

14th annual ranking

## TOP TEN DEVELOPMENT LAW FIRMS

In the year covered by the 2011 – 2012 *NRU GTA* law review, the saga of official plan and growth plan related appeals continued across the GTA. Appeals continued concerning the contentious growth plan conformity amendment in Durham Region as well as in York Region and Brampton. Richmond Hill's official plan was partially approved as was Peel Region's growth plan conformity amendment.

Other major cases included appeals by Corsica Developments Inc. for a major development on the David Dunlap Observatory lands in Richmond Hill and a settlement in York Region involving employment policies for the lands along the Highway 400 North Corridor.

Major residential cases before the board this year included a significant proposal to build 12 residential condominium towers and four two-storey office buildings in Vaughan. Settlements were achieved in Markham for two 19-storey towers and in Richmond Hill for 15- and 21-storey towers.

Other major cases involved appeals of Mississauga's downtown interim control by-law, Halton Hills' comprehensive zoning by-law and plans of subdivision in Pickering's Seaton community.

In the 14<sup>th</sup> annual ranking of the GTA's most prominent planning and development law firms, *NRU* looked back at OMB decisions and stories from

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Human Rights Commission tackles planning legislation

## REVIEWING RIGHTS

By Julie Baldassi

In the last few years, the **Ontario Human Rights Commission** has become increasingly involved with land use planning in Ontario. Although human rights issues have not traditionally been thought of as the domain of urban planning, the commission is working to change that perception.

As the **Ministry of Municipal Affairs and Housing** carries out a five-year review of the *Provincial Policy Statement*, it has sought input on proposed draft policies. The commission has made two submissions on how the policy document can do a better job of acknowledging human rights.

"We're saying very strongly that human rights have a place in the planning process because the people who identify under the *Ontario Human Rights Code* grounds [of discrimination] are ultimately going to have to live with the realities imposed by planners," said commission senior communications officer **Rosemary Bennett** in an interview with *NRU*.

Earlier this month, chief commissioner **Barbara Hall** wrote a letter to Municipal Affairs and Housing minister **Bob Chiarelli** acknowledging that while the ministry has proposed several amendments that recognize the rights of Aboriginal communities and the importance of ensuring affordable housing, there is still room for improvement.

"The proposed amendments are insufficient to address human rights matters that currently permeate land use planning and related litigation. We believe it is

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## UPCOMING DATES

**JANUARY 7**

Halton Hills Council, 6:30 p.m.

Oshawa Council, 6:30 p.m.

**JANUARY 9**

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

**JANUARY 14**

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

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

Pickering Planning and Development Committee, 7:00 p.m.

**JANUARY 16**

Mississauga Council, 9:00 a.m.

**JANUARY 17**

Ajax Council, 12:30 p.m.

**JANUARY 21**

Halton Hills Council, 6:30 p.m.

Oakville Council, 7:00 p.m.

Whitby Council, 7:00 p.m.

**JANUARY 22**

Aurora Council, 7:00 p.m.

**JANUARY 23**

Durham Region Council, 10:00 a.m.

**JANUARY 24**

Peel Region Council, 9:30 a.m.

York Region Council, 9:30 a.m.

**JANUARY 28**

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

Oshawa Council, 6:30 p.m.



Fire and police service report

# THE COST OF SIZE

By Jake Tobin Garrett

Is bigger better? This is the logic that was used to bolster arguments for amalgamating smaller municipalities into larger ones throughout Ontario in the past. However, **University of Toronto** Department of Economics Ph.D candidate **Adam Found** is skeptical.

A new report by Found, *Economies of Scale in Fire and Police Services in Ontario*, published by the university's Institute of Municipal Finance and Governance examines the relationship between size and cost for fire and police services. Combined, these services account for more than 20 per cent of municipal operating costs in the province. Found concludes that bigger municipalities don't actually provide the most cost efficient fire or police services.

After crunching the numbers—and controlling for variables that may influence the results except for size—Found noticed that the cost curves for both services were U-shaped. This meant that “there is a particular size at which these services can be provided at lowest cost per household,” he writes. After that size the cost of the services are larger.

For fire services, he found that costs were minimized in municipalities of about 20,000 people while police service costs were minimized in municipalities of about 50,000 people.

“The strongest justification that was used [for amalgamation] was that the amalgamation would save money,” Found told *NRU*.

“Something funny that would always be said with amalgamation [was that] instead of having six fire chiefs you'll have one fire chief,” he said. “But what people who say that often forget is that the other fire chiefs that amalgamate into the municipality, they don't just go away. They take on deputy chief positions and captain positions.” Just because you've decreased the number of bureaucracies, he said, doesn't mean you've decreased the size of bureaucracy.

“Lots of studies have shown that when you enlarge bureaucracies they become congested and you get all kinds of positions in there that are not really needed, you get redundancy, you get inefficiency,” he said, pointing out that a reduction in redundant positions and more efficiency “was one of the arguments for amalgamation” in the first place.

Found says his findings lend credence to arguments against amalgamating smaller municipalities in the GTA.

“If you look at the range of populations of the GTA municipalities, I don't think you're going to get too many, if any at all, that are less than

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# REVIEWING RIGHTS

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critical that protections for human rights and Aboriginal rights are recognized throughout as key matters of provincial interest,” wrote Hall.

Ministry spokesperson **May Nazar** told *NRU* in an email that the ministry is carefully considering recommendations made by the commission, as well as municipalities, stakeholders, Aboriginal communities and the general public. She also said that a final decision on any amendments to the PPS could come in 2013.

“The *Ontario Human Rights Code* prevails over the *Provincial Policy Statement* regardless of what is contained in its policies and municipalities and housing service providers are obligated to consider their human rights obligations under the *Ontario Human Rights Code* and take steps to ensure that this right is protected,” said Nazar.

But Bennett said the commission has been involved in several **Ontario Municipal Board** hearings over housing issues because planning legislation is not clear enough on human rights issues. And OMB hearings and other legal processes such as lengthy and expensive court cases are not the solution.

Most often, she explained, the commission’s concerns have been about potential human rights violations that could arise from minimum separation distance by-laws.

“Minimum separation distances [by-laws] were never particularly put in place [to separate specific forms of] housing [from other forms of] housing. It was to separate housing from other uses like industrial. It makes sense that you don’t want to have an abattoir three feet from somebody’s front yard, or you want to be careful where you place your town dump... But somehow in the last 15 to 20 years, [minimum separation distance by-laws] have blended into separating housing,” said Bennett.

From the commission’s perspective, human rights issues

can arise when these kinds of by-laws become used as a form of “people zoning,” which is explicitly prohibited under the *Planning Act*.

“There is no authority in the *Planning Act* to provide for a municipality to zone lands, buildings or structures by reference to the ‘user’ rather than the ‘use.’ When making decisions, including decisions under the *Planning Act*, municipalities must be careful not to contravene the provisions of the *Ontario Human Rights Code*,” said Nazar.

But Bennett said oftentimes, municipalities are not even aware that what they are doing could be construed as people zoning.

“We were involved in an OMB case [in **Guelph**] where they were putting restrictions in which we felt would severely reduce affordable housing, and that affects people protected under [Ontario Human Rights Code grounds of discrimination]. We got into the initial OMB discussions and [representatives of the City of Guelph] basically said, we think you’re right, we’re going to look at other ways of doing this,” said Bennett.

Part of the challenge is that the human rights aspect of urban planning has not traditionally been taught in professional planning schools. However, Bennett said that in the new year, the commission will be focusing on encouraging schools to incorporate it into their curriculums.

Although the commission has faced some resistance from the planning community on human rights issues, Bennett said that “there is a modicum of support out there and it is growing.”

Last February, the commission released a document called “[In the Zone: Housing, human rights and municipal planning](#)” and sent it to municipal planners, legal staff and city councillors in every Ontario municipality. The guide offers an overview of the human rights responsibilities of municipalities with respect to housing. [nru](#)

# THE COST OF SIZE

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the sweet spot [where cost is minimized on the U-shape cost curve],” he said. “According to my results, the average amalgamation in that range of population is going to lead to an escalation of costs.”

The results don’t simply have implications for amalgamation, but for de-amalgamation as well, he said. “Unfortunately there seems to be a popular misconception out there that once you scramble the eggs, you can’t unscramble them, and that’s

simply not true,” he said.

However, Found pointed to a clause in the *Municipal Act* that prohibits “a restructuring that results in an increase in the number of local municipalities.” He said this essentially makes municipal restructuring a “one-way street” but without providing a rationale. “If we’re going to be fair with restructuring or be honest about it then you should at least make it a two-way street,” he said. [nru](#)

# TOP TEN FIRMS

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August 2011 to July 2012. This year Aird & Berlis reclaimed the number one spot from Davies Howe Partners and big moves up were made by Borden Ladner Gervais and Bratty and Partners. Familiar firms in the top 10 are Goodmans, Kagan Shastri, Townsend and Associates, Ritchie Ketcheson Hart & Biggart and WeirFoulds. New faces in the top 20 rankings include Fraser Milner Casgrain, Sherman Brown, Papazian Heisey Myers, Garrod Pickfield and Cassels Brock.

Stay tuned for the Toronto edition of the top-10 development law firms in Friday's edition of *NRU*.

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



**Eileen Costello, Robert Doumani, Patricia Foran, Tom Halinski, Patrick Harrington, Jody Johnson, Kim Kovar, Sidonia Loiacono, Leo Longo, John Mascarin, Josephine Matera, Piper Morley, Jane Pepino, Andrea Skinner, Christopher Williams, Steven Zakem**

**Reasons for ranking:**

In an extremely tight squeeze for first place this year, Aird & Berlis reclaimed the top spot in this year's ranking due to the number of high profile cases it represented and the extent of its involvement in a variety of significant decisions. The firm's cases included appeals of employment land policy in York Region, the North Leslie Secondary Plan in Richmond Hill, Mississauga downtown interim control by-law, and 12 residential condominium towers in Vaughan. The firm also represented various clients regarding appeals of Durham's growth plan conformity amendment.

**OMB and court matters or hearings:**

Representing the Township of King in appeals by Vaughan 400 North Landowners Group Inc. and Calapa Farms Limited of York Region's non-decision of an employment lands OPA that sets the policy along the Highway 400 North Corridor (Matera) (settlement); representing Robert Sikura in appeals of an Aurora OPA designating the south and north parcels of his property as a business park while he is seeking to develop residential uses on the north parcel (Halinski) (✓); representing North Leslie Residential Landowners Group in requests for

rehearings made by 775377 Ontario Ltd., David Bawden and Mary Wood regarding policies and land uses within the North Leslie Secondary Plan in Richmond Hill (Foran); representing Orlando Corporation and Akeda Holdings Ltd. in appeals of Brampton's official plan and transportation OPAs in Peel Region's official plan (Longo); representing 1631057 Ontario Inc. in appeals of Durham Region's growth plan conformity amendment (Longo); representing Brooklin North Landowners Group and 206861 Ontario Inc. in appeals of Durham Region's growth plan conformity amendment (Pepino); representing HDP Canada Industrial Fund (I) GP Inc., Loblaw Properties Ltd., Whitby Taunton Holdings Ltd., Nordeagle Developments Ltd. and Brooklin Development General Partnership in appeals to Durham Region's growth plan conformity amendment (Skinner, Zakem); representing Pine Ridge Park Inc. in appeals of Durham Region's growth plan conformity amendment (Doumani, Zakem); representing Loblaw Properties Ltd. in its appeal of minor variances granted to King Square Ltd. to permit a mixed-use centre at 9390 Woodbine Avenue in Markham (Skinner) (settlement); representing M.I. Developments Inc. regarding an appeal by Tesmar Holdings Inc. of a site-specific OPA to designate its lands in Vaughan for residential and commercial development that York Region failed to approve (Zakem); representing HDP Canada Industrial Fund I, GP Inc. in appeals of Ajax's growth plan conformity amendment (Zakem); representing King regarding appeals made by Mary Lake Estate Inc. for a plan of subdivision to permit 100 single-detached homes (Matera); representing M.I. Developments Inc. regarding appeals by Casertano Development Corporation and Sandra Mammone of an official plan and zoning amendment to permit a residential commercial development in Vaughan with 12 residential condominium towers and four two-storey office buildings (Zakem); representing King in appeals of York Region's growth plan conformity amendment (Matera); representing M.I. Developments Inc. in appeals to York Region's growth plan conformity amendment (Zakem); representing Rice Commercial Group of Companies, Major Mac 404 Realty Inc. and Loblaw Properties Limited in appeals of Richmond Hill's official plan (Zakem); representing E. Manson Investments and North Leslie Residential Landowners Group Inc. in appeals of Richmond Hill's official plan (Foran); representing Azuria Group, Mayfield

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# TOP TEN FIRMS

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Station Developments Inc., Mayfield McLaughlin Developments Inc., Caledon Development LP, Ben-Ted Construction Ltd., Caledon 410 Development Limited, A-Major Homes (Ontario) Inc., Lormel Joint Venture Inc. in appeals of Peel’s growth plan conformity amendment (Zakem, Longo); representing Yonge and Green Lane South Developments Corp. in appeals of East Gwillimbury’s official plan (Zakem); representing Angus Glen North West Inc., Angus Glen Holdings Inc., E. Manson Investments, North Leslie Residential Landowners Group Inc., North Markham Landowners Group (1212763 Ontario Ltd., 1463069 Ontario Ltd., 1512406 Ontario Ltd., 1612286 Ontario Inc., 4551 Elgin Mills Developments Ltd., CAVCOE Holding Inc., First Elgin Mills Developments Inc., Firwood Holdings Inc., Glendower Properties Inc., Highcove Investments Inc., Mackenzie 48 Investments Ltd., Kennedy Elgin Developments Ltd., Major Kennedy Developments Ltd., Major Kennedy South Developments Ltd., Major McCowan Developments Ltd., Romandale Farms Ltd., Frambordeaux Developments Inc., Summerland Realty Corp., Peter and Cathy Tsialtas, Tung Kee Investment Limited Partnership, Warden Mills Developments Ltd., ZACORP Ventures Inc.) and Robert Sikura in appeals of York Region’s official plan (Foran); representing M.I. Developments Inc., in appeals of York Region’s growth plan conformity amendment (Zakem); representing Mississauga in appeals of its downtown interim control zoning by-law (Doumani); representing 1631057 Ontario Inc. in appeals of Durham Region’s growth plan conformity amendment (Longo).

## 2 [1] Davies Howe Partners



**Jeff Davies, Robert Howe, John Alati, Isaiah Banach, Kim Beckman, Mark Flowers, Raj Kehar, Meaghan McDermid, Michael Melling, Aaron Platt, Susan Rosenthal, Daniel Steinberg, Katarzyna Sliwa, Tanya Nayler, and Amber Stewart** (*since left firm*)

### Reasons for ranking:

In a very close call, Davies Howe Partners scored number two on the rankings this year for its involvement in an employment

lands settlement in York Region and successful appeals of a Georgina area-specific development charge by-law. The firm was extensively involved in appeals of both Richmond Hill’s and York Region’s official plans. Additionally, the firm was involved in hearings related to Pickering’s Seaton community.

### OMB and court matters or hearings:

Representing Vaughan 400 North Landowners Group Inc. in its appeal of York Region’s non-decision of an employment lands OPA that sets the policy along the Highway 400 North Corridor (Melling) (settlement); representing Farzana Hudda against appeals by Richmond Hill residents of a committee of adjustment decision to grant variances to Hudda for a new two-storey dwelling (Melling) (✓); representing Gel-Don Investments Inc., P & F Meat Products Ltd., 589236 Ontario Ltd., Nella Gallucci and Anastasia Cavelli in their motion for a rehearing of a previous board decision regarding an OPA that would direct development in the Hamlet of Victoria Square in Markham (Melling) (X); representing Calloway REIT (Milton) Inc. and Calloway REIT (Halton) Inc. against a motion to dismiss its appeal by Albina Giangrande and North American (Halton Hills) Development Inc. (RioCan Real Estate Investment Trust) of a Halton Hills’ committee of adjustment decision to grant minor variances for retail space increases to RioCan (Flowers) (✓); representing 775377 Ontario Ltd. in its motion to rehear a board decision relating to policies regarding development of an overpass in Richmond Hill’s North Leslie Secondary Plan (Rosenthal) (X); representing Kindwin (Mayfield) Development Corporation, Osmington Inc. and Heathwood Homes Ltd. in appeals of Brampton’s official plan and transportation-related OPAs in Peel Region’s official plan (Sliwa); representing 67553 Ontario Ltd. (Viewmark Homes) regarding official plan and zoning amendments to permit an 18-storey residential condominium, 88 townhouses and 4 detached units in Mississauga (Alati); representing Mattamy (Seaton) Ltd. in appeals of Durham’s growth plan conformity amendment (Davies, Banach, Alati); representing King Square Ltd. in appeals by Loblaw Properties Ltd. of minor variances granted to King Square to increase the ground floor area for the retail component in a mixed-use centre in Markham (Alati) (settlement); representing Tesmar Holdings Inc. in its appeal of York Region’s failure to approve a site-specific OPA in Vaughan that designates Tesmar’s

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property for residential and commercial development (McDermid, Melling); representing Medallion Developments (Castlefields) Limited in appeals of Ajax's growth plan conformity amendment (Platt); representing The North West Sutton Landowners Group in appeals to Georgina's area-specific development charge by-law (Melling, McDermid) (✓); representing Osmington Inc. and Heathwood Homes (Brampton) Ltd. in appeals of Brampton's growth plan conformity amendment (Sliwa); representing Mattamy (Seaton) Limited in appeals regarding proposed residential plans of subdivision in Pickering's Seaton community (Davies); representing Minto Communities (Toronto) Inc. in its appeal of a plan of subdivision and zoning by-law amendment to permit 610 single and semi-detached dwellings and row/townhouse residential units in East Gwillimbury (Flowers); representing Whiterose Village Investments Inc. in appeals by Times Group Corporation related to its proposed development of two, eight-storey apartment buildings and 96 townhouses in Markham near Highway 7 East and Village Parkway (Melling); representing Tesmar Holdings Inc. regarding appeals by Casertano Development Corporation and Sandra Mammone of official plan and zoning by-law amendments to permit a residential commercial development in Vaughan with 12 residential condominium towers and four two-storey office buildings (Melling, McDermid); representing Amir-Hessam Ltd., 668152 Ontario Ltd., 583753 Ontario Ltd., Ram Nischal, Rekha Nischal, Neelam Narula, Raj Kumar and 775377 Ontario Ltd. (Belmont) in appeals of Richmond Hill's official plan (Rosenthal); representing Yonge Bayview Holdings Inc. in appeals of Richmond Hill's official plan (Flowers); representing TSMJC Properties Inc., Angelo, Louise and Josephine Cimetta, Intracorp Projects Acquisitions Ltd. and Shiplake Developments Ltd. in appeals of Richmond Hill's official plan (Platt); representing Gemini Urban Design (Cliff) Corp. and Mayfield West Developers Groups Inc. in appeals of Peel Region's growth plan conformity amendment (Flowers); representing Osmington Inc., Heathwood Homes (Brampton) Ltd. in appeals of Peel Region's growth plan conformity amendment (Sliwa); representing 1324534 Ontario Inc. and Martin and Thomas Pick in appeals of East Gwillimbury's official plan (Flowers); representing Dorzil Developments (Bayview) Ltd. in appeals of East Gwillimbury's official plan (Alati); representing John Hayes (Blackwater Golf Course)

in appeals of East Gwillimbury's official plan (Stewart); representing King Cole Holdings Ltd. in appeals of East Gwillimbury's official plan (Sliwa); representing Vaughan 400 Landowners Group Inc., Block 27 Landowners Group Inc. and Intracorp Projects Acquisitions Ltd. in appeals of York Region's official plan (Melling); representing Dorzil Developments (Bayview) Ltd. in appeals of York Region's official plan (Alati); representing Mahamevna Bhavana Asapuwa Toronto in appeals of York Region's official plan (Flowers); representing Midhurst Landowners Group in appeals of Simcoe County's Midhurst Secondary Plan (Rosenthal).

**3** [5] **Goodmans**

**Goodmans**<sup>LLP</sup>

**Ian Andres, Anne Benedetti, Mark Bildner, David Bronskill, Jennifer Drake, Tom Friedland, Roslyn Houser, Robert Howe, Allan Leibel, Catherine Lyons, Melissa Muskat, Mark Noskiewicz, Nicholas Staubitz, and Michael Stewart.**

### Reasons for ranking:

Goodmans moved up two spots in this year's ranking for its work in appeals relating to a contentious development of the David Dunlap Observatory lands in Richmond Hill. Also contributing to its third place ranking was its representation of a variety of developers and groups in complex growth plan conformity amendments in Peel, Durham, York and Brampton

### OMB and court matters or hearings:

Representing Clearpoint Developments Limited and Upper City Corporation regarding requests made by 775377 Ontario Ltd., David Bawden and Mary Wood to rehear two board decisions relating to the North Leslie Secondary Plan in Richmond Hill (Houser); representing Markham regarding appeals against the town by Aryeh Construction Limited to permit two 19-storey residential apartment buildings at 8293 and 8303 Warden Avenue (Andres, Lyons) (settlement); representing Baif Development Limited regarding appeals made by Major Mac 404 Realty Inc. of a zoning amendment to permit Major Mac's proposed mix of commercial and employment uses at 1577-1621 Major Mackenzie Drive in Richmond Hill (Houser); representing

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Corsica Development Inc. in its appeal of official plan and zoning by-law amendments to permit 405 detached and 428 attached dwellings and the conservation of some heritage buildings and natural features on the David Dunlap Observatory lands in Richmond Hill (Andres, Bronskill); representing Walmart Canada Corp. in appeals of Brampton's growth plan conformity amendment (Staubitz); representing Block 34 East Landowners Group Inc. in appeals of York Region's growth plan conformity amendment (Houser); representing Halvan 5.5 Investments Limited in appeals of York Region's growth plan conformity amendment (Lyons); representing Baif Developments Ltd., Stonecourt Construction Inc. and Richmond Heights Shopping Centre in appeals of Richmond Hill's official plan (Houser); representing Corsica Developments Inc. in appeals of Richmond Hill's official plan (Bronskill); representing Hopewell Development Ontario Inc. in appeals of Peel Region's growth plan conformity amendment (Lyons; Howe); representing M-J-J Developments Inc. in appeals of Peel Region's growth plan conformity amendment (Howe); representing G8 Oshawa Investments Limited in appeals of Durham Region's growth plan conformity amendment (Bronskill); representing Zavala Developments Inc., Hunley Homes Ltd., 1350557 Ontario Ltd., Affiliated Realty Corporation and Chestermere Investments Ltd. in appeals of Durham Region's growth plan conformity amendment (Howe); representing The Acorn Development Corporation, Farm Cove Holdings Inc. and Fetlar Holdings Ltd. in appeals to East Gwillimbury's official plan (Houser); representing Patapsco Developments Inc., Queensville Properties Development and Weehauken Homes Inc. in appeals of East Gwillimbury's official plan (Bronskill).

**4** [3] **Kagan Shastri**



**Paul DeMelo, Ira Kagan**

**Reasons for ranking:**

Kagan Shastri retained its top five status this year with a heavy caseload and work on settlements for the first phase of a subdivision in Ajax, an employment and commercial development in Richmond Hill and two 19-storey residential

apartment buildings Markham. The firm undertook appeals of official plans in York and Richmond Hill.

**OMB and court matters or hearings:**

Representing Aurora-Leslie Development Inc. in its appeal of an Aurora official plan amendment to designate lands east of Leslie and west of Highway 404 for employment use with a business park designation overlay and, later, in a request for a review of that decision (Kagan, DeMelo) (X); representing The Trustee's for Toronto's Workmen's Circle Colony and Children's Camp, Coughan Homes Inc., Cougs Ajax Ltd. and 1441449 Ontario Inc. in appeals related to the first phase of a residential subdivision development in Ajax (DeMelo) (settlement); representing Torview Properties Inc. regarding its appeal of an official plan and zoning by-law amendment to permit 15- and 21-storey residential towers in Richmond Hill (Kagan) (settlement); representing David Bawden and Mary Wood regarding their motion to rehear appeals relating to the North Leslie Secondary Plan in Richmond Hill (Kagan) (X); representing Times Group Inc. regarding appeals in Markham by Aryeh Construction Limited to permit Aryeh's proposed two 19-storey residential apartment buildings (Kagan) (settlement); representing Daniels LR Corporation in its appeal for a minor variance to allow an additional 27 townhouses on its property in Richmond Hill at 804 Shadrach Drive (DeMelo) (✓); representing Newcastle (King) Developments Inc. in appeals by a Halton Hills resident of official plan and zoning by-law amendments approved for Newcastle to permit an expanded parking area for a new grocery store (DeMelo) (✓); representing Major Mac 404 Realty Inc. in its appeal of its zoning amendment application to development a mix of employment and commercial uses at 1577-1621 Major Mackenzie Drive in Richmond Hill (Kagan); representing 1820266 Ontario Inc. (Times Group Corporation) regarding official plan and zoning by-law amendments to permit a development with apartment buildings, townhouses and commercial space at the corner of Highway 7 East and Village Parkway in Markham (Kagan); representing Fieldgate/TACC, the Times Group Corporation and Aurora Leslie Developments Inc. in appeals of York Region's growth plan conformity amendment (Kagan); representing Midhurst Landowners Group in appeals of Simcoe County's Midhurst Secondary Plan (Kagan); representing

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Torview Properties Inc. and Elginbay Corporation in appeals of Richmond Hill's official plan (Kagan); representing Fieldgate Developments, TACC Developments, Times Group Corporation, Rice Commercial Group of Companies and Aurora Leslie Developments Inc. in appeals of York Region's official plan (Kagan).

## 5 [10] **Borden Ladner Gervais**



**Rick Coburn, Aimee Collier, Sean Gosnell, Christel Higgs, David Klacko, Gabrielle Kramer, Ian Mathany, J. Pitman Patterson, Frank Sperduti, Isaac Tang, Stephen Waqué, Robert Wood**

### Reasons for ranking:

Borden Ladner Gervais gains on its breakthrough in last year's law review and surges ahead five ranks for its representation of York Region regarding a settlement concerning employment lands, Richmond Hill's official plan appeals and appeals of the York Region's growth plan conformity amendment. The firm was also involved in appeals concerning the David Dunlap Observatory lands in Richmond Hill.

### OMB and court matters or hearings:

Representing York Region in appeals by Vaughan 400 North Landowners Group Inc. and Calapa Farms Limited of York Region's non-decision of an employment lands OPA that sets the policy along the Highway 400 North Corridor (Waqué) (settlement); representing York Region in appeals by Robert Sikura and Aurora-Leslie Development Inc. of an OPA relating to employment lands west of Highway 404 and, later, in a motion by Aurora-Leslie to rehear that decision (Patterson); representing Halton Region in appeals to Burlington's growth plan conformity amendment (Higgs); representing Conseil Scolaire de District Catholique Centre-Sud in its appeal regarding its application for official plan and zoning amendments to permit a new school at 180 Hillcrest Drive (Patterson); representing York Region in appeals by Corsica Developments Inc. related to the Dunlap Observatory lands in Richmond Hill to permit Corsica to build 405 detached

and 428 attached dwellings and conservation of some heritage buildings and natural features on site (Patterson); representing York Region in appeals of the region's growth plan conformity amendment (Waqué); representing York Region in appeals of Richmond Hill's official plan (Waqué); representing 974735 Ontario Inc. and Murray Stroud in appeals of Durham Region's growth plan conformity amendment (Waqué).

## 6 [8] **WeirFoulds**



**John Buhlman, Jeff Cowan, Jill Dougherty, Bruce Engell, Barnet Kussner, Ian Lord, Michael McQuaid, Kim Mullin, George Rust-D'Eye, Tiffany Tsun, Christopher Tzekas, Julia Croome, Michael Foderick, Glenn Ackerley, Gregory Richards, Sean Foran, and Constance Lanteigne and Raivo Uukkivi (both have since left firm)**

### Reasons for ranking:

WeirFoulds moved up two spots in this year's ranking for its consistent representation of the City of Brampton, including in appeals of the city's own official plan and of Halton Hills' comprehensive zoning by-law. The firm successfully represented Aurora in appeals of employment lands policies and was involved in appeals of Durham Region's growth plan conformity amendment.

### OMB and court matters or hearings:

Representing Melburn Truck Lines Corp. regarding appeals of its minor variance and site plan application to allow outdoor storage of ocean containers at 556 Southdown Road in Mississauga (Kussner) (settlement); representing Brampton in appeals of Halton Hills' comprehensive zoning by-law (Kussner); representing Brampton in appeals of Brampton's official plan and transportation -related amendments of Peel Region's official plan (Kussner); representing Aurora in appeals by Robert Sikura and Aurora-Leslie Development Inc. of an official plan amendment relating to employment lands west of Highway 404 and, later, in a motion by Aurora-Leslie to rehear that decision (Lord) (✓); representing Brampton in appeals by Royalcliff Developments Inc. and Lake Path Holdings Inc. regarding the development

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# TOP TEN FIRMS

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of a 20-storey, 1,442-unit residential apartment building at the northwest corner of Sandalwood Parkway East and Conestoga Drive (Kussner); representing Brampton in appeals of its growth plan conformity amendment after the failure of Peel Region to enact the amendment (Kussner); representing Richmond Hill in appeals of its official plan (Kussner); representing James Dick Construction Ltd. in appeals of Peel Region's growth plan conformity amendment (Buhlman, Lanteigne); representing Brampton in appeals to Peel Region's growth plan conformity amendment (Kussner); representing 1133373 Ontario Ltd., White Sun Developments Ltd. and Lebovic Enterprises Ltd in appeals of Durham Region's growth plan conformity amendment (McQuaid); representing York Region in appeals to East Gwillimbury's official plan (Tzekas); representing 1133373 Ontario Limited, White Sun Developments Limited, and Levbovic Enterprises Limited regarding appeals relating to the failure of Pickering to make a decision on proposed residential plans of subdivision in the Seaton community (McQuaid).

**7** [6] **Ritchie Ketcheson Hart & Biggart**

Ritchie Ketcheson Hart & Biggart LLP

**John Ritchie, Bruce Ketcheson, Andrew Biggart, John Hart, Effie Lidakis**

**Reasons for ranking:**

Ritchie Ketcheson Hart & Biggart retained its ranking in the top 10 from its work on appeals of the David Dunlap Observatory lands in Richmond Hill, Pickering's Seaton community and a settlement in Oakville over drive-thru policies. The firm was also involved in a settlement over a subdivision in Ajax and Durham's growth plan conformity amendment.

**OMB and court matters or hearings:**

Representing Markham regarding a motion made for a rehearing by Gel-Don Investments Inc., P & F Meat Products Ltd., 589236 Ontario Ltd., Nella Galluci and Anastasia Cavelli of a board decision regarding the town's OPA to direct development and urban design for the Hamlet of

Victoria Square in Markham (Ketcheson) (✓); representing Burlington regarding appeals made by 1314244 Ontario Ltd. and 2159804 Ontario Ltd., sheltered under an appeal by Paletta International Corporation regarding density and height provisions outlined in an OPA (Ketcheson) (X); representing Ajax regarding appeals made by The Trustee's for Toronto's Workmen's Circle Colony and Children's Camp, Coughan Homes Inc., Cougs Ajax Ltd. and 1441449 Ontario Inc. to permit the first phase of a residential subdivision on 33.95 hectares of land (Biggart) (settlement); representing AMR Homes regarding an appeal by Richard Szymczyk of an OPA approved to permit AMR to develop 58 semi-detached dwellings and townhouses in Burlington (Ketcheson) (✓); representing Oakville in appeals of its committee of adjustment decision to authorize variances for Sheridan Lane Holdings Inc. and Richard Frederick Tomulka to allow farming as a temporary use at its two properties along Upper Middle Road East (Biggart) (X); representing Richmond Hill in appeals by Corsica Developments Inc. regarding its OPA, zoning by-law amendment and plan of subdivision for a 72-hectare site on the former David Dunlap Observatory lands with a proposed 405 detached and 428 attached dwellings and some conservation of heritage and natural features (Ketcheson); representing Oakville regarding an appeal by Junaid Asghar of an Oakville committee of adjustment decision to deny variances for a new two-storey house (Lidakis) (X); representing Markham regarding appeals by 1820266 Ontario Inc. (Times Group Corporation) of its neglect to enact a rezoning and OPA for a commercial and residential development at Highway 7 East and Village Parkway (Ketcheson); representing Whitby in appeals of Durham Region's growth plan conformity amendment (Ketcheson, Biggart); representing Durham Region in appeals relating to proposed residential plans of subdivision in the Seaton community in Pickering (Biggart); representing Oakville in appeals relating to policies for drive-thru facilities in its official plan (Biggart) (settlement).

**8** [7] **Thomson Rogers**



**Roger T. Beaman, Alstair H.A. Burton, Stephen J. D'Agostino, David N. Germain, Jeffrey J. Wilker**

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# TOP TEN FIRMS

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## Reasons for ranking:

Although losing the lucky number seven position from last year, Thomson Rogers remains strong in this year's ranking. This is due to its involvement in hearings regarding the Seaton community in Pickering as well as official plan appeals in York Region and Richmond Hill. The firm also worked on a settlement over a place of worship in Brampton, appeals of Halton Hills' comprehensive zoning by-law and Durham's growth plan conformity amendment.

## OMB and court matters or hearings:

Representing Richmond Hill regarding requests for rehearings of decisions regarding the North Leslie Secondary Plan (Beaman) (✓); representing Halton Region and Halton Hills regarding appeals to Brampton's new official plan (Wilker); representing Suraksha Sharma regarding an appeal to allow a place of worship at 8027 Upper Churchville Road in Brampton (D'Agostino) (settlement); representing Halton Hills in appeals of a rezoning and OPA for a proposed 20-lot subdivision at 11673 Sixth Line (Wilker); representing the Halton Hills in appeals to the town's comprehensive zoning by-law (Wilker) (settlement); representing Saltwhistle Bay Properties Inc. and Condor York Holdings Inc. in appeals of Richmond Hill's official plan (Burton); representing Canelli Heights Development Inc., Chenille Pottery Holdings Inc. and Gladesbrook Pine Estates Corp. in appeals relating to Pickering's Seaton community (D'Agostino); representing Trinison in appeals of Durham Region's growth plan conformity amendment (D'Agostino); representing Markham Gateway Inc. in appeals of York Region's official plan (Beaman).

## 9 [9] Townsend and Associates

TOWNSEND AND ASSOCIATES  
BARRISTERS AND SOLICITORS

Lynda Townsend, Jennifer Meader, Denise Baker

## Reasons for ranking:

Townsend and Associates retained its number nine ranking with its representation of the restaurant industry in appeals of official plans in East Gwillimbury and Richmond Hill as well as Peel's growth plan conformity amendment. The firm also negotiated settlements for a townhouse development in

Vaughan and two apartment buildings in Markham.

## OMB and court matters or hearings:

Representing Calloway REIT (Milton) Inc. and Calloway REIT (Halton) Inc. against a motion to dismiss its appeal by Albina Giangrande and North American (Halton Hills) Development Inc. (RioCan Real Estate Investment Trust) of a Halton Hills' committee of adjustment decision to grant minor variances for retail space increases to RioCan (Townsend) (✓); representing Vaughan in appeals by 1678573 Ontario Inc. of rezonings and OPAs to permit 54 two-storey townhouse units and two 10- and 12-storey apartment buildings (Townsend) (settlement); representing 1812502 Ontario Inc. in its appeal of a zoning by-law amendment to permit redevelopment of the Bronte Village Mall in Oakville (Townsend); representing Aryeh Construction Limited in its appeal of an official plan and zoning by-law amendment to permit two residential apartment buildings at 8293 and 8303 Warden Avenue in Markham (Townsend, Meader) (settlement); representing TDL Group Corp., Ontario Restaurant Hotel and Motel Association, Wendy's Restaurants of Canada Inc., McDonald's Restaurants of Canada Ltd. in appeals of Ajax's growth plan conformity amendment (Baker); representing A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Inc., TDL Group Corp., Ontario Restaurant Hotel and Motel Association and Wendy's Restaurants of Canada Inc. in appeals of Richmond Hill's official plan (Townsend); representing Solmar Development Corporation in appeals of Peel Region's growth plan conformity amendment (Townsend, Meader); representing TDL Group Corp., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Ltd., Ontario Restaurant Hotel and Motel Association and Wendy's Restaurants of Canada Inc. in appeals to East Gwillimbury's official plan (Townsend).

## 10 [15] Bratty and Partners

BRATTY AND PARTNERS, LLP  
BARRISTERS AND SOLICITORS

Barry A. Horosko, Caterina Facciolo

## Reasons for ranking:

Bratty and Partners broke ground in this

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# TOP TEN FIRMS

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years ranking, vaulting into the top 10 firms. This was due to its involvement in the growth plan conformity amendments in Durham, York and Brampton as well as its work in appeals regarding Pickering's Seaton community. The firm was also involved in an employment lands case in Aurora and a site-specific OPA for a residential and commercial development in Vaughan.

## OMB and court matters or hearings:

Representing M.I. Developments in appeals made by Robert Sikura and Aurora-Leslie Developments Inc. of an employment lands OPA in Aurora (Facciolo); representing The Erin Mills Development Corporation in appeals made by Marcia Mendes of a Mississauga committee of adjustment decision to grant minor variances to Erin Mills for a car wash facility (Horosko); representing Delisle Properties Limited and Kau and Associates in appeals of York Region's growth plan conformity amendment (Horosko, Facciolo); representing K.J. Beamish Holdings Ltd., Signature Developments Inc., New Era Developments (2011) Inc., Yorkdale Group Inc., P. Campagna Investments Ltd., P.A. Campagna and 1480420 Ontario Ltd. in appeals of Richmond Hill's official plan (Horosko); representing West Whitby Landowners Group in appeals of Durham Region's growth

plan conformity amendment (Horosko, Facciolo); representing 1422754 Ontario Ltd. in appeals of East Gwillimbury's official plan (Facciolo); representing Delisle Properties Ltd. in appeals by Tesmar Holdings Inc. of a site-specific OPA for a residential and commercial development adopted by Vaughan but failed to be approved by York Region (Horosko); representing 857529 Ontario Inc. and 805062 Ontario Limited in appeals regarding Brampton's appeal of its growth plan conformity amendment after Peel Region failed to make a decision on the amendment during the prescribed time period (Horosko); representing West Whitby Landowners Group Inc. in appeals relating to Pickering's Seaton community (Facciolo).

## The next ten...

11. [4] Loopstra Nixon, 12. [11] Davis, 13. [12] Turkstra Mazza, 14. [n/a] Fraser Milner Casgrain, 15. [20] McCarthy Tétrault, 16. [18] Gardiner Roberts, 17. [n/a] Sherman Brown 18. [n/a] Papazian Heisey Myers, 19. [n/a] Garrod Pickfield, 20. [n/a] Cassels Brock 

**NRU GTA EDITION WILL NOT BE PUBLISHED WEDNESDAY, DECEMBER 26TH.**

## Methodology

The end of year tradition at *NRU* examines the legal side of planning and development in the Greater Toronto Area, primarily focusing on cases that have come before the Ontario Municipal Board between August 2011 and July 2012 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 15th annual ranking to be published in December 2013.

**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 cases concerning 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 degree of subjectivity in our ranking.

**The listings**—Lawyers that are part of the planning and development law team for each of the top10 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/settlement or the matter involved a prehearing or was still pending before the OMB by the end of July 2012, 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

[Residential permits reach record high](#)

The value of residential building permits in **Oshawa** reached an all-time record of \$55,938,600 in November. Building permits overall totaled \$64,878,400, which was the second highest November on record. Residential permits were received by companies such as **Tribute Taunton Ltd., Midhaven Homes** and **H&H Building Corporation** according to a press release from the City of Oshawa.

[Durham Transit expands facilities](#)

This morning, **Durham Region Transit** officially opens the \$16.6-million, 3,400-sq.m. expansion of the Westney division storage and maintenance facility. The expansion is to accommodate the new bus rapid transit service along the Highway 2 corridor and will serve a portion of the new BRT fleet. The expansion features three in-ground hoists, a degreasing bay and 32 additional indoor bus storage spaces.

Beginning in June, the Highway 2 BRT, known

as the DRT Pulse, will introduce service from the **University of Toronto** campus at Military Road in Scarborough to the Durham Consolidated Courthouse in **Oshawa**. The BRT project will receive \$82.3-million in provincial funding, an estimated \$17-million of which will go to the purchase of 26 new buses, and \$17.5-million from Durham Region. The project is expected to be completed by 2017.

## HALTON

[Oakville Transit launches new website](#)

Oakville Transit re-launched its newly-designed website last Friday. The site has been reorganized according to information customers accessed most frequently on the former website: schedules and maps, fares, accessibility services, trip planner, information and news. The new site has such features as accessible route schedules, RSS feeds for news and service updates and links to twitter.

## PEEL

[Mississauga approves 2013 budget](#)

Mississauga council

approved the city's 2013 - 2016 business plan and 2013 budget at its meeting last week. Combined with

the 0.5 per cent regional residential and small business property

CONTINUED PAGE 13 ►



Monarch Corporation is a residential developer and builder based in Toronto. Our portfolio includes both high rise and low rise residential developments across the GTA, Waterloo Region and Ottawa. We have an opportunity in our Low Rise Land Division at our Toronto head office for an experienced planner who is self motivated and works well in group settings:

**Manager of Development  
7-10 years experience**

Monarch is seeking an individual that has a thorough understanding of the land development approvals process for low and medium density greenfield and infill site plan, subdivision and condominium development. The successful candidate should be able to take development from conception through to final approvals and plan registration. The candidate should also have experience navigating Regional, Local Official Plan and Secondary Plans policies.

As the main point of contact on projects, the candidate will be expected to liaise with politicians, municipal staff, and outside agencies, consultants, joint ventures and appear before Committees and Councils and represent Monarch in Landowner Groups.

The candidate will need to be able to negotiate various development related matters and agreements and lead multi-disciplinary teams of professional consultants cost effectively.

As a Manager of Development the successful candidate will also have the following responsibilities:

- prepare annual project budgets
- monitor project costs on an ongoing basis under a purchase order system
- prepare time lines and monitor progress against corporate project delivery targets
- coordinate with internal departments within Monarch to integrate the land development process with site servicing and house building operations, and cost sharing groups and cost sharing agreements
- provide timely and effective reporting to senior management

A degree in Planning or related discipline is required.

Salary is commensurate with experience. Excellent company benefits provided.

Attention: Human Resources  
 Fax: (416) 642-0115  
 E-mail: [resumes@monarchgroup.net](mailto:resumes@monarchgroup.net)  
[www.monarchgroup.net](http://www.monarchgroup.net)

# GTA IN BRIEF

CONTINUED FROM PAGE 12

tax increase **Peel Region** council approved last week, Mississauga's budget reflects a 2.6 per cent increase in residential property tax and a 1.6 per cent increase in commercial property tax.

Capital infrastructure projects include redevelopment of the Rivergrove and Meadowvale Community Centres, rehabilitation of roads and bridges, and structural repairs to the City Centre Transit Terminal. The

budget also includes funds for phase one of the treatment and preservation of the city's ash trees from emerald ash borer, which will require a \$51-million investment over the next 10 years.

[Malton BIA established](#)

Mississauga approved a by-law to establish boundaries for a new BIA in Malton at a steering committee last Wednesday. The area

is to include businesses along Airport Rd. from Thamesgate Dr. to Derry Rd. E., Derry Rd. E. from Burlington St. to Rexwood Rd., and Goreway Dr. from Derry Rd. E. to Morning Star Dr. An executive board of management will be appointed in the new year.

[Trade mission to India announced](#)

**Brampton** is participating in a 15-day trade mission to India from January 2 to 16, led by the **Indo-Canada Chamber of Commerce**. Mayor **Susan Fennell**, chief of staff **Ian Newman**,

Councillor **Vicky Dhillon**, economic development director **Sohail Saeed** and regional councillors **Gael Miles** and **John Sprovieri** will be participating in the mission.

The delegation will travel to Mumbai, Bangalore, Kochi, Ahmedabad, Amritsar and Delhi and meet with government representatives and policy makers. The India mission will focus on different industry sectors including automotive parts, energy, education, food processing, mining, and infrastructure and information technology.

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# LAND SERVICES GROUP

## DEVELOPMENT LAND FOR SALE IN MARKHAM

### ELGIN MILLS ROAD AND KENNEDY ROAD

- Size: ± 50.0 Acres
- Regional Plan: Urban Area

The site is located west of Kennedy Road, with frontage on Elgin Mills Road in the City of Markham. Urban Areas will be pedestrian, cycling and transit-friendly as well as compact and complete communities. The property is located minutes from highways, public transportation and amenities.

**Submission Date: Thursday, January 10, 2013 by 12:00 pm EST**



FOR MORE INFORMATION PLEASE CONTACT: [LSGGTA@CBRE.COM](mailto:LSGGTA@CBRE.COM)

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\*Sales Representative

# GTA IN BRIEF

CONTINUED FROM PAGE 13

## [Pan Am contract awarded in Caledon](#)

The **Town of Caledon** announced that the contract for the first phase of construction at the Caledon Equestrian Park has been awarded to a local, family-run business. **Sierra Excavation** will be responsible for site works and grading. Sierra's team includes local aggregate company **James Dick Construction Limited**,

which will supply all of the aggregate required for this phase of the project. This phase of construction will be completed by May, prior to the Caledon Equestrian Park's usual competition season.

YORK

## [Ward boundary review underway](#)

**Markham** council received an interim report on the

ward boundary review currently underway at its meeting yesterday. The four-stage review was initiated to address the significant population variances among the city's eight wards. The interim report includes four realignment options for council to consider, based on regional population figures associated with traffic zones. A second round of public consultations will be held in the new year and a final report is expected at the beginning of March. The review is being facilitated by public affairs consultant and **University of Waterloo** political science professor

emeritus Dr **Robert J. Williams**.

## [Richmond Hill approves capital budget](#)

Richmond Hill council approved the \$44.6-million 2013 capital budget and 10-year capital forecast at its meeting last week. This means more than 200 capital projects will be launched in 2013, including construction of the Lake Wilcox promenade, design of a new Oak Ridges library branch, road construction, revitalization of Mary Dawson Park, and upgrades to service delivery systems. **nrn**



With an unwavering focus on quality, innovation and professional excellence, **Markham** is working closely with its diverse and vibrant community to grow and enhance its reputation for municipal leadership. Join us and make a difference.

## Community Planning Managers (2 new positions)

These are exceptional opportunities for urban planners whose comprehensive knowledge of planning & urban design principles is enhanced by strong leadership ability and a positive team-focused approach. Reporting to the Senior Manager, Policy and Research, you will work as part of a professional team responsible for City planning policy and research. Depending on the focus of your role, you will lead and manage staff and consultants in the preparation of either:

- Secondary Plans for Intensification Areas (Centres and Corridors), identified in the new Official Plan; or
- Secondary Plans and supporting studies for the Future Urban Area identified in the new Official Plan.

A Member of the Canadian Institute of Planners with a degree in Urban Planning or a directly related discipline, you have 10 or more years of progressively responsible experience in planning, policy/strategy formulation and project management. This will include at least 5 years in a senior capacity directly related to the development and delivery of land use policy and strategy in a municipal context. As a result, you are proficient in policy planning and Secondary Plan preparation, and adept at leading and motivating professional and technical staff, and at negotiating with multiple stakeholders to resolve complex issues. Your excellent understanding of the role and challenge of other disciplines in the development industry, and the relationship between policy preparation and implementation through the various processes of development approval will be a key factor in your success.

For more information or to apply online by **January 11, 2013**, please visit our website.

*We are committed to inclusivity and our employees reflect and seek to understand the diversity of our community.*



# GTA OMB NEWS

## Burlington appeals update

In a decision issued December 12, board member **John P. Atcheson** heard updates on the remaining appeals of the **City of Burlington's** five-year review official plan and zoning by-law amendments. The remaining appeals are by **Evergreen Community (Burlington) Ltd.**, **Nelson Aggregate Co.** and **Paletta International Corporation**.

Evergreen's appeals refer to an area on the boundary between Burlington and Oakville north of Dundas Street and west of Tremaine Road. The board was informed that a secondary plan for the area was being prepared by the city. Burlington counsels **Bruce Ketcheson (Ritchie Ketcheson Hart & Biggart)** and **Blake Hurley** suggested a prehearing date in late September, which would allow for the secondary plan to be considered by Burlington council. This was agreed to by Evergreen counsel **Sharmini Mahadevan (Wood Bull)** and other parties present.

In regards to appeals by Nelson, the board noted that an appeal related to the expansion of Nelson's existing operations in Burlington had been refused by the **Consolidated Hearing Board**. Nelson counsel **Jonathan Kahn (Blake, Cassels & Graydon)** advised the board that a settlement or scoping of the outstanding appeals to Burlington's official plan amendment could be done by late February 2013. Agreement was reached among all counsel present to separate Nelson's appeals from other appeals of OPA 55.

Burlington and Paletta agreed to a deferral of Paletta's appeals until a prehearing in the fall to consider Evergreen's appeals. Paletta's remaining appeal to OPA 59, which allows for a site specific intensification of land use, may also be revisited at the fall prehearing.

The board agreed with the prehearing requests made by the parties and the separation of appeals by Nelson. The board scheduled a prehearing February 25, 2013 for the remaining Nelson appeals and consideration of a settlement.

The board scheduled a prehearing September 9, 2013 for the appeals by Evergreen and Paletta. Additionally, the board determined that Evergreen's appeals to OPA 73—Burlington's growth plan conformity amendment—would be considered at this prehearing "to secure a more efficient use of prehearing time," but noted this did not mean the appeals

were consolidated or would be heard together in the event of a hearing.

Solicitors involved in the cases are Bruce Ketcheson (Ritchie Ketcheson Hart & Biggart) and Blake Hurley (City of Burlington) representing Burlington, Jonathan Kahn (Blake, Cassels & Graydon) representing Nelson Aggregate Co., Sharmini Mahadevan (Wood Bull) representing Evergreen Community (Burlington) Ltd., **Scott Snider (Turkstra Mazza)** representing Paletta International Corporation, **David Germain (Thomson, Rogers)** and **Isaac Tang (Borden Ladner Gervais)** representing **Halton Region**, **Jennifer Huctwith** representing **Oakville**, and **Jane Thompson (Ministry of Natural Resources)** representing Ministry of Natural Resources/**Niagara Escarpment Commission**. (See OMB Case Nos. PL080169 and PL110119.)

**nru**

## GTA PEOPLE

Halton Region CAO **Pat Moyle** retires in mid-January 2013. The search for a replacement is currently underway.

### Clarification

The agenda item on the proposed telecommunications tower noted in the December 12 NRU-GTA edition was not considered by Caledon council last week. The item was deferred until a 2013 council meeting at the applicant's request.



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