



Novæ Res Urbis

GREATER TORONTO AREA EDITION

WEDNESDAY, DECEMBER 21, 2005 • VOL 8 • No 50

DEVELOPMENT PERMIT SYSTEM TO BE EXPANDED

Lake of Bays waterfront benefits

By Anne Marie Aikins

After years of hard work, the **Township of Lake of Bays** will officially implement its unique development permit system on January 1—the first municipality in Ontario to apply the system to waterfront development. The **District of Muskoka** township—with a full-time population of 3,000—was one of five municipalities chosen in 2000 to pilot-test the permit system. Its goals relate to preserving waterfront character, including ecological and social values. If the proposed changes to the *Planning Act* passes third reading, however, the planning tool will be available to other municipalities in the province.

“Once the legislation is passed, municipalities will have an opportunity to use something that is not as traditional as other planning tools,” municipal affairs planning and environmental services manager **Ron Glenn** told *NRU*.

“Most people are quite supportive of the development permit system as it streamlines the processes.”

The system combines and replaces zoning, minor variance and site plan approval, but does not include consents, plans of subdivision or building permits. As an alternative planning tool, development permitting can be used to “improve the planning process and deal with complex issues in a more comprehensive, yet streamlined, manner,” Glenn said.

“Municipalities must first amend their official plans, however, and then pass a by-law to take advantage of the new system,” he explained.

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TOP TEN PLANNING AND DEVELOPMENT LAW FIRMS IN THE GTA (2004-2005)

Seventh annual ranking of the region's most prolific performers

As part of our annual end-of-year ritual and as tribute to all those lawyers who have worked hard in the planning and development field, particularly in front of the Ontario Municipal Board, we have compiled our seventh annual ranking of the most prolific of these law firms in the Greater Toronto Area. The review comprises planning and development legal activities in the GTA from August 2004 to July 2005, as report by *Novæ Res Urbis—GTA Edition*. Most were board decisions, with a few court appeals rounding out the analysis, and there are a few surprises in this year's ranking, including the appearance of several previously-unranked firms. For those tracking activity in the City of Toronto, be sure to see a copy of this Friday's edition of *Novæ Res Urbis—Toronto Edition*.

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MAKING REAL ESTATE DECISIONS? TAKE ADVICE FROM EXPERIENCE.

- Valuation and Appraisal
- Market Intelligence and Feasibility
- Financial Analytics
- Corporate Real Estate Strategy
- Economic Development Strategy
- Site Selection and Analysis
- Due Diligence

Sheila Botting
Gord Coffell
Scott Chandler
Gary Williams
Philip Smith
Kevin Donahue
Julian Colman
Chris Vardon
Danny Ip
Joseph Ng
and many more
talented professionals

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COMING UP

WEDNESDAY DECEMBER 21

Networking Breakfast: Holiday Networking with the North York Chamber of Commerce, Novotel Toronto, 3 Park Home Avenue, 7:30 a.m. - 9:00 a.m.

SUNDAY JANUARY 1, 2006

Queen's Park New Year's Levee, 12:00 - 2:00 p.m.

MONDAY JANUARY 9

Oakville Planning and Development/Council Meeting, 7:30 p.m.

WEDNESDAY JANUARY 11

Hamilton Council, 7:00 p.m.

MONDAY JANUARY 16

Oakville Council, 7:30 p.m.

WEDNESDAY JANUARY 18

Mississauga Council, 9:00 a.m.

Halton Council, 9:30 a.m.

WEDNESDAY JANUARY 25

Urban Land Institute Young Leaders Group, Reservoir Lounge, 52 Wellington Street East, 6:30 - 8:00 p.m., www.toronto.uli.org

THURSDAY JANUARY 26

York Council, 9:30 a.m.

FRIDAY JANUARY 27

Peel Council, 9:30 a.m.

THURSDAY FEBRUARY 2

Planning Seminar: Planning Act Changes and the new City of Toronto Act, Cassels Brock, 2100 Scotia Plaza, 40 King Street West, Toronto, 8:00 a.m. - 1:00 p.m., 416-869-5411.

FEBRUARY 2 - FEBRUARY 4, 2006

Sustainable Communities National Conference and Trade Show, FCM, Ottawa, 613-241-5221, ext. 293.

ONTARIO BUDGET 2006

Balancing competing interests

The provincial government is now hearing from Ontarians as it prepares for the 2006 budget—the third for the Liberal government. The lead up to the next budget must focus on continuing to find the “right balance among competing priorities,” finance minister **Dwight Duncan** said to the **Standing Committee on Finance and Economic Affairs** as it kicked off Ontario budget 2006. The McGuinty government's first budget focused on health and education, he said, and last year focused on human capital by investing \$6.2 billion in post-secondary education and training. The **Conservation Council of Ontario**, however, is hoping the government will make this budget a “conservation budget.”

“This is the year that Ontario needs to make a visible commitment to a conservator economy as a new area of economic growth, and to create an efficient economy that is more resilient to resource scarcity and rising gas prices,” said spokesperson **Chris Winter**.

Ontario Power Authority's supply-mix advice report claims that Ontario does not have a credible track record in conservation, Winter said.

“The **Ministry of Energy** and the **Conservation Bureau** are trying to foster a culture of conservation with respect to electricity, but where is the pricing mechanism that will penalize over consumption, reward conservation, and facilitate the shift to renewable power,” he asks.

Winter would also like to see fiscal

instruments to ensure that greenfield development is more expensive than brownfield or infill development, and to provide funding for community infrastructure, such as bike lanes.

“Ontarians have already seen a rise in gas prices, and even higher prices are just around the corner. We also had the worst air quality summer on record,” he said. “Where are the fiscal instruments to support a transition to fuel efficient and hybrid cars?”

Ontario's four-year plan to restore prosperity is working, Duncan said, but he admits there are risks on the horizon including higher oil prices; the strength of the Canadian dollar; and a weakening U.S. economy.

“In the pre-budget consultations I've been holding across the province, a number of views have been presented on how to continue to improve everything from health care and education to social services and infrastructure,” Duncan said. “But a common theme that has emerged is the willingness to accept the notion that not all needs can be met, at least not all at once.”

Another view consistently heard from a broad range of groups—including businesses and municipalities—is the need for “economic infrastructure.”

The minister asked the committee, which will be hearing suggestions from groups and individuals about creating a new generation of economic growth, to consider how the government can improve fiscal transparency and accountability. •

NOVÆ RES URBIS
GREATER TORONTO AREA

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Annual subscription rate is \$329.

Complimentary trial subscriptions are available.

Advertising rates available upon request.

NRU - Greater Toronto Area Edition is not to be redistributed without the written consent of the publisher.

NRU - Greater Toronto Area Edition is published 50 times a year by fax or e-mail by NRU Publishing Inc.

NRU Publishing Inc.

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

1. Kagan, Shastri

[RANK LAST YEAR: 8]

(Paul DeMelo, Ira Kagan)

Reasons for ranking: Kagan, Shastri shot up seven spots from its position last year at number eight. Volume of cases, as well as high-profile hearings like those for North Leslie and North Oakville East secondary plans propelled the firm to the top spot.

OMB and Court Matters or Hearings: representing Peel Region and Credit Valley Conservation Authority regarding appeals against an Orangeville OPA dealing with growth and servicing capacity (DeMelo)(✓); representing Toronto and Region Conservation Authority regarding appeals by Sandhill Aggregates Ltd. and Goodwood Properties Inc. for a proposed residential and golf course development in Uxbridge (Kagan); representing Times Group of Companies regarding appeals for OPA and rezoning to permit a mixed-use residential-commercial development in Markham (Kagan)(✓); representing the City of Mississauga regarding appeals by area residents against variances and consent to permit 14-residential dwellings(DeMelo); representing the City of Mississauga against variance appeals to permit a car wash at 3233 Erin Mills Parkway (DeMelo); representing York (Harris) Properties Inc. regarding appeals against a Richmond Hill-initiated by-law to limit residential development approvals based on servicing capacity (Kagan)(✓); representing the City of Mississauga against variance and consent appeals to permit two large houses at Indian Road (DeMelo); representing Peel Region and Credit Valley Conservation Authority regarding appeals against Brampton's *Bram West Secondary Plan* (DeMelo); representing York Region developers regarding ongoing appeals against Markham OPA 140 to incorporate the greenbelt plan and limit development on 600-ha. of land at the headwaters of the Rouge River (Kagan); representing Richmond Hill landowners and developers regarding ongoing appeals to expand the town's urban boundary and implement the *North Leslie Secondary Plan* to permit residential development (Kagan); representing the City of Brampton regarding ongoing appeals by developers against Brampton development charges (DeMelo); representing Danigire Holdings Inc. regarding appeals by developers against an interim control by-law restricting development in north Oakville (Kagan); representing Osminton Inc. and Danigire Holdings Inc. regarding ongoing appeals by

developers to approve the developer-initiated *North Oakville East Secondary Plan* (Kagan); representing the City of Mississauga regarding appeals by an area resident against variances to permit two garden sheds on conservation land in Mississauga (DeMelo).

2. Aird & Berlis

[RANK LAST YEAR: 1]

(Patrizia Bruzio (retired), Eileen Costello, Robert Doumani, Patricia Foran, Tom Halinski, Patrick Harrington, Natasha Kalogiannis (retired), Kim Kovar, Leo Longo, John Mascarin, Josephine Matera, Jane Pepino, Chris Williams, Steven Zakem)

Reasons for ranking: Aird & Berlis continues to hold strong, making it into the top 10 for the seventh year in a row. Variety and volume of cases continue to be the reason for the firm's high ranking, along with involvement in high-profile cases such as the Sharkey's and Palm Place hearings in Oakville.

OMB and Court Matters or Hearings: representing the Town of Oakville against ongoing appeals by Palm Place Developments Inc. to build high-rise condos on the former Shell House lands in Oakville (Pepino); representing the Town of East Gwillimbury regarding appeals by area residents against a by-law to permit an existing aggregate quarry in East Gwillimbury (Matera); representing Loblaw Properties regarding appeals by Sobeys Capital Inc. and Georgetown Market Place Inc. against OPA and rezoning granted to permit a new Loblaws supermarket in Halton Hills (Zakem)(✓); representing JC Jain Investments regarding ongoing appeals for OPA and rezoning to permit a seniors' residence and community facility at Mayfield Road in Brampton (Williams); representing the Town of Markham regarding appeals by Times Group of Companies for OPA and rezoning to permit a mixed-use residential-commercial development in Markham (Pepino); representing the Town of Oakville regarding appeals by Daniels Oakville Corporation to build a residential high-rise tower on the former site of Sharkey's bar in Oakville (Doumani); representing York Region developers regarding ongoing appeals against Markham OPA 140 to incorporate the greenbelt plan and limit development on 600-ha. of land at the headwaters of the Rouge River (Foran); representing E. Manson Investments Limited regarding ongoing appeals by Richmond Hill landowners and developers

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Top Planning Law Firms in the GTA continued from page 3

to expand the town's urban boundary and implement the *North Leslie Secondary Plan* to permit residential development (Foran); representing the Mon Sheong Foundation regarding appeals for consent and variances to permit a long-term care and seniors' residential development in Richmond Hill (Williams)(✓); representing Imperial Oil Limited regarding appeals by developers against an interim-control by-law restricting development in North Oakville (Pepino); representing Eastpine Kennedy-Steeles Limited and Ricenburg Developments Limited regarding appeals by another developer for review of an earlier board decision that ordered Eastpine and Ricenburg to pay infrastructure costs associated with a Markham plan of subdivision (Williams, Halinski).

3. Davies Howe Partners

[RANK LAST YEAR: 2]

(John Alati, Kim Beckman, Jeff Davies, Mark Flowers, Maria Khazanov, Michael Melling, Matthew Rey, Susan Rosenthal)

Reasons for ranking: A perennial placer on this list, Davies Howe stays in the upper echelons thanks to a string of successes at the board—including the Majorwest appeals in Vaughan and the Sandhill Aggregates and Goodwood Properties hearings in Uxbridge.

OMB and Court Matters or Hearings: representing Sandhill Aggregates Ltd. and Goodwood Properties Inc. regarding appeals to permit a residential and golf course development in Uxbridge (Melling)(✓); regarding appeals for variances to permit two Thornhill dwellings (Flowers)(✓); representing the Greater Toronto Homebuilders' Association regarding ongoing appeals by developers against York Region development charges (Khazanov); representing Uxland Development Central Inc. regarding appeals by the owner of an adjacent seniors' residence against rezoning granted to Uxland to permit 50 townhouses in Uxbridge (Davies and Khazanov); representing Brundale Fine Homes regarding consent appeals to permit two dwellings in Whitchurch-Stouffville (Melling)(✓); representing Vito Di Blasi, 1244056 Ontario Ltd. and 1260403 Ontario Ltd regarding appeals for a fill permit in Aurora (Flowers, Khazanov); representing Majorwest Development Corporation regarding appeals for plan of subdivision, site plan, OPA and rezoning to permit residential and commercial uses in Vaughan (Alati)(✓); representing

Lionheart Enterprises and the Bayview East Landowners regarding ongoing appeals by Richmond Hill landowners and developers to expand the town's urban boundary and implement the *North Leslie Secondary Plan* permitting residential development (Davies, Alati); representing Bressa Developments and Belmont Developments regarding appeals by developers against an interim control by-law restricting development in North Oakville (Alati); representing Belmont Properties Inc, regarding ongoing appeals by developers to approve the developer-initiated *North Oakville East Secondary Plan* (Davies).

4. Davis & Company

[RANK LAST YEAR: 10]

(Chris Barnett, Laura Bisset, David Crocker, Lana Finney, Liliane Gingras, Tom Lederer, Karen O'Neill)

Reasons for ranking: Davis & Company rises seven places with a wide variety of cases and clients from around the GTA. Watch for the outcome of the Berrywoods Farms court and OMB appeals in early 2006.

OMB and Court Matters or Hearings: representing Berrywoods Farms Inc. (Tribute Homes and Runnymede Development Corporation) in ongoing divisional court and OMB appeals by the developers for OPA, rezoning and plan of subdivision to permit 381 homes in the Pickering hamlet of Greenwood (Barnett and Lederer); representing Dream Works Property Inc. regarding appeals for rezoning and plan of subdivision to permit 465-residential units at 11281 Keele Street in Vaughan (Barnett, Gingras)(✓); representing Hunley Homes Ltd. against appeals by a Richmond Hill resident against variances permitting double-car garages in Hunley's 2,200-unit residential development on the Oak Ridges Moraine (Barnett); representing the Town of Markham regarding appeals by tenants of a 10-storey office building against rezoning to permit relocation of Seneca College classrooms in Markham (Barnett, Lederer); representing Silwell Developments Ltd. against appeals by Oakville residents against OPA and rezoning granted to Silwell to permit two 12-storey residential buildings in Oakville (Barnett, Lederer); representing Green Ginger Developments regarding appeals by developers against an interim control by-law restricting development in North Oakville (Barnett); representing Green Ginger

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Developments regarding ongoing appeals by developers to approve their development plan for *North Oakville East Secondary Plan* (Lederer); representing Northview Downs Developments Inc. regarding ongoing appeals for OPA and rezoning to permit a commercial retail plaza at Creditview Road in Brampton (Barnett).

5. L. Townsend Renaud Law Offices

[RANK LAST YEAR: NOT RANKED]

(Lynda Townsend Renaud)

Reasons for ranking: The Sharkey's and RRL Burloak appeals were big wins for Townsend-Renaud this year, coupled with a nice string of wins at the board, which helped to propel the firm back into the top 10 after a years absence.

OMB and Court Matters or Hearings: representing Airport Self Storage Limited regarding appeals against Durham Region development charges for a self-storage facility in Oshawa (✓); representing Daniels Oakville Corporation regarding appeals to build a residential high-rise tower on the former site of Sharkey's bar in Oakville (✓); representing Trowbridge Developments Limited regarding appeals against six consent applications granted to Antoinetta LaViola to permit residential lots northwest of Garrard Road and Birchpark Drive in Whitby (✓); representing Halloway Holdings Limited and Towchester Developments Limited regarding appeals for OPA and rezoning to permit 149-residential units in Clarington (✓); representing Brampton developers regarding ongoing appeals against Brampton development charges; representing RRL Burloak regarding appeals for OPA, rezoning and plan of subdivision to permit a power retail centre at South Service Road in Oakville (✓).

6. Ritchie, Ketcheson, Hart & Biggart

[RANK LAST YEAR: 16]

(Andrew Biggart, John Hart, Bruce Ketcheson, John Ritchie)

Reasons for ranking: Up eleven spots from last year, Ritchie, Ketcheson, Hart & Biggart did plenty of work representing the Toronto and Region Conservation Authority in appeals around the GTA.

OMB and Court Matters or Hearings: representing Toronto and Region Conservation Authority regarding ongoing divisional court and OMB appeals by

Berrywoods Farms Inc. (Tribute Homes and Runnymede) for OPA, rezoning and plan of subdivision to permit 381 homes in the Pickering hamlet of Greenwood (Ketcheson); representing the Town of Halton Hills regarding appeals by Sobey's and Georgetown Market Place Inc. against OPA and rezoning granted to permit a new Loblaws supermarket in Halton Hills (Biggart); representing an area resident regarding appeals against variances and consent granted to developer 1417916 Ontario Inc. to permit 14-residential lots at a Queensway West site in Mississauga (Ritchie)(X); representing TRCA regarding appeals by Dream Works Property Inc. for rezoning and plan of subdivision to permit a 465-unit subdivision in Vaughan (Ketcheson); representing TRCA regarding ongoing appeals by York Region developers against Markham OPA 140 to limit development on 600 ha. of land at the headwaters of the Rouge River (Ketcheson); representing TRCA regarding ongoing appeals by Richmond Hill landowners and developers to expand the town's urban boundary and implement the *North Leslie Secondary Plan* to permit residential development (Ketcheson).

7. Goodmans

[RANK LAST YEAR: 5]

(Anne Benedetti, David Bronskill, Darlene Gilliland (now with Universal Music), Roslyn Houser, Robert Howe, Allan Leibel, Catherine Lyons, Mark Noskiewicz, Julia Ryan (retired), Michael Stewart)

Reasons for ranking: Work on the north Oakville appeals, as well as residential cases in Georgina and Markham cemented Goodmans as one of this year's prolific performers.

OMB and Court Matters or Hearings: representing Lebovic Enterprises Inc. and Revlis Ltd. regarding appeals for OPA and rezoning to permit 191 townhouses and a seven-storey apartment building in Aurora (Ryan, Bronskill); representing the Town of Oakville against appeals by developers against an interim control by-law restricting development in North Oakville (Lyons); representing Metrus Developments (Grangemuir Developments, Carness Developments and Camland Holdings) regarding appeals for rezoning and draft plan of subdivision to permit a 536-unit residential development in Georgina (Howe)(✓); representing the Town of Oakville regarding ongoing

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appeals by developers to approve the developer-initiated *North Oakville East Secondary Plan* (Ryan, Bronskill); representing Minto Markham Partnership regarding appeals for OPA and rezoning to permit 12-detached dwellings at Rouge Bank Drive in Markham (Howe)(ü).

8. Davis, Webb, Schulze & Moon

[RANK LAST YEAR: NOT RANKED]

(Neil Davis, Ellen Pefhany, Ron Sleightholm, Ronald Webb)

Reasons for ranking: Another newcomer to the list, Davis, Webb, Schulze & Moon found success with a quarry appeal in East Gwillimbury, represented area residents in appeals against a Georgina residential subdivision, and developers in the ubiquitous North Oakville appeals.

OMB and Court Matters or Hearings: representing Armitage (Ontario) Transportation Co. Ltd. regarding appeals for settlement of site plan to permit a quarry at Ravenshoe Road in East Gwillimbury (Davis)(✓); representing Louise Paterson regarding appeals by area residents against variances granted to Paterson to permit a residential dwelling at 296 Stewart Street in Newmarket (Davis); representing Georgetown Market Place Inc. regarding appeals by Sobey's and Georgetown Market Place Inc. against OPA and rezoning granted to permit a new Loblaws supermarket in Halton Hills (Webb)(✓); representing Georgina residents regarding appeals by Metrus Developments (Grangemuir Developments, Carness Developments and Camland Holdings) for rezoning and draft plan of subdivision to permit a 536-unit residential development in Georgina (Davis); representing developers regarding ongoing appeals for approval of the developer-initiated *North Oakville East Secondary Plan* (Webb, Pefhany); representing 1349883 Ontario Ltd. regarding appeals for rezoning to permit a gas bar in Brampton (Webb)(X).

9. Gilberts LLP

[RANK LAST YEAR: NOT RANKED]

(David Donnelly)

Reasons for ranking: Although Donnelly's day job is with Gilberts LLP, the environmental crusader made strides up the ladder this year with several high-profile cases, representing watchdog groups

Environmental Defence and Friends of the Rouge.

OMB and Court Matters or Hearings: representing Bond Head-Bradford West Gwillimbury residents and Environmental Defence regarding ongoing opposition against the Geranium Corporation (Bond Head Development Corporation) residential development proposed for the Village of Bond Head in Simcoe County; representing Environmental Defence regarding private charges against the construction of the York Durham Sewage System "Big Pipe" (X); representing Green Door Alliance and Sandy Rider regarding appeals of the lifting of agricultural easements on Pickering's Duffins Rouge agricultural preserve (X); representing Friends of the Rouge Watershed regarding ongoing appeals by York Region against Markham OPA 140 to limit development on 600-ha. of land at the headwaters of the Rouge River.

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TORONTO2015
WORLDEXPO



Request for Proposals

Issue Date: December 21, 2005

The Toronto 2015 World Expo Corporation is inviting proposals from qualified proponents to provide professional services on the following:

1. **Site and Operations Plan RFP No. 2005 - 013**
Due: January 12, 2006 at 12 p.m.
2. **Theme Development Strategy RFP No. 2005 - 019**
Due: January 12, 2006 at 3 p.m.
3. **Corporate Governance Strategy RFP No. 2005 - 016**
Due: January 13, 2006 at 12 p.m.
4. **Professional Communication Services RFP No. 2005 - 017**
Due: January 13, 2006 at 3 p.m.

To access these RFPs, link on to the Toronto 2015 World Expo Corporation official website at www.tedco.ca/2015expo.html.

Those interested in further RFPs are advised to monitor the Expo website regularly.

The Toronto 2015 World Expo Corporation has been established to undertake a series of detailed studies aimed at further testing the viability of World Expo in Toronto. The City's Economic Development Corporation, TEDCO, has created a special subsidiary corporation to perform this due diligence.

Questions should be directed in writing to expoaa@tedco.ca.

Top Ten Planning Law Firms in the GTA continued from page 6

10. Randolph Smith

[RANK LAST YEAR: NOT RANKED]

(Randolph Smith)

Reasons for ranking: A new entry to the list, Smith's mix of variance appeals and developer representation in Oakville cases vaulted the firm into the top 10 ranks.

OMB and Court Matters or Hearings: representing James Inch and Christine Parent-Inch regarding their appeals for consent and severances to permit two residential lots in Vaughan (X); representing 1417916 Ontario Inc. regarding appeals by area residents against variances and consent to permit 14-residential lots at Queensway West in Mississauga; representing Suzanne and Claudio Posocco regarding appeals for variances and consent to permit two large houses in Mississauga (X); representing York Region developers regarding ongoing appeals against Markham OPA 140 to limit development on 600-ha. of land at the headwaters of the Rouge River; representing Trinison Management Corp. regarding appeals by developers against an interim

control by-law restricting development in North Oakville; representing Trinison Management Corp. regarding ongoing appeals by developers to approve the developer-initiated development plan for *North Oakville East Secondary Plan*.

THE NEXT TEN

Based on mentions in *Novae Res Urbis—GTA Edition*, the following make up the next ten firms based on municipal activity: (11) **O'Connor MacLeod Hanna**; (12) **Gowlings**; (13) **McCarthy Tétrault**; (14) **Loopstra Nixon**; (15) **Goodman and Carr**; (16) **Polak, McKay & Hawkshaw**; (17) **Thomson, Rogers**; (18) **Turkstra Mazza Associates**; (19) **Borden Ladner Gervais**; (20) **McMillan Binch**.

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

How the information was collected

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

Determining the top 10

The most difficult task was in balancing the number of clients, the range of projects, the difficulty of cases, as well as some unique features about the projects/cases. Remember, this list was based only on items covered in *Novae Res Urbis—GTA Edition* and does not account for the vast number of cases and firms involved with such

matters as minor variance applications, assessment appeals or for those that participated as part of a development team without our knowledge. Hence, there is a certain degree of subjectivity in our ranking.

The listings

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

Link between value and green features

While the environmental benefits of green buildings are clear, the tangible value has not been as actively explored in Canada—until now. Released recently in British Columbia, “Green Value” is an independent research study that looked at green buildings in Canada, the U.S. and the U.K. It concluded that there is a clear link beginning to emerge between the market value of a building and its green features.

Led by **RICS Canada** past chair **Chris Corps**, the study brought together 11 sponsors, both from government and the private sector.

“We weren’t surprised that evidence of improved asset value exists,” said Corps. “But, we didn’t expect to find that productivity benefits can even exceed the building’s value.”

“One important change is for corporate accounting to move to market valuation, even for governments. Cost approaches currently being used do not often value sustainability correctly,” he said.

The study combined a review of literature and case studies and found that not only are green buildings

good for the environment, provide healthier places to live and more productive places to work, they can command higher rents and prices, attract tenants more quickly, reduce tenant turnover and cost less to operate and maintain.

Green buildings can also attract grants, subsidies and other environmental stewardship inducements. The report claims that green buildings can benefit occupants to such an extent that it may even exceed the underlying asset’s value.

Buildings consume 40 per cent of energy resources. Comparatively few green buildings have been built; however, so further work is needed to quantify more precisely the extent of the benefit.

If industry and government can tap these advantages, green buildings will be profitable, said Corps, which opens up potential commercial opportunities.

The study includes a number of recommendations in standards, legislative and practice changes. •

“We weren’t surprised that evidence of improved asset value exists. But, we didn’t expect to find that productivity benefits can even exceed the building’s value.”

- Chris Corps

GTA IN BRIEF

Gerretsen appoints first brownfield co-ordinator

At a **Canadian Urban Institute** and **Canadian Brownfield Network** breakfast last week, municipal affairs and housing minister **John**

Gerretsen introduced the first freshly appointed co-ordinator of brownfield development. **Marcia Wallace**, who has been with the ministry for the past four years, has been working on the greenbelt initiative and planning reforms as the acting manager of planning policy.

“This position will provide a one window access point for information and an opportunity for stakeholders to relay suggestions and viewpoints,” Wallace told *NRU*. “While not duplicating any existing services, I will also assist with inter-ministerial

strategic policy co-ordination.”

The province is also establishing a **Brownfields Stakeholder Group**, which will begin meeting in the new year.

Debate heats up over GTA pooling

With the introduction of a new *City of Toronto Act*, and the potential of new taxing powers for **Toronto**, GTA municipal politicians renewed their call for the province to abolish GTA pooling.

York Region council has endorsed a resolution urging the provincial government to discontinue pooling the cost of social services and social housing across the GTA municipalities. **Peel Region** council has also voted to freeze

contributions to GTA pooling at the 2005-budget level of \$59 million and further that it would not tax residents for the \$2.9-million increase requested by the province.

“The best resolution is for social services to be paid through incomes taxes.”

- David Miller

The resolutions mirror numerous other GTA municipalities asking the province to assume full responsibility for funding the cost of social services and social housing throughout the entire province.

Toronto mayor **David Miller** is

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Alliance calls on party leaders to address oversight

It is becoming increasingly clear that a country's overall prosperity is due in part to the strength of its regional research and development economies, says the **Toronto Region Research Alliance**. Although each of the federal political parties has recognized in its platform that innovation is at the heart of any truly 21st century plan to boost Canadian competitiveness and economic growth, there are "significant challenges" that require federal leadership, according to a new report commissioned by the alliance.

The broader Toronto region, including **Hamilton, Guelph**, the **Waterloo** region, and the **GTA**, is an important economic engine for Canadian jobs and economic growth. Accounting for over 35 per cent of

"This is a watershed moment for our country's role in the global innovation economy. Either we can grow our ability to develop, attract and retain the most outstanding researchers and the most innovative companies or we can watch as they go elsewhere," the letter reads.

the research and development carried out in Canada, the region has both a dynamic research community producing innovative ideas and strong industry receptor clusters ready to pick these ideas up and run with them.

A recent report prepared by **The Boston Consulting Group** outlines the need for federal innovation investment to kick off research and commercialization in this region.

The fact that the **National Research Council** has established facilities everywhere in the country except this region is an "oversight" that must be addressed, the alliance said.

The **University of Toronto**, a **Town of Markham-York University** consortium, and the **University of Waterloo**, the report details, have advanced compelling proposals for federal innovation investment in the region.

"All of them involve transformational research initiatives that will dramatically strengthen Canada's competitive advantage on the world

stage," the alliance, co-chaired by **MaRS Discovery District** chair **John Evans** and **RBC Financial Group** CEO **Gordon Nixon**, says in an open letter to federal party leaders.

Each project will attract and retain world-class researchers, graduate highly-qualified talent, attract international investment, and create new companies with high quality jobs. The support of these emerging world-class clusters will benefit all Canadians and defend our future prosperity, the letter reads.

"This is a watershed moment for our country's role in the global innovation economy. Either we can grow our ability to develop, attract and retain the most outstanding researchers and the most innovative companies or we can watch as they go elsewhere," the letter reads. •

Toronto Community Housing



Regent Park Revitalization Project Design, Build and Marketing Request for Proposal 25/05

Toronto Community Housing Corporation is seeking a developer/builder partner to oversee the design and to build and market the first phase of the Regent Park Revitalization Project.

This is a landmark opportunity for a developer/builder to be part of a community revitalization initiative on a grand scale. We're looking for a partner that is experienced in complex urban environments, strives to achieve design excellence and accepts new challenges with respect to sustainable building practices. We're looking for a partner that is not only a developer and builder, but can bring an astute and creative marketing expertise to the project. You must have a solid reputation and be a leader in city-building - and be willing to embrace the Regent Park revitalization vision to make it a reality.

The Request for Proposal can be downloaded at www.torontohousing.ca/business_opportunities, in addition to www.regentpark.ca.

Proposals must be received at Toronto Community Housing Corporation, 931 Yonge Street, Main Floor, Toronto, Ontario M4W 2H2, Attention: Derek Ballantyne, on or before the deadline of January 27, 2006, during the period of 9:00 a.m. EST to 4:00 p.m. EST on each of January 25, 2006, January 26, 2006 and January 27, 2006.

York takes issue with Duffin Creek expansion story

Dear Editor,

Re: *Ajax fights sewage plant expansion, NRU GTA*
December 14

The Duffin Creek Water Pollution Control Plant is actually located 1-km. from the nearest residential neighbourhood in Ajax, and not 1-m. as reported.

The assertion by the City of Ajax that the plant is “already causing water pollution problems at local beaches,” is unfounded. This state-of-the-art plant has no surcharge capability within its design, eliminating the possibility of discharging untreated water into Lake Ontario.

Additionally, the proposed expansion of the plant will not cause “adverse impacts from air emissions and potential water supply issues.” In fact, the proposed expansion will incorporate technologies that represent improvements to the effluent quality and the quality of air emissions.

YDSS expansion is done in full compliance with our regulatory partners, and our projects are setting the standard for environmental scrutiny.

Patrick Casey
Director, Corporate Communications,
Office of the Chief Administrative Officer
York Region

Ajax responds

Dear Editor,

Re: *Letters to the editor, this edition*

At the Town of Ajax council meeting on November 28, Durham Regional Works Department representatives made a presentation related to the town’s report expressing concerns about airborne and waterborne emissions from the proposed expansion of the Duffin Creek Water Pollution Control Plant on the Ajax community and other downwind and downstream communities.

Durham Region representatives pointed out that the volumes of sewage quoted in the Ajax staff report were not correct. Rather, it appears we substantially underestimated the volumes (by referring to “litres” instead of “megalitres”)—based on information obtained from regions of Durham and York websites. We have since requested written clarification of this matter from Durham works staff and are awaiting their response. Regional representatives also noted the composition of the independent peer review team examining this project.

Immediately following the November council meeting, the town’s resolution and staff report were forwarded to York and Durham. From the Durham Region website, it appears Ajax’s resolution was forwarded by regional council to works staff for inclusion in the environmental study report. No other action or direction was recorded in the minutes. No response has yet been received from York Region.

Ajax staff had also asked that the review period for the environmental study exclude the holiday period and be extended, from the typical 30-day period to a minimum of 180 days, to allow for hiring of peer review experts by the town (unfortunately, at the town’s expense) to conduct a review of the yet-to-be released environmental study report, supporting technical studies and findings of the regions’ peer review consultants.

Also at the council meeting, Durham works staff offered to meet with the town’s representatives to discuss the identified concerns. Such a meeting has yet to take place. It has been arranged for the second week of January 2006.

Ajax staff is looking forward to meeting with regional representatives to discuss concerns and hopefully find mutually agreeable solutions that will protect the quality of life for current and future residents of Ajax and other affected communities.

Barb Hodgins
Development Approvals Co-ordinator
Planning & Development Department
Town of Ajax

Lake of Bays continued from page 1

The province has introduced the *Planning and Conservation Land Statute Law Amendment Act, 2005*, which proposes amendments to the *Planning Act* and other statutes to change and clarify the role of the **Ontario Municipal Board**. The legislation also offers opportunities for municipalities to streamline the planning approvals processes and establishes rules and criteria for development under a permit system by-law.

According to the province, the streamlined process will give municipalities, better control over land use, density, setback, design and community facilities, and help to address on-site redevelopment challenges. (*See NRU GTA December 14.*)

Before deciding if this type of system should be used more widely, the province has been pilot-testing the system since 2002 in five municipalities including Lake of Bays, the **Town of Oakville, Region of Waterloo, City of Toronto, and City of Hamilton**. Some of the objectives for testing the system in these areas include revitalizing historic downtown neighbourhoods, protecting sensitive shorelines, and facilitating brownfield rehabilitation.

In the late 1990s, municipal councillors in Lake of Bays recognized that as development pressures intensified around the lake, the use of traditional planning tools to protect the natural environment was becoming less than effective. In response, the local and regional councils submitted a joint proposal to the province to pilot a development permit by-law to demonstrate its potential for protecting the natural environment.

"There were definitely some hurdles we had to work through," district planning services manager **Stefan Szczerbak** told *NRU*. "The appeals mostly came from resort owners who collectively joined forces to appeal the resort provisions."

"We are hoping that other municipalities learn from our experiences," he said. "The preservation of a healthy natural environment is the cornerstone of the Township of Lake of Bays vision for the future."

To institute the new planning system, Lake of Bays' councillors had to amend the official plan to recognize the environmental values and preservation of natural shorelines, primarily through the ability to address site alteration and vegetation removal.

A total of 17-public open houses and meetings were held, as well as the statutory public meeting. No substantive policy changes were included in the official plan amendment; rather it establishes the development permit system within the waterfront area of the

township in accordance with the requirements of the *Development Permit Regulation*.

On November 29, the OMB finally approved the township's development permit by-law—the culmination of more than 10 years of hard work, led by mayor **Janet Peake**.

Planning staff began with the visioning process that was undertaken by the community in the early 1990s,

"The preservation of a healthy natural environment is the cornerstone of the Township of Lake of Bays vision for the future."

- Stefan Szczerbak

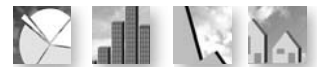
through the community consultation for the township's new official plan later 1990s and more recently, four years of consultation on the by-law itself.

"As the township moves forward with the implementation of this new planning system, it is important that the community continue to be involved in the planning process and provide feedback on how these new by-laws are working," Szczerbak said. "By continuing to work together, the township will be one step closer to the achievement of its vision to nurture and sustain clean water, fresh air, natural shorelines, healthy forests and wetlands that will be the pride of the province."

In December 2003, the **Regional Planning Commissioners of Ontario** sent a submission to municipal affairs and housing minister John Gerretsen recommending province-wide expansion of the system. The option should be extended throughout the province, the commissioners argued, to fully explore and realize the potential of the permit system in addressing planning issues such as centres and corridors, source water protection and brownfield redevelopment. •

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sensitive to the fiscal challenges of both his fellow municipal and provincial politicians.

“The best resolution is for social services to be paid through incomes taxes,” Miller told *NRU*.

Resale market approaches all-time record

With 82,361 sales for the year-to-date, the Toronto resale home market is quickly approaching the all time annual record of 83,501 sales recorded in 2004, said **Toronto Real Estate Board** president **John Meehan**. Currently the numbers are up 1 per cent over 2004. On a month-to-month basis, December’s 2,447 sales are up 2 per cent from the 2,394 sales recorded during the first fifteen days of December 2004.

Fixed Ontario election date

Legislation that schedules fixed election dates, provides for real-time disclosure of political contributions, and protects 11 ridings in northern Ontario has come into effect, democratic renewal minister **Marie Bountrogianni** announced. The new legislation sets scheduled election dates so they take place every four years. The next election will be held on October 4, 2007.

Martin announces funding to support food sector

Prime minister **Paul Martin**



announced a plan to strengthen the food production sector that will review the agriculture policy framework, provide funding for export market development; and extend green-cover incentives.

DURHAM

Duffins-Rouge permanently protected—again

Environmental Defence applauded the Ontario legislature for permanently protecting 4,700 acres of prime agricultural land in **Pickering** by unanimously passing the *Duffins-Rouge Agricultural Preserve Act* late last week.

“This is a significant decision for all Ontarians,” said executive director **Rick Smith**. “It protects the public interest in the face of enormous pressure to pave over these lands.”

Approval for Bowmanville subdivision

Clarington has approved applications by **The Kaitlin Group** for OPA, rezoning and draft plan of subdivision to permit a 389-unit subdivision at the west side of the future extension of Green Road in Bowmanville. The development is to include 144 single-detached homes, 44 townhouses and 201 units of medium-density housing, as well as an public elementary school and parkette.

HALTON

Halton taxes up 3.6 per cent

Halton Region council unanimously approved its 2006 operating and capital budget, resulting in a property tax increase of 2.6 per cent for programs and services and a 6.0 per cent increase for police services. The overall

property tax increase is 3.6 per cent, which includes a 7.2 per cent rate increase for water and sewer utilities.

Wanted: Oakville to hire 10 new staff

A recent report by **Oakville** staff recommends approval of 10-new positions in four town departments for 2006. A report by human resources director **Elizabeth Bourns** notes that staff in the planning, legal, information systems and clerk’s departments have been working under a “substantial workload” over the past year, and recommends increasing staff before the budget is considered for approval in March 2006.

The report cites increased numbers of development applications, particularly for infill and intensification, that are putting extra pressure on planning staff, and adds that senior planning management are increasingly being pulled away from coaching and mentoring duties to deal with development negotiations and hearings. The report also notes that the legal department has been spread thin due to growing litigation demands.

The recommendation calls for 10-new staff to be hired by the end of January 2006, including two-senior planners, two-development planners, one planning projects manager and a planning applications co-ordinator. Also on the wish-list

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are an assistant town solicitor, a committee co-ordinator and senior information technology staff to administer AMANDA and CIS databases.

Milton tax increase set at 3 per cent

Milton council approved an operating budget with a 3 per cent tax increase for 2006—down from the 3.35 per cent increase staff recommended. Council also eliminated a proposed 1.5 per cent separate capital levy.

PEEL

Peel taxes up 3.3 per cent

Peel Region council endorsed its 2006 \$1.2-billion current and \$454-million capital budget, presented by acting CAO **David Szwarc** and treasurer and finance commissioner **Dan Labrecque**. The tabled recommendation included a tax rate increase of 3.3 per cent or \$46 per household and an increase of 4.7 per cent or approximately \$15 per household for water and wastewater.

Mississauga arts report released

The Mississauga Arts Review Taskforce has released its report on the future of the arts, identifying a “lack of clarity, consistency, and accountability in the way the arts are dealt with in **Mississauga**.” At the beginning of this year, mayor **Hazel McCallion** announced the formation of a citizens’ panel to review the future sustainability of the arts. Since that time, the panel, chaired by **Bob Gillespie**, has done extensive research and benchmarking of the arts in other major Canadian cities, held two town hall meetings that over 100 residents attended, and met individually with Mississauga’s

major arts organization.

The report resulted in the identification of six key issues, including confusion in the community about the role of the **Living Arts Centre**.

To address these challenges, Gillespie presented six recommendations to city council, including a call for the creation of an Office of the Arts within the city organization that will focus accountability for Mississauga’s arts agenda.

Brampton caps residential development

The **City of Brampton** approved a “bold step” last week that includes a cap on the approval of residential development at 5,500 units a year to help manage the city’s rapid growth, mayor **Susan Fennell** said. The new development cap will be rolled out in January with a report proposing the locations of the residential development for 2006. The transition period for setting up the block plan process and stabilizing the building permit rate at the 5,500 target level is expected to take from two to three years.

Brampton master plan for parks, recreation and culture

Brampton is hard at work on the creation of a parks, recreation and culture master plan. The project, led by planning and development and community services staff, is in being undertaken in conjunction with consultants **dmA Planning and Management Services, ENVision—The Hough Group** and **Hemson Consulting**. The long-term strategic plan is to provide a future vision for the city’s parks, recreation and culture initiatives.

Work has already begun on the

first stage of the project, which includes an internal assessment of facilities and programs, as well as public meetings. The group is to conduct surveys of public and stakeholder expectations early in the new year, with further public consultations to continue through the spring. An online component has been included—submission of comments may be made to parc@brampton.ca. The master plan is to be complete by fall 2006.

Meeting to consider topsoil business

Caledon staff will host a public meeting to consider applications by **Essential Concrete Limited** for OPA and rezoning to permit a topsoil-manufacturing business at **12321 Dixie Road** in Caledon. The applicant proposes to redesignate the site from agricultural to agricultural special to permit the business and related storage facilities. The meeting is scheduled January 11.

Meeting to consider additional dwelling

Caledon staff will host a public meeting to consider OPA and rezoning applications by **Norma Sheridan** to permit a second dwelling at **14529 Creditview Road** in Cheltenham. Sheridan proposes to build a second home on the 0.72-ha. site, which also includes an existing heritage building. The meeting is scheduled January 11.

Mississauga public square on makeover list

Project for Public Places has issued its annual list of best public squares in the U.S. and Canada, giving **Montreal’s** Square St. Louis the nod. It has also listed the 16 public squares most in need of an

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extreme makeover. **Mississauga's** City Centre, which is in the process of redevelopment, was highlighted for being in need.

Mississauga City Centre



Source: Project for Public Spaces

Montreal Square St. Louis



Source: Project for Public Spaces

YORK

York sets tax increase at 2.9 per cent

York Region council unanimously approved its \$1.6-billion budget, which includes more than \$35.9-million in service enhancements and new programs. The 2006 budget includes a 2.9 per cent tax levy.

Conservative goes carbon neutral

Richmond Hill Conservative candidate and local councillor **Joe Di Paola** is apparently counting on trees

and offset.

Conservative leader **Stephen Harper** has supported voluntary reductions in greenhouse gas emissions and Di Paola feels that applying this directly to his campaign is a "good place to start."

Vaughan signs local waste agreement

Dongara Developments has entered into an agreement with the **City of Vaughan** to construct a processing facility at the northeast corner of Highway 407 and Highway 27 to receive and manage waste from curbside garbage collection. The facility will remove contaminants from the residual waste and grind it down into pellets that can be used as a burnable fuel source.

York Region currently ships 230,000 tonnes of residual waste—garbage that cannot be recycled or composted—to landfills in Michigan and near **St. Thomas**. The Dongara option would remove nearly 45 per cent of this waste stream.

East Gwillimbury tax increase the lowest

East Gwillimbury council unanimously approved its \$18.5-million 2006 budget, which includes a 2.8 per cent property tax increase, the lowest increase to date in the GTA.

Aurora launches economic analysis

Aurora has retained consultant **urbanMetrics Inc.** to conduct an analysis of the town's economic sectors. The study is to form the base for an investment strategy. Stakeholder interviews are to be conducted in early 2006, with a final report to be presented to council in March. •

to play an important role in restoring a balance for his federal election campaign. Di Paola announced that his campaign would be "carbon neutral" as he plans to plant trees to offset the CO₂ emissions generated by all campaign activities. He is inviting third party audits to scrutinize the calculations to ensure that all emissions are accounted for

GTA DEVELOPMENT NEWS

DURHAM

RONA plans for Bowmanville store

RONA has submitted an application for site plan approval to permit a 7,818-sq.m. home improvement centre and 2,349-sq.m. garden centre at **205 Baseline Road West**, east of Waverly Road in **Bowmanville**.

YORK

Bantry Avenue condos

The **Gates of Bayview Glen (Phase III) Corp.** has submitted applications for OPA, rezoning and site plan approval to permit two residential condominiums, with 284 units in total, at **110-122 Bantry Avenue**, west of **Red Maple Road** in **Richmond Hill**.

Enford Road farmers' market

Charles Bulmer has submitted applications for OPA, rezoning and site plan approval to permit a 1,217-sq.m. farmers' market at **300 Enford Road**, south of Industrial Road in **Richmond Hill**.

New lots for Puccini Drive

Mahmoud and **Shelagh Marzouk** have submitted a rezoning application to permit the creation of five-residential lots for future development at **50 Puccini Drive**, southeast of Vitlor Drive and Verdi Road in **Richmond Hill**. Three lots would front onto Vitlor, and two lots would front onto Puccini.

Applications to increase office space

Policy Property Management has submitted an application to rezone an existing building to permit increased office use at **40 West Wilmot Street**, west of Leslie Street in **Richmond Hill**. The applicant proposes to increase the non-accessory office provision from 15 to 35 per cent of the total floor area.

Pemberton Road subdivision plans

Falsetti, Brancato and Sinopoli has submitted applications for rezoning and draft plan of subdivision to permit seven dwellings at **46 and 48 Pemberton Road**, east of Walmer Road in **Richmond Hill**. The applicants also propose to reduce the minimum frontage for one of the lots.

Sorrento Drive subdivision proposal

Sorrento Drive Landowners Group has submitted an application for draft plan of subdivision to permit 10 single-detached dwellings at **74-84 Weldrick Road West** and **83-91 Yongehurst Road** in **Richmond Hill**.

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GTA PEOPLE

Halton Region chair **Joyce Savoline** announced that that she is not planning to seek re-election in November.

After 18 years of service with the City of Barrie, engineering director **Rick Newlove** has been appointed **County of Simcoe** corporate services general manager.

Lloyd Russell has been appointed commissioner of finance and regional treasurer with **York Region**. Russell succeeds **Sandra Cartwright**, who is retiring after more than 10 years of service. Formerly, Russell worked as city treasurer in the amalgamated City of Ottawa.

After 31 years in municipal administration, **Port Hope** chief administrative officer **Mike Rostetter** is retiring.

Carlos Salazar has been appointed manager of community planning and design in **Clarington**. Salazar was previously the director of long-term planning in Sudbury.

David Cash has been appointed chief administrative officer for the **Town of Whitchurch-Stouffville**. Cash was previously planning and development commissioner for the **Town of Oakville**, and has worked in Kingston and the Niagara Region. Cash replaces **Nick Kristoffy**, who will retire in January 2006.

Linda Leeds has been appointed treasurer and director of corporate services in **Milton**. Leeds was previously the town's deputy treasurer. Finance manager **Sheryl Hill** has been appointed deputy treasurer.