

NOVÆ RES URBIS

GREATER TORONTO & HAMILTON AREA

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No. 50

NRU RECOGNIZES
THE TOP-10 GTHA
DEVELOPMENT LAW
FIRMS IN ITS 20TH
ANNUAL REVIEW.
SEE PAGE 5.

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TRIBUNALS ONTARIO

FINDING EFFICIENCIES?

Rachael Williams

With the attorney general's announcement that three clusters of provincial tribunals will be merged into one, municipal planning experts contend this could lead to delays in the recruitment of adjudicators for the Local Planning Appeal Tribunal.

In an effort to find efficiencies and promote greater consistency within provincially-regulated tribunals, Attorney General **Caroline Mulroney** announced the merging of 19 tribunals into a single cluster called Tribunals Ontario. This new cluster, announced on December 13, will combine Social Justice Tribunals Ontario (SJTO), Environment and Land Tribunals Ontario (ELTO) and Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO).

LPAT currently falls within the ELTO cluster, along with five other tribunals that adjudicate matters related to environmental and

heritage protection, property assessment, land valuation, mining and other matters. Already experiencing a high volume of cases and not enough adjudicators to process applications expediently, former ELTO executive chair **Bruce Krushelnicki** said it could be even more difficult to recruit adjudicators and mediators to LPAT.

"I was the executive chair from 2015 to 2018 and the main job was recruiting new

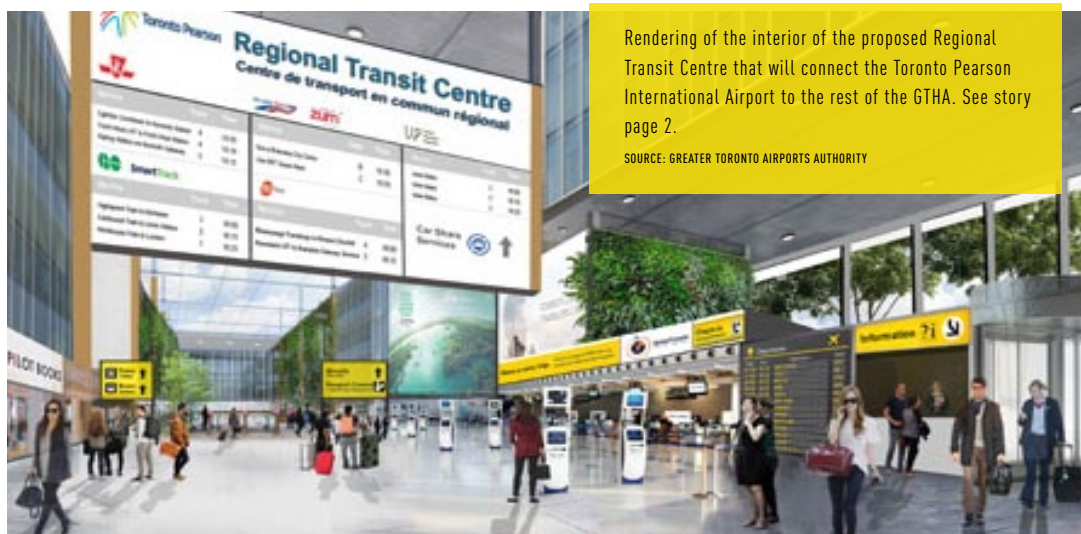
members for tribunals," noted Krushelnicki. "Now you have a situation where instead of three executive chairs to deal with the recruitment and recommendation of member renewals, you only have one executive chair."

SLASTO executive chair **Linda Lamoureux** has been appointed chair of Tribunals Ontario effective January 1, 2019. **Michael Gottheil** was the former executive chair of SJTO. He left his post in August

2018 and will not be replaced. The position of ELTO executive chair, currently held by **Jerry DeMarco**, is also expected to be eliminated.

Krushelnicki explained ELTO has between 60 and 70 full and part-time adjudicators and mediators, but there is constant turnover because of the way these positions are renewed. An adjudicator is initially appointed to the board for a two-year term.

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UPCOMING

DECEMBER

- 19 Durham Council, 9:30 a.m.
Halton Region Council, 9:30 a.m.
Hamilton Council, 9:30 a.m.
- 20 Vaughan Design Review Panel,
CANCELLED

JANUARY

- 2 Clarington General Government
Committee, 9:30 a.m.
- 7 Clarington Planning &
Development Committee, 7:00
p.m.
Pickering Planning &
Development Committee,
7:00 p.m.
- 8 Durham Planning & Economic
Development Committee,
9:30 a.m.
- 10 York Committee of the Whole,
9:00 a.m.
- 14 Clarington Council, 7:00 p.m.
King Council / Committee of the
Whole, 6:00 p.m.
Mississauga Planning &
Development Committee, 7:00 p.m.
- 15 Hamilton Planning Committee,
9:30 a.m.
- 16 Durham Committee of the
Whole, 9:30 a.m.
Hamilton General Issues
Committee, 9:30 a.m.
Mississauga General
Committee, 9:00 a.m.
- 17 York Committee of the Whole,
9:00 a.m.
- 21 Clarington General Government
Committee, 9:30 a.m.
- 23 Hamilton Council, 5:00 p.m.
Mississauga Council, 9:00 a.m.
- 28 Clarington Planning &
Development Committee,
7:00 p.m.



UNION STATION WEST

EMPLOYMENT CONNECTIONS



Rob Jowett

A transit hub at Pearson Airport could bring benefits to the GTHA far beyond the airport itself, experts say.

The **Greater Toronto Airports Authority** is working with **Metrolinx** to build a regional transit centre, known as Union Station West, at Toronto Pearson International Airport. The multi-modal hub would connect the airport with rail and bus services, and several regional transit systems.

“We’re going to change our mindset to say transit is essential for economic development for the region,” GTAA CEO **Howard Eng** told *NRU*. “As a region, if we don’t have better transit... this region will be less attractive as a global business hub.”

Between travel to and from the airport by both travellers and workers, and daily commuters to the surrounding employment areas, traffic is usually congested in and around the airport. The number of travellers using the airport annually has increased from

32 to 50 million over the past six years, and is forecast to rise to 85 million in 20 years. Additionally, there are around 4.5-million daily trips into the airport employment zone, only 7 per cent of which are by public transit. Unaddressed, driving times are expected to become 30 per cent longer by 2043.

Eng says that the regional transit hub would help alleviate congestion in the area by removing road users, both travelling to and from the airport, and into the area generally.

“[There are] employment zones all around Pearson,” he says. “All of those are not very well connected, other than by road.”

A new [report](#) from **The Neptis Foundation** and **Metropole Consultants** identified the area around Pearson as the largest of three employment megazones—large, contiguous areas focussed on core employment—in the GTHA.

A total of 252,345 people work in the Airport Megazone,

mostly in manufacturing and logistics industries. This zone had decreased by 2,785 jobs between 2006 and 2016, the timeframe examined in the report. Job growth in that megazone could be stimulated by a regional transit hub, **Metropole** principal and report author **Pamela Blais** told *NRU*.

“There’s been this very dramatic shift in terms of the employment geography of the region,” she says. “What we’re finding in the most recent period is there’s really been a huge shift and [most of the] growth... is going to downtown [Toronto] and the areas around the downtown. So that obviously has implications for anywhere outside the downtown.”

She says in particular, high-skilled jobs traditionally located in the suburbs have been attracted downtown. Her report identifies five suburban knowledge-intensive districts, including one in the south end of the Airport Megazone, which was the only part of the zone to

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EMPLOYMENT CONNECTIONS

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grow in the past 10 years. To prevent more jobs from being lost to downtown Toronto, and to encourage further job growth in the zone, she says a regional transit hub at the airport will need to connect to the surrounding employment areas.

“We have this concentration of jobs that’s actually in the suburban knowledge-intensive district that’s south of the airport,” she says. “That would be a place to actually build on existing knowledge-intensive jobs to try and get a kind of critical mass; get a better transit service because there’s still development potential there.”

“The overall airport megazone has lost... 2,800 jobs,” says Blais. “The suburban knowledge-intensive district part of it grew by a little bit [1,500 jobs]. But that was offset by a loss of over 4,000 jobs in the rest of the airport megazone.”

Using the Pearson hub to improve transit is a central goal for Metrolinx, says Metrolinx CEO **Phil Verster**. He says rebuilding of Union Station should be the model for new regional nodes.

“The great vision that the GTAA has of how to create a multi-modal transit node is going to be about how we connect the local [transit]

footprint,” he says.

He says that while it will take several years before Union Station West is built—environmental assessments are currently underway—work is being undertaken to connect other transit systems to the airport. Most recently, Mississauga launched a dedicated express bus route to connect its downtown to Pearson.

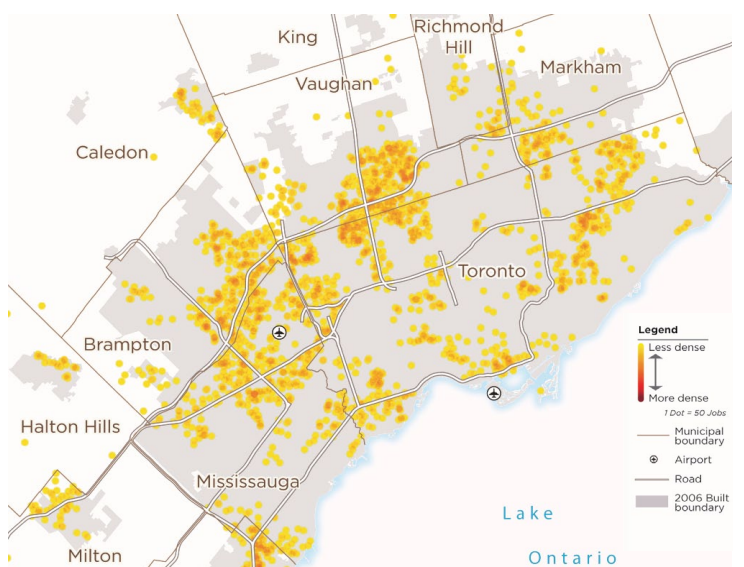
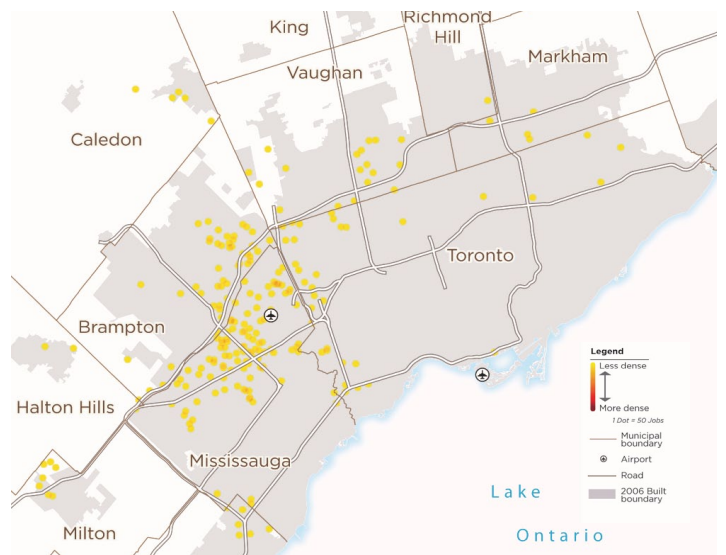
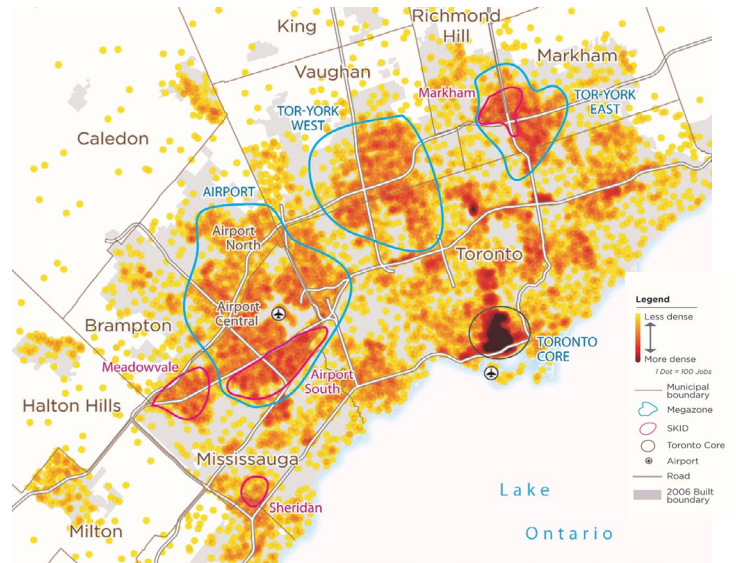
“It’s actually the small steps that get us there in the end,” Verster says. “We’ve got a lot of initiatives on the ground all the time to [improve and increase] transit use and the adoption of transit... The better we can understand journey purposes the better we can apply our investments to the right schemes and the right places. And that’s what we need. We just need to keep on growing public transit.” 🌸

Images from top: The Pearson Airport megazone is the second-largest employment cluster in the GTHA. It includes the largest of five suburban knowledge-intensive districts in the Greater Golden Horseshoe.

The largest cluster of logistics companies in the GTHA are located within the Pearson Airport megazone.

Manufacturing jobs also tend to cluster around Pearson Airport.

SOURCE ALL IMAGES: NEPTIS FOUNDATION



FINDING EFFICIENCIES?

CONTINUED FROM PAGE 1

That appointment can be renewed for three years, and then again for five years based on a performance review that takes place four months before the decision is to be made. Adjudicators may serve a total of 10 years.

“One of the most onerous responsibilities of the executive chair is to maintain the flow of recruitment to ensure there are enough people to undertake adjudication necessary under all these boards, some of which have very high caseloads,” he said. “My understanding is, there has been some difficulty in that respect since last spring when the election took place.”

Krushelnicki said the board has not made appointments to replace retired adjudicators. Additionally, those that have served a portion of the full 10-year term have not had their positions renewed as scheduled and adjudicators that have had their positions renewed have been given shorter terms (six months to a year).

Ministry of the attorney general spokesperson **Brian Gray** said he would not comment on the internal processes of LPAT to “preserve its independence.”

“Bringing together tribunals under a single cluster allows them to benefit from the combined resources and

expertise of the larger group. As part of Tribunals Ontario, individual tribunals will be able to draw on more resources, such as in-house legal staff, and training opportunities, to improve the services they provide to people,” he wrote in an email.

“But the point is, maintaining the roster of members to oversee the caseloads is critical to getting prompt resolutions,” said Krushelnicki.

At a recent **Urban Land Institute** event touted as a year-in-review of LPAT, **CentreCourt** president **Shamez Virani** noted LPAT is already overburdened with cases to the point where hearings are being scheduled in January 2020. With only one chair responsible for recruitment of 19 tribunals, some of which deal with 60,000 cases a year, Krushelnicki told *NRU* the process could be delayed even further.

In addition, Krushelnicki said the executive chair of Tribunals Ontario does not have experience in land use planning, but will be making recommendations on adjudicators that she thinks are equipped to tackle land use planning cases.

“I’m a planner, but could review lawyers to determine which ones could sit on the

board. The problem is, with only one executive chair, the prospect that the executive chair will be even more removed from the subject matter will be greater,” he said.

Devine Park LLP partner **Patrick Devine** said he does foresee any issues with the provincial announcement.

“In 2009-2010, the former Liberal government decided to pursue what was a bit of an experiment in terms of grouping the tribunals into what they called clusters,” he said. “This system has now been in existence for the past eight years, but I don’t believe the efficiencies that were originally thought about have ever actually materialized.”

The tribunal clustering was supposed to reduce the number of administrative staff by grouping similar tribunals together and allowing staff to share the workload. Executive and associate chairs were appointed to each cluster, but Devine said the individual tribunals did not have enough in common to optimize the shared workload model.

“I really don’t think it accomplished very much... other than adding another layer of administration on top of tribunals that seemed to be functioning quite well on their own.”

Former **Ontario Municipal Board** chair **Helen Cooper** told *NRU* she is wary of the notion that merging all 19 tribunals under one entity will lead to greater efficiencies.

“I would say that actually looking at the substantive operations of the tribunals in terms of case management is much more efficiency-inducing,” said Cooper, who served as OMB chair from 1993 to 1996.

For example, overhauling the OMB and replacing it with LPAT to ensure municipalities had more authority planning matters would likely be more cost-effective in the long-term than consolidating administration because there will, in theory, be less appeals, she noted.

“What the government is proposing could end up being excessive bureaucracy. Bigger isn’t always better.” 🌸

TOP-10 DEVELOPMENT LAW FIRMS



Peter Pantalone

The past year has seen an extraordinary shift in Ontario's planning and development landscape. As of April, new planning appeals have been heard under the Local Planning Appeal Tribunal, while so-called "legacy" appeals remain under the purview of the Ontario Municipal Board.

The unprecedented move to bring clarity, certainty and transparency to the province's land use planning appeals regime has unleashed a torrent of apprehensiveness regarding the new rules of engagement, and unintended consequences of the new LPAT system.

While it appeared for some time that the LPAT would be this year's *cause célèbre*, on June 7 the Ontario Progressive Conservative Party swept to power with a stunning majority mandate, leaving many questioning the future of a planning policy regime that is by and large a legacy of the previous Liberal government.

Because of the timing of the reporting window for this year's GTHA planning and development law rankings, all appeals that informed our review were considered under the OMB. In general, the volume of appeals and decisions increased, compared to last year. The number of contested hearings decreased, and the

proportion of appeals resulting in settlements continued to rise.

There can be little doubt that some of this year's most significant OMB decisions had a decisive influence on the October municipal elections. The approval of a 26-storey tower in downtown Burlington led to a political rallying cry to halt the perceived impacts of runaway development, resulting in the election of a new mayor committed to eliminating the downtown's urban growth centre designation.

Every year, there are certain appeals that stand out not for their precedent, but for other interesting aspects. This year *NRU* covered an appeal in which Brock Township—a bucolic municipality, which, parenthetically, has adopted the slogan "breathe it in"—passed a temporary use by-law to permit a medical marijuana facility, which was in turn appealed by a local resident who invoked concerns with odour and noise. The appeal was dismissed.

In Ajax, a proposal to sever a portion of a golf course to develop a cemetery and memorial grounds was met with opposition from local residents concerned with the spectre of a "deathscape" dragging down their property values. Evidently, the OMB, in approving the proposal, was not persuaded by

this ghastly proposition.

In this year's GTHA rankings, a familiar firm returns to the top spot. Despite some slight shifts, many of the firms that landed spots in last year's top-10 have held strong and retained a place in this year's rankings. *NRU* commends the firms featured in this year's GTHA rankings for continuing to achieve successful outcomes at a time of great uncertainty and transition.

WeirFoulds^{LLP}

1 [4] WeirFoulds LLP

Solicitors: **Denise Baker, Lia Boritz, John Buhlman**, (Michael Connell), **Jeff Cowan, Bruce Engell, Aisling Flarity, Sean Foran, Barnet Kussner**, (Jennifer Meader), **Michael McQuaid**, (Kim Mullin), **Gregory Richards, Sylvain Rouleau, Christopher Tzekas and Victor Wong**.

WeirFoulds comfortably lands the top spot after a successful year managing an impressive range of complicated files. The sheer number of appeals the firm was involved with, as well as its very high success rate, made WeirFoulds a mainstay of our GTHA LPAT News over this year's reporting window.

In its highest-profile victory of the year, Baker and Connell

won approval for a developer client that paved the way for the tallest condominium tower in downtown Burlington, a decision that the city subsequently tried, and failed, to have overturned. The firm also represented numerous appellants of Brampton's Village of Bolton Heritage Conservation District, where it challenged the methodology behind the HCD Plan and secured the re-categorization of several properties from "contributing" to "non-contributing."

WeirFoulds has acted as counsel to Vaughan for appeals of its new official plan, securing wins and settlements in the ongoing case management of that file. Other significant, ongoing files, include the Glen Abbey Golf Course redevelopment where it is representing the Fairway Hills Community Association.

Cases: Representing Vaughan in an appeal by Camelot on 7 for ZBA/SPA for 4902 & 4908 Highway 7 (Mullin) (S); representing Coastal Land Developments in its appeal for a ZBA/plan of subdivision for 271 Beach Boulevard in Hamilton (Baker) (X); representing Lebovic Enterprises and 1320991 Ontario in its appeal

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2018 LAW REVIEW

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for a ZBA/plan of subdivision for 2610, 2630, 2650 & 2663 Brock Road in Pickering (McQuaid) (S); representing Vaughan in multiple appeals of the new Vaughan Official Plan (Engell, Connell) (S/O); representing Richmond Hill in an appeal by Signature 153 16th Avenue against the new Richmond Hill Official Plan and for a site-specific OPA/ZBA/SPA for 153 16th Avenue (Kussner) (S); representing Rowena Kwan and Cecilia Cheung in an appeal by Mona Eldaba for variances for 86 Oakhaven Drive in Markham (Connell) (S); representing Richmond Hill in appeals of its ICBL associated with the Yonge Bernard Key Development Area Secondary Plan (Kussner); representing Adi Development Group in its appeal for OPA/ZBA/SPA for 4853 Thomas Alton Boulevard in Burlington (Baker) (S); representing Vaughan in an appeal by 7553 Islington Holding for an OPA/ZBA for 7553 Islington Avenue and 150 Bruce Street (Baker); representing Vaughan in an appeal by Ravines of Islington Encore for an OPA/ZBA/SPA/plan of subdivision for 8451 & 8457 Islington Avenue (Kussner); representing 2322231 Ontario in its appeal for variances for 3000 Sixth Line in Oakville (Kussner)

(S); representing Vaughan in an appeal by Capital Build (Keele) for an OPA/ZBA/plan of subdivision for 9846 Keele Street (Baker, Engell); representing Vaughan in an appeal by City Park Homes for an OPA/ZBA/SPA/plan of subdivision for 7803 & 7815 Dufferin Street (Kussner) (S); representing Recchia Developments in its appeal for variances for 231 York Road in Hamilton (Baker) (S); representing Green Lane Landowners Group in an appeal by Yonge Green Lane GP (The Rice Group) for an OPA and privately-initiated Northwest Yonge and Green Lane Secondary Plan for Lots 1 & 2, Concession 1 WYS in East Gwillimbury (Baker, Connell); representing Brampton in an appeal by Khalsa Community School for SPA for 69 Maitland Street (Kussner) (S); representing 2453062 Ontario in an appeal by Brian Ng against the Burlington COA's approval of 2453062's minor variance application for 560 & 566 Brant Street (Meader) (); representing Zancor Homes in an appeal by Caledon against Peel Region's failure to adopt Caledon's preferred growth scenario for the Southwest Bolton urban area expansion (Baker); representing Brampton in multiple appeals

of the Highway 427 Industrial Secondary Plan (Kussner); representing Richard Reid in an appeal by Queenscorp (Mona Road) for an OPA/ZBA for 1142 Mona Road in Mississauga (Connell, Baker); representing Sonoma Homes in its appeal for an OPA/ZBA for 1117 Garner Road East in Hamilton (Baker); representing Daniel and Marketa Samodol in their appeal for variances for 413 Avon Crescent in Oakville (Baker) (W); representing 4031 16th Avenue (Unionville) in its appeal for an OPA/ZBA/plan of subdivision for 4031 16th Avenue in Markham (Baker) (S); representing multiple appellants of Clarington's passage of an OPA to bring the Clarington Official Plan into conformity with the Growth Plan, *Greenbelt Plan* and Durham Region Official Plan (Baker, Meader); representing multiple appellants of the Village of Bolton Heritage Conservation District in Caledon (Baker) (W); representing Sonoma Homes in its appeal for an OPA/ZBA for 125 Wilson Street East & 130 Dalley Drive in Hamilton (Baker) (W); representing multiple appellants of Durham Region's approval of an Oshawa OPA to implement provisions of the *Greenbelt Plan*, Growth Plan, and Durham Region Official Plan (Meader); representing multiple appellants of a comprehensive zoning by-law enacted by Mississauga applying to infill residential development in Ward 1 (Connell) (S);

representing Berczy Glen Landowners Group in its appeal of the new Markham Official Plan (Meader); representing Vaughan in an appeal by 1525333 Ontario for an OPA/ZBA for 8265 Islington Avenue (Engell); representing Vaughan in an appeal by Gatehollow Estates for an OPA/ZBA for 9681 Islington Avenue (Baker); representing Losani Homes in its appeal for an OPA/ZBA for 157 Upper Centennial Parkway in Hamilton (Mullin, Meader); representing Adi Morgan Developments (Lakeshore) in its appeal for an OPA/ZBA for 374 & 380 Martha Street in Burlington (Baker, Connell) (W); representing 2117412 Ontario in its appeal against Clarington's approval of an OPA/ZBA application by High Street Courtice for 11, 13 & 15 Darlington Boulevard and 1475-1495 Highway 2 (Meader) (S); representing Halloway Developments and 1151390 Ontario in its appeal against the failure of Durham Region to make a decision on Oshawa's passage of a conformity OPA (Meader) (S); representing Brampton in a hearing concerning multiple appeals for OPAs for employment lands conversions in Brampton (Kussner); representing Vaughan in an appeal by LCT Investment Group for an OPA/ZBA for 8158, 8196 & 8204 Kipling Avenue (Baker); representing Dig-Con in its appeal against Caledon's passage of a zoning by-law arising from its industrial and commercial zoning review (Meader) (S); representing

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Losani Homes in its appeal for an OPA/ZBA for 3100-3140 Regional Road 56 in Hamilton (Connell); representing Robert Zeidler in an appeal by Randy Cutler against the Hamilton COA's approval of Zeidler's minor variance application for 270 Sherman Avenue North (Meader) (W); representing Fairway Hills Community Association in appeals by ClubLink Corporation ULC and ClubLink Holdings for an OPA/ZBA/plan of subdivision for 1333 Dorval Drive in Oakville (Baker, Connell); representing 3 Dogs Daycare in its appeal for variances for 2020 Appleby Line in Burlington (Meader) (W); representing Ray Bucci, 738878 Ontario and Bucci Homes in their appeals of the Fruitland-Winona Secondary Plan in Hamilton (Connell); representing Silverwood Homes in its appeal for an OPA/ZBA/plan of subdivision for 111 Silverwood Drive in Hamilton (McQuaid); and representing Richmond Hill in an appeal by Laurier Homes (Richmond Hill) for an OPA/ZBA/plan of subdivision for 44, 48, 54 & 60 Arnold Crescent (Rouleau) (S).



2 [1] Davies Howe LLP

Solicitors: **John Alati**, (Isaiah Banach), **Kimberly Beckman**,

Jeffrey Davies, (Matthew Di Vona), (Kate Fairbrother), **Mark Flowers**, **Kyle Gossen**, **Nadia Kadri**, **Marisa Keating**, **Samantha Lampert**, **Alex Lusty**, **Andy Margaritis**, **Meaghan McDermid**, **Michael Melling**, **Aaron Platt**, **Susan Rosenthal** and **Daniel Steinberg**.

It has been another stellar year for the Davies Howe team, which continues to prove it is a force to be reckoned with. In this year's reporting window, the firm represented Crosswinds Golf & Country Club and achieved a settlement of its appeal of the new Halton Official Plan on the basis of amendments to natural heritage mapping. Acting for a proponent of an Aldershot mixed-use mid-rise development, it achieved a settlement with Burlington.

In a decision that reinforced the supremacy of farm-related uses in designated agricultural areas, the firm, acting on behalf of a rural landowner, successfully overturned a decision of Whitby council and won approval to import a large quantity of soil to improve the agricultural viability of a farm that had experienced significant erosion.

Davies Howe continues to act as counsel for ClubLink

in its closely-watched appeals for the redevelopment of the Glen Abbey Golf Course, which have escalated to higher courts over issues of statutory interpretation.

Cases: Representing Ainslie Hill I and Greystone (Homestead) in its appeal against Georgina's new DCs by-law (Banach) (S); representing Greystone (Homestead) and Middleburg Developments in their appeal for a ZBA/plan of subdivision for Part of Lot 15, Concession 3 in Georgina (Melling) (S); representing Sunita Singh in her appeal of the Mississauga COA's approval of a minor variance application by Irene Gankevitch for 99 Veronica Drive (Margaritis) (S); representing multiple appellants of the new Vaughan Official Plan (Rosenthal, Flowers, Melling, McDermid, Di Vona, Alati); representing Ashief and Jacqueline Ajani in their appeal for a consent for 18 Cynthia Crescent in Richmond Hill (Melling, Keating) (S); representing TSMJC Properties in its appeal of the new Richmond Hill Official Plan (Platt); representing TSMJC Properties and Yonge MCD in its appeal of an ICBL associated with the Yonge Bernard Key Development Area Secondary Plan in Richmond Hill (Platt); representing Sarno Holdings Corporation in an appeal by 7553 Islington Holding for an OPA/ZBA for 7553 Islington Avenue & 150 Bruce Street in Vaughan (McDermid); representing 1965870 Ontario in its appeal

of the new Georgina Official Plan (Flowers); representing Yonge Green Lane GP (The Rice Group) in its appeal for an OPA and privately-initiated Northwest Yonge and Green Lane Secondary Plan for Lots 1 & 2, Concession 1 WYS in East Gwillimbury (Rosenthal, McDermid); representing multiple appellants of Peel Region's passage of a ROPA for the Bolton Residential Expansion Area (Melling); representing multiple appellants of the Halton Hills Growth Plan Conformity OPA (Keating); representing Stedanmar Holdings in an appeal by Helping Our Moraine Environment against the Uxbridge COA's approval of Stedanmar's minor variance application for 5200 Concession Road 2 (McDermid) (S); representing 675553 Ontario in its appeal for a ZBA/SPA/plan of subdivision for 90, 100 & 110 Dundas Street West in Mississauga (Alati); representing Laurier Harbour (Keele) in its appeal for an OPA/ZBA/plan of subdivision for 9560 & 9570 Keele Street in Vaughan (Platt, McDermid); representing 2147925 Ontario in its appeal for a ZBA/plan of subdivision for W 1/2 Lot 21, Concession 9, Esq. in Halton Hills (Di Vona); representing Bowmanville East Developers Group in its appeal of Clarington's passage of an OPA to bring the Clarington OP into conformity with the Growth Plan, *Greenbelt Plan* and Durham Region Official Plan (Flowers); representing multiple

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appellants of the new Markham Official Plan (Melling, McDermid, Rosenthal, Flowers, Fairbrother); representing Crosswinds Golf & Country Club in its appeal of the Halton Region Official Plan (Melling, Fairbrother) (S); representing Evran Properties in an appeal by Bushland Heights of King's passage of zoning by-law 2017-66 (Alati); representing Gatehollow Estates in its appeal for an OPA/ZBA for 9681 Islington Avenue in Vaughan (Melling, Keating); representing Yonge MCD in its appeal for an OPA/ZBA/plan of subdivision for lands within a Key Development Area in Richmond Hill (Alati); representing Forestside Estates in a hearing concerning multiple appeals for OPAs for employment lands conversions in Brampton (McDermid); representing Romandale Farms in its appeal against the City of Markham's approval of a ZBA/plan of subdivision application by Pantheon Group for lands known as Block 120, Plan 65M-3830 (Melling, Margaritis); representing Rick Trudel in his appeal against Whitchurch-Stouffville's passage of an OPA for its growth management strategy (Melling, Fairbrother); representing Sharonvit Estates in its appeal for a ZBA/plan of subdivision for Part of

Lot 8, Concession 2 in East Gwillimbury (Melling, Keating); representing 1804072 Ontario in its appeal for SPA for 450 Myrtle Road West in Whitby (Alati) (W); representing ClubLink Corporation ULC and ClubLink Holdings in its appeals for an OPA/ZBA/plan of subdivision for 1333 Dorval Drive in Oakville (Flowers, Fairbrother); representing Hammerford Development and 1057524 Ontario in their appeals of Whitchurch-Stouffville's passage of OPA 136 for the Ballantrae-Musselman Lake and Environs Planning Area (Melling, Rosenthal); representing Tesmar Holdings, Ivanhoé Cambridge II, H & L Tile and Ledbury Investments in their appeals of the Vaughan Mills Secondary Plan (McDermid, Alati, Flowers); representing Erindale Village Living in its appeal for an OPA/ZBA for 1646 Dundas Street West in Mississauga (Platt); and representing Aldershot Properties in its appeal for an OPA/ZBA for 35 Plains Road East in Burlington (Platt) (S).

AIIRD BERLIS

3 [3] [Aird & Berlis LLP](#)

Solicitors: **Meaghan Barrett, Maggie Bassani, Monica Ciriello, Eileen Costello, Laura Dean, Robert Doumani,**

Patricia Foran, Tom Halinski, Patrick Harrington, Rebecca Hines, Kim Kovar, Sidonia Tomasella, Leo Longo, John Mascarin, David Neligan, Jane Pepino, Andrea Skinner, Peter Van Loan, Christopher Williams and Steven Zakem.

Aird & Berlis rounds out the top three after a busy year representing a fairly even mix of developer clients and lower and upper-tier municipalities at the tribunal. The firm successfully pursued a development charges complaint against York Region, on behalf of a commercial landowner, arguing that its client had been overcharged to the tune of almost half a million dollars.

Representing a developer, Aird & Berlis helped broker a settlement with Mississauga for a 136-unit infill townhouse development in Clarkson. The firm also represented a Stoney Creek landowner in tribunal-assisted mediation, which yielded a settlement agreement with Hamilton to allow a 14-storey residential rental building to proceed.

Cases: Representing multiple appellants of the new Vaughan Official Plan (Harrington, Longo, Skinner, Foran, Zakem, Williams); representing First Capital Holdings Trust in its appeal of the Town of Oakville's adoption of an OPA to implement its new harmonized zoning by-law (Neligan) (X); representing 10898 Yonge Street LP and Wilbair Holdings in its appeal of an IBCL associated with the Yonge Bernard Key Development Area

Secondary Plan in Richmond Hill (Foran); representing 7553 Islington Holding in its appeal for an OPA/ZBA 7553 Islington Avenue and 150 Bruce Street in Vaughan (Neligan); representing Ravines of Islington Encore in its appeal for an OPA/ZBA/SPA/plan of subdivision for 8451 & 8457 Islington Avenue in Vaughan (Longo); representing King Hill Holdings in its appeal against the Richmond Hill COA's approval of consent and variance applications by North Lake Estates for 0 Lowther Avenue (Longo) (W); representing 1101 Clarkson Developments in its appeal for an OPA/ZBA for 1101-1125 Clarkson Road North in Mississauga (Harrington) (S); representing Queenston Road Holdings in its appeal for an OPA/ZBA for 860 Queenston Road in Hamilton (Foran) (S); representing North Gwillimbury Forest Alliance in its appeal of the new Georgina Official Plan (Neligan); representing Deergate Holdings in its appeal of a ZBA/plan of subdivision for Part of Lot 31, Concession 2 in Richmond Hill (Foran); representing City Park Homes in its appeal for an OPA/ZBA/SPA/plan of subdivision for 7803 & 7815 Dufferin Street in Vaughan (Longo) (S); representing Caledon in a request by Chateaux of Caledon for a review of a prior decision to dismiss its request for a DCs credit (Harrington) (W); representing Newmarket in an appeal by Main Street Clock Inc. of the Main Street

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Heritage Conservation District by-law and for a ZBA for a development at 178-194 Main Street (Longo); representing Bolton Option 3 Landowners Group in an appeal by Caledon against Peel Region's failure to adopt Caledon's preferred growth scenario for the Southwest Bolton urban area expansion (Harrington); representing Orlando Corporation in its appeal of Brampton's Highway 427 Industrial Secondary Plan (Longo); representing 9861 Yonge Developments in its appeal of Richmond Hill's Downtown Local Centre Secondary Plan (Neligan); representing CP REIT Properties LP in its appeal of Clarington's passage of an OPA to bring the Clarington OP into conformity with the Growth Plan, *Greenbelt Plan* and Durham Region Official Plan (Harrington); representing Halton Region in an appeal by Graydon Banning for a ZBA/plan of subdivision for 1357 Dundas Street West in Oakville (Doumani); representing Halton Region in an appeal by Martillac Estates for a ZBA/plan of subdivision for 1359 Dundas Street West in Oakville (Doumani); representing Halton Region in an appeal by Bressa Developments Ltd. for a ZBA/plan of subdivision for

1264 & 1288 Burnhamthorpe Road East and 1345-1429 Dundas Street East in Oakville (Doumani); representing Halton Region in an appeal by Dunoak Developments of a ZBA/plan of subdivision for Part of Lot 9, Concession 1, N.D.S. in Oakville (Doumani); representing multiple appellants of the new Markham Official Plan (Foran, Skinner, Costello, Tomasella, Longo); representing Halton Region in an appeal by Green Ginger Developments for a ZBA/plan of subdivision for Concession 1, Part of lots 13 & 14 in Oakville (Doumani); representing King in an appeal by Vito and Marianne Pacifico of York Region's failure to make a decision on King's adoption of OPA 58 (Halinski); representing King in an appeal by Bushland Heights of King's passage of zoning by-law 2017-66 (Halinski); representing Goldenville Development in its appeal for an OPA/ZBA for 39-97 Carville Road in Richmond Hill (Halinski, Costello); representing Fieldgate Developments in its appeal for a ZBA/plan of subdivision for lands located north of Steeles Avenue, east of Churchville Road in Brampton (Harrington); representing King in an appeal by Nobleton Estates for a ZBA/plan of subdivision for Part of Lot

6, Concession 8 (Halinski); representing King in an appeal by Mansions of King for an OPA/ZBA for 2710 King Road and 3371 Jane Street (Dean, Halinski); representing King in its appeal against the King COA's approval of a minor variance application by Amin Haddad for 69 Martin Street (Halinski) (S); representing Playacor Holdings in its appeal concerning a DCs complaint regarding 105-131 Four Valley Drive in Vaughan (Longo) (W); representing LCT Investment Group in its appeal for an OPA/ZBA for 8158, 8196 & 8204 Kipling Avenue in Vaughan (Harrington); representing Pantheon Group in an appeal by Romandale Farms against Markham's approval of Pantheon's ZBA/plan of subdivision application for lands known as Block 120, Plan 65M-3830 (Foran, Harrington); representing 11750 & 11782 Ninth Line Properties in their appeals against the Town of Whitchurch-Stouffville's passage of OPA 137 (Barrett); representing Parkside Hills in its appeal for an OPA/ZBA/SPA/plan of subdivision for 609 & 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Drive in Hamilton (Harrington); representing Binbrook Heritage Developments in its appeal for an OPA/ZBA for 3033, 3047, 3055 & 3063 Binbrook Road in Hamilton (Neligan); representing Granite REIT and Magna International in their appeals of the Vaughan Mills Secondary Plan (Skinner); representing Lindvest

Properties (Clarington) in an appeal by Tornat Newcastle for a ZBA/plan of subdivision for Part Lot 30, Concession 2, Clarington (Johnson); and representing King in an appeal by Bushland Heights for an OPA/ZBA/plan of subdivision for 13245 Jane Street (Halinski).



4 [2] Kagan Shastri LLP

Solicitors: **Ira Kagan**, (Alexandra DeGasperis), **Kristie Jennings** and **Paul DeMelo**.

The team at Kagan Shastri continues to punch well above its weight and secured a handful of notable wins and settlements over this year's law review reporting window. The firm successfully appealed Georgina's refusal of its client's application for an OPA and ZBA to permit six apartment units in an existing four-plex, which was met with stiff opposition from the town and several neighbours.

Kagan Shastri also represented the Ontario Pension Board in its appeal of Pickering's city centre zoning by-law, brokering a settlement to amend the zoning by-law to lessen the off-site stormwater management burden on the OPB-owned Pickering Town Centre.

Significant ongoing files include representing Brampton Brick in its appeal to permit a large shale quarry in the Hamlet of Norval, and representing a developer proposing a new

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subdivision on the former Castlemore Golf & Country Club lands in Brampton.

Cases: Representing multiple appellants of the new Vaughan Official Plan (Kagan); representing Elginbay Corporation, Zamani Homes, Rice Commercial Group and Major Mac Realty in their appeals of the new Richmond Hill Official Plan (Kagan, DeGasperis); representing Dogliola Developments in its appeal of an ICBL associated with the Yonge Bernard Key Development Area Secondary Plan in Richmond Hill (Kagan) (S); representing Parkgate Holdings in its appeal for a ZBA/plan of subdivision for 11211 Bayview Avenue in Richmond Hill (Kagan) (S); representing Block 18 Landowners Group and Block 18 Properties in an appeal by Dufferin Vistas of a ZBA/plan of subdivision for 230 Grand Trunk Avenue in Vaughan (DeGasperis); representing Main Street Clock Inc. in its appeal of the Main Street Heritage Conservation District by-law and for a ZBA for a development at 178-194 Main Street in Newmarket (Kagan, DeGasperis); representing 2042843 Ontario in its appeal for an OPA/ZBA for 34 Highwood Road in Brampton

(DeMelo); representing OPB Realty in its appeal of Pickering's zoning by-law for the Pickering City Centre (Kagan, DeGasperis) (S); representing Block 47-1 Landowners Group and Block 47-2 Landowners Group in their appeals of Brampton's Highway 427 Industrial Secondary Plan (DeGasperis); representing Queenscorp (Mona Road) in an appeal for an OPA/ZBA for 1142 Mona Road in Mississauga (Kagan, DeGasperis); representing Canadian Tire and Neamsby Investments in an appeal by Zihao Zhao against the Markham COA's approval of Canadian Tire/Neamsby's minor variance application for 7650 Markham Road (DeGasperis) (W); representing Flintshire Building Group in its appeal for an OPA/ZBA for the former Castlemore Golf & Country Club site in Brampton (Kagan); representing Ace Developments (2057 Major Mac) Limited in its appeal for a ZBA for 2057 Major Mackenzie Drive in Vaughan (DeMelo); representing Clarington in appeals of Clarington's passage of an OPA to bring its official plan into conformity with the Growth Plan, *Greenbelt Plan* and Durham Region Official Plan (DeMelo); representing Martillac Estates in an appeal

by Graydon Banning for a ZBA/plan of subdivision of 1357 Dundas Street West in Oakville (Kagan); representing Martillac Estates in its appeal for a ZBA/plan of subdivision for 1359 Dundas Street West in Oakville (Kagan); representing multiple appellants of the new Markham Official Plan (Kagan, DeGasperis); representing Blue Serenity Holdings in its appeal for an OPA/ZBA for 4 Ley Boulevard in Georgina (DeGasperis) (W); representing 2540280 Ontario and 2501500 Ontario in their appeals against Aurora's passage of updated zoning standards to implement the policies of its new official plan (DeGasperis); representing Brampton Brick in its appeal for a ZBA/Class A aggregate resource extraction license for a shale quarry in Brampton, near the Hamlet of Norval (DeMelo); representing T-York 7 Holding in its appeal for an OPA/ZBA for 161 York Boulevard in Richmond Hill (Kagan); representing Valley Major Developments in its appeal for an OPA/ZBA for 4433, 4455 & 4477 Major Mackenzie Drive in Vaughan (Kagan); representing TACC Holborn Corporation in a hearing concerning multiple appeals for OPAs for employment lands conversions in Brampton (Kagan); representing Oakville in an appeal by 2378224 Ontario for an OPA/ZBA for 231 & 237 Rebecca Street (DeMelo) (X); representing Canuck Properties Limited in an appeal by LCT Investment Group for an OPA/ZBA for 8158, 8196 & 8204 Kipling Avenue in

Vaughan (Kagan, DeGasperis); representing Halton Region in an appeal by Penta Properties against Halton's new DCs by-law (DeMelo); representing Bethesda Road Developments in its appeal against Whitchurch-Stouffville's passage of an OPA for its growth management strategy (Kagan, DeGasperis); representing Format Group in its appeal for an OPA/ZBA for 1190 & 1200 Lorne Park Road in Mississauga (Kagan); and representing Harmony Taylor Developments in its appeal for a ZBA/plan of subdivision for 250 Harmony Road South in Oshawa (Kagan).

Ritchie Ketcheson
Hart &
Biggart LLP

5 [7] Ritchie Ketcheson Hart & Biggart LLP

Solicitors: **R. Andrew Biggart, John R. Hart, Christina Kapelos, Bruce C. Ketcheson, Effie Lidakis and John C. Ritchie.**

Ritchie Ketcheson Hart & Biggart moves up two spots in this year's rankings reflecting strong results and an increased caseload as reported in *NRU*. The firm continues to represent municipalities predominantly—including Oakville, Markham, Georgina, East Gwillimbury, Whitchurch-Stouffville and Vaughan—in a range of appeals related to municipally-initiated planning matters, as well as private development applications.

The firm is currently representing Oakville in appeals to inZone, the town's

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new zoning by-law, and succeeded in having some of the remaining inZone appeals dismissed, and others settled. Representing Georgina in an appeal concerning a parkland cash-in-lieu payment, the firm successfully argued against the appellant who had attempted to argue entitlement to a credit for dwellings that had previously existed on its property.

Cases: Representing Georgina in an appeal by Greystone (Homestead) and Middleburg Developments for a ZBA/plan of subdivision for Part of Lot 15, Concession 3 (Ketcheson, Biggart, Lidakis) (S); representing multiple appellants of the new Vaughan Official Plan (Ketcheson); representing Oakville in multiple appeals of its OPA to implement the town's new harmonized zoning by-law (Biggart) (W/S); representing Harman Investments in its appeal for variances for 651 Beach Street in Mississauga (Ketcheson) (W); representing Georgina in multiple appeals against the town's new official plan (Ketcheson) (S); representing East Gwillimbury in an appeal by Yonge Green Lane GP (The Rice Group) for an OPA and privately-initiated Northwest Yonge and Green Lane Secondary Plan for Lots 1 & 2,

Concession 1 WYS (Ketcheson); representing Georgina in a complaint by Briarwood Developments regarding a cash-in-lieu parkland payment for a redevelopment at 821 Lake Drive East (Ketcheson) (W); representing Cancian Construction in an appeal by the Ministry of Municipal Affairs against Caledon's approval of Cancian's OPA/ZBA applications for 53 King Street West (Lidakis) (S); representing Fairhaven Investments in its appeal of Clarington's passage of an OPA to bring the Clarington official plan into conformity with the Growth Plan, *Greenbelt Plan* and Durham Region Official Plan (Ketcheson); representing Aurora in an appeal by Ashlen Holdings for an OPA/ZBA/plan of subdivision for 13857, 13875 & 13887 Yonge Street (Ketcheson) (X); representing Markham in multiple appeals of the new Markham Official Plan (Ketcheson, Lidakis); representing Georgina in an appeal by Blue Serenity Holdings for an OPA/ZBA for 4 Ley Boulevard (Ketcheson) (X); representing East Gwillimbury in an appeal by 1422754 Ontario for a ZBA for 19267 Centre Street (Ketcheson) (S); representing Orangeville Railway Development Corporation in an appeal by

Fieldgate Developments for a ZBA/plan of subdivision for lands located north of Steeles Avenue, east of Churchville Road in Brampton (Biggart); representing Whitby in appeals filed against Whitby's passage of the Werden's Plan Neighbourhood Heritage Conservation District By-law (Biggart, Kapelos); representing Vaughan in an appeal by Valley Major Developments for an OPA/ZBA for 4433, 4455 & 4477 Major Mackenzie Drive in Vaughan (Lidakis); representing Kirpal Singh and Kulwant Kaur in their appeal for variances for 7551 Chinook Drive in Mississauga (Ketcheson) (X); representing Mansions of King Inc. in its appeal for an OPA/ZBA for 2710 King Road and 3371 Jane Street in King (Ketcheson); representing Vaughan in an appeal by LCT Investment Group for an OPA/ZBA for 8158, 8196 & 8204 Kipling Avenue (Lidakis); representing Vaughan in an appeal by 1854375 Ontario for a ZBA/plan of subdivision for 1890 Highway 7 (Lidakis); representing Whitchurch-Stouffville in multiple appeals against the town's passage of an OPA for its growth management strategy (Ketcheson); representing Whitby in an appeal by 1804072 Ontario for SPA for 450 Myrtle Road West (Kapelos) (X); representing 2466571 Ontario in its appeal for an OPA/ZBA for 31 & 55 Mounsey Street in Vaughan (Biggart); representing Vaughan in an appeal by 2466571 Ontario for an OPA/ZBA for 31 & 55 Mounsey Street in

Vaughan (Lidakis); representing Whitby in an appeal by Cindy Suppan against Whitby's passage of a ZBA for 225 Brock Street North (Biggart) (W); representing Whitchurch-Stouffville in multiple appeals against the town's passage of OPA 136 for the Ballantrae-Musselman Lake and Environs Planning Area (Ketcheson); representing Holly's Pride and Escarpment Pet Retreat in an appeal by 3 Dogs Daycare for variances for 2020 Appleby Line in Burlington (Biggart) (X); representing Vaughan in an appeal by Olga Fiala for an OPA/ZBA for 158 & 166 Wallace Street (Lidakis); representing Mansions of King in an appeal by Bushland Heights for an OPA/ZBA/plan of subdivision for 13245 Jane Street in King Township (Ketcheson); representing Vaughan in an appeal by Gemini Urban Design (W) Corp. for an OPA/ZBA/plan of subdivision for 6061 & 6070 Rutherford Road and 134 & 140 Simmons Street (Lidakis); and representing Tony Di Benedetto in an appeal by Urban Design (W) Corp. for an OPA/ZBA/plan of subdivision for 6061 & 6070 Rutherford Road and 134 & 140 Simmons Street in Vaughan (Kapelos).

BLG
Borden Ladner Gervais

6 [6] Borden Ladner Gervais LLP

Solicitors: **Andrew Baker, Katie Butler, Liviu Cananau, F.F. (Rick) Coburn, Kate Fairbrother, Sean Gosnell, Barbora Grochalova, Gabrielle**

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Kramer, Julie Lesage, Piper Morley, Meagan Patry, J. Pitman Patterson, Frank Sperduti, Isaac Tang, Stephen Waqué and Robert Wood.

Borden Ladner Gervais maintains the sixth spot on the list, having obtained positive outcomes for a number of interesting appeals that were featured in *NRU* during this year's reporting window. The firm represented a developer who was granted approval by the tribunal, in a long-awaited decision, to proceed with a high-density development in downtown Richmond Hill that provides for a new north-south road desired by the town.

It is also representing the City of Vaughan in ongoing appeals of its new official plan, and participated in mediation that yielded numerous settlements of appeals of the new Vaughan official plan, the Vaughan Mills Centre Secondary Plan, and several site-specific development proposals. The firm is representing Halton Region in the forthcoming Glen Abbey Golf Course appeal, where over 40 witnesses are expected to testify.

Cases: Representing York Region in multiple appeals of the new Vaughan Official Plan

(Patterson) (S); representing York Region in appeals of the Buttonville Airport Redevelopment Area Secondary Plan (Waqué) (S); representing Vaughan in an appeal by Dufferin Vistas for a ZBA/plan of subdivision for 230 Grand Trunk Avenue (Patterson, Morley); representing Chateaux of Caledon in its request for a review of a prior decision to dismiss its request for a DCs credit (Morley) (X); representing BoltCol South Holdings in an appeal by the Caledon against Peel Region's failure to adopt Caledon's preferred growth scenario for the Southwest Bolton urban area expansion (Morley); representing Vaughan in an appeal by 1257665 Ontario and Rexcon Construxion Corp. for an OPA/ZBA for 23 Rockview Gardens and 10 Southview Drive (Patterson); representing Halton Region in multiple appeals of the Halton Hills Growth Plan Conformity OPA (Waqué, Tang); representing Parrish and Heimbecker in its appeal against city-initiated ZBA/plan of subdivision applications for the mixed-use development of Pier 8 in Hamilton (Patterson, Morley); representing 2585426 Ontario in an appeal by Flintshire Building Group for an OPA/ZBA for the former Castlemore

Golf & Country Club site in Brampton (Tang); representing Vaughan in an appeal by Ace Developments (2057 Major Mac) Limited for a ZBA for 2057 Major Mackenzie Drive (Patterson); representing Richard and Susan Deacon in an appeal by Sixteenth Land Holdings for an OPA/ZBA/two draft plans of subdivision for the redevelopment of the York Downs Golf Course in Markham (Tang); representing York Region in an appeal by 2468390 Ontario for a ZBA/plan of subdivision for 850 Elgin Mills Road East in Richmond Hill (Patterson) (S); representing Metrolinx in appeals of Durham Region's approval of an Oshawa OPA to implement provisions of the *Greenbelt Plan*, Growth Plan, and Durham Region Official Plan (Baker); representing Halton Region in multiple appeals of the Halton Region Official Plan (Tang) (S); representing High Street Courtice in an appeal by 2117412 Ontario against High Street Courtice's OPA/ZBA application for 11, 13 & 15 Darlington Boulevard and 1475-1495 Highway 2 in Clarington (Gosnell) (S); representing David Garant and Byron Management Services in their appeals against Whitby's passage of the Werden's Plan Neighbourhood Heritage Conservation District By-law (Baker); representing 2232767 Ontario in an appeal by T-York 7 Holding for an OPA/ZBA for 161 York Boulevard in Richmond Hill (Baker); representing Vaughan in an

appeal by 1854375 Ontario for a ZBA/plan of subdivision for 1890 Highway 7 (Coburn); representing Halton Region in appeals by ClubLink Corporation ULC and ClubLink Holdings for an OPA/ZBA/plan of subdivision for 1333 Dorval Drive in Oakville (Tang); representing York Region in multiple appeals against Whitchurch-Stouffville's passage of OPA 136 for the Ballantrae-Musselman Lake and Environs Planning Area (Patterson); representing Vaughan in multiple appeals of the Vaughan Mills Secondary Plan (Coburn) (S); representing Peter Djeneralovic, 2261305 Ontario and Nick and Anna DeFilippis in their appeals of the Fruitland-Winona Secondary Plan in Hamilton (Gosnell, Tang); and representing Laurier Homes (Richmond Hill) in its appeal for an OPA/ZBA and plan of subdivision for 44, 48, 54 & 60 Arnold Crescent in Richmond Hill (Waqué, Tang) (S).



7 [8] Loopstra Nixon LLP

Solicitors: **Quinto Annibale, Steven Ferri, Mark Joblin, Brendan Ruddick and Cindy Yi.**

Loopstra Nixon moves up one spot in this year's rankings, after being involved in several high-profile appeals. The firm successfully represented Brock after a local resident appealed the township's passage of a temporary use by-law for a medical marijuana production

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facility. Representing a cemetery developer, the firm secured approval for an 8.8-hectare graveyard with ancillary uses in south Ajax.

In a relatively rare type of proceeding, Loopstra Nixon acted as counsel for Hamilton in appeals against the city's passage of a by-law to redraw its electoral ward boundaries in accordance with council's preferred option. Although Hamilton did not prevail—an alternative option put forward by the city's ward boundary review consultants was approved—the case is notable for engaging a panoply of challenging issues related to effective electoral representation.

Cases: Representing multiple appellants of the new Vaughan Official Plan (Annibale, Ferri); representing Burlington in an appeal by Adi Development Group for an OPA/ZBA/site plan approval for 4853 Thomas Alton Boulevard (Joblin, Annibale) (S); representing Capital Build (Keele) in its appeal for an OPA/ZBA/plan of subdivision for 9846 Keele Street in Vaughan (Ferri, Ruddick); representing Mississauga in an appeal by Harman Investments for variances for 651 Beach Street (Ruddick) (W); representing

Hamilton in appeals against the city's adoption of a by-law to redistribute its electoral ward boundaries (Ferri, Yi) (X); representing Brock in an appeal by J. Bruce Hurley against Brock's passage of a temporary use by-law application by 2387932 Ontario for 23, 25 & 31 Cameron Street and 21 Ann Street (Annibale, Ruddick) (W); representing Pickering in multiple appeals of its ZBL for the Pickering City Centre (Annibale, Joblin) (S); representing Bolton North Hill Landowner's Group in an appeal by Caledon against Peel Region's failure to adopt Caledon's preferred growth scenario for the Southwest Bolton urban area expansion (Annibale, Ferri, Ruddick); representing Southwest Georgetown Landowners Group in its appeal of the Halton Hills Growth Plan Conformity OPA (Joblin); representing the Township of Uxbridge in an appeal by SASE Aggregate for a ROPA/OPA/ZBA for Part Lot 20, Concession 4 (Ferri) (S); representing the Township of Uxbridge in an appeal by Helping Our Moraine Environment against the Uxbridge COA's approval of Stedanmar's minor variance application for 5200 Concession Road 2 (Joblin) (S); representing Steeple Hill

on the Lake in its appeal for an OPA/ZBA/site plan/consent for 650 Lake Ridge Road in Ajax (Annibale) (S); representing Via-Ru Ltd. and Bushland Heights Ltd. in their appeal of King's passage of a zoning by-law for the Schomberg and King City urban areas (Ferri); representing Burlington in an appeal by Adi Morgan Developments (Lakeshore) for an OPA/ZBA for 374 & 380 Martha Street (Annibale, Joblin, Yi) (X); representing Bushland Heights Inc. in an appeal by Mansions of King for an OPA/ZBA for 2710 King Road & 3371 Jane Street in King (Ferri); representing Markham in an appeal by Romandale Farms against Markham's approval of a ZBA/plan of subdivision application by Pantheon Group for lands known as Block 120, Plan 65M-3830 (Joblin); representing Pickering in an appeal by 2318116 Ontario for an OPA/ZBA for 1280, 1288-1294 Wharf Street & 607 Annland Street (Annibale, Joblin); representing G. and C. Serafino in their appeal of Whitchurch-Stouffville's passage of OPA 136 for the Ballantrae-Musselman Lake and Environs Planning Area (Yi); representing Rutherford Land Development Corporation in their appeal of the Vaughan Mills Secondary Plan (Annibale, Ruddick) (S); and representing Bushland Heights in its appeal for an OPA/ZBA/plan of subdivision for 13245 Jane Street in King Township (Ferri).

Turkstra Mazza

9 Turkstra Mazza (Associates)

Solicitors: **John Anthony Cleworth, Shelley Kaufman, Paul Mazza, Jennifer Meader, Fred Rudolph, Nancy Smith, Scott Snider, Anna Toumanians** and **Herman Turkstra**.

Hamilton-based Turkstra Mazza moves up one spot in this year's top-10. The firm assisted a Stoney Creek developer in reaching a settlement with Hamilton for a 78-unit townhouse development in the Fruitland-Winona Secondary Plan area. Representing a downtown Burlington landowner, the firm helped to protect the development potential of its client's land in the context of an adjacent owner's appeal for a high-rise mixed-use development.

Turkstra Mazza is currently engaged in a number of significant, ongoing appeals including the Norval Quarry appeal, in which it is representing a group of Brampton landowners, as well as appeals against Hamilton's planning vision for the former industrial lands of Pier 8, in which it represents a local neighbourhood organization.

Cases: Representing Branthaven Homes Fruitland in its appeal for an OPA/ZBA for 288 Glover Road in Hamilton (Smith) (S); representing Sargent Farms in an appeal by 2332122 Ontario against Milton's refusal of its OPA/ZBA applications for 150-192 Mill Street & 167-175

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Main Street (Toumanians); representing Irene Kraus-Picado in her appeal for a consent for 332 Progression Road in Hamilton (Smith) (W); representing Waterdown Bay Ltd. in an appeal by Mikmada Development Group for a ZBA/SPA for 383 Dundas Street East in Hamilton (Snider, Toumanians) (S); representing Paletta International Corporation in an appeal by Adi Development Group for an OPA/ZBA/site plan approval for 4853 Thomas Alton Boulevard in Burlington (Snider, Toumanians); representing Paul Hubner in an appeal by Brady Welch against the Burlington COA's approval of Hubner's consent and variance applications for 563 North Shore Boulevard East (Toumanians) (S); representing Mattamy Development Corp in its appeal of the Halton Hills Growth Plan Conformity OPA (Snider, Toumanians); representing Harbour West Neighbours in their appeal against city-initiated ZBA/plan of subdivision applications for the mixed-use development of Pier 8 in Hamilton (Turkstra, Snider); representing Burnt Log Management in its appeal for an OPA/ZBA for Part of Lot 15, Concession 3 E.H.S. in Brampton (Snider); representing Graydon Banning

in its appeal for a ZBA/plan of subdivision for 1357 Dundas Street West in Oakville (Toumanians); representing Graydon Banning in an appeal by Martillac Estates for a ZBA/plan of subdivision for 1359 Dundas Street West in Oakville (Toumanians); representing Bressa Developments Limited in its appeal for a ZBA/plan of subdivision for 1264 & 1288 Burnhamthorpe Road East & 1345-1429 Dundas Street East in Oakville (Toumanians); representing Dunoak Developments in its appeal for a ZBA/plan of subdivision for Part of Lot 9, Concession 1, N.D.S. in Oakville (Snider, Toumanians); representing multiple appellants of three temporary use by-laws enacted by Hamilton to permit music on outdoor patios in commercial zones in certain areas of the city for a two-year pilot period (Turkstra); representing 2145024 Ontario in an appeal by Adi Morgan Developments (Lakeshore) for an OPA/ZBA for 374 & 380 Martha Street in Burlington (Snider, Toumanians); representing Northwest Brampton Landowners Group in an appeal by Brampton Brick for a ZBA/Class A aggregate resource extraction license for a shale quarry in Brampton, near the Hamlet of Norval (Snider); representing Northwest

Brampton Landowners Group in a hearing concerning multiple appeals for OPAs for employment land conversions in Brampton (Snider, Kaufman); representing Renimmob Properties in its appeal against Hamilton's passage of a ZBA to modify general industrial and light industrial zoning for several properties on a site-specific basis (Snider, Toumanians) (S); representing Penta Properties in its DCs complaint against Halton Region (Snider); representing 2417985 Ontario and 2417972 Ontario in their appeal for an OPA/ZBA/plan of subdivision for 34 11th Concession Road East and 1800 Highway 6 in Hamilton (Snider, Toumanians); representing John Downey in his appeal for a consent for 13471 Heart Lake Road in Caledon (Toumanians); representing Far Sight Investments, 2506339 Ontario and Richard Schickendanz in their appeals of Whitchurch-Stouffville's passage of OPA 136 for the Ballantrae-Musselman Lake and Environs Planning Area (Toumanians, Snider); representing Tim Battaglia in his appeal for consent and variances for 975 Gorton Avenue in Burlington (Toumanians) (W); and representing multiple appellants of Oakville's new harmonized zoning by-law (Toumanians) (S).

Goodmans^{LLP}

9 [5] Goodmans LLP

Solicitors: **Ian Andres, Anne Benedetti, David Bronskill, Tom Friedland, Joseph Hoffman, Roslyn Houser,**

Robert Howe, Max Laskin, Allan Leibel, Catherine Lyons, Mark Noskiewicz, (Elliott Pobjoy) and **Michael Stewart.**

Goodmans moves down a couple of spots in our GTHA rankings due to a decrease in cases captured in this year's reporting window—although the firm chalked up a pair of significant victories. Representing SASE Aggregates, the firm secured a settlement with Uxbridge for the expansion of an existing quarry, underscoring the demand for locally-sourced aggregate close to market.

Goodmans also represented a Hamilton landowner in its appeal for variances to facilitate the repair and upgrade of two aging 19-storey apartment buildings, resulting in a settlement with Hamilton and a local neighbourhood association that allows the reconfiguration of certain obsolete residential units in exchange for a commitment to maintain other family-sized units.

Cases: Representing multiple appellants of the new Vaughan Official Plan (Houser, Stewart, Hoffman, Bronskill); representing Maple Lake Estates in its appeal of Georgina's official plan review and growth plan conformity OPA (Bronskill); representing Dufferin Vistas in its appeal for a ZBA/plan of subdivision for 230 Grand Trunk Avenue in Vaughan (Bronskill, Laskin); representing Sundial Homes (Green Lane) in an appeal by Yonge Green

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Lane GP (The Rice Group) for an OPA and privately-initiated Northwest Yonge and Green Lane Secondary Plan for Lots 1 & 2, Concession 1 WYS in East Gwillimbury (Howe); representing SASE Aggregate in its appeal for a ROPA/OPA/ZBA for Part Lot 20, Concession 4 in Uxbridge (Benedetti) (S); representing Metroview Developments and BAIF Developments in their appeals of Richmond Hill's Downtown Local Centre Secondary Plan (Andres); representing Patricia Lee Biskup in her appeal against the Markham COA's approval of a minor variance application by Ferydoon Doulatshahi for 61 Fairway Heights Drive (Andres) (W); representing Oakville in an appeal by Dundas-Trafalgar Inc. for a ZBA for 3075 Trafalgar Road (Lyons); representing Greenwin in its appeal for variances for 192 Hughson Street North and 181 John Street North in Hamilton (Laskin, Noskiewicz) (S); representing multiple appellants of the new Markham Official Plan (Lyons); representing Bramwest Development Corporation and Bruce and Shirley Reed in an appeal by Brampton Brick for a ZBA/Class A aggregate resource extraction license for a shale quarry in Brampton, near the Hamlet of Norval (Lyons); representing

1854375 Ontario in its appeal for a ZBA/plan of subdivision for 1890 Highway 7 in Vaughan (Bronskill); representing OMERS Realty Management Corporation, Square One Property Corporation, ARI SQI GP and Oxford Properties Group in their appeals against Mississauga's passage of a zoning by-law to implement the Downtown Community Improvement Plan for the Downtown Core Character Area (Laskin); representing 9720618 Ontario in its appeal for a ZBA for 0 Gamble Road in Vaughan (Pobjoy); representing 9265988 Ontario in its appeal for a ZBA for 227 & 235 King Road in Richmond Hill (Pobjoy); representing 9183183 Ontario in its appeal for a ZBA for 0 King Road in Richmond Hill (Laskin); and representing Oakville in appeals by ClubLink Corporation ULC and ClubLink Holdings for an OPA/ZBA/plan of subdivision for 1333 Dorval Drive (Howe).



10 [13] Overland LLP

Solicitors: **Daniel Artenosi**, **Michael Cara**, (Kelly Oksenberg), **Christopher Tanzola** and **Brad Teichman**.

Overland caps off the top-10 firms in this year's GTHA

rankings. In a notable contested hearing, the firm successfully represented the developer of a proposed estate residential subdivision in Aurora, which town staff had supported, but council had opposed. The firm also helped secure settlements for two infill subdivision developments in Richmond Hill.

Overland remains involved in several ongoing appeals related to private development applications and municipally-initiated planning instruments in Brampton, Vaughan and Clarington, and is representing several appellants of the First and Second Street Heritage Conservation District in Oakville.

Cases: Representing multiple appellants of the new Vaughan Official Plan (Artenosi, Tanzola, Oksenberg); representing Dianne Kasias in her appeal for variances for 6 Jonquil Crescent in Markham (Oksenberg) (W); representing Sky-Cawthra Development in an appeal by Maple Valley Development Corporation for an OPA/ZBA/plan of subdivision 3111 & 3123 Cawthra Road in Mississauga (Artenosi); representing Caveze Investments in its appeal of Brampton's Highway 427 Industrial Secondary Plan (Artenosi); representing StateView Homes (Kings Landing) in its appeal for OPA/ZBA/SPA/plan of subdivision for 272, 286, 296 & 298 King Road and 4, 6 & 8 Parker Avenue in Richmond Hill (Tanzola) (S); representing Excelsior Financial Group in its

appeal of Clarington's passage of an OPA to bring the Clarington OP into conformity with the Growth Plan, *Greenbelt Plan* and Durham Region Official Plan (Artenosi); representing Highview Building Corp in its appeal for an OPA/ZBA for 88 & 99 Nashville Road and 10515 Highway 27 in Vaughan (Tanzola); representing Ashlen Holdings in its appeal for an OPA/ZBA/plan of subdivision for 13857, 13875 & 13887 Yonge Street in Aurora (Tanzola, Oksenberg) (W); representing 2468390 Ontario in its appeal for a ZBA/plan of subdivision for 850 Elgin Mills Road East in Richmond Hill (Tanzola) (S); representing Ashlen Holdings and 1428420 Ontario in their appeals against Aurora's passage of updated zoning standards to implement the policies of its new official plan (Tanzola, Artenosi); representing Bob and Eileen Wilkes, Kathy Giankos and Mario Botelho in their appeals against Oakville's passage of the First and Second Street HCD By-law (Artenosi); representing Alpha Stone in a hearing concerning multiple appeals for OPAs for employment land conversions in Brampton (Oksenberg); representing Centra (BT1) in its appeal for a ZBA/plan of subdivision for 17 Millwood Parkway in Vaughan (Artenosi); and representing Jaspreet Kaura et al in their appeal for an OPA/ZBA/plan of subdivision for 7614, 7624, 7650 & 7662 Creditview Road in Brampton (Artenosi).

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IN BRIEF

[Oakville Cultural Heritage Landscape by-laws quashed](#)

The **Ontario Superior Court of Justice** has quashed a series of by-laws enacted by the **Town of Oakville** to require the preparation of a conservation plan for all designated “cultural heritage landscapes” within Oakville, in addition to a resolution of town council to approve a cultural heritage landscape conservation plan for the Glen Abbey Golf Course.

The by-laws were disputed by Glen Abbey owner **ClubLink**

Corporation ULC / ClubLink Holdings (“ClubLink”) which argued that the by-laws, although ostensibly of a town-wide application, unfairly targeted the Glen Abbey property, which is currently the subject of a contentious redevelopment proposal. The town, on the other hand, argued that in enacting the by-laws it was operating within the statutory parameters of the Ontario Heritage Act and the Municipal Act.

The court’s December 12 [decision](#), handed down by Justice **Edward M. Morgan**, sided with

ClubLink and quashed the series of by-laws. Three main reasons contributed to the court’s ruling.

First, the court found that the by-laws were beyond the town’s authority to implement. In particular, the by-laws, which effectively required ClubLink to continue operating the property as a golf course in perpetuity, were found to contravene the Municipal Act, which places clear limitations on a municipality’s authority.

Second, the court found that the by-laws were enacted in bad faith to unduly target the Glen Abbey property. Despite requiring conservation plans to be prepared for all identified cultural heritage landscapes in Oakville, Glen Abbey was the only property for which the

town prepared such a plan.

Third, the court found the by-laws, as enacted, were exceedingly vague, and “suffered from an attempt to bury specifically targeted policies within general language.”

Solicitors involved in this decision were **Earl Cherniak** and **Cynthia Kuehl (Lerners)** as well as **Mark Flowers (Davies Howe)** representing ClubLink Corporation ULC and ClubLink Holdings Ltd., and **Sandra Barton, Rodney Northey** and **Jennifer King (Gowling WLG)** as well as town solicitor **Nadia Chandra** representing the Town of Oakville.



2018 LAW REVIEW

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THE NEXT 10 FIRMS...

11 [N/A] **McMillan LLP**; 12 [10] **Thomson Rogers**; 13

[18] **Cassels Brock**; 14 [N/A] **Gardiner Roberts LLP**; 15 [16] **DLA Piper**; 16 [N/A] **Horosko Planning Law**; 17 [11]

METHODOLOGY

Our end of year tradition at NRU examines the legal side of planning and development in the GTHA, primarily focusing on cases that came before the Ontario Municipal Board (now the Local Planning Appeal Tribunal) and were reported in the GTHA edition of NRU between August 1, 2017 and July 31, 2018.

How the information is collected—NRU tracked each of the law firms mentioned in the GTHA edition of NRU over a one-year period. Then

we determined the firms most frequently mentioned and sorted through their projects and hearings. Some firms were involved in a variety of developments across the GTHA, while others have particular associations to major clients.

Determining the top 10—Balancing the number and complexity of appeals, the diversity of issues, and the success of outcomes is NRU’s most difficult task. This assessment is based only on items covered in the GTHA edition of NRU and does not account for cases we do not know

Municipal Law Chambers; 18 [12] **Land Law**; 19 [N/A] **Wood Bull LLP**; 20 [N/A] **Devry Smith Frank LLP**.

about. Hence, there is some degree of subjectivity in the ranking.

The listings—Lawyers that are a part of the planning and development law team in each of the top-10 ranked firms are noted. Names in parentheses indicate lawyers that were with a particular firm but left during NRU’s 2017/18 reporting window.

In cases that involved an OMB decision where a clear winner, loser or settlement resulted, the appropriate symbol (**W**) or (**L**) or (**S**) follows the case description. If there

was no clear win/loss/settlement, or the matter involved a prehearing or was still ongoing by July, 2018, no symbol appears. A square bracket after this year’s ranking indicates the firm’s placement in last year’s NRU ranking.

Email us your OMB/LPAT decisions to ensure they are covered in NRU and thus included in the 21st annual GTHA rankings to be published in December 2019.

COMMITTEE AGENDAS



Remington Parkview Golf Club redevelopment proposed

At its December 11 meeting, **Markham** development services committee considered a preliminary [report](#) regarding applications by **Remington (Parkview) Lands** for official plan and zoning by-law amendments and draft plan of subdivision for 6400 Steeles Avenue West.

The site currently operates as the Remington Parkview Golf and Country Club. Remington proposes to redevelop part of the golf course, and to continue operating a smaller golf course on the retained lands. The proposed development consists of 173 detached, 62 semi-detached, and 68 townhouse dwellings, as well as 1,470 apartment units in three high-density blocks. Also proposed are blocks for a park, elementary school, and stormwater management.

Mount Joy development proposed

At its December 11 meeting, **Markham** development services committee considered a preliminary [report](#) regarding

applications by **9015183 Canada** for official plan and zoning by-law amendments for 9900 Markham Road. 9015183 proposes one six-storey 66-unit residential building and two towers of 25 and 26 storeys with 542 residential units and ground-floor commercial GFA.

Rodick-Highway 7 development proposed

At its December 11 meeting, **Markham** development services committee considered a preliminary [report](#) regarding applications by **Kingsberg Warden Development** for official plan and zoning by-law amendments for 3882 Highway 7. Kingsberg proposes to build a 10-storey 80-unit apartment building.

Five-tower development proposed for Markham Centre

At its December 11 meeting, **Markham** development services committee considered a preliminary [report](#) regarding a zoning by-law amendment application by **Lifetime 8200 Warden Avenue GP** for lands south of Cedarland Drive, west of Warden Avenue. Lifetime proposes to construct 2,200 residential units in five towers with heights of 28, 32, 38, 43 and 48 storeys.

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Associate – Planning & Expropriation Law (EMER Group) 2 – 3 years experience

BLG's Environmental, Municipal, Expropriation and Regulatory Group (EMER) is home to many of Canada's most highly recognized lawyers. Housed within Canada's largest law firm, this specialized group represents many of Ontario's most significant public institutions and private corporations.

Our Toronto office is seeking a highly motivated and ambitious lawyer with 2 – 3 years of relevant experience to join our team. The successful candidate will be experienced in planning and expropriation law. Lawyers dedicated to these highly specialized areas who want to join a team of talented and leading lawyers and who can hit the ground running are encouraged to apply. The candidate must possess a superior academic record and must be a member in good standing with the Law Society of Ontario. Some experience in real estate law is an asset.

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LPAT NEWS

MAPLE INFILL DEVELOPMENT SETTLED

In a November 29 decision, LPAT members **Scott Tousaw** and **John Douglas** allowed appeals, in part, by **Capital Build (Keele)** against the **City of Vaughan's** failure to make a decision on applications for official plan and zoning by-law amendments and draft plan of subdivision for 9846 Keele Street.

In 2013, 10 townhouses were proposed on the site by a previous owner. Capital Build

subsequently purchased the site and after an iterative design process revised the proposal to four dwelling units in two semi-detached dwellings. As revised, the proposal is no longer opposed by the city, nor **York Region**, and no longer requires an official plan amendment.

Planner **Murray Evans (Evans Planning)** provided evidence on behalf of Capital Build, in support of the revised proposal. He testified that the final design of the semis will incorporate Victorian

and Georgian architecture, consistent with the policies of the Maple Heritage Conservation District in which the site is located.

Evans explained that the revised proposal will provide enhanced views of the adjacent heritage-designated St. Andrew's Presbyterian Church, and protect existing trees on the property.

The tribunal accepted Evans' evidence and allowed the appeals, in part, subject to conditions.

Solicitors involved in this decision were **Steve Ferri** and student-at-law **Anthony Turrin (Loopstra Nixon)** representing Capital Build (Keele) Inc., **Bruce Engell (WeirFoulds)** and **Effie Lidakis (Ritchie Ketcheson Hart & Biggart)** representing the City of Vaughan, regional solicitor **Bolajoko Ogunmefun** representing York Region and **Paul Bottos (Piccin, Bottos)** representing **William and Janna Manolakas**. [See LPAT Case No. [PL160481](#).] 🌸

COMMITTEE AGENDAS

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[Kennedy-16th Avenue tower proposed](#)

At its December 11 meeting, **Markham** development services committee considered a preliminary [report](#) regarding

official plan and zoning by-law amendment applications by **Uptown Green Garden** for 9332-9346 Kennedy Road. Uptown proposes a 10-storey mixed-use building containing

232 residential units, with 307 m² of retail GFA.

[Milliken townhouses proposed](#)

At its December 11 meeting, **Markham** development services committee considered a preliminary [report](#) regarding zoning by-law amendment and draft plan of subdivision applications by **186 Old Kennedy Development** and **31 Victory**

Development for 186 Old Kennedy Road and 31 and 51 Victory Avenue. The owners propose to build 222 townhouse units, and relocate an existing heritage dwelling to another location on the same site. 🌸

HAPPY HOLIDAYS!
NRU IS NOT PUBLISHING
NEXT WEEK BUT WILL BE
BACK JANUARY 2, 2019.

PEOPLE

Daniel Kostopoulos is no longer city manager in the **City of Vaughan**. Corporate initiatives and intergovernmental relations chief **Tim Simmonds** has been appointed interim city manager.

In the **City of Brampton**, **Harry Schlange** is no longer CAO; Corporate Services commissioner **Joe Pittari** has been appointed interim CAO.

Niagara Region Planning and Development Services

special projects manager **Thomas Vilella** is retiring at the end of 2018.

The **Town of East Gwillimbury** has appointed **Marco Ramunno** Development Services general manager, effective

January 2, 2019. Previously, Ramunno was director of Planning and Development Services at the Town of Aurora

Clarington has appointed **Trevor Pinn** director of finance / treasurer.

Pinn has been serving as the acting finance director since former director **Nancy Taylor** was appointed Durham Region commissioner of finance / treasurer in July.