakville COA’s refusal of his consent and minor variance applications for 474 Lakeshore Road East (Baker) (√).

**4** [5] **Turkstra Mazza Lawyers**

**Turkstra Mazza**

Solicitors: **Shelley Kaufman, Paul Mazza, Fred Rudolph, Nancy Smith, Scott Snider, Anna Toumanians and Herman Turkstra.**

Turkstra Mazza continues its upward march in the *NRU* rankings thanks to a large volume of clients on its home turf of Hamilton, where its solicitors have scored a number of decisive victories. However, this team is by no means confined to the west end of the GTA, having represented geographically-diverse clients in local and regional appeals.

The firm scored a settlement for a site-specific appeal to the Urban Hamilton OP for a 10-storey tower near McMaster University, won an appeal for a severance and variances for a Burlington Lakeshore residence and won an appeal for an infill residential subdivision on 5<sup>th</sup> Street on Hamilton Mountain.

**OMB Cases and Decisions**—Representing Oakville in an appeal by 822403 Ontario against the Town’s refusal of its ZBLA application (Smith) (x); representing St. Joseph’s Villa in its appeal regarding the Urban Hamilton OP to permit a 10-storey mixed-use building at Ogilvie Street and Governor’s Road (Snider) (settlement); representing 19067273 Ontario against an appeal to permit modular offices and storage trailers in Hamilton (Smith) (settlement); representing 2145024 Ontario in an appeal by Adi Developments against Burlington’s failure to make a decision on its OPA and ZBLA applications for a 28-storey building at 374 Martha Street (Snider, Toumanians); representing Hughson Street Baptist Church against an appeal to permit a church, community centre and rear addition to an existing building in Hamilton (Smith) (√); representing the Estate of Dora Crowe against an appeal to sever a property into two residential lots in Hamilton (Toumanians) (√); representing Moore Sovereign Consistory in an appeal against a site-specific OPA in Hamilton (Smith) (settlement); representing Victor and Joyce Enns and 1442839 Ontario in an appeal by Bronte Green against Oakville’s failure to make a decision on its OPA, ZBA, plans of subdivision and condominium applications for 1401 Bronte Road (Smith); representing Northwest Brampton Landowners Group in an appeal against Brampton’s growth plan conformity OPA (Kaufman) (settlement/ongoing); representing multiple appellants against Hamilton’s adoption of the Fruitland-Winona Secondary Plan (Toumanians, Snider, Rudolph); representing Gino and Olindo Dabello in their appeal against Hamilton’s adoption of the Fruitland-Winona Secondary Plan (Rudolph) (settlement); representing 1876641 Ontario in an appeal by David Wilson against Hamilton COA’s approval of variances for a second apartment building on 1876641’s property (Toumanians) (√); representing 1125814 Ontario in its appeal against Hamilton’s failure to approve its ZBA decision for a severance/subdivision (Smith) (√); representing Northwest Brampton Landowners Group in its appeal against numerous planning instruments adopted by Peel Region, Brampton and Caledon to protect lands for the GTA West Transportation Corridor (Kaufman); representing Hamilton Health Sciences Corporation in its appeal against Hamilton’s failure to make a decision on its

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OPA and ZBA applications for 201 Robert Street and 166 Ferguson Avenue (Snider, Toumanians) (x); representing David Stephens and Bryan Ritskes in their appeal against Hamilton’s adoption of OPA/ZBLAs to implement revisions to the West Harbour Secondary Plan (Turkstra) (x); representing a residents group (13 parties) in an appeal by Highland Gate Developments against Aurora’s failure to make a decision on its OPA, ZBA and plan of subdivision applications for a residential development at 21 Golf Links Drive (the former Highland Gates Golf Club lands) (Toumanians); representing Jack Dennison in his appeal against Burlington COA’s refusal of his consent and minor variance applications for 3083 Lakeshore Road (Snider, Toumanians) (√); representing multiple appellants in their appeals against the new Rural Hamilton OP and ZBL (Toumanians).

appeal for OPA, ZBA and draft plan of subdivision to permit a large commercial development and 10 detached dwellings in Mississauga (DeMelo) (x); representing Magnum Opus Developments (Ajax) in its appeals against Ajax’s refusal to make a decision on its OPA, ZBA and plan of subdivision applications for 727 Shoal Point Road (DeMelo); representing 292145 Ontario in an appeal for OPA, ZBA and draft plan of subdivision and condominium to permit 26 townhouses in Newmarket (DeMelo) (settlement); representing Leslie Elgin Developments in an appeal against Richmond Hill’s failure to make a decision on ZBA and plan of subdivision applications (De Gasperis) (settlement); representing appellants against numerous planning instruments adopted by Peel Region, Brampton and Caledon to protect land for the GTA West Transportation Corridor (Kagan, De Gasperis); representing 1857481 Ontario in its appeal against Richmond Hill’s failure to approve its OPA and ZBA applications for apartments/townhouses at 386, 396 and 400 Highway 7 East (Kagan, De Gasperis) (settlement); representing Mississauga in multiple appeals against Mississauga’s DC by-law (DeMelo); representing multiple appellants against Richmond Hill’s new OP (Kagan); representing 2301132 Ontario (Catalina Developments) in its appeal against Halton Hills’ failure to make a decision on its OPA and ZBA applications for 8, 10 and 12 Lindsay Court and 13758 and 13764 Highway 7 (Kagan, De Gasperis) (settlement); representing Highland Gate Developments in its appeal against Aurora’s failure to make a decision on its OPA, ZBA and plan of subdivision applications for a residential development at 21 Golf Links Drive (the former Highland Gates Golf Club lands) (Kagan); representing Empire Communities (Caterini) in its appeal against Hamilton’s failure to make a decision on its OPA, ZBA and draft plan of subdivision applications for Lot 5, Concession 3 (DeMelo) (√); representing Leslie Elgin Developments in an appeal by 775377 Ontario against Richmond Hill’s failure to make a decision on its ZBLA and draft plan of subdivision applications for Part of Lot 29, Concession 3 (De Gasperis); representing Peel Region in multiple appeals against Peel Region’s DC by-law 46-2015 (DeMelo); representing Fieldgate Developments in an appeal by i2 Developments (Brampton) (Kagan) (settlement).

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## 5 [4] Kagan Shastri



Solicitors: **Alexandra De Gasperis, Paul DeMelo and Ira Kagan.**

Kagan Shastri fell back one place in NRU’s rankings this year due to a slightly reduced reported caseload in comparison to last year. Nonetheless, it retained its place in the top-five rankings by wrapping up a number of successful appeals for projects across the GTA. Kagan Shastri’s highlights this year include a win for a 307-unit residential subdivision in Hamilton’s Glanbrook community on behalf of Empire Communities, a settlement for a 109-unit townhouse development in Halton Hills for Catalina Developments and a win for a four-storey condo by 822403 Ontario in downtown Oakville.

**OMB Cases and Decisions**—Representing 822403 Ontario in its appeal against Oakville’s refusal of its ZBA application for 174 Lakeshore West and 87 and 91 Brookfield Road for a four-storey mixed-use building (Kagan, De Gasperis) (√); representing Antonio and Maria Flocco against an appeal for consent and minor variances for their home in Richmond Hill (DeMelo) (√); representing Mississauga against an

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## 6 [17] Borden Ladner Gervais



Solicitors: **Andrew Baker, F.F. (Rick) Coburn, Aimee Collier, Sean Gosnell, Christel Higgs, Gabrielle Kramer, Ian Mathany, Piper Morley, J. Pitman Patterson, Frank Sperduti, Isaac Tang, Stephen Waqué and Robert Wood.**

Borden Ladner Gervais rose significantly in *NRU's* rankings thanks to the increased number of decisions reported in *NRU* GTA, a handful of notable victories and its ongoing involvement in several intricate appeals. This year we reported no losses for BLG and several settlements and wins by Piper Morley, Isaac Tang and Stephen Waqué representing Halton Region in multiple appeals of the region's new official plan and regional development phasing OPA.

BLG was also involved in several large ongoing cases including representing appellants against an OPA for the Bolton Residential Expansion Area, multiple appellants against the redevelopment of the Aurora Highland Gate Golf Course, and representing Halton Region in an appeal regarding development of the Saw-Whet Golf Course in Oakville.

**OMB Cases and Decisions**—Representing Boltcol Holdings North, Boltcol Holdings South and Ontario Holdings in its appeal against Peel Region OPA for the Bolton Residential Expansion Area (Patterson); representing Halton Region in an appeal by Bronte Green against Oakville's failure to make a decision on its OPA, ZBA and plans of subdivision and condominium applications for 1401 Bronte Road (Waqué); representing Halton Region regarding multiple appeals to Oakville's new comprehensive ZBL and implementing OPA (Morley) (settlement); representing York Region in multiple appeals against Markham's proposed OPA and Secondary Plan for the Buttonville Airport Redevelopment Area (Waqué); representing York Region in multiple appeals against Vaughan's new OP (Patterson, Tang); representing Halton Region in an appeal by Orlando Corporation against a development phasing ROPA (Waqué, Tang); representing Halton Hills in an appeal by

MMAH against Halton Region's development phasing ROPA (Tang) (settlement); representing Halton Region in an appeal by TSI against Halton Region's new OP (Tang) (✓); representing Halton Region in an appeal by Evergreen against Halton Region's new OP (Tang); representing multiple parties in an appeal by Highland Gate Developments against Aurora's failure to make a decision on its OPA, ZBA and plan of subdivision applications for a residential development at 21 Golf Links Drive (the former Highland Gates Golf Club lands) (Coburn); representing Kaneff Homes Compass Creek in its appeal against Mississauga COA's refusal of its minor variance application for 202-204 Burnamthorpe Road East (Patterson, Baker); representing Chateaux of Caledon in its appeal against Peel Region's DC by-law (Patterson, Morley); representing Laurier Homes (Richmond Hill) in its appeal against Richmond Hill's failure to make a decision on its ZBA and plan of subdivision applications for 44-60 Arnold Crescent (Tang); representing Halton Region in an appeal by ClubLink against Oakville's adoption of an ICBL to freeze development on ClubLink's property (Glen Abbey Golf Course) (Waqué).

## 7 [7] Goodmans



Solicitors: **Ian Andres, Anne Benedetti, David Bronskill, Tom Friedland, Joseph Hoffman, Roslyn Houser, Robert Howe, Max Laskin, Alan Liebel, Catherine Lyons, Mark Noskiewicz and Michael Stewart.**

Goodmans held onto its seventh spot in this year's rankings as a result of a handful of significant settlements related to the new Vaughan OP, Newmarket's Urban Centres Secondary Plan and a successful fight to dismiss an appeal of Vaughan's Block 40/47 Secondary Plan.

Although *NRU* didn't report a large number of appeals resolved within our reporting period, the firm remains involved in several high-profile, ongoing appeals including representing BILD in its appeal of Mississauga's 2014 DCs by-law, representing Oakville regarding the development of the former Saw-Whet Golf Course and representing multiple appellants of Richmond Hill's new OP.

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**OMB Cases and Decisions**—Representing Dufferin Vistas in its site-specific appeal of Vaughan’s 2010 OP (Bronskill) (settlement); representing multiple appellants against Richmond Hill’s new OP (Houser); representing Vaughan in several landowners’ appeals against Vaughan’s failure to make a decision on their integrated ZBL and plan of subdivision applications (Bronskill, Hoffman) (settlements); representing Criterion Development in its appeal against Newmarket’s Urban Centres Secondary Plan OPA (Houser) (settlement); representing Oakville in an appeal by Bronte Green Corporation against Oakville’s failure to make a decision on its OPA, ZBA and plans of subdivision and condominium applications for 1401 Bronte Road (Lyons); representing Vaughan in an appeal by Gillian Evans and David Toyne against Vaughan’s adoption of OPA regarding the block plan for lands South of Teston Road, straddling Pine Valley Drive (Bronskill) (✓); representing BILD in its appeal against Mississauga’s DC by-law (Hoffman); representing Multi-Area Developments’ appeal against the new Rural Hamilton OP and ZBL (Hoffman).

Ajax in an appeal by Magnum Opus Developments (Ajax) against Ajax’s refusal to make a decision on their OPA, ZBA and plan of subdivision applications for 727 Shoal Point Road (Biggart); representing Mississauga in support of an appeal against the approval of minor variances to allow the continued use of a restaurant (Biggart) (✓); representing Whitby in an appeal by Chris Karkas against Whitby’s refusal to grant minor variances for a severance (Biggart) (✓); representing Mississauga in its appeal against Mississauga COA’s approval of a minor variance application by Monika and Piotr Kamycki for 2171 Hillfield Court (Biggart) (✓); Representing Whitchurch-Stouffville in an appeal by Raman and Meena Patel against the Whitchurch-Stouffville COA’s refusal of their minor variance application for 221 Sandale Road (Lidakis) (✓); representing Whitby in appeals by multiple landowners of the town’s Growth Plan conformity OPA (Biggart) (settlements); representing Whitchurch-Stouffville in an appeal by Elizabeth Marshall against Whitchurch-Stouffville COA’s refusal of her minor variance application to allow a hair salon at 15682 Highway 48 (Silver) (settlement); representing Markham in multiple appeals to the new Markham OP (Ketcheson).

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**8** [8] **Ritchie Ketcheson Hart & Biggart** Ritchie Ketcheson Hart & Biggart LLP

Solicitors: **R. Andrew Biggart, John R. Hart, Bruce C. Ketcheson, Effie Lidakis and Joshua Silver.**

Ritchie Ketcheson Hart & Biggart holds steady in eighth place thanks to a steady workload fueled by ongoing appeals to the new Markham OP, Oakville’s new comprehensive zoning by-law and its implementing OPA and Whitby’s Growth Plan conformity OPA. Similar to last year’s rankings, the lion’s share of the firm’s clients were municipalities, including Oakville, Whitby, Markham, Whitchurch-Stouffville, Mississauga and Ajax.

**OMB Cases and Decisions**—Representing Oakville against multiple appeals of Oakville’s new comprehensive zoning by-law and implementing OPA (Biggart) (settlements); representing

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**9** [N/A] **Overland** 

Solicitors: **Daniel Artenosi, Christie Gibson** (now with Cassels Brock), **Christopher Tanzola, Brad Teichman and Kelly Oksenberg.**

Just four years young, Overland has vaulted into ninth place, thanks to this relatively small firm’s big results. Overland cases reported in this year’s GTA OMB news include achieving a settlement for i2 Developments for a 461-unit development in Brampton, settlements for nine appellants of Brampton’s downtown Development Permit System, and wins for minor variances in Vaughan, Markham and Aurora.

**OMB Cases and Decisions**—Representing 2468390 Ontario in an appeal by CIM Developments against Richmond Hill’s failure to make a decision on its OPA and ZBA

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applications for a mixed-use development at the southeast corner of Bayview Avenue and Elgin Mills Road East (Tanzola); representing Halton District School Board in an appeal by Bronte Green against Oakville’s failure to make a decision on its OPA, ZBLA and plans of subdivision and condominium applications for 1401 Bronte Road (Tanzola); representing Charlotte Grosz and Joe Ontman in an appeal for minor variances to permit an existing cabana and a reduction in rear yard soft landscaping in Vaughan (Artenosi) (✓); representing Gavin Newell in an appeal for minor variances to build an addition and convert an existing dwelling into four-unit building in Aurora (Artenosi) (✓); representing Vahid Eshtiagh in appeal against Markham COA’s refusal to grant minor variances to permit an accessory backyard solarium building to house a swimming pool (Artenosi) (✓); representing multiple landowners in a settlement regarding Brampton’s adoption of a Development Permit System OPA for the downtown (Artenosi) (settlements); representing Cavese Investments in its appeal against numerous planning instruments adopted by Peel Region, Brampton and Caledon to protect lands for the GTA West Transportation Corridor (Artenosi); representing Metroview Developments (Harding) in an appeal by FBNM Enterprises against Richmond Hill’s failure to make a decision on its OPA and ZBA applications for a condo at 9825 Yonge Street (Artenosi); representing Elizabeth Marshall in her appeal against Whitchurch-Stouffville COA’s refusal of her minor variance application for a hair salon at 15682 Highway 48 (Artenosi) (settlement); representing i2 Developments (Brampton) in its appeal against Brampton’s failure to make a decision on its OPA, ZBA and plan of subdivision applications for 209 Steeles Avenue West (Tanzola, Oksenberg) (settlement).

based O’Connor MacLeod Hanna. This firm has been kept busy mostly with appeals originating in Halton Region municipalities, and has scored several wins and settlements related to appeals of Oakville’s comprehensive zoning by-law and implementing OPA. One such win was a successful appeal by Paul Timothy Gardiner filed against the Oakville ZBL for an increase in the allowable building height and lot coverage permissions for the town’s largest residential lots.

**OMB Cases and Decisions**—Representing Halton Region Conservation Authority in an appeal by Bronte Green against the Town of Oakville’s failure to make a decision on its OPA, ZBA and plans of subdivision and condominium applications for 1401 Bronte Road (Inglis); representing Oakville Club, Roczamb Holdings, Ruby Crest Homes, 2160556 Ontario, MM Sam and KayDay in their appeals against Oakville’s new comprehensive zoning by-law and its implementing OPA. (Watson, Inglis) (settlements); representing Paul Timothy Gardiner in his appeal of Oakville’s 2014 comprehensive zoning by-law (Watson) (✓); representing Milton against an appeal for a reduction in landscaped open space for a 151-unit townhouse development (Watson) (x); representing Halton Region Conservation Authority in an appeal by Star Oak Developments and Mel Oak Developments against Oakville’s failure to make a decision on its ZBA and plan of subdivision applications for 3369 Sixth Line (Watson); representing Joanne Griffin, Robert and Donna Irvina in an appeal by Eden Oak (Creditview Heights) against Halton Hills’ failure to make a decision on its ZBA and plan of subdivision applications for Part Lot 20, Concession 9 (Inglis); representing Halton Region Conservation Authority in an appeal by Chelten Developments for a six-storey tower at 70 Barton Street (Watson); representing the City of Burlington in an appeal by Jack Dennison for consent and minor variances for 3083 Lakeshore Road (Watson) (x); representing Christy and Dino Scalia in their appeal against Hamilton COA’s refusal of their consent and minor variance applications for 114 Reding Road (Inglis) (x).

**10** [N/A] **O’Connor MacLeod Hanna**



Solicitors: **Megan Cheema, Owen Duguid, Simon Fung, James McAskill and Hal Watson.**

The second firm to land a spot in this year’s GTA top-10 without having appeared in last year’s rankings is Oakville-

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# TOP-10 DEVELOPMENT LAW FIRMS

CONTINUED FROM PAGE 17

## The next 10 firms...

11. [11] **Municipal Law Chambers**; 12. *TIE* [13] **Thomson, Rogers and** [16] **Loopstra Nixon**; 13. [6] **Wood Bull**; 14.

*TIE* [12] **Land Law and** [15] **DLA Piper**; 15. [NA] **Brattys**; 16. [NA] **Devine Park**; 17. [13] **Garrod Pickfield**; 18. [NA] **Horosko Planning Law**; 19. [NA] **Gardiner Roberts**; 20. [NA] **Blake, Cassels & Graydon.** [nru](#)

## Methodology

The end of year tradition at NRU examines the legal side of planning and development in the GTA, primarily focusing on cases that came before the Ontario Municipal Board and were reported in the GTA edition of NRU between August 1, 2015 and July 31, 2016.

How the information is collected—NRU tracked each of the law firms mentioned in the GTA edition of NRU over a one-year period. Then we determined the firms most frequently mentioned and sorted through their projects and hearings. Some firms were 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 NRU's most difficult task. This assessment is based only on items covered in the GTA edition of *NRU* and does not account for cases we do not know about. Hence, there is a degree of subjectivity in the ranking.

The listings—Lawyers that are part of a 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 resulted, the appropriate symbol (√) or (x) or (settlement) follows

the case description. If there was no clear win/lose/settlement or the matter involved a prehearing or was still pending before the OMB at the end of July, 2016, no symbol appears. A square bracket after this year's ranking indicates the firm's placement in last year's NRU listing.

Email us your interesting board decisions and development applications to ensure they are covered in NRU and thus included in the 19th annual GTA rankings to be published in December, 2017.

# IN BRIEF

## [Business property tax report card](#)

Yesterday the **C.D. Howe Institute** released a new report on the business tax competitiveness in the largest cities in each province. Authored by C.D. Howe metropolitan policy fellow

**Adam Found** and **University of Toronto** sessional lecturer **Peter Tomlinson**, the report grades the simplicity and transparency of the business property tax regime in each province with Ontario receiving the only failing grade on both.

The report also suggests that provinces should not include the “education taxes” in its provincial property taxes as it is a misleading label. The authors note that all provincial property taxes function as general revenue taxes and only New Brunswick and

Prince Edward Island label their education taxes appropriately. They suggest that other provincial governments might hope that the education tax label makes taxpayers feel better about paying the tax, though this undermines their accountability. [nru](#)

# PEOPLE

## City of Pickering

council appointed **Shaheen Butt** as Ward

3 councillor Monday. The seat became vacant when Councillor

**Rick Johnson** died September 27. Butt, who is a business

consultant, came second to Johnson in the 2014 election.