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HALTON REGION OP

Final countdown

On Wednesday, the amendment that will bring **Halton Region's** official plan into conformity with the provincial growth plan comes before regional council for final approval.

There are at least a dozen people who want to speak to it during the council meeting and a number of supplementary reports from staff summarizing the public consultation and explaining changes to the amendment that may have been made as recently as a few weeks ago.

At the December 2 meeting of the region's planning and public works committee, 32 people spoke to the committee about the proposed amendment. Councillors adopted the staff recommendations; however, over the last few weeks staff has been holding meetings to resolve some of the issues that arose during the deputations.

"As a result, a series of meetings were held during this past week and progress was made with additional modifications being recommended by staff to ROPA 38," the staff report coming to council this week states.

Staff is recommending the following key modifications to the amendment:

- Establishing a base designation of agricultural rural area and a combination of designating key features as natural heritage system and an overlay for particular areas in the agricultural area south of Georgetown in the **Town of Halton Hills** that is not protected by the Niagara Escarpment Plan and the provincial greenbelt protections.
- According to regional planning staff, "the effect of the overlay is to recognize that, while the permitted uses are those for agricultural rural area, the policies of the regional natural heritage system will apply as an additional constraint to development." The total area affected by the natural heritage system overlay is about 281 acres (114 hectares).
- Flexibility to allow small-scale institutional uses when compatibility issues are fully addressed and if it does not displace industrial-type jobs in a particular

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11TH ANNUAL GTA RANKING

Top-ten development law firms

The 2008-2009 *NRU GTA* law review is peppered with a number of high profile cases, including some long-running OMB appeals. The ongoing Big Bay Point costs case and the North Leslie and *Lefroy Settlement Area Secondary Plan* appeals still had legs in 2008-2009. Other major cases include challenges to new official plans in Collingwood, Innisfil, Brampton, Halton Hills and Newmarket, appeals against Mississauga's new zoning by-law and appeals of the Highway 400 Employment Settlement Area. Appeals by James Dick Construction Limited for a commercial quarry in Caledon were still running their course at the OMB this year.

Major residential cases such as the redevelopment of Port Dalhousie in St. Catharines, several high-rise developments in Oakville, Kaitlin Group's 192-unit subdivision in Brock Township, Brookfield Homes' plans for a 400-unit subdivision and Smooth Run Developments Inc.'s plans for a 1,150-unit subdivision in Clarington, Whitby By The Lake's plans to build hundreds of units in town, Royalcliff Developments' and Lake Path Holdings' appeals for a 1,443-unit subdivision in Brampton, and Mademont Investments' plans for a 448-unit subdivision in Newmarket.

In our eleventh annual ranking of the GTA's most prominent planning and development law firms, *NRU* looked

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Coming Up

DECEMBER 16

Durham Region Council, 10:00 a.m.

Halton Region Council, 9:30 a.m.

DECEMBER 17

York Region Council, 9:30 a.m.

DECEMBER 21

Oshawa Council, 6:30 p.m.

Pickering Council, 7:30 p.m.

JANUARY 1

Mississauga Mayor's New Year's Day Levee, Great Hall, Civic Centre, 300 City Centre Drive, 2:00 – 4:00 p.m.

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

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

Milton New Year's Levee, Town Hall, 150 Brown Street, 1:30 p.m. – 3:30 p.m.

JANUARY 3

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

JANUARY 4

Whitby Planning & Development Committee, 7:00 p.m.

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

JANUARY 6

York Region Planning & Economic Development Committee, 1:00 p.m.

JANUARY 11

Oakville Planning & Development Council, 7:00 p.m.

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

JANUARY 12

Durham Region Planning Committee, 9:30 a.m.

JANUARY 13

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

CONSTRUCTION CO. LAWSUIT

Brampton settlement

City of Brampton council decided in-camera last Wednesday to pay **Aecon Construction and Materials Limited** a settlement worth \$990,000 after the construction company sued the city for \$4.5 million in damages and lost wages.

The lawsuit stemmed from council awarding the contract for Queen Street improvements in two sections between Centre Street and Gateway Boulevard, as well as the installation of Züm shelters

Only four companies submitted bids and of those, three had to be “corrected.”

“All tenders were checked and mathematical errors found and corrected...,” the staff report states.

In the June staff report to council, Graham Bros. had the highest evaluation score and when the tenders were opened on June 2, Graham Bros. was the low bidder at \$25,568,276. But based on the “corrected bids,” Aecon was the lowest bidder, council was informed. The corrections listed in the report changed Aecon’s bid from \$25,958,212 to \$25,971,757 and Graham Bros.’ bid to \$25,999,369.



to another company, **Graham Bros. Construction Limited** earlier this year.

In a June 4 report to council, city staff recommended Aecon as the lowest bidder.

The tender process started in March. Nine proposals were submitted for the pre-qualifying round and five were shortlisted and invited to submit bids in April. The five were Graham Bros., Aecon, **Dufferin Construction Company**, **Dagmar Construction Inc.**, and **Grascan Construction Ltd.**

After going in-camera to seek legal advice, council voted 6-5 to give the contract to the Brampton-based Graham Bros. in the amount of just over \$25 million. Opposed were councillors **Gael Miles**, **John Sprovieri**, **Vicky Dhillon**, **Bob Callahan** and Mayor **Susan Fennell**.

Aecon launched a \$4.5-million lawsuit in the Superior Court of Justice. The company agreed to the \$990,000 settlement on November 25. **NRU**

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GTA in Brief

Metrolinx buys rail commuter corridor

Metrolinx announced that it purchased the Toronto-Barrie rail commuter corridor from CN for \$68 million. The provincial agency now owns the 96-kilometre corridor between downtown Toronto, through the **Town of Bradford-West Gwillimbury** and into the **City of Barrie**. Under the

sales agreement, CN will maintain five-freight customers on the line between Highway 401 and CN's east-west freight corridor.

BILD awards

The **Building Industry and Land Development Association** announced the associate award recipients in the categories of service/professional, trade contractor and manufacture/supplier of the year. The awards are given out at the association's annual general meet-

ing. This year, **Colours & Concepts** took home the service/professional of the year award for helping builders with the sale of upgrades since 1994. The 2009 trade contractor of the year award went to **Eurowood Carpentry 2000 Inc.**, one of the largest independent framing contractors in the GTA. The manufacturer/supplier of the year award went to **Olympia Tile & Stone**, a company with 900-staff members that has been operating for 50 years.

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Halton OP

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employment area. Although such a general permission is contrary to the provincial policies set out for employment lands, staff is responding to comments from the faith-based community and the independent school community about allowing institutional uses within employment areas. As well, staff is recommending that institutional uses be permitted as a buffer between residential or mixed use areas and the employment area.

- Requiring local municipalities to adopt zoning by-laws to permit operation of legally existing pits and quarries in accordance with the *Aggregate Resources Act*, as well as to develop and maintain an aggregate resources reference manual that contains data, best practices, studies requirements and more. Another part of the amendment prohibits new or expanded mineral resource extraction areas in escarpment protection areas, significant wetlands, woodlands within the natural heritage system and threatened habitat areas. It also prohibits them in areas within 200 metres of the "escarpment brow" as determined by the **Niagara Escarpment Commission**.

As previously reported in *NRU*, the region is looking to the province to help in regulating new and active pits and quarries. Included in the amendment is a request that the province undertake regular reviews of site plans and conditions of active licences in Halton at least once every five years. (See *NRU GTA editions September 23, March 18, February 11.*)

As well, Halton is seeking changes to the *Aggregate Resources Act* that will require mandatory reviews; delegate reviews and enforcement of the act to upper-tier or single-tier municipalities and conservation authorities; and establish a fund to safeguard against defaults in rehabilitation of the land after extraction.

The amendment also includes the most updated populations

and employment projections for the region and each municipality within it. According to the growth plan, Halton Region is expected to grow to 780,000 people and 390,000 jobs by 2031. (See chart.)

To meet the timelines associated with the provincial growth plan policies, Halton planning staff brought forward an official plan amendment in June, which council adopted. The amendment that is before council this week is more comprehensive.

NRU

POPULATION AND EMPLOYMENT TARGETS (2031)

Municipality	Population target	Employment target
Burlington	193,000	106,000
Oakville	255,000	127,000
Milton	238,000	114,000
Halton Hills	94,000	43,000
Halton Region	780,000	350,000

*Source: Halton Region



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Top-ten firms continued from page 1

back at OMB decisions and stories from August 2008 to July 2009. This year only the top-two firms retained their previous position, while the bottom eight spots changed. Three firms not on the list in 2007-2008 made the list this year, rounding out the bottom three spots.

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

1. [1] AIRD & BERLIS—Eileen Costello, Robert Doumani, Patricia Foran, Tom Halinski, Patrick Harrington, Jody Johnson, Kim Kovar, Sidonia Loiacono, Leo Longo, John Mascarin, Josephine Matera, Jane Pepino, Christopher Williams, Steve Zakem



Reasons for Ranking: For the eleventh consecutive year Aird & Berlis takes the top spot as the most mentioned law firm in *NRU*'s GTA edition. A high volume of cases, including several high-profile appeals secured the firm's spot yet again. Aird & Berlis was involved in the Lefroy case, the Highway 400 Employment Settlement Area appeals, Whitby By The Lake's residential development plans, the Port Dalhousie case, Creekbank Properties' high-rise condo case and appeals against Brampton and Halton Hills' new official plans.

OMB and Court Matters or Hearings: Representing Lefroy Settlement Area Management Inc., Bellaire Properties Inc., Cassandra Innisfil Estates Inc., Esther Holdings Inc. and 1648024 Ontario Limited regarding appeals for subdivisions in the *Lefroy Settlement Area Secondary Plan* (Pepino) (settlement); representing Queenscorp (Lakeshore) Inc. regarding its appeals for OPA and ZBA to permit development of a 21-storey, 235-unit condo tower and 10 townhouses in Mississauga (Kovar) (X); representing the Town of Bradford West Gwillimbury in the Highway 400 Employment Settlement Area case (Longo, Foran); representing Whitby Mental Health Centre regarding appeals by Whitby By The Lake Inc. for OPA and ZBA to permit development of a high-density residential block, 302 medium-density units and 124 low-density units in Whitby (Pepino) (settlement); representing E. Manson Investments and Autumnhill Investment Inc. in a hearing on a motion to rehear the North Leslie case (Foran); representing Highmark Homes (1631057 Ontario Inc.) regarding its appeals for local and regional OPAs, rezoning and plan of subdivision approval to permit development of a subdivision in Whitby (Longo); representing the City of Burlington

regarding appeals by Waterdown Bay Ltd. for a ZBA and plan of subdivision approval to permit development of a 250-unit subdivision in Hamilton (Doumani) (settlement); representing the City of Burlington for costs regarding appeals by Waterdown Bay Ltd. for a ZBA and plan of subdivision approval to permit development of a 250-unit subdivision in Hamilton (Doumani) (X); representing Runnymede Development Corporation Ltd. regarding appeals by Beechridge Farms Inc. for local and regional OPAs, rezoning and plan of subdivision to permit development of a residential subdivision in Ajax (Pepino); representing the Town of Collingwood against appeals by Consulate Developments (Ontario) Inc., Darson Realty Development Corp. and 2079409 Ontario Inc. against the town's new official plan (Longo); representing Orlando Corporation and Safe Self Storage (1128143 Ontario Limited) in appeals against Mississauga's new zoning by-law (Longo, Harrington); representing David Stewart and Brooklin Downtown Business Association regarding appeals by Trinity Development Group Inc. and Trinity Property Holdings Inc. for OPA and ZBA to permit development of 260,000-sq.ft. of retail space and 230,000-sq.ft. of office space spread across 19 buildings in Whitby (Costello); representing King Township against appeals by Cardinal Golf Club (1013351 Ontario Inc.) and 1386146 Ontario Inc. for OPA and ZBA to allow a golf course in the township (Matera) (settlement); representing Halton Region against appeals by 662073 Ontario Ltd., 1147646 Ontario Ltd., P.A.Z. Properties Corp. and Lawrence Avenue Group 200 Inc. against payment of development charges (Doumani, Costello) (✓); representing Orlando Corporation and Akeda Holdings Limited in the case against Brampton's new official plan (Longo); representing E. Manson Investments regarding an appeal by Major Mac 404 Realty Inc. against a Richmond Hill OPA tightening employment land protections (Foran) (settlement); representing Orlando Corporation in its appeals for OPA and ZBA and a plan of subdivision to permit an industrial employment development in Brampton (Longo); representing the Town of Oakville against appeals by Selvaco Limited against relocation of a heritage building (Harrington) (✓); representing PROUD in its appeal against OPA and ZBA approved to permit development of a 17-storey, 80-unit condo, 70-room hotel, 400-seat theatre and redevelopment of commercial space in the *Port Dalhousie Heritage Conservation District* by the Port Dalhousie Vitalization Corporation in St. Catharines (Pepino) (X); representing 1463069 Ontario Limited and 1512406 Ontario Limited regarding appeals against a Markham OPA adding Rouge North Management Plan policies (Foran) (settlement); representing Home Depot Holdings Inc. regarding appeals by

Top-ten firms continued from page 4

Creebank Properties (Lyons Lane) Ltd. for OPA and ZBA to permit development of two condos, 20 and 24 storeys tall with 420 units in Oakville (Zakem) (settlement); representing Orlando Corporation in appeals against a new Halton Hills official plan (Longo).

2. [2] DAVIES HOWE PARTNERS—John Alati, Jeff Davies, Mark Flowers, Nupur Malaviya, Michael Melling, Susan Rosenthal, Katarzyna Sliwa, Daniel Steinberg



Reasons for Ranking: This is the third year in a row that Davies Howe Partners has taken the second spot. Significant cases include the Highway 400 Employment Settlement Area and Brampton Official Plan appeals, as well as the Big Bay Point costs case and numerous residential development cases in all corners of the GTA.

OMB and Court Matters or Hearings: Representing Bond Head Development Corporation in the Highway 400 Employment Settlement Area appeals (Melling, Davies, Sliwa); representing Beechnut Development Corporation Inc. in its appeals for rezoning and plan of subdivision to permit development of a residential subdivision in Oshawa (Malaviya); representing Foxbridge Gold regarding appeals by Mason Homes Limited for local and regional OPAs and ZBAs and a plan of subdivision to allow a low-density residential subdivision in Uxbridge (Sliwa); representing Kimvar Enterprises Inc. in the Big Bay Point costs case (Davies, Rosenthal, Malaviya) (X); representing Clearpoint Development Ltd., Upper City Corporation and 775377 Ontario Ltd. in a hearing on a motion to rehear the North Leslie case (Rosenthal); representing Liberty Development Corporation (1691126 Ontario Inc.) in its appeals for OPA and ZBA to permit development of high-density residential, commercial, retail and office uses in Markham (Rosenthal); representing Cardinal Golf Club (1013351 Ontario Inc.) and 1386146 Ontario Inc. in their appeals for OPA and ZBA to allow a golf course in King Township (Melling) (settlement); representing Kindwin (Mayfield) Development Corporation, Osmington Inc. and Heathwood Homes Limited in appeals against Brampton's new official plan (Melling, Sliwa); representing 773577 Ontario Ltd., Upper City Corporation and Clearpoint Developments Ltd. regarding an appeal by Major Mac 404 Realty Inc. against a Richmond Hill OPA tightening employment land protections (Rosenthal) (settlement); representing Pine Grove on Seven Inc. in its appeals for OPA and ZBA to permit development of a 17-storey, 140-unit condo tower in Vaughan

(Stewart); representing Amadeo DiMarko regarding appeals by MC2 Homes Inc. for a rezoning and plan of subdivision to permit development of 167-detached house and 13 townhouses in Hamilton (Stewart); representing Laura Philp in her appeal for a severance to permit development of 11 townhouses and three-detached bungalows in Ajax (Alati); representing Beechnut Development Corporation in its appeals for rezoning and a plan of subdivision to permit development of 115 townhouses in Oshawa (Alati) (settlement); representing Embee Properties Ltd. and Jovic Developments Ltd. regarding appeals against an OPA and ZBA approved by Burlington (Steinberg); representing

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Top-ten firms continued from page 5

Jaysid Construction Limited in its appeal for a minor variance to permit continued operation of a nightclub (Flowers) (X); representing Liberty Development Corporation (1691126 Ontario Inc.) in its appeals for OPA and ZBA to permit development of high-density residential uses in Markham (Flowers) (settlement).

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



Reasons for Ranking: Davis Webb climbed six spots this year to place third, after slipping two spots last year to find itself in ninth place. The firm's presence in several high-profile cases contributed to its rise through the ranks, including the Highway 400 Employment Settlement Area case, appeals against Halton Hills' and Newmarket's new official plans and James Dick Construction's case for a quarry in Caledon.

OMB and Court Matters or Hearings: Representing Bradford Shopping Centres Inc. in the Highway 400 Employment Settlement Area case (Webb, Pefhany); representing Maple Lodge Farms Inc., 2160555 Ontario Inc., 611679 Ontario Ltd., 611680 Ontario Ltd., James E. Thatcher Limited, May Junior Farms Ltd., May Junior Holdings Limited, John and Valda May, Robert and John May, and Arthur May in appeals against Halton Hills' new official plan (Webb); representing Millford Development Limited in its appeal against Newmarket's new official plan (Webb); representing the Coalition of Concerned Citizens regarding appeals by James Dick Construction Limited for OPA, ZBA and an aggregate removal license to permit a commercial quarry in Caledon (Webb); representing Brampton Brick Limited, Maple Lodge Farms Limited and Mario and Maria Fasulo in appeals against Brampton's new official plan (Webb, Davis); representing Maple Lodge Farms Ltd. regarding appeals by Orlando Corporation for OPA, ZBA and a plan of subdivision to permit an industrial employment development in Brampton (Webb); representing MC2 Homes Inc. in its appeals for a rezoning and plan of subdivision to permit development of 167-detached house and 13 townhouses in Hamilton (Webb); representing Caledon Grove Developments Inc. and 1367933 Ontario Inc. in their appeals for OPA and ZBA to permit expansion of the Pinnacle Heights Golf and Country Club (Webb); representing Mario and Maria Fasulo in their appeals against an OPA and two ZBAs related to the *Village of Churchill Heritage Conservation District* in Brampton (Davis).

4. [3] KAGAN, SHASTRI—Paul DeMelo, Ira Kagan



Reasons for Ranking: After three straight years at number three, Kagan, Shastri slips one spot in this year's ranking. However, the firm remained in the top five by taking on several significant cases, including the Big Bay Point costs hearing, appeals against Mississauga's new zoning by-law, the Caledon quarry case and residential development cases in Oakville and Vaughan.

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Top-ten firms continued from page 6

OMB and Court Matters or Hearings: Representing Sandycove Acres Homeowners Association and Residents of Innisfil Association in the Big Bay Point costs case (Kagan); representing City of Mississauga against appeals of its new zoning by-law (De Melo); representing the Credit Valley Conservation Authority regarding appeals by James Dick Construction Limited for OPA, ZBA and an aggregate removal license to permit a commercial quarry in Caledon (De Melo); representing Empire Communities in its appeals for OPA and ZBA to permit development of two apartment towers, 10 and 14 storeys tall, with 320 units, in Oakville (Kagan) (settlement); representing Major Mac 404 Realty Inc. in its appeal against a Richmond Hill OPA tightening employment land protections (Kagan) (settlement); representing the Town of Oakville against appeals by Hugh Homes Inc. for OPA and ZBA to permit development of a three-storey, 125-unit seniors' residence (De Melo) (settlement); representing the City of Brampton against appeals by Intracorp (1281216 Ontario Inc.) for OPA, ZBA and a plan of subdivision to permit development of a residential subdivision (De Melo); representing Daniel Rea regarding appeals by 10360 Islington Ave. Inc., Fabio Alviani, Frank Greco and Gioseffina Greco-Alviani for OPA and ZBA to permit development of a condo building or retirement residence and allow additional uses within a heritage building in Vaughan (De Melo, Kagan); representing the West Woodbridge Homeowners Association regarding appeals by Pine Grove on Seven Inc. for OPA and ZBA to permit development of a 17-storey, 140-unit condo tower in Vaughan (Kagan); representing Kennedy Elgin Developments Limited, Warden Mills Developments Limited, Major Kennedy Developments Limited, 1212763 Ontario Limited and Mackenzie 48 Investments Limited regarding appeals against a Markham OPA adding Rouge North Management Plan policies (Kagan) (settlement).

5. [8] THOMSON, ROGERS—Roger Beaman, Al Burton, Stephen D'Agostino, David Germain, Beth Turner, Jeffrey Wilker



Reasons for Ranking: Thomson, Rogers continues a steady climb up the ranks. Last year the firm rose from ninth to eighth place and this year sees them climb three spots to round out the top five. The firm took on clients in many of the past year's high profile cases, including the Lefroy and Highway 400 Employment Settlement Area appeals, as well as challenges to Halton Hills and Brampton's new official plans.

OMB and Court Matters or Hearings: Representing Vincent Fava and Lucy Lombardi regarding appeals for subdivisions in the *Lefroy Settlement Area Secondary Plan* (Beaman) (settlement); representing Simcoe County in the Highway 400 Employment Settlement Area case (Beaman); representing Halton Region and Town of Halton Hills defending against appeals of Halton Hills' new official plan (Wilker); representing the Town of Richmond Hill in a hearing on a motion to rehear the North Leslie case (Beaman); representing Frank Merulla regarding appeals against Mississauga's new zoning by-law (D'Agostino, Stacey); representing Halton Region, Town of Halton Hills, Harvest Worship Centre (2055835 Ontario Inc.) and Suraksha Sharma regarding appeals against Brampton's new official plan (D'Agostino, Stacey, Wilker); representing Halton Region regarding appeals by Paletta International Corporation for a ZBA to permit development of retail and commercial buildings in Burlington (Wilker); representing Halton Region regarding appeals by Orlando Corporation for OPA, ZBA and a plan of subdivision to permit an industrial employment development in Brampton (Wilker); representing Halton Region and Town of Halton Hills defending against appeals by Keswick Secondary School Inc. for an OPA to permit development of a new private elementary school and equestrian centre in Halton Hills (Beaman) (X); representing Halton Region regarding appeals against an OPA and a ZBA approved by Burlington (Germain).

6. [4] DAVIS—Alexis Alyea, Chris Barnett, Laura Bisset, David Crocker



Reasons for Ranking: Davis LLP slipped two spots in this year's ranking, but the firm maintained its top-ten spot due to its participation in some of the past year's more significant OMB cases. Davis represented clients in the Whitby By The Lake case, Caledon quarry case, Mademont Investments' appeals for residential development in Newmarket, Kaitlin Group's plans for a subdivision in Brock Township and several other residential cases across the GTA.

OMB and Court Matters or Hearings: Representing Ajax Auto Recycling defending against an appeal opposing OPA and ZBA related to the company's Ajax site (Crocker, Alyea) (settlement); representing Whitby By The Lake Inc. in its appeals for OPA and ZBA to permit development of a high-density residential block, 302 medium-density units and 124 low-density units in Whitby (Barnett) (settlement); representing Beechridge Farms Inc. for local and regional OPAs, rezoning and plan of subdivision to permit development of a residential subdivision in Ajax (Barnett, Bisset);

Top-ten firms continued from page 7

representing Runnymede Development Corporation and Tribute Communities regarding appeals against an amendment to Durham Region's official plan that incorporates provincial policies, such as the Greenbelt and Oak Ridges Moraine plans into the regional plan (Barnett); representing Town of Caledon regarding appeals by James Dick Construction Limited for OPA, ZBA and aggregate removal license to permit a commercial quarry in Caledon (Barnett, Bisset); representing Mademont Investments Inc. in its appeals for OPA, ZBA and a plan of subdivision to permit development of a 448-unit residential subdivision and two hectares of commercial buildings in Newmarket (Barnett) (✕); representing Northview Downs Ltd. in appeals against Brampton's new official plan (Barnett); representing Losani Homes (1998) Ltd. in its appeals for OPA, ZBA and a plan of subdivision to permit development of 112-detached houses and 117 townhouses in Grimsby (Barnett) (settlement); representing Kaitlin Group Limited regarding an appeal by Thorsten Koseck against Clarington's *Brookhill Secondary Plan* (Bisset); representing Intracorp (1281216 Ontario Inc.) in its appeals for OPA, ZBA and a plan of subdivision to permit development of a residential subdivision in Brampton (Barnett, Alyea); representing Kaitlin Group Ltd. in a hearing regarding revisions to Kaitlin's plans for a 192-unit residential subdivision in Brock Township previously approved through a settlement (Alyea) (settlement); representing Northview Downs Limited in its appeals for OPA and ZBA to permit development of a commercial retail plaza in Brampton (Barnett) (✓).

7. [6] WEIRFOULDS—John Buhlman, Jeff Cowan, Jill Dougherty, Bruce Engell, Barnet Kussner, Constance Lanteigne, Ian Lord, Michael McQuaid, George Rust-D'Eye, Christopher Tzekas

WeirFoulds LLP
Gain and protect **advantage**.

Reasons for Ranking: WeirFoulds fell one spot in this year's ranking though the firm's large number of cases helped it stay in the top ten. WeirFoulds took on high-profile appeals such as the Big Bay Point costs and Caledon quarry cases, Royalcliff and Lake Path's appeals for a 1,443-unit subdivision in Brampton, a high-rise residential case in Oakville and appeals against Halton Hills' new official plan.

OMB and Court Matters or Hearings: Representing Gilbert's LLP in the Big Bay Point costs case (Cowan) (✓); representing Glen Ellen Properties Inc. in appeals against

Mississauga's new zoning by-law (Dougherty); representing Invar (Freshway) Limited in its appeals for OPA, ZBA and a plan of subdivision to permit development of manufacturing, fabrication and storage facilities in Vaughan (Kussner) (settlement); representing James Dick Construction Limited in its appeals for OPA, ZBA and aggregate removal license to permit a commercial quarry in Caledon (Buhlman, Tzekas); representing 935860 Ontario Limited, Greenvilla (Sutton) Investments Limited, Greenvilla Developments Group Inc., Sung Ran Lee and Cheon Woo Lee in their appeals for OPA, ZBA and a plan of subdivision to permit development of two-residential subdivisions, 158 and 141 units, in Georgina (McQuaid) (settlement); representing the City of Brampton defending against appeals by Royalcliff Developments Inc. and Lake Path Holdings Inc. for OPA and ZBA to permit development of a 1,443-unit residential subdivision (Kussner); representing the City of Brampton defending against appeals against its new official plan (Kussner); representing the Town of Richmond Hill defending against appeals by Major Mac 404 Realty Inc. against a Richmond Hill OPA tightening employment land protections (Kussner) (settlement); representing City Centre Capital Limited regarding appeals by Creekbank Properties (Lyons Lane) Ltd. for OPA and ZBA to permit development of two condos, 20 and 24 storeys tall with 420 units in Oakville (Kussner) (settlement); representing Town of Markham against an appeal by Jaysid Construction Limited for a minor variance to permit the continued operation of a nightclub (Kussner) (✓); representing the City of Brampton regarding appeals against Halton Hills' new official plan (Kussner); representing 1157229 Ontario Limited regarding appeals against Innisfil's new official plan (Kussner); representing the City of Brampton defending against appeals by Northview Downs Limited for OPA and ZBA to permit development of a commercial retail plaza (Kussner) (✕).

8. [13] GARROD PICKFIELD—Stephen Garrod, Peter Pickfield

Reasons for Ranking: Garrod Pickfield rose five spots this year, entering the top ten after resting in thirteenth place last year. The firm took on two high-density residential cases for Creekbank Properties in Oakville, and had clients involved in the Caledon quarry, Brampton Official Plan and Halton Hills Official Plan cases.

OMB and Court Matters or Hearings: Representing the Town of Oakville and Conservation Halton defending against appeals by Creekbank Properties (Lyons Lane) Ltd. for OPA and ZBA to permit development of two-condo towers, 20 and 24 storeys, with 420 units (Pickfield) (settle-

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ment); representing the Town of Oakville defending against appeals by Creekbank Properties (Oakville) Ltd. for OPA and ZBA to permit development of three-condo towers, 28, 30 and 33 storeys, with 900 units, and a four- or five-storey office building (Pickfield); representing Waterdown Bay Ltd. in its appeals for a ZBA and plan of subdivision approval to permit development of a 250-unit subdivision in Hamilton (Garrod) (settlement); representing Waterdown Bay Ltd. for costs in its appeals for a ZBA and plan of subdivision approval to permit development of a 250-unit subdivision in Hamilton (Garrod) (X); representing Peel Region regarding appeals by James Dick Construction Limited for OPA, ZBA and aggregate removal license to permit a commercial quarry in Caledon (Garrod); representing Peel Region regarding appeals against Brampton's new official plans (Garrod); representing Peel Region regarding appeals by Orlando Corporation for OPA, ZBA and a plan of subdivision to permit an industrial employment development in Brampton (Garrod); representing Peel Region regarding appeals against Halton Hills' new official plan (Garrod).

9. [20] TURKSTRA MAZZA ASSOCIATES—Nancy Smith, Scott Snider

Reasons for Ranking: The highest climb this year goes to Turkstra Mazza Associates, who sat in twentieth place last year, but rose 11 spots to sneak into the top ten in 2008-2009. The firm represented Royalcliff Developments and Lake Path Holdings in their appeal for a large residential subdivision in Brampton and also had clients involved in the appeals against Halton Hills' and Brampton's new official plans.

OMB and Court Matters or Hearings: representing Royalcliff Developments Inc. and Lake Path Holdings Inc. in their appeals for OPA and ZBA to permit development of a 1,443-unit residential subdivision in Brampton (Snider); representing the Northwest Brampton Landowners Group Inc. regarding appeals against Halton Hills' new official plan (Snider); representing Casamore Designs Inc., 80495 Ontario Inc. and R & M Homes Ltd. in their appeals for OPA, ZBA and a plan of subdivision to permit development of a 439-unit residential subdivision in the Township of Adjal-Tosorontio (Snider) (settlement); representing the Northwest Brampton Landowners Group Inc. regarding appeals against Brampton's new official plan (Smith); representing Paletta International Corporation in its appeal for a ZBA to permit development of retail and commercial buildings in Burlington (Snider); representing the Northwest Brampton Landowners Group Inc. regarding appeals by Orlando Corporation for OPA, ZBA and a plan

of subdivision to permit an industrial employment development in Brampton (Snider); representing Paletta International Corporation, 1600670 Ontario Ltd., 1314244 Ontario Ltd. and 2159804 Ontario Ltd. regarding appeals against OPA and a ZBA approved by Burlington (Snider).

10. [18] GOODMAN'S—Ian Andres, Anne Benedetti, David Bronskill, Jennifer Drake, Roslyn Houser, Robert Howe, Allan Leibel, Catherine Lyons, Mark Noskiewicz, Anne Selchen, Michael Stewart

Goodmans ^{LLP}

Reasons for Ranking: Goodmans also made a big leap this year, rising from eighteenth place to snag the last spot in the top ten. The firm represented clients in the Port Dalhousie case and also played a role in several appeals for large residential developments in Markham, Clarington and Oakville, while also representing a client in the appeals against Innisfil's new official plan.

OMB and Court Matters or Hearings: Representing Orchard Point Development Corporation in its appeal for OPA and ZBA to permit three-condo buildings with 144 units in Orillia (Bronskill) (✓); representing Town of Markham defending against appeals by Liberty Development Corporation (1691126 Ontario Inc.) for OPA and ZBA to permit development of high-density residential, commercial, retail and office uses (Lyons); representing West Diamond Properties Inc. and Players Business Park Ltd. in their appeals for two ZBA and a plan of subdivision to permit development of a 612-unit residential subdivision in Clarington (Houser); representing West Diamond Properties Inc. and Players Business Park Ltd. regarding an appeal by Thorsten Koseck against Clarington's *Brookhill Secondary Plan* (Houser); representing West Diamond Properties Inc. and Players Business Park Ltd. in appeals against Clarington's development charges by-law (Houser); representing Port Dalhousie Vitalization Corporation defending against an appeal by PROUD against OPA and ZBA approved to permit development of a 17-storey, 80-unit condo, 70-room hotel, 400-seat theatre and redevelopment of commercial space in the *Port Dalhousie Heritage Conservation District* in St. Catharines (Noskiewicz, Andres) (✓); representing Amica (Oakville South) Inc. in their appeals for OPA and ZBA to permit development of an eight-storey, 119-unit assisted living facility, with 20-residential rental units in Oakville (Bronskill); representing the Town of Oakville defending against appeals by Dundas Sixth Line Developments Inc. for OPA, ZBA and plan of subdivision to permit a high-density residential subdivision (Lyons, Selchen) (settlement); representing Town of Markham defending against appeals by Liberty Development Corporation (1691126 Ontario Inc.) for OPA and ZBA to permit development

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DURHAM REGION

New domain name

Durham Region has a new domain name for its website: www.durham.ca as of January 1, 2010.

Oshawa airport name change

A staff report recommending a name change for the **Oshawa Municipal Airport** was met with hesitation from council. The **City of Oshawa's** council decided the \$12,000-price tag was too

much at this time and chose to postpone a final decision. Staff stated that changing the name to reflect its regional duties and importance in the corporate business world is important. The recommended name change is the **Oshawa Regional Airport**, replacing municipal, which staff says does not reflect its purpose.

HALTON REGION

Halton budget

Halton Region council considered reports from staff earlier this week on the 2010 budget and business plan.

The region's capital budget for its legislative and planning service department is a proposed \$2.5 million for 2010, with an increase of \$62,000 related to source protection and aggregate monitoring. The planning department proposed capital budget also includes \$14.5 million for 2011 to 2014 and \$8.8 million for 2015 to 2019. The department has a proposed 2010 operating budget of \$10.8 million.

The region's overall budget is forecast to have a 0 per cent tax rate increase for residents and businesses. However, the cost containment strategies continue with the staff complement frozen at

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of high-density residential uses in Markham (Lyons) (settlement); representing Watersand Construction Limited regarding appeals against Innisfil's new official plan (Noskiewicz); representing Brookfield Homes (Ontario) Limited and Smooth Run Developments Inc. in their appeals for OPA, ZBA and plans of subdivision to permit development of two subdivisions, with 400 and 1,150 units respectively, in Clarington (Houser, Howe).

Based on mentions in *Novae Res Urbis - GTA Edition*, the ranking of the next ten firms with last year's place indicated in the square brackets follows: (11) [15] **O'Connor MacLeod Hanna**; (12) [7] **Townsend & Associates** (formerly Townsend, Rogers); (13) [11] **Ritchie Ketcheson Hart & Biggart**; (14) [n/a] **Borden Ladner Gervais**; (15) [14] **McMillan**; (16) [5] **Loopstra Nixon**; (17) [n/a] **Bratty & Partners**; (18) [n/a] **Graham, Wilson and Green**; (19) [12] **Blake, Cassels & Graydon**; (20) [10] **Fraser Milner Casgrain**. NRU

THE NEXT TEN

METHODOLOGY

The end of year tradition at NRU examines the legal side of planning and development in the Greater Toronto Area, primarily focussing on cases that have come before the Ontario Municipal Board between August 2008 and July 2009 as reported in *Novae Res Urbis - GTA Edition*.

Send us your interesting board and court decisions and development applications by email or fax, to ensure they are covered in *NRU - GTA Edition* for the twelfth annual ranking to be published in December 2010.

How the information is collected—We track each of the law firms mentioned in *Novae Res Urbis - GTA Edition* (OMB News predominately but not exclusively) over a one-year period between August and July. From there we determine the firms that are most frequently mentioned and sort through their projects and hearings. Some firms are involved in a variety of developments across the GTA, while others have particular associations to major clients.

Determining the top 10— Balancing the number of clients, the range of projects and the difficulty of cases, as

well as unique features about each project or case, is our most difficult task. This assessment is based only on items covered in *Novae Res Urbis - GTA Edition* and does not account for the vast number of cases and firms involved with such matters as minor variance applications, assessment appeals or for those that participated as part of a development team without our knowledge. Hence, there is a certain degree of subjectivity in our ranking.

The listings—Lawyers that are part of the planning and development law team for

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

GTA OMB News

Oakville residential settlement

In a decision issued November 25, board member **Jyoti Zuidema** allowed, in part, appeals by **EAD Lakeshore Developments Inc.** against the **Town of Oakville's** refusal of a plan of subdivision, plan of condominium and official plan and zoning by-law amendments to permit development of a 24-unit townhouse project at **3047 Lakeshore Road West**, south of Bronte Road.

At the beginning of the hearing, the board granted a request to adjourn the hearing for one day to allow for the finalization of a settlement. Planner **Moiz Behar (M. Behar Planning & Design Inc.)** provided evidence on behalf of the town and EAD in support of the settlement.

Behar testified that the original proposal has been scaled down to 15-detached houses following discussions with the town.

Area residents **Rob McMahon** and **Guy D'Arcy** appeared before the board in opposition to the proposed development. McMahon testified that the site should remain as is, with one detached house occupying the land. D'Arcy understood that the site's redevelopment would take place, but raised concerns that potential traffic impacts were not sufficiently taken into account.

The board approved the settlement, allowing the appeals in part and approving the amendments and plans of subdivision and condominium.

Solicitor **W. Friedman** represented EAD Lakeshore Developments Inc. Solicitor **Denise Baker** represented the Town of Oakville. Solicitor **David Beck** represented **Halton Region**. (See OMB Case No. PL081357.)

Hamilton subdivision moves ahead

In a decision issued November 18, board member **Joseph Sniezek** dismissed appeals by **Anna Palazzo**, **Carolyn Kikot** and **Edward Kikot** against the **City of Hamilton's** approval of a plan of subdivision and zoning by-law amendment to permit development of 35-detached houses on a site at the rear of the appellants properties, which are located at 885 and 887 West 5th Street.

At the beginning of the hearing the board granted party status to the **Hamilton-Wentworth District School Board**, which subsequently withdrew its motion to strike the appeals.

The decision states that the case "is not about the land use issues involved but it is what amounts to a property dispute between the appellants and the [school board]."

The school board declared the development site surplus and offered it to the city, which was not interested in the lands. They were subsequently sold to a developer, and a

new road was built through the site to access the lands. The road was transferred to the city and after the transfer a small plot of land was left over and subsequently transferred to **1125814 Ontario Ltd.** The appellants dispute that transfer, as they were not offered a chance to buy the land and feel it would hinder their access to the new road.

The board dismissed the appeals, acknowledging that its jurisdiction applies only to land use planning issues and stating that the board "has no means to force a solution on a third party who is not part of the proceeding before it." The decision approved the draft plan of subdivision and zoning by-law amendment, allowing the development to move forward.

Solicitor **Michael Kovacevic** represented the City of Hamilton. Solicitor **Randall Bocoek (Evans, Philp)** represented the Hamilton-Wentworth District School Board. Solicitor **Mark Giavedoni (Evans, Philp)** represented Anna Palazzo. **George Palios** and **Mark Kikot** acted as agents for Carolyn and Edward Kikot. (See OMB Case No. PL070800.)

Clarington subdivision update

In a prehearing decision, board member **Jason Chee-Hing** provided an update on appeals by the **Port Darlington Land Corporation** against failure of the **Municipality of Clarington** to approve a plan of subdivision and official plan and zoning by-law amendments to permit development of a 699-unit residential subdivision. The site is located at **100 Bennett Road**, **2765 South Service Road** and **130 East Beach Road**, southeast of Liberty Street South and Highway 401.

The board was informed that revised applications had been submitted to the municipality and that some time was required to review them.

The board set the next prehearing conference to take place January 29, 2010 and the three week hearing to begin June 7, 2010.

Solicitors **Chris Barnett** and **Alexis Alyea (Davis)** represent the Port Darlington Land Corporation. Solicitor **Nicholas Macos (Black Sutherland)** represents the Municipality of Clarington. Solicitor **Kevin Ryan** represents **Durham Region**. (See OMB Case No. PL081621.) NRU

CASE CLOSED...



Have you been involved in an interesting hearing at the OMB? Contact Mark Ostler, Planning Reporter at Novae Res Urbis, with your OMB decisions.

Tel: 416.260.1304 **Email:** marko@nrupublishing.com

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2008 levels and the elimination of 53 jobs from the 2009 budget.

Oakville budget approval

Town of Oakville council approved its 2010 operating and capital budgets totalling \$311.1 million. The total residential property tax increase is 1.6 per cent, which equates to about \$16.50 per year for each \$100,000 of assessed value. The budget includes cash to replace aging infrastructure, as well as build new infrastructure such as the quad pad arena and a transit facility and expand some roads in the town.

Milton budget

Town of Milton council approved its \$149-million capital budget and its \$70-million operating budget for 2010 on Monday. The residential tax rate will increase by 3.24 per cent, which equates to \$8.32 per year for urban residents and \$6.94 per year for rural residents for every \$100,000 of assessed value. Funding has been allocated to 77 new projects around the town including maintenance of roads, parks and trails and investment in land and buildings. The majority of funding for the projects—\$37.5 million—comes from

development charges and the rest is from grants, reserve funds, debt and other sources.

PEEL REGION

Brampton's Züm

City of Brampton's bus rapid transit system, formerly known as AcceleRide, was rebranded as **Züm** in September. The city's transportation and transit master plan, approved in 2004, includes \$285 million for the implementation of the Züm initiative over 12-to-15 years. The first phase will run along the Queen Street, Main Street and Steeles Avenue corridors and service is expected to begin September 2010.

Councillor files civil suit

Long-time **Town of Aurora** councillor **Evelyn Buck** has launched a \$5.25-million civil lawsuit against Mayor **Phyllis Morris**, five councillors and the local newspaper. The councillors named in the suit are **Evelina MacEachern**, **Wendy Gaertner**, **Stephen Granger**, **John Gallo** and **Al Wilson**. The council members and paper are named because an advertisement entitled "Statement From Town of Aurora Council," was published last July. The ad contained a statement about Buck's blog entries and the decision

to file a formal complaint against the councillor. Buck's statement of claim was filed by Richmond Hill law firm **MacDonald Associates**.

VIVA extended

Construction is underway on 37 kilometres of dedicated bus lanes in **York Region** that will provide faster, more reliable service to commuters, the province and region announced in a press release last week. It is estimated that 11,000 jobs will be created with the construction of the \$1.4-billion York VIVA rapidway, funded by the province. The project is one of the priority projects identified by **Metrolinx** in the regional transportation plan.

Dunlap lands

The **Town of Richmond Hill** is seeking public feedback by December 20 on the concept plans for the conservation management plan and land use planning framework for the David Dunlap Observatory lands. Three planning scenarios can be found on the town's website at www.richmondhill.ca/DDO. On January 18, town staff will present a preferred scenario for consideration by the committee of the whole and the conservation management plan is expected to be completed in February or March 2010. NRU

GTA People

John Brodhead has been named the vice president of strategy and communications at **Metrolinx**. Currently, Brodhead is a senior policy advisor for infrastructure, transportation and social policy in Premier Dalton McGuinty's office. He will start his new job on January 18.

Long-time city employee **Kim Phillips** has been named the **City of Burlington's** new general manager of corporate services. Phillips, who has worked for the city for 20 years, has been the acting general manager since the spring and officially takes over the role vacated by retired Bob Carrington this week.

John A. Campion of Fasken Martineau DuMoulin LLP has been elected 2009-2010 president of the **Federation of Law Societies of Canada**.

Adelina Urbanski has been appointed commissioner of community and health services for **York Region**. Urbanski comes

to the region from Halton Region, where she worked for 26 years and as commissioner of social and community services for the last 11 years. She will start on February 1, 2010.