

Novæ Res Urbis

GREATER TORONTO AREA EDITION

VOL 10 • No 50

WEDNESDAY • DECEMBER 19 • 2007

OMB DISMISSES APPEALS

Big Bay Point Resort approved

By Mark Ostler

The final **Ontario Municipal Board** hearing of appeals in the Big Bay Point case has come to a close with the board dismissing the opposition of **Nextnine Limited**, **2025890 Ontario Inc.** and **Innisfil District Association Inc.** and allowing **Kimvar Enterprises Inc.**'s proposed resort to be built on Lake Simcoe.

The proposed development—modified as part of a settlement between Kimvar, the **Town of Innisfil**, **Simcoe County**, municipal affairs ministry and two residents groups—includes 2,000 hotel and condominium units, an 18-hole golf course, 86,000-sq.ft. of commercial space, a 54,000-sq.ft. conference centre, a 32,000-sq.ft. recreation facility, 300-seat theatre and a 1,000-slip marina.

Central to the debate before the OMB was the definition of the proposed development. The opponents of the project insisted that the proposal represents a settlement, which cannot be developed outside of an existing settlement area. The proposed development site is situated outside of the town's settlement area.

Alan McNair (McNair & Marshall, Planning & Development Consultants) speaking on behalf of the opponents, said that in his opinion the development is a settlement. However, if the board determined it to be a resort, a decision should await completion of the county's growth management plan. McNair suggested that additional analysis and studies should be undertaken because neither the county or town official plans provide for recreational resorts. He also noted that the *Lake Simcoe Protection Act*, which is expected to be introduced in the spring, could impact development on the lake, including the proposed resort.

However, county planner **Ian Bender** testified that the county's official plan recognizes that some development will occur outside of the settlement area and that the proposal is consistent with the official plan.

CONTINUED PAGE 4

9TH ANNUAL GTA RANKING

Top ten development law firms

A number of high profile cases highlight the 2006-2007 *NRU* GTA law review. The conclusion of long-running appeals on the North Leslie lands, as well as appeals of secondary plans such as the Lefroy plan in Innisfil, the North Oakville East plan and Brampton's Sandringham Wellington plan capped a year of important GTA decisions. Castle Glen Development's resort in the Town of Blue Mountain and the Big Bay Point case in Innisfil were also among the high profile appeals that went before the board in 2006-2007. Large residential developments such as Bearsfield & Triple-R-Ranch Co. Ltd.'s 765-unit subdivision in the Town of Bradford-West Gwillimbury, Beechridge Farms' 554-unit development in the Town of Ajax, and Ashley Oaks Homes' development in the Town of Oakville, comprising 375 condo units and 60 townhouses, also featured prominently at the OMB.

In our ninth annual ranking of the GTA's most prominent planning and development law firms, *NRU* looked back at the OMB decisions from August 2006 to July 2007. This year's ranking saw a very tight race for some of the top ten spots and considerable change from last year's ranking with some firms rocketing up and others slipping a few spots.

Keep an eye out for the Toronto edition of the top 10 development law firms in this Friday's *NRU*.

CONTINUED PAGE 5

Find the legal solution.

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

Jim Harbell jharbell@stikeman.com
Calvin Lantz clantz@stikeman.com



STIKEMAN ELLIOTT

STIKEMAN ELLIOTT LLP
www.stikeman.com

Coming Up

JANUARY 1

Mississauga New Year's Levee, Civic Centre Square, 300 City Centre Drive, 2:00 - 4:00 p.m.

Brampton New Year's Levee, Rose Theatre, 1 Theatre Lane, 1:00 - 3:00 p.m.

Pickering New Year's Levee, Pickering Civic Complex, 1 The Esplanade, 2:00 - 4:00 p.m.

Milton New Year's Levee, Hugh Foster Hall, 53 Brown Street, 1:30 - 3:30 p.m.

Whitchurch-Stouffville New Year's Levee, Stouffville Arena, 12483 9th Line North, 2:00 - 4:00 p.m.

JANUARY 6

Oakville New Year's Levee, Town Hall, South Atrium, 1225 Trafalgar Road, 1:00 - 5:00 p.m.

Scugog New Year's Levee, Scugog Arena, 1655 Reach Street, 1:30 - 3:30 p.m.

JANUARY 7

Brampton Planning, Design and Development Committee, 7:00 p.m.

Pickering Planning and Development Committee, 7:30 p.m.

JANUARY 14

Vaughan Council, 1:00 p.m.

Mississauga Planning and Development Committee, 1:30 p.m.

JANUARY 16

Brampton Council, 1:00 p.m.

JANUARY 21

Brampton Planning, Design and Development Committee, 1:00 p.m.

Pickering Council, 7:30 p.m.

Oakville Council, 7:00 p.m.

JANUARY 28

Vaughan Council, 1:00 p.m.

Milton Council, 7:30 p.m.

Oakville Planning and Development Council Meeting, 7:00 p.m.

PAYING FOR IT

Mississauga tax increase

Mississauga council approved a 3.9 per cent increase to property taxes at its meeting last week—in addition to a 5 per cent infrastructure levy proposed earlier for consideration but to be discussed next spring.

The only member to vote against the increase was Councillor **Carolyn Parrish**.

The city's finance director **Roberto Rossini** informed council during budget deliberations that taxes may need to be increased again in 2009.

Investment revenues are not expected to do as well in the coming years, Rossini told *NRU*, and the majority of the city's costs are in labour and benefits—about 70 per cent—with most contracts set to expire in 2008.

However, last week when Mayor **Hazel McCallion** was away overseas, the budget committee's Councillor **Pat Saito** had asked staff to report back with strategies to slice \$2.5 million from the budget—an amount that would reduce the property tax increase by almost 1 per cent. The staff report came back suggesting some smaller projects be postponed amounting to a savings of \$195,000.

Upon her return, McCallion said council has to decide what to cut, not staff.

The property tax increase is needed to keep services at the level the community expects, the mayor said.

“The city's budget provides for

infrastructure investments and maintenance of the high quality services and programs our residents have come to expect from our great city,” she said. “Council and staff worked hard to limit property tax increases while continuing to keep our buses, buildings and roads operational and running efficiently.”



COUNCIL AND STAFF WORKED HARD TO LIMIT PROPERTY TAX INCREASES WHILE CONTINUING TO KEEP OUR BUSES, BUILDINGS AND ROADS OPERATIONAL AND RUNNING EFFICIENTLY.

• Hazel McCallion

The Mississauga tax increase equates to a \$39.33 annual increase on an average residential property tax bill on a home assessed at \$365,000. The city portion of a homeowner's tax bill represents about 28 per cent of the total property tax bill, with 46 per cent allocated for the **Region of Peel**—which just increased its rate by 4.3 per cent—and 26 per cent is allocated to the province for education.

The city's portion goes to pay for items in the capital budget like \$50 million for major road work, \$23.1 million to replace 40 buses and buy 15 new ones and \$11.3 million for community centre renovations. The 2008 total capital budget is \$271.6 million and the operating budget is \$511.3 million.

By-laws implementing the budget will come to council January 30. **NRU**



Novae Res Urbis
GREATER TORONTO AREA EDITION

Ian A.R. Graham, Publisher
iang@nrupublishing.com

Lynn Morrow, Editor
lynnm@nrupublishing.com

Amy Lazar, Municipal Affairs Reporter
amyl@nrupublishing.com

Mark Ostler, Planning Reporter
marko@nrupublishing.com

Jeff Payette, Layout
jeffp@nrupublishing.com

Kristine Janzen, Circulation/Advertising
kristinej@nrupublishing.com

SALES/SUBSCRIPTIONS

circulation@nrupublishing.com

Annual subscription rate is \$349.
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 email by NRU Publishing Inc.

NRU Publishing Inc.

Editorial Office
26 Soho Street, Suite 330
Toronto, ON M5T 1Z7
Tel: 416.260.1304
Fax: 416.979.2707

Billings Department
46 Old Bridle Path,
Toronto, ON M4T 1A7
Tel: 416.440.0073
Fax: 416.440.0074

A CONVERSATION-STARTER

York looks at best way to build

York Region's planning and development department has just released a discussion paper on the best practices for building new communities—a conversation-starter that staff hopes will lead to the creation of policies guiding local municipalities in the right direction.

The discussion paper entitled, Best Practices for New Communities, is the beginning of a work plan to develop a strategy and the next step is to hold a symposium and charrette in 2008 to discuss the paper. The paper can be viewed on the region's website and it will be circulated to local municipal staff for review and comment.

The driving force behind the strategy is the provincial forecasts contained in *Places to Grow*, which estimates York Region will house 1.5-million residents by 2031 and employ 800,000 people. To accommodate the expected growth, the region may have to look at creating new communities outside of the existing built areas and the strategy will help set out guidelines for them.

WE MUST ACCOMMODATE SIGNIFICANT GROWTH WITHIN VERY LIMITED AREAS WHERE DEVELOPMENT CAN OCCUR WHILE BALANCING COMPETING ECONOMIC, COMMUNITY AND ENVIRONMENTAL OBJECTIVES.

• Bill Fisch

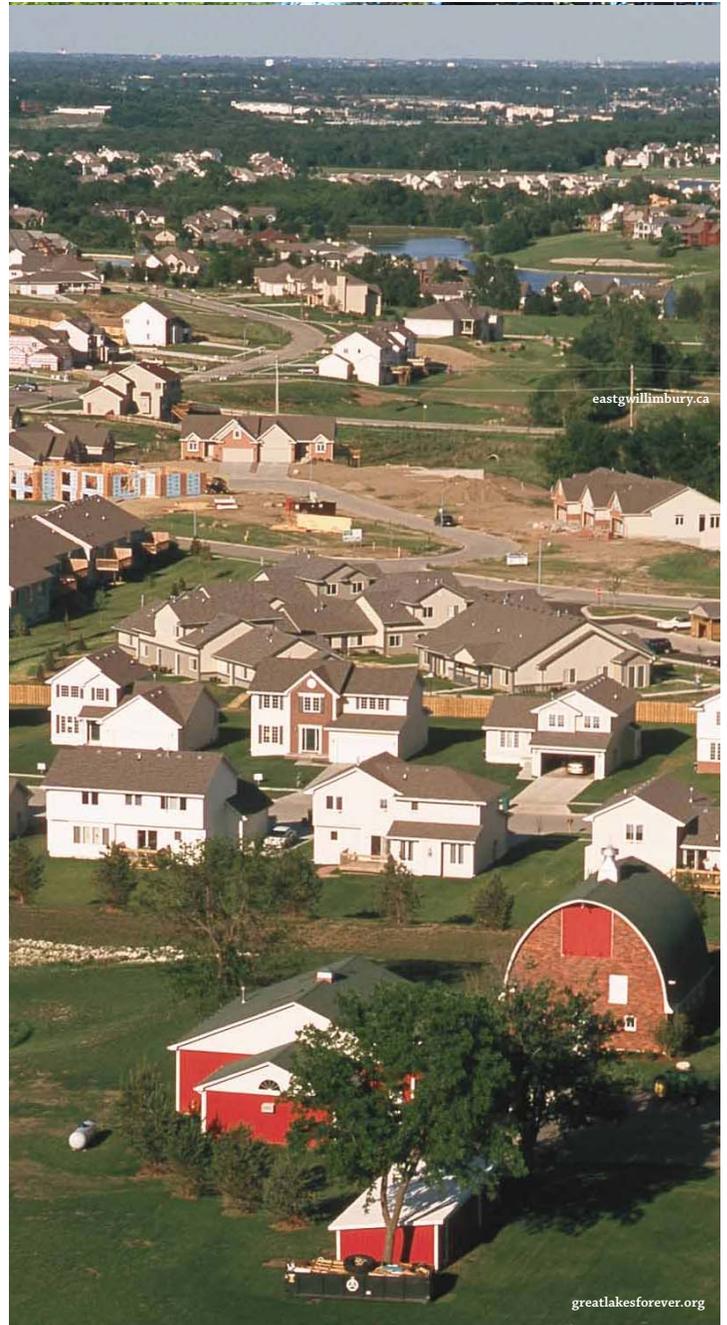
“We must accommodate significant growth within very limited areas where development can occur while balancing competing economic, community and environmental objectives,” said regional chair **Bill Fisch**. “This comprehensive work plan will cultivate innovation and enable York Region to make new community planning and development a cornerstone of our successful city region.”

The paper provides 42-best practices under themes such as energy, waste management, creating liveable vibrant communities, sustainable transportation and green space. Some of the best practices examples used include Vaughan's Energy Star subdivision requirement, Markham Centre Performance Measures and Newmarket's Eco-logic subdivision. There are also a number of examples included from cities and communities across Ontario, the rest of Canada and around the world.

“We can learn from other jurisdictions where new ideas have been tried and tested,” said **East Gwillimbury** mayor **James Young** and the region's planning and economic development committee chair.

Following the symposium and charrette, regional staff will draft proposed criteria for the strategy and present it to committee and council.

NRU




Gartner Lee
www.gartnerlee.com

Environmental services experts for over 30 years.

- Environmental Planning, Approvals & Policy Development
- Ground & Surface Water Assessment
- Ecological Assessment
- Brownfields
- Economic Analysis & Business Planning
- Expert Testimony

Contact Greg Wickware at 905.477.8400 x 325

British Columbia | Alberta | Yukon | NWT | Ontario | Quebec | Nova Scotia | Qatar

Big Bay Point continued from page 1

James Bennett (Marshall Macklin Monaghan Limited) provided planning evidence on behalf of the town. Bennett testified that though transit is not required for the resort, the Yonge Street GO Transit bus and the recent resumption of GO train service to Barrie suggests shuttle service from the resort to nearby stops could provide a transit link. He also noted that adequate road capacity exists to accommodate traffic to and from the resort. Bennett further testified that the *Greenbelt Plan* provides for the development of resorts on the shore of Lake Simcoe.

Ultimately, after a lengthy hearing process, the board decided that the development is a resort and approval is not premature; and it allowed the proposed official plan and zoning by-law amendments and the draft plan of subdivision. The board also agreed with the environmental impact study, which showed no negative environmental impact arising from the development.

“The clients are very disappointed, but the outcome is not unexpected,” **David Donnelly (GILBERT’S)**, counsel for Nextnine, 2025890 Ontario Inc. and Innisfil District Association told *NRU*.

Though they participated in the discussions, Nextnine, 2025890 Ontario Inc. and Innisfil District Association did not sign on to the settlement and proceeded with their appeals against the proposed resort.

“The board mentioned in its decision that we produced no alternative development proposal,” Donnelly said. “But we took a principled stand in this hearing that there is no criteria whatsoever...for assessing or even defining a resort versus an urban settlement.”

“The opponents were against the whole of the project and told the board to turn it down completely,” **Michael Melling (Davies Howe)**, counsel for Kimvar, told *NRU*. “Our clients and the government were ultimately successful in all respects at the OMB. Our clients are very happy.”

“At the end of the day I think everybody was disappointed with the quality of the evidence that those in opposition brought, because they didn’t come forward and prove any negative impacts as a result of the development,” said **Ira Kagan (Kagan, Shastri)** in an interview with *NRU*. “They just questioned whether or not all of the work that was going to be done should have been done up front.” Kagan represented the **Sandy Cove Acres Home Owners Association** and **The Residents of Innisfil Association**—both organizations had agreed to the settlement.

Lawsuits against several opponents of the development

are currently pending, as is a judicial review application by the **Huron-Wendat** First Nation, which seeks to quash the settlement based on the fact that no notification of, or consultation with First Nations took place.

“We hope that the board’s decision will be the final decision,” Melling said.

Solicitors Michael Melling, **Susan Rosenthal, Jeffrey Davies and John Alati (Davies Howe)** represented Kimvar. Solicitors David Donnelly, **Timothy Gilbert, Jennifer King and Allison Lester (GILBERT’S)** represented Nextnine, 2025890 Ontario and Innisfil District Association. Solicitors

AT THE END OF THE DAY I THINK EVERYBODY WAS DISAPPOINTED WITH THE QUALITY OF THE EVIDENCE THAT THOSE IN OPPOSITION BROUGHT, BECAUSE THEY DIDN’T COME FORWARD AND PROVE ANY NEGATIVE IMPACTS AS A RESULT OF THE DEVELOPMENT.

• Ira Kagan

Kenneth Hare, Adam Levy, Irvin Shachter and Robert Boxma represented the **Ministry of Municipal Affairs and Housing**. Solicitors **Quinto Annibale and Kevin Ryan (Loopstra Nixon)** represented the Town of Innisfil. Solicitors **Mark Noskiewicz and David Bronskill (Goodmans)** represented the County of Simcoe. Solicitor Ira Kagan represented Sandy Cove Acres Home Owners Association and The Residents of Innisfil Association. **NRU**

DAVID MILLER: ONE YEAR LATER

UNDERSTANDING THE CHANGING DYNAMICS AT CITY HALL

WEDNESDAY, JANUARY 9, 2008

Breakfast & Briefing – 8:00 am to 10:30 am

The National Club • 303 Bay Street, Toronto, Ontario

With Keynote Speaker

Joe Pantalone

Deputy Mayor, City of Toronto

- **Learn** where the Miller administration is planning to go in 2008.
- **Understand** how Mayor Miller’s opponents will react to the Mayor’s next moves.
- **Participate** in this closed door briefing with City Hall insiders.
- **Receive** a behind the scenes look at city issues – not front page news but issues that are key to your success.
- **Examine the issues:** City Finances, Waste, Infrastructure, Transportation, Uploading of services.

PANELISTS

Jennifer Lewington is the Globe and Mail’s City Hall Bureau Chief.

Peter Milczyn, Toronto City Councillor

Kim Wright, Consultant, is Urban Intelligence’s “eyes and ears” at City Hall.

REGISTRATION FEE: \$149 per person plus GST

Register online at www.urbanintelligence.com

Top ten development law firms

continued from page 1

1. [1] AIRD & BERLIS

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



Reasons for Ranking: Aird & Berlis lawyers seemed to be everywhere in 2006-2007, from North Leslie to North Oakville, from Hamilton to Simcoe County and over to Ajax. The firm retains its place at the top of the GTA rankings, boasting the title of most mentioned law firm in NRU's GTA edition. For nine consecutive years the firm has placed in the top ten. This year Aird & Berlis held onto the top spot through the volume of cases the firm handled in the GTA. Major decisions in high profile cases, such as North Leslie and North Oakville, helped the firm stay on top this year.

OMB and Court Matters or Hearings: representing the Region of Halton and the Town of Milton regarding appeals by 879662 Ontario Inc., Paletta International Corporation and Peter Fisher against amendments to the regional official plan (Doumani, Matera) (settlement); representing Timsin Holding Corp., Argo (North Oakville I) Ltd. and Argo (North Oakville II) Ltd. regarding appeals in the *North Oakville East Secondary Plan* case (Foran, Harrington, Pepino); representing North American Acquisition Inc. regarding its appeals to permit commercial uses at Park Place, formerly known as Molson Park, in Barrie (Harrington, Pepino) (✓); representing E. Manson Investments Limited regarding appeals in the expansion of Richmond Hill's urban boundary in the North Leslie area (Foran, Zakem) (settlement); representing Loblaw Properties Limited regarding its appeals against official plan amendments approved by Clarington to designate additional commercial lands (Harrington, Zakem) (X); representing the City of Burlington regarding appeals by Parkside Hills Inc. to permit 199 townhouses and an apartment building in Hamilton (Doumani) (settlement); representing the Township of Oro-Medonte regarding appeals by UCCI Consolidated Companies Inc. for official plan and zoning by-law amendments to permit 386-residential units to be developed in the township (Williams) (settlement); representing Beechridge Farms regarding its appeal for official plan and zoning by-law amendments to permit development of 464-detached homes, 90 townhouses and two neighbourhood commercial developments in the Town of Ajax (Pepino, Costello) (✓)

then board agreed to review decision); representing Loblaw Properties Limited regarding appeals by 287187 Ontario Limited (Penretail Management Ltd.) against the town's refusal to enact official plan and zoning by-law amendments to permit construction of a 195,000-sq.ft. commercial development on lands designated for prestige industrial uses (Halinski) (settlement); representing King Township regarding appeals by Laurier Homes (27) Limited against a decision by the township to refuse official plan and zoning by-law amendments and draft plan of subdivision approval to permit the development of 232 homes (Matera) (settlement); representing Lefroy Settlement Area Management Inc., Bellaire Properties, Cassandra Estates, Esther Holdings and 1648024 Ontario Limited regarding appeals by Lefroy Belle Ewart Management Inc. and Lefroy Settlement Area Management Inc. against the refusal of the town to approve an official plan amendment creating the *Lefroy Secondary Plan* (Longo) (settlement); representing the Town of Bradford West Gwillimbury regarding appeals by Bearsfield & Triple-R-Ranch Co. Ltd. for a zoning by-law amendment and plan of subdivision approval to permit development of a 765-lot residential subdivision (Longo); representing King Township regarding an appeal by Gaetano Baldessara against the failure of the township to approve a plan of subdivision calling for 245 homes to be developed on 100 acres

CONTINUED PAGE 6

NRU's website has been renovated.



Visit www.nrupublishing.com

For over 10 years, Novae Res Urbis has been providing weekly, up-to-date news on development, politics, and legislation affecting the City of Toronto and the GTA.

NRU's new website features revised navigation, online advertising, online subscriptions & renewals, and an upcoming Members section with access to NRU catalogues, special services and offers.

NRU Publishing Inc.



Top ten development law firms continued from page 5

of land (Matera); representing Loblaw Properties Limited regarding appeals by Paletta International Corporation, Zellers Inc., Embee Properties Limited and Mikalda Farms Limited against the City of Brampton's approval of an official plan amendment (Zakem).

2. [5] DAVIES HOWE PARTNERS John Alati, Jeff Davies, Mark Flowers, Michael Melling, Susan Rosenthal



Reasons for Ranking: Davies Howe Partners jumped three spots in 2006 - 2007 to squeak into second spot with its high volume of cases. Involvement in high profile cases such as North Leslie and the Blue Mountain resort helped Davies Howe's rise.

OMB and Court Matters or Hearings: representing Belmont Properties Inc. and Redthorn Co. regarding appeals in the *North Oakville East Secondary Plan* case (Flowers, Melling); representing Lionheart Enterprises and Bayview East Landowners Group regarding appeals in the expansion of Richmond Hill's urban boundary in the North Leslie area (Davies, Rosenthal, Melling) (settlement); representing Castle Glen Development Corporation regarding its appeals to permit recreational, commercial and residential uses in the development of a 620-hectare resort with 1,720-residential units in the Town of Blue Mountain (Melling, Rosenthal) (settlement); representing Kimvar Enterprises Inc. regarding its appeals for official plan amendments to permit the Big Bay Point development, including 3,000 residential units, 12,500-sq.m. of retail space, 1,130-boat slips in an enlarged marina and a golf course in the Town of Innisfil (Rosenthal, Melling, Davies) (settlement); representing UCCI Consolidated Companies Inc. regarding its appeals for official plan and zoning by-law amendments to permit 386-residential units to be developed in the Township of Oro-Medonte (Melling) (settlement); representing Chinguacousy Farms Ltd. regarding its appeal against cost-sharing policies in Brampton's *Sandringham Wellington Secondary Plan* (Alati, Melling); representing Bruno Lisi and Michael Andreatta regarding their appeals for zoning by-law and official plan amendments to permit a 140-unit condominium building and 17 townhouses in Vaughan (Alati) (settlement); representing Rick and Sally Stull regarding their appeals against amendments to the Halton Hills official plan creating a secondary plan for the hamlet of Glen Williams (Alati) (X).

3. [3] KAGAN, SHASTRI Paul DeMelo, Ira Kagan



Reasons for Ranking:

Kagan, Shastri hangs on to third place for the second year in a row, staying within a stones throw of the first place position it held two years ago. Its involvement in such high profile cases as North Oakville and North Leslie has helped Kagan, Shastri place consistently high.

OMB and Court Matters or Hearings: representing Osmington Inc. and Danigire Holdings Incorporated regarding appeals in the *North Oakville East Secondary Plan* case (Kagan); representing Bawden-Wood, Mizrahi Investments Limited and Richmond Greenhouses regarding appeals in the expansion of Richmond Hill's urban boundary in the North Leslie area (Kagan) (settlement); representing Daniels L.R. Corporation regarding its appeals to permit development of 76 townhouses in Newmarket (DeMelo) (✓); representing the Credit Valley Conservation Authority regarding its appeals against amendments to the Halton Hills official plan creating a secondary plan for the hamlet of Glen Williams (DeMelo); representing Sandy Cove Home Owners Association and The Residents of Innisfil Association regarding appeals by Kimvar Enterprises Inc. for official plan amendments to permit the Big Bay Point development, including 3,000-residential units, 12,500-sq.m. of retail space, 1,130-boat slips in an enlarged marina and a golf course in the Town of Innisfil (Kagan) (settlement); representing Jizoco Developments Limited regarding its appeal for official plan and zoning by-law amendments to permit the development of 29-residential estate lots (DeMelo) (✓ in part).

4. [2] DAVIS LLP Christopher Barnett, Laura Bisset, Tom Lederer



Reasons for Ranking: Dropping two spots to number four, Davis LLP still managed to stay within the top five. Narrowly edged out of the top three spots, high profile cases such as North Oakville helped Davis LLP remain one of the GTA's top planning and development firms.

OMB and Court Matters or Hearings: representing Green Ginger Developments regarding appeals in the *North Oakville East Secondary Plan* case (Lederer); representing Wynberry Developments Inc. regarding appeals to permit the development of 12-detached homes in Markham (Lederer) (✓); representing Watersand Development Inc. regarding appeals by Kimvar Enterprises Inc. for official

Top ten development law firms continued from page 6

plan amendments to permit the Big Bay Point development, including 3,000 residential units, 12,500-sq.m. of retail space, 1,130-boat slips in an enlarged marina and a golf course in the Town of Innisfil (Barnett); representing Senator Homes (Discovery Phase III) Inc. regarding appeals by Chinguacousy Farms Ltd. against cost-sharing policies in Brampton's *Sandringham Wellington Secondary Plan* (Barnett, Bisset); representing Lonsmount Construction in its appeal against a condition of draft approval found in a Markham secondary plan requiring a cost-sharing agreement be entered into with Aryeh Construction Limited, who also appealed the condition (Barnett); representing Beechridge Farms regarding its appeal for official plan and zoning by-law amendments to permit development of 464-detached homes, 90 townhouses and two neighbourhood commercial developments in Ajax (Barnett) (✓) but then board agreed to review decision).

5. [11] Borden Ladner Gervais LLP

Rick Coburn, Sean Gosnell, David Klacko, Nyranne Martin, J. Pitman Patterson, Frank Sperduti, Stephen Waqué

Reasons for Ranking: Volume of cases was the key to Borden Lader Gervais' rise this year. The firm jumped six spots to move into the top five on the back of high profile cases, including North Oakville and other Halton Region appeals.



OMB and Court Matters or Hearings: representing the Region of Halton regarding appeals by 879662 Ontario Inc., Paletta International Corporation and Peter Fisher against amendments to the regional official plan (Waqué, Coburn) (settlement); representing the Region of Halton regarding appeals by Daniel and Dianne Sterne against an amendment to the regional official plan (Waqué, Coburn); representing Halton Region, Conservation Halton and the Halton Catholic District School Board regarding appeals to the *North Oakville East Secondary Plan* (Waqué, Patterson, Coburn, Sperduti); representing Shirley Endean regarding appeals in the expansion of Richmond Hill's urban boundary in the North Leslie area (Patterson, Klacko) (settlement); representing Wyndcliffe Developments Ltd. regarding appeals by 287187 Ontario Limited (Penretail Management Ltd.) against the town's refusal to enact official plan and zoning by-law amendments to permit construction of a 195,000-sq.ft. commercial development on lands designated for prestige industrial uses (Gosnell) (settlement); representing Laurier Homes (27) Limited regarding its appeals against

a decision by King Township to refuse official plan and zoning by-law amendments and draft plan of subdivision approval to permit the development 232 homes (Waqué, Martin) (settlement); representing Mikalda Farms Limited regarding appeals by Paletta International Corporation, Zellers Inc., Embee Properties Limited and Mikalda Farms against the City of Brampton's approval of an official plan amendment (Gosnell).

6. [19] WEIRFOULDS

Jill Dougherty, Bruce Engell, Blake Hurley, Barnet Kussner, Constance Lanteigne, Ian Lord, Michael McQuaid, Christopher Tzekas

WeirFoulds LLP
Gain and protect advantage.

Reasons for Ranking: WeirFoulds has made an impressive 13-spot flight up the ranks, landing inches away from the top five. A large volume of cases, along with those of some large residential developments in Barrie and Hamilton, pushed the firm into the middle of the top ten.

OMB and Court Matters or Hearings: representing Tynhead Residents Association regarding appeals by Melia Corp. for a zoning by-law amendment and draft plan of subdivision approval to permit development of 149 houses in Barrie (Lord) (settlement); representing Parkside Hills Inc. regarding its appeals to permit 199 townhouses and an apartment building in Hamilton (McQuaid) (settlement); representing Lebovic Enterprises Ltd. regarding its appeals for official plan and zoning by-law amendments and draft plan of condominium approval to permit development of 75-detached homes and a golf course in Aurora (McQuaid); representing the Town of Oakville regarding appeals by Birchgrove Estates Inc. against the town's refusal to approve official plan and zoning by-law amendments and settlement of site plan to permit development of two apartment buildings totalling 253 units, seven townhouses and commercial space, as well as the relocation, renovation and restoration of an art gallery and the historic Glendella House located on the site (Lord, Lanteigne); representing Bearsfield & Triple-R-Ranch Co. Ltd. regarding its appeals for a zoning by-law amendment and plan of subdivision approval to permit the development of a 765-lot residential subdivision in the Town of Bradford West Gwillimbury (McQuaid); representing 935860 Ontario Limited, Greenvilla (Sutton) Investments Limited, Sung Ran Lee, Cheon Woo Lee and Greenvilla Development Group Inc. regarding their appeals against the failure of the Town of Georgina to approve two separate applications for official plan and zoning by-law amendments and draft plans of subdivision to permit the development of 215-detached homes and 82 townhouses (McQuaid); representing Star Oak Developments Ltd., Mel-Oak Developments

Top ten development law firms continued from page 7

Inc. and Jim and Diane McGowan regarding appeals in the *North Oakville East Secondary Plan* case (Engell, McQuaid).

7. [10] DAVIS WEBB LLP

Neil Davis, James Macdonald,
Ellen Pefhany, Ronald S.
Sleightholm, Ronald Webb



Reasons for Ranking: Jumping three spots, Davis Webb LLP had a strong 2006 - 2007, handling cases such as North Oakville and Brampton's urban boundary expansion. Through sheer volume of cases the firm found itself at the centre of a tight race to make it into the top ten.

OMB and Court Matters or Hearings: representing 808306 Ontario Limited, Grandee Holdings Limited, Diam Contractors Limited, A. Copobianco and Sons Ltd. and Joshua Creek Community Developments regarding appeals in the *North Oakville East Secondary Plan* case (Davis, Webb); representing Brampton Brick Limited regarding appeals against Peel Region's expansion of Brampton's urban boundary (Webb, Pefhany) (settlement); representing Gaetano Baldessara regarding his appeal against the failure of King Township to approve a plan of subdivision calling for 245 homes to be developed on 100 acres of land (Webb); representing Clay Brick Association of Canada regarding appeals against a Region of Halton official plan amendment, which proposed to designate greenlands (Webb); representing David Harris regarding his appeal against a Region of Peel official plan amendment, which updates the OP's schedule for core sections of the greenlands system (Davis); representing Dudley Kissoore regarding his appeals against the Markham committee of adjustment's refusal of applications for an official plan amendment, variances and consent to sever to permit the severance of Kissoore's property into lot sizes smaller than those permitted under the official plan (Webb) (X); representing G.C. Jain Investments Limited regarding its appeals for official plan and zoning by-law amendments to permit the development of a seniors' residence, a temple and a community facility in Brampton (Webb).

8. [6] GOODMAN'S

Anne Benedetti, David
Bronskill, Eileen Costello,

Roslyn Houser, Robert Howe, Catherine Lyons, Mark
Noskiewicz, Sarah O'Connor



Reasons for Ranking: Goodmans was edged out of the top five in this year's tight race. However, a healthy volume

of cases has kept the firm in the top ten in 2006 - 2007.

OMB and Court Matters or Hearings: representing West Diamond Properties Inc. regarding appeals by Zellers Inc. and Historic Downtown Bowmanville BIA against official plan amendments approved by Clarington to designate additional commercial lands (Houser, Howe) (motion to dismiss granted); representing the Town of Oakville regarding appeals in the *North Oakville East Secondary Plan* case (Lyons, Howe); representing Simcoe County regarding appeals by Kimvar Enterprises Inc. for official plan amendments to permit the Big Bay Point development, including 3,000 residential units, 12,500-sq.m. of retail space, 1,130-boat slips in an enlarged marina and a golf course in the Town of Innisfil (Bronskill, Noskiewicz) (settlement); representing the Town of Caledon regarding appeals by 287187 Ontario Limited (Penretail Management Ltd.) against the town's refusal to enact official plan and zoning by-law amendments to permit the construction of a 195,000-sq.ft. commercial development on lands designated for prestige industrial uses (Houser, O'Connor) (settlement); representing RioCan Holdings Inc. regarding appeals by Paletta International Corporation, Zellers Inc., Embee Properties Limited and Mikalda Farms Limited against the City of Brampton's approval of an official plan amendment (Houser).

9. [4] THOMSON, ROGERS

Roger Beaman, Al Burton,
Stephen D'Agostino, David
Germain, Jeffrey Wilker



Reasons for Ranking: With such a tight race for the top ten this year, Thomson, Rogers slipped five spots. However, the firm stayed in the top ten through involvement in cases such as North Oakville and the volume of cases it handled.

OMB and Court Matters or Hearings: representing Mattamy Homes Limited, Eno Investments Limited and Bressa Developments Inc. regarding appeals in the *North Oakville East Secondary Plan* case (Beaman); representing the Town of Richmond Hill regarding appeals in the expansion of Richmond Hill's urban boundary in the North Leslie area (Beaman, Burton) (settlement); representing the Town of Blue Mountain regarding appeals to permit recreational, commercial and residential uses in the development of a 620-hectare resort with 1,720-residential units (Beaman) (settlement); representing Specturm Seniors Housing regarding appeals against the City of Brampton's planning fees (D'Agostino) (✓); representing Halton Region regarding appeals against amendments to the Halton Hills official plan creating a secondary plan for the Hamlet of Glen Williams (Wilker); representing York Region regarding appeals by Lebovic Enterprises Ltd. for official plan and

Top ten development law firms continued from page 8

zoning by-law amendments and draft plan of condominium approval to permit the development of 75-detached homes and a golf course in Aurora (Beaman); representing the Region of Halton regarding appeals by Paletta International Corporation, Zellers Inc., Embee Properties Limited and Mikalda Farms Limited against the City of Brampton's approval of an official plan amendment (Wilker).

10. [8] LOOPSTRA NIXON Quinto Annibale, Brent Duguid, Kevin Ryan



LOOPSTRA NIXON LLP
BARRISTERS AND SOLICITORS

Reasons for Ranking:

Loopstra Nixon rounds out the top ten, dropping two spots since last year's ranking. By taking on a good number of cases, such as representing the Town of Innisfil in its settlement of the *Lefroy Secondary Plan*, the firm maintained a top ten position.

OMB and Court Matters or Hearings: representing the Town of Innisfil regarding its appeals against approval by the City of Barrie of an official plan amendment re-designating commercial lands on the border of Barrie and Innisfil

residential (Annibale) (settlement); representing the Town of Innisfil regarding appeals by Kimvar Enterprises Inc. for official plan amendments to permit the Big Bay Point development, including 3,000-residential units, 12,500-sq.m. of retail space, 1,130-boat slips in an enlarged marina and a golf course in the town (Ryan, Annibale) (settlement); representing the Town of Innisfil regarding appeals by Lefroy Belle Ewart Management Inc. and Lefroy Settlement Area Management Inc. against the refusal of the town to approve an official plan amendment creating the *Lefroy Secondary Plan* (Annibale, Ryan) (settlement); representing the Town of Oakville regarding appeals by Ashley Oaks Homes for official plan and zoning by-law amendments to permit the development of 375-residential condominium units in two buildings and 60 townhouses (Annibale, Duguid) (X).

THE NEXT TEN

Based on mentions in *Novae Res Urbis - GTA Edition*, here is the ranking of the next ten firms with last year's place indicated in the square brackets: (11) [9] **Townsend, Rogers**; (12) [18] **Turkstra Mazza Associates**; (13) [n/a] **Bratty and Partners**; (14) [12] **Russell Cheeseman**; (15) [7] **Ritchie Ketcheson Hart & Biggart**; (16) [20] **Blake, Cassels & Graydon**; (17) [n/a] **Parente, Borean**; (18) [n/a] **Osler, Hoskin & Harcourt**; (19) [n/a] **Robert Miller**; (20) [14] **O'Connor MacLeod Hanna**. NRU

Annual ranking

The end of year tradition at *NRU* examines the legal side of planning and development in the GTA, primarily focussing on cases that have come before the Ontario Municipal Board from August 2006 to July 2007 as reported by *Novae Res Urbis - GTA Edition*.

Send us your interesting board and court decisions and development applications by email or fax, to ensure *NRU - GTA Edition* publishes them. We've already started keeping tabs for the tenth annual ranking.

How the information is collected—Using manual research, we track each of the law firms mentioned in *Novae Res Urbis - GTA Edition* (OMB News, predominately) over a one-year period between August and July. From

there we determine the firms that are most frequently mentioned and sort through their projects and hearings. Some firms are involved in a variety of developments across the GTA, while others have particular associations to major clients. The original data is collected from OMB files plus our research for news stories.

Determining the top 10—The most difficult task is balancing the number of clients, the range of projects and the difficulty of cases, as well as some unique features about each project or case. This list is based only on items covered in *Novae Res Urbis - GTA Edition* and does not account for the vast number of cases and firms involved with such matters as minor variance applications, assessment appeals or for those that participated

as part of a development team without our knowledge. Hence, there is a certain degree of subjectivity in our ranking.

The listings—The lawyers that are part of the planning and development law team for each of the top-10 ranked firms are noted. In cases that involved an OMB decision where a clear winner/loser or settlement was determined, the appropriate symbol (✓) or (X) or (settlement) follows the case description. If there was no clear win/lose or settlement or the matter involved a pre-hearing, or is still pending before the OMB, no symbol appears. A square bracket after this year's ranking indicates the firm's placement in last year's *NRU* listing.

GTA in Brief

DURHAM

Pickering on pesticides

Pickering staff is seeking input on the municipality's draft pesticide use by-law, which can be viewed on the city's website. If the by-law is approved, it could come into effect for commercial applicators as early as March 2008 and for the public in January 2009. A consultation meeting for lawn care service providers, product retailers, golf courses, garden centres and utilities is scheduled January 16, 2008 from 6:30 to 9:30 p.m. at the Pickering Recreation Complex on Valley Farm Road. A meeting for the general public is scheduled January 24.

Ajax grabs waterfront land

Council for the **Town of Ajax** approved the purchase of 3081 Lakeview Boulevard, one of the last privately-owned sections of the town's waterfront. The parcel of land, which cost \$405,000, will be used to extend the town's waterfront trail.

Ajax gets satisfaction

The **Town of Ajax** recently polled residents about municipal services and staff performance. Over 90 per cent of respondents expressed satisfaction with the town's services, 79 per cent believe Ajax is a safe place and 83 per cent are somewhat or very satisfied with the municipal government.

Clarington application to amend population target

Staff in the **Municipality of Clarington** will host a public meeting to discuss an application submitted by **821013 Ontario Limited** for an official plan amendment to permit development of 100-residential units in the Bowmanville West Town Centre. The lands, currently designated community park, would be re-designated as medi-

um density. The amendment would also increase the municipality's population target from 4,000 to 4,300 and the total housing target from 1,750 to 1,850 units. The meeting is scheduled January 7.

Rezoning in Pickering

The **Town of Pickering** has received an application, submitted by **1331030 Ontario Inc.** and **Kipfinch Developments Ltd.**, for a zoning by-law amendment to permit expanded commercial uses at **356 and 364 Kingston Road**, north of Highway 401. The lands are designated under the official plan as mixed use.

Youth shelter in Ajax

A house in Ajax has been purchased by **Durham Youth Housing and Support Services**, which will convert the building into a 10-bed emergency youth shelter. The house, at **82 King's Crescent**, southeast of Harwood Avenue South and Highway 404, was purchased with help from a partial contribution by **Durham Region** and will be renovated to accommodate 16-to-21-year-old homeless youths.

Oshawa rental housing by-law

City of Oshawa staff will host a public meeting to discuss a proposed by-law regulating rental housing near the **University of Ontario Institute of Technology** campus. The by-law seeks to require anyone who rents space in a residential building to apply to the city for a licence. The meeting is tentatively scheduled January 14.

New Whitby recycling plant opens

A new recycling facility has opened in the **Town of Whitby**. The facility, to be operated by **Metro Municipal Recycling Services**, can process up to 115,000 tonnes of blue box material each year. Cost of construction for the 68,600-sq.ft. plant ran almost \$900,000 over budget.

Uxbridge OMB spending

The **Town of Uxbridge** spent a reported \$52,672 on Ontario Municipal Board hearings in 2007, up to October 31. Last year the town spent \$22,043 on board hearings. The town's 2008 budget has earmarked \$116,000 for OMB appeals.

HALTON

Last gasp for pesticides in Oakville

The **Town of Oakville's** pesticide by-law comes into effect in January 1. The by-law will regulate the use of pesticides in Oakville and additionally, the town is developing a guide to natural gardening to help residents maintain healthy lawns without the use of pesticides.



Greening Halton Hills

Council for the **Town of Halton Hills** endorsed in principle the town's green plan. Developed over six months by the mayor's green plan task force, the plan establishes potential future projects designed to help protect the environment. It also sets forth criteria for future projects, stating that they need to be practical, affordable, reasonable, enforceable and educational.

GTA in Brief continued from page 10

HAMILTON

Application fees increased

More in line with its neighbour to the east, **Hamilton** council has voted to increase its development application fees by 50 per cent. The interim compromise was met by council, staff and members of the **Hamilton Halton Home Builders Association** with the understanding that a comprehensive review of fees is scheduled for next year.

Originally staff suggested a 25 per cent increase but Councillor **Brad Clark** bumped it up to 100 per cent, stating the fees would be more in line with Burlington's rate and would bring in about \$700,000 a year for the city. The planning committee was on board but when it came before council it was referred back. The planning committee voted unanimously on the 50 per cent increase in fees at its December 4 meeting and it was ratified by council at last week's meeting.

PEEL

Regional budget approved

Peel Region council approved its 2008 current and capital budget last week. Included in the budget is a \$1.4 billion operating budget, 4.3 per cent tax rate increase and a 9 per cent water and wastewater utility rate increase. The increases will add 34-new police officers to the region's force, increase capital investments and cover provincial funding shortfalls. Regional services, such as paramedics, a new recycling centre and enhanced public health services, will also benefit.

SIMCOE COUNTY

Barrie train leaves station

The first of four **GO Transit** trains left the **Barrie** south station for Union Station before the sun came up

Monday. Construction on the project began in February 2007, and was completed earlier this month. GO Transit's Bradford rail corridor was extended and upgraded en route to Barrie, a new station and storage facility was built and 480-parking spaces, a bus loop and GO Transit ticket vendor machines were added. The project is valued at \$25 million, with the federal government, the province and Barrie each contributing one third of the project costs.



YORK

York capital budget passes

York Region council approved a \$682-million capital plan as part of the region's 2008 business plan and budget. The 2008 capital budget includes: \$103.9 million for **Viva Rapid Transit** construction of bus rapid transit lanes on Yonge Street and Highway 7 and construction of the TTC Spadina Subway; \$282.1 million for wastewater projects like the expansion of the Duffin Creek Water Pollution Control Plant; \$101.7 million for roads; \$10 million for a police facility in Aurora, an EMS facility in Whitchurch-Stouffville and new ambulances; and \$ 3.6 million for Highway 427 interim arterial extension work.

In the new year, regional council will look at the proposed 2008 operating budget with approval expected in April.

Building affordable housing

York Region will enter into a 99-year lease with the **City of Vaughan** to develop a new affordable housing apartment building in the city above Toronto. Located on the Vaughan Civic Centre campus at Major Mackenzie Drive and Keele Street, the building will provide 84 apartments for low-and-moderate-income residents in the region.

The Canada-Ontario Affordable Housing Program has committed almost \$6 million to the project's estimated cost of \$19 million. York Region will be in charge of the construction and will operate the building through **Housing York Inc.** Vaughan contributed 0.8 hectares (two acres) of land under a 99-year lease at no cost.

The four-storey building will have geared-to-income rents as well as market units, primarily for seniors. The region plans to construct it to achieve a LEED-silver rating with construction starting in the fall of 2008 to be completed by 2010.

Georgina on the grow

The **Town of Georgina** has received an application submitted by **Kentridge Johnston Limited** on behalf of **2015061 Ontario Limited, E.B. Shouldice** and **Ainslie Hill Farms Corp.** for an official plan amendment to the *Sutton Secondary Plan*, permitting a 1,500-unit subdivision and a golf course at **216 Catering Road** and adjacent lands, located southeast of Kennedy Road and Baseline Road in the community of Sutton.

Expanded library opens

The **Markham Village Library** has reopened after a two-year, \$11-million renovation. The 10,000-sq-ft. expansion houses a computer training lab, designated children's area, self-service checkout and return machines, and individual and group study rooms.

NRU

GTA OMB News

Agreement close in Oakville residential appeal

In a prehearing decision issued December 10, board member **Michael Somers** provided an update on appeals by **Maurice Garden Developments Inc.** for zoning by-law and official plan amendments to permit the development of townhouses and apartments along Lakeshore Road between Dorval Drive and Maurice Drive in the **Town of Oakville**.

Maurice Garden had previously reached an agreement with the town and **Halton Region** regarding the townhouse component of the proposed development.

The board heard that Maurice Garden is working with the town on the site plan and that an agreement is expected in the near future.

The board set the date for a hearing January 22.

Solicitor **Lynda Townsend (Townsend, Rogers)** represents Maurice Garden Developments Inc. Solicitor **Jennifer Huctwith** represents the Town of Oakville. Solicitor **Stanley Floras** represents Halton Region. (See OMB Case No. PL060689.)

Tiny appeals settled

In a prehearing decision issued December 12, board member **Sylvia Sutherland** allowed, in part, appeals by **Jocelyn Abbott, Wayne Abbott, Wendy Wacko, Tina Fortuna** and **Aldo Perri**, and **Darick** and **Trenea Battaglia**. The appeals by Jocelyn Abbott et al relate to commercial property uses at an adjacent cottage resort owned by **Georgian Strands Resorts Ltd.** in the **Township of Tiny**. The appeal by Battaglia addresses land ownership issues in the township.

The board heard that settlements had been reached regarding both appeals. Abbott et al resolved the remaining

issues, including the nature and location of a buffer between their properties and the resort. Beaches adjacent to the Battaglia subdivision were zoned open space and therefore, were publicly owned.

Nick McDonald (Meridian Planning Consultants Inc.) provided planning evidence on behalf of the town-



ship, in support of the settlements. The settlement gives ownership of two beach frontages to Battaglia but also provides for public access to Georgian Bay. The new designation allows private recreational use, but no development is permitted. McDonald testified that the permitted uses, with regard to the Abbott appeal, are appropriate.

The board allowed the appeals.

Solicitor **Ian Rowe (Burgar Rowe)** represented the Township of Tiny. Solicitor **Tom Tsakopoulos (Graham, Wilson)** represented the **County of Simcoe**. Solicitor **Gary French** represented Georgian Strands Resorts Ltd. **Tim Cane** acted as agent for Jocelyn Abbott et al. Solicitor **David White** represented Darick and Trenea Battaglia. (See OMB Case No. PL060350.)

NRU

**REMINDER: NRU GTA Edition
will not be published
on December 26**



GTA People

Former **Aurora** mayor, **Tim Jones**, has been nominated as the Liberal candidate to run in the Newmarket-Aurora riding that has been vacated by **Belinda Stronach**, who announced in the spring

that she would not seek re-election.

York Region has hired **Kathleen Llewellyn-Thomas** as commissioner of the region's transportation services department

and **Erin Mahoney** as commissioner of the environmental services department. Llewellyn-Thomas was most recently the City of Toronto's director of affordable housing development in the deputy city

manager's office and Mahoney comes from Earth Tech Canada, where she was most recently the vice president of national environmental business. Both start their new positions January 21, 2008.