

VMC urban design guidelines

FLEXIBLE UNDERPINNING

By Geordie Gordon

The build out of the Vaughan Metropolitan Centre might not be completed for at least another 40 to 50 years, but the urban design guidelines are now in place. Underpinned by flexibility they are intended to be performance based and to maintain relevance over the long term.

Supplementing the official plan built form policies for the VMC, the guidelines, prepared by SvN, are intended to allow for variations in built form configurations and private sector innovation. Their underlying principles are transit oriented, walkable, accessible, diverse, vibrant, green and beautiful.

SvN principal **Drew Sinclair** told *NRU* that the guidelines intentionally stay away from providing prescriptive building typologies, such as podiums with towers or midrise buildings, and instead focus on achieving specific urban conditions, such as the amount of daylight on a street throughout the day.

“Guidelines as prescriptive documents haven’t proven to be particularly effective in delivering really high-quality spaces, because they tend to create a kind of homogeneity that is not necessarily beneficial to cities or communities... [We had] a desire and a real interest

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17th annual GTA rankings

TOP-10 DEVELOPMENT LAW FIRMS

Growth plan conformity exercises continue to keep law firms busy at the Ontario Municipal Board, with a ruling on how much parkland a growing municipality can extract from developers potentially defining all official plans going forward. And for the first time since 2005 a law firm other than Aird & Berlis and Davies Howe has taken the number one spot.

Vaughan’s 2010 official plan remains the largest appeal this year in terms of remaining appellants, with several dozen cases yet to be resolved. Closer to resolution are growth plan conformity appeals in Peel Region, Ajax and Brampton. But the decision that had the biggest ramifications concerned Richmond Hill’s 2010 official plan.

The board was asked to decide whether a policy that set an alternative parkland dedication rate of one hectare per 300 residential units—the maximum alternative rate set out in the *Planning Act*—could be justified. In a huge victory for the development industry, the board said no, and set a cap on the amount of parkland or cash-in-lieu

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UPCOMING DATES

DECEMBER 16

Burlington Council, 6:30 p.m.

Georgina Council, 7:00 p.m.

Durham Region Council, 10:00 a.m.

Halton Region Council, 9:30 a.m.

Aurora Public Planning, 7:00 p.m.

DECEMBER 17

York Region Council, 9:30 a.m.

DECEMBER 22

Caledon Council, 9:30 a.m.

JANUARY 7

York Region Committee of the Whole, 9:00 a.m.

JANUARY 11

Hamilton Public Works Committee, 9:30 a.m.

Burlington Community & Corporate Services Committee, 1:00 p.m.

Halton Hills Council, 6:30 p.m.

King Council/Committee of the Whole, 6:00 p.m.

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

Milton Council/Committee of the Whole, 7:00 p.m.

Brampton Planning & Infrastructure Services Committee, 7:00 p.m.

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

Markham Development Services Committee, 9:00 a.m.



Hamilton LRT

CITIZEN'S JURY

By George Liu

The City of Hamilton has assembled a citizen's jury to provide input on the 11-km B-Line LRT that will connect communities and invigorate downtown Hamilton.

"The citizen's jury was convened to get an early pulse on what citizens think about the LRT in the pre-consultation phase of the project," consultation project manager **Tim Dobbie** told *NRU*. The citizen's jury is composed of citizen members from each of Hamilton's 15 wards who will hear experts talk about past experience and will participate in discussions about how the LRT will affect their city.

Members of the citizen's jury had the opportunity to hear speakers share their experience with similar projects such as

the Eglinton Crosstown in Toronto and the ION LRT in Waterloo. Learning from these experiences, the jury will provide input as the higher-order transit network is implemented in Hamilton.

"The jury's work is focused on providing advice to council and making recommendations on the challenges and opportunities that will arise from implementation of the LRT. [Its] work is expected to be completed by the spring when [it] submits [its] recommendations to council," Hamilton policy and public affairs advisor **Kwab Ako-Adjei** told *NRU*.

Despite \$1-billion in funding from the provincial government, announced last May by Premier

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Proposed Hamilton A-Line and B-Line LRT

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Annual subscription rate is \$389 +HST (ON).

Complimentary trial subscriptions are available.

Advertising rates available upon request.

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

NRU Greater Toronto Area Edition is published 50 times a year by email by NRU Publishing Inc.

NRU Publishing Inc.
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ISSN 1918-7548



FLEXIBLE UNDERPINNING

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in developing a performance-based guideline that could really make clear the intent of the guideline so we could leave some space for innovation on the private side,” he said.

Vaughan urban design and cultural heritage manager **Rob Bayley** told *NRU* that the guidelines set out clear expectations for the VMC by building on the secondary plan. However, he also said that the long-term timeframe for the development of the centre presents challenges and creates the need for flexibility.

“The reason why [the guidelines] are principle-based is to allow for the flexibility over time for things to happen over time, because it’s probably going to take 40 or 50 years for this to develop, so there has to be flexibility in these guidelines,” he said. “These guidelines are a working document and will evolve over time, so there may be some opportunities to make changes to this document... as development changes over many, many years.”

Ward 4, Concord/Thornhill North councillor **Sandra Yeung Racco** told *NRU* that the guidelines will help to establish a dynamic downtown for Vaughan. She too reinforced the flexibility that underpins the guidelines.

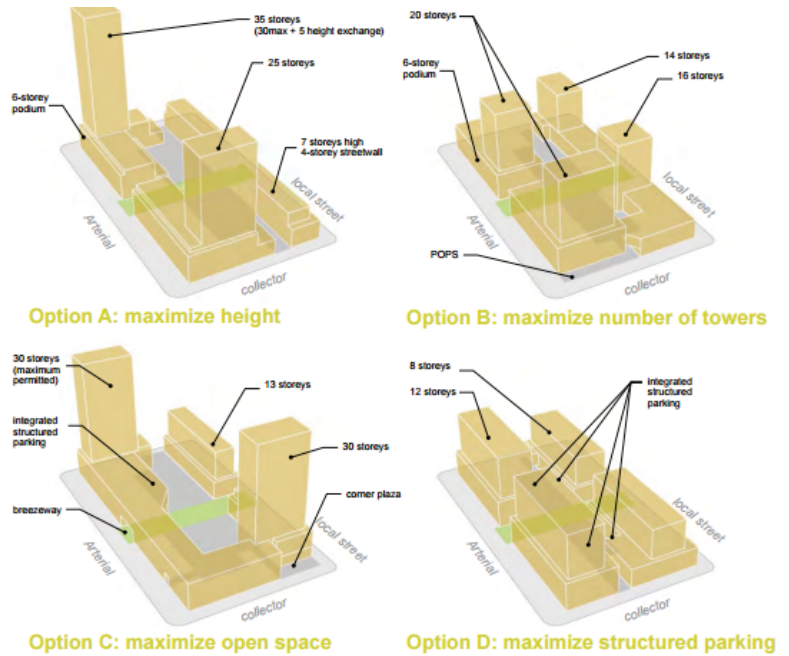
“The direction we have given to staff is that we wanted a guideline that is a living guideline, in that it is able to be adaptable, it’s flexible enough to make changes,” she said.

Sinclair said that one of the aspects that makes the VMC design guidelines notable is the existing site conditions to which they apply. The density of the VMC is low, measured at about 20 people and jobs per hectare in 2006, but will increase substantially in the coming years.

“It’s a unique guideline in that it’s describing something that is fundamentally urban, and relatively high density in an area where there really is no high-density right now... It will be dense. It is happening very fast and you can see that as the subway comes closer to completion,” he said.

As a designated urban growth centre, the VMC is mandated to have a density of 200 people and jobs per hectare. Racco said that that level of density is a good place to start, but it is difficult to predict what could happen to the targets in the future.

“We think this is achievable, we don’t want to go too far and set ourselves too high, and so I’d rather that we set it now, the way it is... I think that we’ve set a realistic goal right now, it could change again,” she said.



VMC guidelines offer building massing options

SOURCE: SVN, CITY OF VAUGHAN

The VMC design guidelines were approved by council December 15.

The guidelines are intended to function in combination with other documents that govern the development of the VMC, such as the VMC secondary plan, which sets out the vision for a mixed-use area centred on transit. Other documents include the VMC Streetscape and Open Space Plan, and the VMC Culture and Public Art Framework. [nru](#)

THE VOICE OF THE INDUSTRY





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GTA IN BRIEF

[Team explores aggregate certification in Ontario](#)

The **Cornerstone Standards Council** and **University of Waterloo Community, Health, Environment and Communications Initiative** are teaming up to explore a voluntary certification system for aggregate extraction in Ontario. A two-year \$118,900 grant from the Ontario Trillium Fund will allow the partners to develop materials and

tools to help community groups, environmental organizations, Aboriginal groups and aggregate operators to better understand and engage with the council's Responsible Aggregate Standard and Certification System. In early winter, the initiative will solicit input from stakeholders to learn what tools would support understanding and engagement with

the council's voluntary certification system.

[Province launches new Sport Hosting Program](#)

The **Ontario Ministry of Tourism, Culture and Sport** is launching a renewed Sport Hosting Program to attract major sporting events to the province, stimulate local economies and allow more Ontario athletes to compete at home. The program is a part of the provincial

Sport Plan, which leverages organized sport to bring about physical health to people and economic benefits to communities. Benefits of the hosting program include funding for international and national competitions and a variety of winter and summer sports in Ontario, and a more flexible application process. Funding of \$2-million will be available in 2016/17 through the program.

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CITIZEN'S JURY

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Kathleen Wynne, not everyone supports construction of the B-Line LRT.

"The people in ward 1 are divided [about the LRT]. Half the people in ward 1 are onboard for LRT. They get the arguments about the health and environment. But the other half is very skeptical. Working behind all this, it is my own view that we have to do complete streets planning as part of LRT, both to get people to LRT, and to recognize that not every trip that people need to make are trips they can make along the LRT corridor. We do have to be facilitating cycling, walking and car driving [as alternatives]," said ward 1 councillor **Aidan Johnson**.

Aware of citizens' concerns, Hamilton is framing the LRT conversation around the positive economic development benefits that higher-order transit will bring to the city, rather than solely about the movement of people.

"It's important for us to remember that LRT is not a project to solve congestion, it is a city building initiative," LRT coordination director **Paul Johnson** told the citizen's jury. "When you look at the evidence, where LRT connects a revitalizing downtown area to desirable adjacent areas, you see good development opportunities. In Hamilton, that is

exactly what we are doing."

New proposals for retail and residential development in downtown Hamilton reflect a positive market response to revitalizing downtown Hamilton. To facilitate further study, Johnson says the city passed an interim control by-law in October that temporarily halts low-density development along the proposed LRT corridor.

"We do want to pause a moment, [for] a 12-month period, where we can take our time and ensure that we are building the right kind of approach for that important transit corridor. It is simply not helpful to the overall planning and development opportunities before us to have auto-centric buildings and facilities being built along a corridor that is being designed for transit."

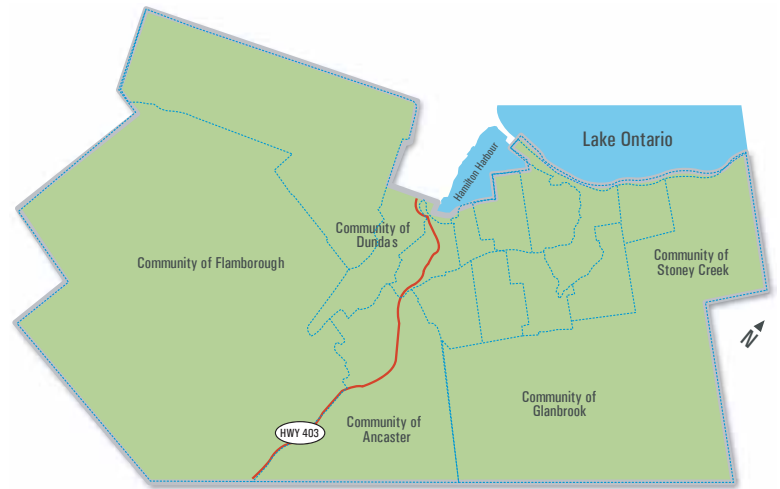
Tim L. Dobbie Consulting was the successful proponent to manage the citizen's jury process. Consultant **Steer Davies Gleave** has been retained to update the original submission to Metrolinx with full design options for the B-Line LRT.

George Liu is a freelance transportation reporter on assignment with NRU. [nru](#)

Hamilton Development Team

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- Kim Harrison-McMillan**, Senior Project Manager - Urban ext. 2222
- Scott Baldry**, Secretary-Treasurer, Committee of Adjustment ext. 1324
- Joe Gravina**, Coordinator Business Facilitation ext. 1284
- Michelle Sergi**, Manager of Community Planning ext. 1281
- Christine Newbold**, Senior Project Manager ext. 1279
- Joanne Hickey-Evans**, Manager of Policy Planning & Zoning By-law Reform ext. 1282



GTA IN BRIEF

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HALTON

[Former Memorial Arena lands to be redeveloped](#)

The Town of **Halton Hills** has selected **Amico Properties** to redevelop the

former Memorial Arena and Lions Park site. The proposal includes two buildings ranging from two to five storeys. One is a retirement residence and the other a luxury condominium. The

buildings will have adjacent amenity space and a public parkette along Dayfoot Drive will be retained. The development design is based on the preferred development scenario that

emerged through public consultation in 2013. It is anticipated to be complete by October 2017.

PEEL

[Request to expand the greenbelt along Credit River](#)

At its December 9 meeting, **Mississauga**

council endorsed the expansion of the provincial *Greenbelt Plan* area by requesting the province designate city-owned and **Credit Valley Conservation-** owned parcels of land along the Credit River as Urban River Valley. The request builds on a recommendation in the city's Natural Heritage and Urban Forest Strategy. The city has identified 76 parcels of land along the river corridor, totaling 479 acres. Mississauga asks that **Peel Region** council forward the request to the province.

nru



Memorial Arena redevelopment rendering

ARCHITECT: HOLABIRD & ROOT

SOURCE: TOWN OF HALTON HILLS

TOP-10 DEVELOPMENT FIRMS

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the town could seek from a new development. The town has sought leave to appeal to the divisional court. Concerned what the decision could mean for their own parkland dedication policies, Mississauga, Markham, Oakville and Vaughan are all seeking intervener status.

There was no shortage of interesting appeals this year. In Milton, a settlement will allow over 4,000 future residents to move into multiple subdivisions that make up what is known as the Milton Heights Neighbourhood. In Newmarket, the board's approval of a 730-unit subdivision on the former Glenway golf course has led municipalities such as Aurora thinking hard about the future of their own golf courses.

In the 17th annual rankings of the GTA's most prominent planning and development firms, NRU looked back at OMB decisions and stories from August 1, 2014 to July 31, 2015. There have been a number of shakeups among the top 10 spots, with a new firm crowned number one, and several law firms making huge leaps up the rankings since 2014.

For the Toronto rankings, see the December 18 edition of NRU Toronto.

headed hydra—better known as appeals against the 2010 City of Vaughan official plan—so named because when you settle one appeal, two more spring forth. The second was the appeals of the Richmond Hill 2010 official plan. While the decision regarding the town's parkland dedication alternate rate did not go in the town's favour, WeirFoulds was instrumental in helping it achieve a settlement or victory in almost every case. Notably, several developments challenged caps on building heights in the town, but none—so far—have been successful.

OMB Cases and Decisions—representing Brampton in a settlement regarding OPA and ZBA to develop four-storey villa apartments and stacked townhouses (Kussner) (settlement); representing Hamilton in a settlement relating to compensation for lands expropriated by Hamilton (Tzekas) (settlement); representing King North Commercial opposing a settlement between the King City Corporate Centre and King Township regarding an OPA for ancillary commercial uses (Townsend, Meader, Mullin) (settlement); representing Brampton regarding appeals of Peel Region's growth plan conformity amendments (Kussner); representing Parkside Hills, and Silverwood Homes in a settlement with Hamilton regarding the adoption of a Rural Hamilton OPA that would prohibit a stormwater management facility on Parkside and Silverwood lands (McQuaid) (settlement); representing 1804487 Ontario in an appeal against Hamilton for OPA and ZBA to allow a medical facility (Baker) (settlement); representing 1804482 Ontario in a settlement regarding an appeal against Hamilton's approval of a ZBA, draft plan of subdivision and draft plan of condominium for 1804482 Ontario (Baker) (settlement); representing Barrie regarding an appeal by Melchoir against the failure of Barrie to make a decision regarding a proposed plan of subdivision and ZBA for 196 Barton Ave (Engell) (x); representing Brooklin Development General Partner in an ongoing case regarding Brooklin's compensation for lands expropriated by the Ministry of Transportation (McQuaid); representing multiple appellants in appeals regarding permissions for drive-through facilities in Milton's urban ZBL (Baker); representing Shoppers Drug Mart in an appeal to permit a mixed-use building and eight townhouses in Hamilton (Kussner); representing Northampton Residences

1 [3] **WeirFoulds**



Solicitors: Glenn Ackerley, Denise Baker, John Buhlman, Jeff Cowan, Julia Croome, Jill Dougherty, Bruce Engell, Aisling Flarity, Sean Foran, Barnet Kussner, Ian Lord, Michael McQuaid, Jennifer Meader, Kim Mullin, Gregory Richards, Sylvain Rouleau, Lynda Townsend and Christopher Tzekas.

In the 2014 law review, *NRU* said that “WeirFoulds is well positioned to make a run for the top spot in next year’s rankings.” The firm did not disappoint, edging ahead of Aird & Berlis and Davies Howe. The last time either of those two firms didn’t grab the top spot was back in 2005 when Kagan Shastri took the top honors.

What gave WeirFoulds the edge this year? It was not only the huge number of appeals that *NRU* reported on, but the two very challenging cases it took on. The first was the seven-

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in an appeal to permit an eight and 12-storey residential development in Whitby (Baker, Meader) (✓); representing Parkside Hills regarding a revised draft plan of subdivision in Hamilton (McQuaid) (settlement); representing multiple clients related to appeals for drive-through restaurants in Ajax (Baker) (settlement); representing Hallway Developments in an appeal for OPA to alter environmental protections in Clarington (Meader) (settlement); representing Adi Development Group in an appeal to permit four mid-rise residential buildings in Burlington (Baker) (✓); representing Minto Multi-Residential Income Partners 1 in an appeal for amendment to Oakville's official plan regarding urban design policies (Baker) (settlement); representing Shoppers Drug Mart in an appeal resulting in a settlement with Hamilton for a mixed-use development (Kussner) (settlement); representing Sonoma Homes and Hamilton in a settlement to permit an office and medical centre (Baker) (settlement); representing Brampton in multiple appeals against an OPA (Kussner); representing Vaughan regarding appeals to its 2010 official plan (Engell); representing M. Putzer Hornby Nursery regarding an appeal of Milton's Derry Green Corporate Business Park Secondary Plan (Baker) (settlement); representing Aurora in a settlement regarding a draft plan of subdivision (Meader) (settlement); representing 2190557 Ontario and 2107925 Ontario in an appeal regarding ZBA and draft plan of subdivision to construct housing in Hamilton (Baker) (settlement); representing Richmond Hill regarding appeals to its 2010 official plan (Kussner); representing Vaughan in a request to review a decision granting OPA and ZBA to construct townhouses in Vaughan (Engell) (x); representing Robert and Jennifer McCullough in an appeal against minor variances granted by the Burlington COA to construct a detached dwelling (Meader) (settlement); representing Kiro Holding in an appeal against the Oakville COA refusal of minor variances to sever a lot (Baker) (✓); representing Roger and Brenda Newell and two other neighbours against an appeal for a ZBA to construct an 11-unit apartment in Oakville by Trafalgar Oaks Development (Baker) (x).

2 [2] Aird & Berlis



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

This was another great year for Aird & Berlis, which maintained its second place position based on its number of clients and its great success rate. While it nudged ahead of rival Davies Howe this year, there were three—not just two—firms in a dead heat for first place. The firm has been busy across the GTA representing clients in appeals of the major growth plan conformity amendments. It also represented Milton in its two big settlements: subdivision appeals in the Milton Heights area and employment-related appeals of the Derry Green Corporate Business Park Secondary Plan.

OMB Cases and Decisions—representing King in a settlement with King City Corporate Centre for an OPA for ancillary commercial uses (Halinski) (settlement); representing multiple parties regarding appeals of Peel Region's growth plan conformity amendment (Zakem); representing Orlando Corporation in an appeal of Peel Region's growth plan conformity amendment (Longo) (settlement); representing Monterey Heights Development Corporation in an appeal for OPA and ZBA to permit low-rise apartments and townhouses (Zakem) (✓); representing DiCenzo Construction Company in a settlement with Hamilton for a ZBA to build townhouses (Zakem) (settlement); representing DiCenzo Construction Company in a settlement regarding an appeal of Hamilton's approval of a ZBA, draft plan of subdivision and draft plan condominium for 18044820 Ontario (Zakem) (settlement); representing Vaughan against an ongoing appeal of the city's development charges by-law (Doumani); representing Orlando Corporation in an appeal of Peel Region's development charges by-law in an attempt to reduce the industrial

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development charges in Peel (Longo) (x); representing Milton regarding subdivision appeals in the Milton Heights area (Skinner) (settlement); representing SMNE Developments (on behalf of Cor-Lots Developments) in an appeal of Markham's COA approval of a minor variance to reduce a separation distance (Zakem) (✓); representing Hamilton in a settlement with Calloway Real Estate Development Investment and Trinity Development Group regarding Calloway's appeal of a ZBA and OPA to allow commercial uses (Zakem) (settlement); representing Rutherford Commercial Holdings and Loblaw Properties in a case between Vaughan and West Rutherford Properties (Costello); representing multiple clients in appeals of the 2010 Vaughan official plan (Harrington, Zakem); representing the Canadian Fuels Association and Imperial Oil in appeals of the 2010 Vaughan official plan (Pepino) (settlement); representing the North Markham Landowners Group in an appeal to remove lands under a minister's zoning order related to the Pickering Airport (Foran) (settlement); representing 2334193 Ontario in an appeal of Ajax's growth plan conformity OPAs (Zakem, Skinner); representing Bonnydon in an appeal for OPA to alter environmental protections in Clarington (Zakem) (settlement); representing DiCenzo Construction Company in an appeal to permit 130 townhouses and two detached houses in Hamilton (Zakem) (✓); representing multiple parties in an appeal for amendment to Oakville's official plan regarding urban design policies (Williams) (settlement); representing Choice Properties REIT and Loblaw Properties in appeal against Scugog's comprehensive ZBL (Foran) (settlement); representing 394 Lakeshore Oakville Holdings in an appeal for minor variances for a residential dwelling in Oakville (Zakem) (settlement); representing Gordon Woods Homeowners' Association in opposition to a settlement for seven detached dwellings in Mississauga (Costello) (x); representing Orlando Corporation in an appeal for modifications to the Mississauga official plan (Longo) (settlement); representing Loblaw Properties and Choice Properties REIT in a settlement for a Pickering OPA (Harrington) (settlement); representing Litchfield Developments in an appeal for a 52-unit townhouse development in Markham (Kovar) (settlement); representing Choice Properties Real Estate and Investment Trust in an appeal against conditions imposed for a minor variance in

Caledon (Skinner) (✓); representing Milton regarding an appeal of the town's Derry Green Corporate Business Park Secondary Plan (Costello) (settlement); representing King regarding an appeal to modify the Nobleton Community Plan (Halinski); representing 394 Lakeshore Oakville Holdings in an appeal for a zoning exemption in Oakville (Zakem, Costello) (settlement); representing Rangi Brothers Logistics in a settlement regarding modifications to the Caledon official plan to guide applications and development approvals in Sandhill (Harrington) (settlement); representing King against an appeal to overturn the COA's refusal to grant a minor variance to construct a cabana (Halinski) (✓).

3

[1] **Davies Howe Partners**



Solicitors: Jeffrey Davies, John Alati, Isaiah Banach, Kimberly Beckman, Matthew Di Vona, Kate Fairbrother, Mark Flowers, Kyle Gossen, Marisa Keating, Meaghan McDermid, Michael Melling, Aaron Platt, Susan Rosenthal, Katarzyna Sliwa, Daniel Steinberg and Alexander Suriano.

Davies Howe had another great year, but two strong challengers along with a small drop in the number of appeals it represented knocked the firm back two spots this year. However, *NRU* noted no losses for the firm this year, just wins, settlements and ongoing appeals. The firm notably represented Yonge Bayview Holdings in its appeal of Richmond Hill's official plan parkland dedication policies, scoring a huge win for the development industry. Along with appeals of Vaughan and Richmond Hill's official plans, Davies Howe also represented clients in the Milton Heights appeal and appeals of Scugog's comprehensive zoning by-law.

OMB Cases and Decisions—representing Heathwood Homes and Osmington regarding appeals of Peel Region's growth plan conformity amendment (Sliwa); representing Solmar Developments and Northwest Brampton Landowners Group in appeals of Peel Region's growth plan conformity amendment (McDermid, Sliwa); representing multiple clients in appeals of the 2010 Richmond Hill

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official plan (Rosenthal, Banach) (settlement); representing Huntingwood Developments against an appeal by Shiva Ganesh Mandir Temple to Brampton's ZBA refusal for a place of worship (Katarzyna Silwa and students-at-law Matthew di Vona and Marisa Keating) (✓); representing Shiplake Developments and Angelo, Louise and Josephine Cimetta in appeals of the 2010 Richmond Hill official plan (Alati, Platt); representing multiple parties in appeals to permit plans of subdivision in the Milton Heights area of Milton (McDermid) (settlement); representing Mark and Erin Cattral and 12 others against an appeal of Markham's COA's refusal to allow three variances to Patrick Ko and Christina Ma (Sliwa) (✓); representing multiple clients in appeals of the 2010 Vaughan official plan (McDermid, Sliwa, Alati, Flowers, Suriano); representing Celebration Estates in an appeal of the 2010 Vaughan official plan (Sliwa) (settlement); representing Kenneth and Charmaine Kumar in an appeal for variances to legalize a pool cabana in Mississauga (Suriano) (settlement); representing the York Region District School Board regarding an appeal to permit a 730-unit subdivision in Newmarket (Flowers) (settlement); representing Medallion Developments (Castlefield) Limited in an appeal of Ajax's growth plan conformity amendments (Platt); representing Stockworth Mbg and 513487 Ontario in appeal against Scugo's comprehensive ZBL (Flowers); representing Yonge Bayview Holdings in an appeal of parkland policies in the Richmond Hill official plan (Flowers) (✓); representing Beverley Homes Holding in an appeal to construct a 30-unit townhouse complex in Mississauga (Flowers); representing Osmington and Heathwood Homes (Brampton) in an appeal against Brampton's OPA (Platt); representing Loretta and Ron Phinney in an appeal for minor variances for a house in Oakville (Melling, McDermid) (✓); representing Harbour View Investments in an appeal against rezoning in Caledon (Alati, McDermid); representing Nobelton North Holdings in an appeal to modify the Nobleton Community Plan (Melling, McDermid); representing Hanlon Glen Holmes in an appeal against an OPA approved by Mississauga (Platt) (✓); representing Behrooz Yazdani Zenooz and Rohan Ahrari Yazdani in an appeal for rezoning to allow for the construction of a residential subdivision in Richmond Hill (Rosenthal, McDermid) (settlement); representing Larry

Thomas against an appeal of the COA granting of a severance in the Richmond Hill (Flowers, student-at-law Shouldice-Stewart) (✓); representing 1215 Appleby Line Holdings in an appeal to allow a ZBA to construct a hotel in Burlington (Sliwa) (settlement).

4 [6] Kagan Shastri



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

Kagan Shastri reclaims fourth place the year, in part thanks to two huge decisions going its way. The most notable of course, were Elginbay Corporation and Zamani Homes' successful appeals of the of Richmond Hill's official parkland dedication by-laws. Almost as notable however, was Marianneville Developments' appeal to permit a 730-unit subdivision in Newmarket. After a contentious fight, the firm achieved a settlement with the town. While the firm's municipal law team may be small, it continues to punch well above its weight.

OMB Cases and Decisions—representing Republic Live in an appeal by a local landowner against a temporary use by-law that was granted to allow a music festival to take place in Clarington (DeMelo) (✓); representing Caledon 410 Developments regarding appeals of Peel Region's growth plan conformity amendment (Kagan); representing Peel Region in an appeal to reduce the region's industrial development charges by-law (DeMelo) (✓); representing Ritson Division Retail Group against an appeal of Oshawa's approval of OPA and ZBA to allow commercial and retail uses on formerly industrial lands (Kagan); representing multiple clients in appeals of the 2010 Vaughan official plan (Kagan); representing Marianneville Developments in an appeal to permit a 730-unit subdivision in Newmarket (Kagan, De Gasperis) (settlement); representing Toronto Workmen's Circle and Children's Camp in an appeal settled with Ajax to permit 251 single-detached and townhouse dwellings (DeMelo) (settlement); representing Elginbay Corporation and Zamani Homes (Richmond Hill) in appeals of parkland policies in the

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TOP-10 DEVELOPMENT FIRMS

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Richmond Hill official plan (Kagan) (✓); representing Blue Serenity Holdings against an appeal to a temporary-use by-law in Georgina (Kagan) (✓); representing Auburn Development in an appeal to grant OPA and ZBA to the Urban Hamilton Official Plan and zoning by-law (Kagan) (settlement); representing Mulock Canada Med in an appeal to grant ZBA to construct a retail commercial building in Newmarket (Kagan, De Gasperis) (✓); representing Zamani Homes in an appeal of the 2010 Richmond Hill official plan (Kagan, De Gasperis) (settlement); representing Samuel, Son & Co. regarding an appeal for a ZBA by 1215 Appleby Line Holdings to construct a hotel in Burlington (DeMelo) (settlement).

transfer facility at 899 Nebo Rd (Snider); representing Latiq Quershi in a case with Mississauga regarding the city's failure to make a decision regarding OPA and ZBA to allow eight detached-dwelling lots at 2525 Hammond Rd (Snider); representing St. Joseph's Villa in a case regarding the MMAH's failure to make a decision regarding the Hamilton Urban Official Plan; representing North End Neighbours and other parties in an appeal of the West Harbour Secondary Plan in Hamilton (Turkstra); representing Ponderosa Nature Resort in an appeal to permit a mobile home park in Hamilton (Rudolph); representing Recchia Developments in an appeal to permit 12 semi-detached units in Hamilton (Smith) (x); representing Northwest Brampton Landowners Group in an appeal against Brampton OPA (Kaufman); representing Tarapark Developments and Milton 5-7 Holdings regarding an appeal of Milton's Derry Green Corporate Business Park Secondary Plan (Smith) (settlement); representing Hamilton in appeals against its urban and rural official plans and amendments to the applicable zoning by-laws (Smith) (settlement); representing Cooper Construction in an appeal for site-specific building and parking regulations to permit development of a multi-storey office building (Toumanians, Smith) (settlement); representing Vetco Holdings in an appeal by the Niagara Escarpment Commission against Hamilton's approval of two ZBAs (Smith) (settlement); representing 6263801 Canada regarding an appeal against the approval of minor variances to construct a detached dwelling in Burlington (Snider) (settlement); representing Oakville against an appeal for a ZBA to construct an 11-unit apartment in Oakville by Trafalgar Oaks Development (Smith) (x); representing A. DeSantis Developments and Heritage Highlands Corporation in an appeal to modify the Urban Hamilton official plan (Snider) (settlement).

5 [14] **Turkstra Mazza Lawyers** 

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

Turkstra Mazza takes a giant leap into the top-10 rankings this year. The firm has been particularly busy in Hamilton, representing over half-a-dozen clients in matters ranging from a medical centre and residential care facility in the Mewburn area to mid-rise buildings along the Niagara Escarpment to representing the city regarding appeals of the Airport Employment Growth District Secondary Plan.

OMB Cases and Decisions—representing Royalcliffe Developments and Lake Path Holdings in a settlement regarding OPA and ZBA to develop four-storey villa apartments and stacked townhouses (Snider) (settlement); representing Northwest Brampton Landowners Group in an appeal of Peel Region's growth plan conformity amendment (Kaufman); representing Shieldbay Developments in the settlement between Dundas-Trafalgar and Oakville—Shieldbay is the abutting landowner and will be part of a cost-sharing agreement with Minto Communities (Snider) (settlement); representing Paletta International Corporation in an ongoing case opposing the siting of a hazardous waste

6 [NA] **Wood Bull**



Solicitors: Mary Bull, Peter Gross, Sharmini Mahadevan, Alexandra Sadvari, Johanna R. Shapira and Dennis Wood.

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TOP-10 DEVELOPMENT FIRMS

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During NRU’s 2013-2014 law review, Wood Bull was only reported in a mere three cases, resulting in the firm not making the top 20. This year however, the firm’s appearances in *NRU* have more than tripled, vaulting it all the way to sixth place. Despite grumblings from council, Wood Bull helped Newmarket achieve a settlement with Marianneville Developments for a 730-unit subdivision on the former Glenway golf course lands. The firm also achieved settlements for clients across the GTHA, solidifying its ranking in the top 10.

OMB Cases and Decisions—representing Calloway Real Estate Investment in a settlement with Hamilton and Trinity Development Group regarding a ZBA and OPA to allow a range of commercial uses (Shapira) (settlement); representing multiple clients in an appeal of Burlington’s 2014 development charges by-law (Wood); representing Newmarket regarding an appeal to permit a 730-unit subdivision (Bull, Shapira) (settlement); representing Silgold Developments in appeal for amendment to Oakville’s official plan regarding urban design policies (Wood) (settlement); representing Morguard Investments in an appeal against a Brampton OPA (Gross); representing Seven427 Developments and Smart Centres in an appeal for a rezoning in Vaughan (Shapira) (settlement); representing Airfields Developments against an appeal for rezoning in Caledon (Mahadevan); representing Seven427 Developments in an appeal against Vaughan’s official plan (Shapira) (✓); representing Mondelez Canada in an appeal to grant OPA and ZBA to the Urban Hamilton official plan and zoning by-law (Wood) (settlement); representing Flamborough Power Centre, Flamborough South Centre and Clappison Five and Six Properties in a settlement with Hamilton regarding site-specific provisions of the Urban Hamilton official plan (Mahadevan) (settlement).

Goodmans dropped a couple of ranks this year, thanks to fewer reported decisions and even fewer resolutions than last year. The firm was involved in a number of key appeals, including the 2010 Vaughan official plan and a settlement for Forest Bay Homes that will permit an 832-unit subdivision in Markham. Representing more than just big developments, Goodmans also helped a soup kitchen in Oshawa get the variances it needed to move to a more suitable location, despite opposition from local residents. There are a lot of appeals yet to be decided, so expect a better showing next year as its cases move towards completion.

OMB Cases and Decisions—representing Canadian Tire Corporation regarding appeals of Peel Region’s growth plan conformity amendment (Howe); representing Valleysmede Building AMA Corporation in an ongoing appeal for OPA and ZBA to allow residential developments totalling 442 units in three - and four-storey buildings and stacked townhouses in Markham (Hoffman); representing multiple clients in appeals of the 2010 Vaughan official plan (Hoffman); representing the Kennedy McCowan Landowners Group in an application to remove lands under a minister’s zoning order related to the Pickering Airport (Lyons) (settlement); representing Forest Bay Homes in an appeal to permit an 862-unit subdivision in Markham (Benedetti) (settlement); representing Durham Outlook for the Needy against an appeal of the COA granting of variances to permit a soup kitchen in Oshawa (Bronskill) (✓); representing LTF Real Estate Company in an appeal against Vaughan’s official plan (Hoffman) (✓); representing Bronte Community Developments Corporation in an appeal to grant OPA and ZBA to construct three eight-storey apartment buildings in Oakville (Noskiewicz, Hoffman) (✓); representing Baif Developments in an appeal of Richmond Hill’s official plan policies regarding Downtown Local Centre, Key Development Areas and related policies (Houser, Andres).

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7 [5] **Goodmans**



Solicitors: Ian Andres, Anne Benedetti, David Bronskill, Tom Friedland, Joseph Hoffman, Roslyn Houser, Robert Howe, Max Laskin, Allan Leibel, Catherine Lyons, Mark Noskiewicz, Nicholas Staubitz and Michael Stewart.

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TOP-10 DEVELOPMENT FIRMS

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8 [4] **Ritchie Ketcheson Hart & Biggart**

Ritchie Ketcheson Hart & Biggart LLP

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

Planners: N/A

Ritchie Ketcheson Hart & Biggart took a slight tumble this year, dropping from fourth to eighth place. Its caseload as reported in *NRU* has dropped, but it remains in the top 10 thanks to providing strong representation for their municipal clients. Ritchie Ketcheson has achieved settlements both big and small, representing Ajax regarding a proposed 251-unit subdivision and Georgina regarding the legalization of a bed and breakfast.

OMB Cases and Decisions—representing Georgina against an appeal by Brenda Thornton regarding the COA’s refusal to grant a minor variance to allow a boat house (Ketcheson) (✓); representing Great Land (Westwood) in an appeal to permit a 24-storey, mixed-use building in Richmond Hill (Biggart, Ketcheson) (settlement); representing West Rutherford Properties in an appeal for ZBA and OPA to develop two 12-storey apartments and 21 townhouses at 3660 Rutherford Rd in Vaughan (Ketcheson); representing Michael Wortel in a settlement with Hamilton for a ZBA to allow two additional residential lots on the property (Ketcheson) (settlement); representing Markham against an appeal to permit a funeral establishment and cemetery (Ketcheson); representing Whitby against an appeal to permit an eight- and 12-storey residential development (Ketcheson) (x); representing Ajax in settlement for 251 single-detached and townhouse dwelling development (Biggart) (settlement); representing Oakville with regard to various appeals to the official plan and ZBL as they relate to the requirements of the Growth Plan (Biggart) (settlement); representing Georgina regarding an appeal for a ZBA to legalize an existing a bed and breakfast in Georgina (Lidakis) (settlement).

9 [20] **Folger Rubinoff**



Solicitors: Albert Engel, Joel Farber, Sara Hickey and Jared Schwartz.

Last year, *NRU* only reported on Folger Rubinoff’s involvement in the 2010 Vaughan official plan appeals, which was good enough to sneak them into twentieth place. This year, the firm continues to slog through its Vaughan appeals, but adds several settlements, moving it up to ninth place. The firm achieved settlements for clients as part of Brampton and Ajax’s growth plan conformity amendments and a site-specific amendment for MacStar Developments for its property in Hamilton’s Airport Expansion Growth District.

OMB Cases and Decisions—representing Trinity Development Group, in a settlement with Calloway Real Estate Development Investment and Hamilton regarding Calloway’s appeal of a ZBA and OPA to allow commercial uses (Farber) (settlement); representing multiple clients in appeals of the 2010 Vaughan official plan (Farber); representing Sisley Holdings and 740 Dundas Realty regarding policies governing the sale of used cars (student-at-law Witkowski) (settlement); representing 138868 Ontario (Shoppers World) in an appeal against a Brampton OPA (Farber); representing multiple parties in an appeal to rezone property in Vaughan to permit commercial and warehouse uses (Farber) (settlement); representing MacStar Developments in appeals against Hamilton’s urban and rural official plans (Farber) (settlement).

10 [16] **Davis Webb**



Solicitors: Neil G. Davis, Ellen S. Pefhany and Ronald K. Webb.

Davis Webb saw the number of decisions reported in *NRU* double, resulting in the firm returning to the top 10 after a dip to 16th place last year. The firm achieved

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TOP-10 DEVELOPMENT FIRMS

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settlements for multiple parties in the Milton Heights area of Milton that will permit 159 new units, as well as for Brampton Brick in its appeal of Brampton’s growth plan conformity exercise.

OMB Cases and Decisions—representing G.C. Jain Investments and Brampton Brick in appeals of Peel Region’s growth plan conformity amendment (Webb); representing multiple parties in appeals to permit plans of subdivision in the Milton Heights area of Milton (Davis) (settlement); representing Maria Elmer, party to an appeal by Valleymede Building AMA for OPA and ZBA to permit a development containing three, four-storey residential buildings (Webb, student-at-law Anthony Simone); representing Correct Group of Companies in the approval of a revised draft plan of subdivision in Caledon (Webb) (✓); representing Eva Franceschini in appeal of the COA’s approval of a severance in Mississauga (Webb, student-at-law Simone) (x); representing Brampton Brick in an

appeal against Brampton official plan amendment (Godley); representing Rogers Telecommunications regarding a site-specific modification to an OPA to allow below-grade parking structures in Mississauga (Davis) (settlement); representing Yvonne and Randall Bowers in an appeal against Brampton’s failure to make a decision regarding a ZBA seeking to legalize an existing two-storey three-unit house (Webb, student-at-law Simone) (✓).

The next 10 firms...

11. [N/A] **Municipal Law Chambers**; 12. [11] **Jeffrey Streisfield of Land Law**; 13. [15] **Garrod Pickfield**; 14. [13] **Thomson Rogers**; 15. [10] **DLA Piper** (formerly Davis); 16. [8] **Loopstra Nixon**; 17. [N/A] **Border Ladner Gervais**; 18. [7] **Bratty and Partners**; 19. [12] **McMillan**; 20. [18] **Parente, Borean.** [nru](#)

Methodology

The end of year tradition at NRU examines the legal side of planning and development in the Greater Toronto and Hamilton area, primarily focusing on cases that came before the Ontario Municipal Board and were reported in the Greater Toronto Area editions of NRU between August 1, 2014 and July 31, 2015.

Email us your interesting board and court decisions and development applications to ensure they are covered in NRU and thus included in the 18th annual ranking to be published in December 2016.

How the information is collected

NRU tracked each of the law firms mentioned in the Greater Toronto Area edition of NRU (OMB News predominately but not exclusively) over a one-year period between August and the following July. Then 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 city, 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 the Greater Toronto Area edition of NRU and does not account for the vast number cases concerning such matters as minor variance applications and assessment appeals or for cases we do not know about. 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 top-10 ranked firms are noted. In cases that

involved an OMB decision where a clear winner/loser or settlement resulted, the appropriate symbol (✓) or (x) or (settlement) follows the case description. If there was no clear win/lose/settlement or the matter involved a prehearing or was still pending before the OMB by the end of July 2015, 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

Vaughan apartment and seniors residence approved

In a November 27 decision, board member **Jan de Pencier Seaborn** allowed an appeal by **2058258 Ontario** against the City of Vaughan’s failure to adopt official plan and zoning by-law amendments for 4603 and 4611 Highway 7. 2058258 proposed to develop a 14-storey apartment and seven-storey seniors residence.

At the outset of the hearing, 2058258 solicitors **Christopher Williams** and **Andrea Skinner** advised the board that their client’s development application had been revised, resulting in the withdrawal of its official plan amendment application. The modified proposal reduced the apartment from 14 to 10 storeys and maintained the proposed seven-storey seniors residence. The city and adjacent landowners supported the revised application.

Planner **Rosemary Humphries (Humphries Planning Group)** provided evidence on behalf of 2058258, testifying that the proposal conformed to the city and **York Region** official plans and was consistent with the *Provincial Policy Statement*. Humphries noted transit has improved in the area, thus intensification along Highway 7 is appropriate at this location and the development would provide a mix of housing.

The board agreed with the evidence provided by Humphries and allowed the appeal. It withheld its order on the draft zoning by-law amendment to allow for minor changes as a result of site plan review.

Solicitors involved in this decision were Christopher Williams and Andrea Skinner (**Aird & Berlis LLP**) representing 2058258 Ontario Ltd. and **Dawne Jubb** representing the City of Vaughan. (*See OMB Case No. PL130656.*)

Caledon gravel pit allowed

In a November 26 decision, board member **Susan de Avellar Schiller** allowed an appeal, in part, by **Citizens Against the Melville Pit** of the **Town of Caledon’s** approval of applications for official plan and zoning by-law amendments by **Olympia Sand and Gravel** to allow a gravel pit at Lot 27 and 28, Concession 2 WHS. Olympia also sought a license to remove aggregate under the *Aggregate Resources Act* which Caledon opposed primarily to ensure certain conditions were met. Olympia and Caledon settled their issues regarding the license.

Planner **Debra Kakaria (MHBC)** provided CONTINUED PAGE 15 ▶

JOB POSTING

Director of Planning & Development

Options for Homes is Canada’s largest delivery agent of affordable home ownership. Now in its 21st year, it creates ownership opportunities for households with incomes as low as \$25,000 per year. From the first development in Toronto’s Distillery District, Options’ organizations have created homes for over 6500 households using a unique housing model. Options Toronto is about to break ground on two new projects that together will enable 525 families to own their own homes.

www.optionsforhomes.ca

In this role you will be key to the delivery of Option’s mission and organizational objectives by delivering development projects – ultimately helping individuals and families become home owners. The focus of the role is development management which includes identifying sites, acquisitions, feasibility analysis and coordinating municipal approvals.

Application Instructions

Please submit cover letter and resume stating interest in the position to: careers@optionsforhomes.ca
Or, feel free to contact John Rozinger, Options HR Manager, for individual enquiries into the role.

RENOVATION/BUILDING SCIENCE COORDINATOR



The Building Industry and Land Development Association (BILD) is seeking a Renovation/Building Science Coordinator to work on policy initiatives.

The successful candidate will be a dynamic, energetic individual able to work with an engaged voluntary membership base, interact with all levels of the association, liaise with provincial and municipal partners on relevant issues and represent BILD members on builder and renovator related committees. The position will have the opportunity to provide authoritative advice, expertise and briefings to BILD members and senior management on such issues as: the growth of renovator membership and BILD’s RenoMark™ program; emerging municipal government legislation, regulations and by-laws and how these changes impact renovators and builders.

The successful candidate will have the unique opportunity to learn from both the Vice President of Membership the Vice President of Government Relations. The matrix reporting structure allows the successful candidate take a lead role in the implementation of the priorities and resolutions of both the Renovators & Builders Council. You will have excellent problem solving and interpersonal skills with a demonstrated capacity to work in a fast paced results driven team environment.

The successful candidate will have expertise in: building design and construction principles; comprehensive knowledge of the Ontario Building Code, Taron regulations, municipal and provincial legislation related to the renovation and building industry. Good knowledge of Microsoft Office, CRM, and other software programs and access to a car is required.

Interested candidates please send resume and salary expectations to imartin@bildgta.ca by December 18, 2015. We thank all respondents; only those selected for an interview will be contacted.

GTA OMB NEWS

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evidence on behalf of Olympia, testifying that the planning instruments are consistent with the *Provincial Policy Statement*, *Greenbelt Plan*, and official plans of **Peel Region** and the Town of Caledon.

Planner **Anthony Usher** (**Anthony Usher Planning Consultant**) provided evidence on behalf of the citizen's group, testifying that he had no objection to the proposed license or official plan and zoning by-law amendments subject to there being no aggregate washing that takes water from the site unless a permit to take water was issued by the **Ministry of Environment and Climate Change**. This reflected the citizen's group's overarching concerns about an adequate supply of water to support accessory aggregate washing without significant negative impacts. The board agreed and modified the operational site plan to reflect this condition.

The board accepted the evidence provided by Kakaria and Usher, allowing the official plan and zoning by-law amendments and directing the Minister of Natural Resources and Forestry to issue a license to remove aggregates. The board also allowed the appeal by the citizen group, in part, and ordered a condition be included in the operation site plan.

Solicitors involved in this decision were **David White** (**Davies Ward Phillips & Vineberg LLP**) representing Olympia Sand and Gravel Ltd., **Eric Gillespie** and **Priyanka Vittal** (**Eric Gillespie K. Professional Corporation**) representing Citizens Against the Melville Pit Inc. and **Christopher Williams** (**Aird & Berlis LLP**) and **Judy Bang** representing the Town of Caledon. (See *OMB Case No. PL140079*.)

Whitby severance refused

In a November 30 decision, board member **Christopher Conti** dismissed an appeal by **Chris Karkas** of the refusal of the **Town of Whitby** committee of adjustment to grant minor variances and an application for consent by **Durham Region** land division committee. Karkas sought the consent and minor variances to create an additional lot and construct a new home on his property at 600 Byron Street South.

Karkas testified that the proposal is appropriate and the requested variances meet the four required tests under the *Planning Act*. Town planner and committee of adjustment secretary-treasurer **Kathryn Kram** provided evidence on behalf of the town. Kram testified the application for consent does not comply with the local and regional official plans, and that the proposed severance would create an undersized lot that was inconsistent with the neighbourhood.

The board agreed with the evidence provided by Kram and dismissed the application for consent. It dismissed the minor variance applications that were contingent on the approval of the consent.


The solicitor involved in this decision was **Andrew Biggart** (**Ritchie Ketcheson Hart & Biggart LLP**) representing the Town of Whitby. (See *OMB Case No. 140491*.)

Variances for Markham home approved

In a December 2 decision, board members **Anne Milchberg** and **Jan de Pencier Seaborn** allowed an appeal by **Donya Sabery Ghomy** of the City of Markham committee of adjustment's refusal to authorize two variances. Ghomy sought the variances to demolish an existing dwelling and construct a new two-storey house at 13 St. Andres Court.

The city did not appear and at the outset of the hearing Ghomy's solicitor **Amber Stewart** filed a Markham council resolution indicating the city had resolved the appeal with Ghomy. Planner **Billy Tung** (**KLM Planning Partners**) provided evidence on behalf of Ghomy, testifying that the proposed height and density variances would comply with the **York Region** and Markham official plans, as well as the Thornhill Secondary Plan.

The board accepted Tung's evidence and allowed the appeal. It authorized the variances subject to conditions in the city's resolution addressing tree preservation, grading and streetscaping.

The solicitor involved in this decision was Amber Stewart (**Amber Stewart Law**) representing Donya Sabery Ghomy. (See *OMB Case No. PL150677*.) 

GTA PEOPLE

Durham Region planning and economic development commissioner **Alex Georgieff** is retiring

at the end of March following a 40-year professional planning career. He joined the region as planning

commissioner in 1994 and was appointed as the first planning and economic development commissioner in 2011.

MNP LLP partner **Geoff Rodrigues** has been appointed auditor general for the **City of Markham**. His firm

has been appointed to provide auditor general services for a four-year term.