

NOVÆ RES URBIS

GREATER TORONTO & HAMILTON AREA

NRU RECOGNIZES
THE TOP-10 GTHA
DEVELOPMENT LAW
FIRMS IN ITS 21ST
ANNUAL REVIEW.
SEE PAGE 8

WEDNESDAY,
DECEMBER 18, 2019

Vol. 22
No. 50

HAPPY HOLIDAYS!

NRU IS NOT PUBLISHING NEXT WEEK, BUT
WILL BACK THURSDAY, JANUARY 2, 2020.

■ CONNECTING NIAGARA REGION

ON-DEMAND TRANSIT

Rachael Williams

Niagara Region is joining the ranks of municipalities that are testing on-demand transit in low-density areas underserved by public transportation.

Regional staff are in the midst of negotiations with municipal partners in Niagara West on the implementation of an on-demand transit pilot program that would enable inter-municipal transit service throughout the area. The pilot program, which will be operated by **Via Mobility LLC**, would include Grimsby, Lincoln, West Lincoln, Pelham and Wainfleet and potentially Crystal Beach and Sherkston.

The preferred model of choice, an integrated services model, would remove jurisdictional barriers and permit seamless trips between any destinations in Niagara West. It would also permit trips between Niagara West and the region's major transit hubs, including the St. Catharines Bus Terminal, the Welland Bus Terminal, and Port Colborne City Hall.

"The deployment of on-demand was really a recognition collectively that our smaller and more rural municipalities need to have the same level of connectivity to the rest of Niagara and to higher-order transit as those living in some of the more dense areas of say, St. Catharines or Niagara Falls," said Niagara Region's GO Implementation Office director **Matt Robinson**.

The integrated services model would allow residents to use an app on their smartphones to alert a driver that they wish to be picked up and would indicate their desired destinations. The vehicle, from a fleet of custom-branded Mercedes vans that can hold up to 10 people, would then pick the passenger up near a main intersection (roughly 100-200 metres average walking distance) and drop them off in areas where there is already a fixed public transit route. At that point, residents would be expected to use existing local transit to arrive at their final destinations.

This "corner-to-corner technology" ensures that there are efficiencies in the service delivery, allowing drivers to pick up several people along a continuum and prevent unnecessary detours that come with traditional ride-sharing programs like Uber or Lyft.

"Niagara does have lots of people moving between the municipalities, whether it's to access jobs and/or to access services, which has been a barrier for people not to have transit," said Niagara Region's GO Implementation Office planning

lead **Cheryl Selig**. "It's important for people to be able to access the jobs and services, whether it's to get to the hospital or any of the other services that are not necessarily available in their local communities."

And Selig explained that since these rural areas are located in settlement areas, hamlets, or in protected greenbelt lands, there will never be higher densities built in those areas to support transit infrastructure.

"We have lots of small pockets of residential that will

CONTINUED PAGE 5 ■

Rendering of the Brightwater project, which would add close to 3,000 residential units to the Port Credit area. See story page 2.

SOURCE: PORT CREDIT WEST VILLAGE PARTNERS
ARCHITECT: GIANNONE PETRICONE ARCHITECTS / CORE ARCHITECTS



UPCOMING DATES

DECEMBER

18 Aurora Public Planning Committee, 7:00 p.m.

Durham Region Council, 9:30 a.m.

19 York Region Council, 9:00 a.m.

JANUARY

6 Brock Committee of the Whole, 9:30 a.m.

Clarington General Government Committee 9:30 a.m.

9 Peel Region Council, 9:30 a.m.

13 Ajax Community Affairs & Planning Committee, 7:00 p.m.

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

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

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

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

Newmarket Committee of the Whole, 12:30 p.m.

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

Oshawa Development Services Committee, 9:30 a.m.

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

Scugog General Purpose & Administration Committee, 1:30 p.m.

14 Aurora General Committee, 7:00 p.m.

Halton Hills Planning, Public Works & Transportation Committee, 3:00 p.m.

Hamilton Planning Committee, 9:30 a.m.

NEW PORT CREDIT COMMUNITY

FROM BROWNFIELD TO BRIGHTWATER



Rob Jowett

A new development near Port Credit, Mississauga would return a previously contaminated brownfield site to the city, transforming it with a large mixed-use community.

Port Credit West Village Partners is proposing a large mixed-use development on a 29.14-hectare site at 70 Mississauga Road South. The master-planned project, known as Brightwater, would include several buildings between two and 29-storeys high with around 2,450 condominium units, 150 rental units, around 400 townhouse units, 150 affordable rental units. The project also includes around 24,000-square metres of commercial and office space, and 10,000-square metres of retail space. It also includes 7.28-hectares of parkland and six new public streets. Port Credit West Village Partners is a consortium of developers that includes **DiamondCorp**,

Kilmer Group, **Dream**, and **FRAM + Slokker**.

Construction of the entire site is projected to take about eight years and will occur in a phased manner. Currently, Port Credit West Village Partners is seeking site plan approval for the first phase of its project, which would include 220 condominium units, 10,000-square metres of commercial space, and 170 townhouse units. Construction of that phase is scheduled to begin in 2021. The final phase of the project would involve construction of the waterfront park.

"The huge advantage is that it's a clean site," DiamondCorp president and chief operating officer **Bob Blazeovski** told *NRU*. "It creates a sense of community... and it provides amenities that [the local community does not] currently have. For example... community space within

walking distance of their homes, versus having to get in their car and drive to Cawthra [Road], where the closest community centre is located. [There will be] shops... school, housing. And I think having this site at their doorstep in an innovative way makes it a city-building exercise."

The site would see the tallest buildings concentrated in the southern portion of the site, grouped together to form a central campus. A central promenade would run through the middle of the site from Lakeshore Road West. The western side of the site would be developed as townhouses, and the eastern side would include both townhouses and community space. The largest park is planned to run along the waterfront, and smaller park areas are planned throughout the site.

"We were very supportive

CONTINUED PAGE 6



NRU PUBLISHING STAFF

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

Irena Kohn, Editor
irenak@nrupublishing.com

Rob Jowett
Reporter
robj@nrupublishing.com

Peter Pantalone
Planning Researcher
peterp@nrupublishing.com

Jeff Payette
Design/Layout
jeffp@nrupublishing.com

Samantha Lum
Sales and Circulation
samanthal@nrupublishing.com

SALES/SUBSCRIPTIONS
circ@nrupublishing.com

Annual subscription rate is \$409 +HST (ON).

Complimentary trial subscriptions are available.

Advertising rates available upon request.

Novae Res Urbis Greater Toronto & Hamilton Area

is published 50 times a year and is not to be redistributed without the written consent of the publisher.

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

Billings Department
NRU Publishing Inc.
PO Box 19595 Manulife PO,
Toronto, ON M4W 3T9

ISSN 1918-7548

BENEFICIAL RE-USE



Rob Jowett

The provincial government has introduced new regulations which are intended to make the reuse of excess soils easier while reducing illegal dumping operations.

The **Environment, Conservation, and Parks Ministry** is making changes to the *Environmental Protection Act* to clarify when and where excess soils can be reused, and to help businesses plan the most efficient ways of reusing them. The changes also introduce an excess soil tracking mechanism to ensure that contaminated soil is disposed of properly and to place restrictions on landfilling clean soil that would be more suitable for sensitive areas. The new regulations will come into force in a phased manner, with the first ones taking effect July 1, 2020.

“The changes clarify when excess soil will be designated as waste and when it will not,” Environment, Conservation, and Parks Ministry spokesperson **Gary Wheeler** told *NRU*. “Excess soil that is being appropriately reused for a beneficial purpose will not be considered waste. These changes will also replace low-risk waste-related approvals with regulatory rules ensuring appropriate management, and

will restrict the deposit of clean excess soil at landfill sites when it can be beneficially reused [elsewhere]. This will reduce the amount of soil being sent to landfill.”

Currently, excess soil is classified as a waste product of development sites and is usually sent to landfills for disposal. Members of the development industry, and the construction industry in particular, have been seeking a new regulatory framework that would allow the excess soil extracted from construction sites to be reused on other sites as fill, rather than developers having always to find new soil for fill on new development sites. Around two million tonnes of excess soil are currently landfilled annually in Ontario.

“Excess soil is a resource, and not a waste,” **Ontario Home Builders Association (OHBA)** chief executive officer **Joe Vaccaro** told *NRU*. OHBA supported the ministry in its announcement of the new regulations. Vaccaro says the regulations will reduce the time and costs of dealing with excess soils, savings that can then be passed on to landowners and homebuyers.

“The old system treated excess soils as a waste product to be dumped into a landfill.

Turning that concept around [and] saying ‘how is excess soil a resource and how do we resource manage the excess soil?’ provides a whole different framework, and an opportunity,” says Vaccaro. “In that context, developers can look at what’s being pulled out of the ground as part of the development process, they can test it, they can document it, they can categorize it, and then they can find a reuse for that resource.”

The parts of the regulations that will come into force in July 2020 are specific to soil reuse. Soil excavated using passive aeration, passive dewatering, mechanical dewatering, mixing, soil turning, size-based sorting, and debris sorting will not be classified as a waste product. Contaminated soil will be classified as a waste unless a Qualified Person as defined by the *Environmental Protection Act* is retained by the development site project manager for an excavation site and can provide written procedures clarifying to how the soil may be reused safely.

The regulations set a requirement that development sites accepting excess soils are using the soil for beneficial reuse, such as for backfilling for excavation, to modify

site grading, or for site rehabilitation. The regulations also set out requirements about how different qualities of soil can be used, using the quality framework established in the [Rules for Soil Management and Excess Soil Quality Standards](#), which was introduced by the Environment, Conservation and Parks ministry in November.

The ministry’s requirements for brownfield sites are being loosened as well. Records of site condition will no longer be required in some cases, such as on sites where the contamination is already well understood and where the proposed redevelopment is considered a low-risk use.

The second phase of the soil regulations will come into force January 1, 2022, and concern the tracking, testing, and registration of excess soils. At that time, most excess soil will be required to have a notice filed with a public registry managed by the ministry. That notice will need to include a description of the project where the soil’s site of origin is coming from, a description of the project area, contact information for the project leader at the site of origin, and information about the soil itself and its intended reuse.

CONTINUED PAGE 4 ■

BENEFICIAL RE-USE

■ CONTINUED FROM PAGE 3

Some projects, such as those generating a small amount of fill or sending contaminated fill directly to a waste disposal site, would be exempt from this registration requirement.

“It was a bit of a hodgepodge of people [not knowing] what was and wasn’t allowed or how to treat their soil,” **SoilFLO** president **Kevin Goldberg** told *NRU*. “So the first thing that this is going to do is it’s going to give clarity to the municipalities and jurisdictional areas [as] to how they are able to operate and how they are able to basically monitor the fill that’s coming into their municipalities safely.”

Goldberg says the registration will make reusing soil more efficient, as it will facilitate communication between those working on construction projects removing fill and those seeking it. This will be especially important for developments with sensitive uses, such as agricultural, which will be seeking a higher quality of soil than general development sites.

Goldberg says the registration process will also enable the province to stop illegal dumping operations by being able to track where soil is coming from and where it is supposed to go. Many municipalities, such as Hamilton and Clarington,

have had to create excess soil restrictions to stop unscrupulous operators from dumping soil with unknown characteristics on their fields.

“When [developers are] bidding a job, if [they receive] a low-priced bid, then that low price basically comes down to how far [away] and what is your fill site,” says Goldberg. “So everything that an excavator does is based on a cubic metre of soil. And... the price of [that cubic metre] is based on how far they have to travel to get rid of it and how much it costs them to dump it. And everything else is the same—the same price of diesel for their excavators, the same cost of labour, everything else is the same. So their ability to win [in the bidding process for development projects] comes down to [the proximity of] their dump site [to the site of origin].”

Goldberg adds that while there are not a lot of excavators who engage in illegal operations, until now, the lack of clear regulations and strong enforcement mechanisms made unscrupulous excavators more financially competitive than honest operators. Registration of excess soils makes project managers, who are either the landowner or someone beholden to the landowner, responsible for ensuring that

soil is registered, tracked, and reused responsibly.

“The biggest thing I would be concerned about is that the regulations... have teeth,” **GEOSOLV** president **Mark Tigchelaar** told *NRU*. “If they don’t put the resources [into] following through and being able to properly monitor things, things are still going to fall through the cracks. So there’s been stories about situations where soil’s been dumped on farmer’s fields and then it turns out it’s all [contaminated]. So those are the kinds of situations the industry’s trying to avoid.”

The new regulations also establish a site-specific tool to determine what kind of excess soil can be used as fill. What soil is allowed where is defined in the Rules for Soil Management and Excess Soil Quality Standards introduced in November, but the ministry has also created the Site-Specific Beneficial Reuse Assessment Tool, a resource which allows site owners to quickly and easily determine whether specific soil can be used on a specific site.

“[If] you want to set up a receiving site [for excavated soils], and you want to be able to accept soil that’s above and beyond the very, very stringent soil standards, you can use the [Beneficial Reuse Assessment] tool to identify whether or not you [have site-specific conditions that permit you to] accept certain contaminants at higher levels than the generic standards,” **XCG Consultants** partner **Grant Walsom** told *NRU*. “It will allow somebody to

say... ‘typically, I can only take a table one soil [as defined in part 15.1 of the *Environmental Protection Act*], but I run the [tool] and put all my inputs into the [tool] and it’s telling me that I can accept concentrations of certain contaminants to a little bit of a higher level than the generic standards are telling me that I can.”

Walsom says that the tool would allow for minor amendments to what type of soil is allowed on sites, and would not provide substantially different allowances than the Rules for Soil Management and Excess Soil Quality Standards. For example, some sites have higher-than-normal amounts of clay between the surface and the groundwater, meaning that those sites could accommodate higher levels of contamination without affecting the water supply.

The final phase of the regulations will concern restrictions on landfilling clean soil, unless the soil is needed for landfill operations. These restrictions, which will come into force January 1, 2025, are intended to ensure clean soil is available for sensitive sites like agricultural areas and schools, and that it is not wasted. Grandfathering provisions on permitted uses will be applicable from January 1, 2020 to January 1, 2026, to ensure existing contracts can be honoured. 🌱

ON-DEMAND TRANSIT

■ CONTINUED FROM PAGE 1

never have high density and so delivering [transit] service ... is really difficult in those rural low-density areas. That's why we've never had transit in West Niagara before and why we think on-demand is the right solution, because then we're responsive to where people live, because they might not all live on a dedicated [transit] corridor," she said.

Niagara Region is one of a handful of municipalities that have moved towards on-demand transit service. Sault Ste. Marie's microtransit technology allows user to order buses on demand through a smartphone app on Sunday nights when ridership has historically been low on the existing fixed route buses. Belleville has also partnered with Toronto startup company **Pantonium Inc.**, which uses an autonomous intelligent routing algorithm to turn a traditional fixed route transit service into one that responds and allocates vehicles according to rider demand in real time, without any human intervention.

Since the inception of the new smart technology in September 2018, ridership in Belleville has increased by 300 per cent, while the per vehicle mileage for buses has decreased by 30 per cent.

Pantonium marketing director **Luke Mellor** told *NRU* one of the biggest concerns

for municipalities pursuing an on-demand transit model is cost. For example, when Innisfil partnered with Uber to offer subsidized ride hailing trips rather than paying for a public bus system, it became so popular among residents that the town spent \$1.2 million on transit subsidies, well above the \$900,000 that was budgeted for the ride hailing trips.

Unlike the 'per-trip' pricing model of Innisfil's partnership with Uber, the on-demand model proposed by Niagara operates on a fixed hourly rate within a fixed budget. Should the demand increase to a point where it outpaces the capacity of the service, the region can either decrease service quality or can seek additional funding to deploy additional vehicles.

While the Innisfil model had some costing challenges, **University of Toronto** geography and planning associate professor **Matti Siemiatycki** credited the town for considering land use planning in association with transit upgrades. Innisfil has recently unveiled a new master plan for The Orbit - a new community that will house up to 150,000 people centred around the future Innisfil GO station, planned to be constructed as part of **Metrolinx's** ongoing expansion of their regional network.

"In addition to providing on-demand service, they're starting to think about how you could reimagine what currently is a fairly low-density region into something that's more transit oriented," said Siemiatycki.

Niagara Region is developing secondary plans for the areas surrounding its existing and planned GO stations in Grimsby, St. Catharines, Niagara Falls and Beamsville to accommodate planned population and employment growth. Selig explained that the on-demand transit service will provide first mile / last mile solutions to ensure residents across the region will be able to access higher-order transit, which will provide much-needed connections to regional and municipal services.

"I think that really, this is just another one of those implementation pieces that come out of land use plans that are in place that's giving people mobility options and making sure we have complete communities where everybody has connections to all of our services and communities in a region that's very spread out," she said.

Pembina Institute's Ontario regional director **Carolyn Kim** told *NRU* that on-demand transit models are an effective way for municipalities to assess where their transit needs are and to build ridership to facilitate expansion opportunities. In looking at the municipal recipients of the provincial gas tax funding since 2016, Kim noted that many new recipients of gas tax are smaller


communities, some of which are deploying community transportation services or on-demand transit services.

"We have many rural communities and they need these kinds of alternatives so that they can continue to have a high quality of life," noted Kim. "We also have an aging population and so we should be thinking about ways in which we can be creative in our service delivery to make sure that we're serving these communities."

The region is in the midst of negotiating with municipalities, who need to sign on as partners before the pilot project can move forward. Armstrong said the advantage of pooling resources would be a higher level of service delivered for riders without the need of coordinating travel across multiple systems.

Municipalities without an existing transit budget would require a net new impact on their tax levy, while municipalities with existing transit service (Pelham and Lincoln) would reallocate those transit dollars into the integrated service model in hopes of increasing ridership, which Robinson predicts will be upwards of 250 people per day.

The region has approved a budget of \$7.9 million towards a strategic two-year intermunicipal transit investment strategy. A general levy of 1.3 per cent has also been approved in the region's 2020 budget.

Rachael Williams wrote this story on assignment for NRU. 

FROM BROWN-FIELD TO BRIGHTWATER

CONTINUED FROM PAGE 2

of the application. There's really something for everyone in the community," City of Mississauga official plan review manager **Ben Phillips** told *NRU*. Prior to his current role, Phillips was a planner assigned to the Brightwater file.

"You're bringing 72-acres of what was contaminated land in the heart of Port Credit and really, in the heart of the city's waterfront—you're weaving

that back into the fabric of the community in a sensitive way," says Phillips. "Also the mixture of residential units—we worked hard with the developer and the community to ensure that there's a broad range of housing types and forms... [like] more traditional townhouses, stacked townhouses that are a little more dense, mid-rise, high-rise, [and] you have some live-work units along Lakeshore Road."

The site was previously an **Imperial Oil** refinery, which operated from 1932 to 1972 and was sold to the development consortium in 2016. The site has sat vacant since around 1990, when Imperial Oil looked to the market for

developers who would want to take on the project. They were unable to find a partner at the time due to the high level of site contamination. Imperial Oil sold the site to Port Credit West Village

CONTINUED PAGE 7



Clockwise from top right:

Master plan for Brightwater, identifying major areas in the site.

SOURCE: PORT CREDIT WEST VILLAGE PARTNERS
ARCHITECT: GIANNONE PETRICONE ARCHITECTS

Renderings of the Brightwater project, which would add close to 3,000 residential units to the Port Credit area.

SOURCE: PORT CREDIT WEST VILLAGE PARTNERS
ARCHITECT: GIANNONE PETRICONE ARCHITECTS / CORE ARCHITECTS

Phase one of the Brightwater project will include 220 condominium units and 170 townhouse units along with 10,000-square metres of commercial space.

SOURCE: PORT CREDIT WEST VILLAGE PARTNERS
ARCHITECT: GIANNONE PETRICONE ARCHITECTS

Location of the 29.14-hectare site for Brightwater, Port Credit West Village Partners' proposed mixed-use community.

SOURCE: PORT CREDIT WEST VILLAGE PARTNERS
ARCHITECT: GIANNONE PETRICONE ARCHITECTS



FROM BROWN-FIELD TO BRIGHTWATER

■ CONTINUED FROM PAGE 6

Partners in 2016 following a competitive bidding process to determine which companies would be best positioned to successfully remediate the site. **Kilmer Brownfield**, which is part of Kilmer Group, led the substantial remediation of the brownfield site, taking on the full cost of that work.

The area is subject to a city-created master plan, Inspiration Port Credit, which sets a guiding development vision for both this site and one nearby at 1 Port Street East. The master plan sought a development that could balance increased density with respect for existing adjacent low-rise communities while maximizing natural, environmental and water-related features of the site. Kilmer Brownfield president **David Harper** told *NRU* that the consortium used the remediation work as a basis for shaping the overall development. For example, removing the contaminated soil allowed all the parking to be provided below-grade, making more land available for parkland dedication.

“What... [we did] is marry the development with the site conditions,” says Harper. “You’re picking up

legacy issues from a site that was previously developed... [and] understanding what the development possibilities are, taking back those characteristics and marrying them with the best development plan. And so, that’s something that Inspiration Port Credit failed to do, but that’s something that... [we were able] to come up with, a solution that really addresses that and also respects what we think the community wanted.”

Blazevski says respecting the neighbouring community was an important consideration for the project. The site is flanked by the Cranberry Cove community to the west and Port Credit heritage community to the east. Lakeshore Road is a local road with low and mid-rise commercial uses. Phillips says residents were concerned both about construction impacts and the effects of the overall development, but adds that the consortium has been successful in siting the height and density away from those communities and providing a transition in height from the central campus.

“The community that’s coming in, I think, is going to be an exciting one,” Ward


1 councillor **Stephen Dasko** told *NRU*. “It’s the first time in 100 years that we’ve had clear ground there, and as well, the fact that it was cleaned up without cost to the taxpayer... [is] important.”

Dasko says the development will provide several benefits to the area, including providing a diverse mix of housing types and new commercial areas, and the possibility of using of geothermal energy to heat the site. He says community members are generally supportive of the project, but have expressed some concern about how the development could turn out.

“The concerns that we hear is ‘density’, and I’m very sensitive to that as well,” says Dasko. “[But] it’s going to add to the fabric of the community.”

Giannone Petricone Associates was the architect for the master plan. Phase one of the development will be designed by **Turner Fleisher Architects**, **Diamond Schmitt Architects**, and **Superkül**, as well as **Giannone Petricone Associates**. **COBE Architects**

have been retained for the design of the campus hub. **Urban Strategies** has been retained as the lead planner. 🌱



The Town of Aurora is currently seeking a **Secretary/Treasurer to Committee of Adjustment/Assistant Planner**.

If you are interested in the **Secretary/Treasurer to Committee of Adjustment/Assistant Planner** position, please click [here](#) to review the posting details.

The application deadline is **December 20, 2019**.

TOP-10 DEVELOPMENT LAW FIRMS



Peter Pantalone

The results are in, and the following pages reveal *NRU*'s much-anticipated ranking of top-10 planning and development law firms of 2019, based on an analysis of **Local Planning Appeal Tribunal** (LPAT) decisions issued between July 2018 and June 2019. Interestingly, the names of the firms that ranked in this year's top-10 are identical to those who ranked last year, although most have shifted to a new place in the rankings.

In the 2018 law review, *NRU* reflected on a tumultuous year in which the planning and development community was just beginning to come to terms with the implications of the Bill 139 planning regime. Then, with the election of Premier **Doug Ford**'s Conservative majority government, many saw the writing on the wall that further, radical changes to Ontario's planning system were looming.

Bill 108, the *More Homes, More Choice Act*, 2019, was announced in early 2019—to the chagrin of some and the delight of others—an omnibus bill amending 13 pieces of existing legislation pertaining to land use planning, with the premise of accelerating the construction of more diverse and more affordable forms of housing across Ontario. Land use planning appeals,

cultural heritage protections, the mandate of conservation authorities, development charges calculations, endangered species act policies, environmental assessment requirements—nary a planning issue was *not* touched by Bill 108.

True to form, the planning and development community quickly mobilized to make sense of what this new regime would mean for public and private planning processes. Notably, while Bill 108 maintains the LPAT name, it reverts back substantially to the legal and procedural frameworks that governed the former **Ontario Municipal Board**. Against this chaotic backdrop, the Tribunal has kept calm and carried on, continuing to hear appeals on a range of planning issues, large and small.

In this year's law review reporting window, roughly the same volume of decisions were considered as in last year's. This could indicate that the Tribunal's pace of hearing and ruling on appeals reached somewhat of a plateau. However, the recent surge in the Tribunal's membership—with 29 of its 30 positions having been filled as of the date of this year's law review—may lead to an increased pace of decision issuance in the near future as

the Tribunal works to clear a backlog of appeals.

The decisions considered in this year's law review generally concerned smaller, local and site-specific matters; compared to recent years, there were fewer landmark decisions having broad policy implications. However, major hearings are looming for 2020, including the **Glen Abbey Golf Course** redevelopment appeals, which could have far-reaching implications that redefine how municipalities plan for infill urban growth and conserve cultural heritage.

NRU congratulates this year's top law firms on a job well done and wishes all a happy holiday, a joyous new year, and a successful 2020.

AIRD BERLIS

1 [4] Aird & Berlis

Solicitors: **Meaghan Barrett**, **Maggie Bassani**, (Monica Ciriello), **Eileen Costello**, **Laura Dean**, (Robert Doumani), **Patricia Foran**, **Ajay Gajaria**, **Tom Halinski**, **Patrick Harrington**, **Matthew Helfand**, **Rebecca Hines**, **Kim Kovar**, **Leo Longo**, **John Mascarin**, **David Neligan**, **Jane Pepino**, **Andrea Skinner**, **Sidonia Tomasella**, **Peter Van Loan**, **Christopher Williams** and **Steven Zakem**.

Aird & Berlis emerges as the top achiever after a stellar year that saw significant wins for both its private and public-sector clients across the GTHA. The firm surpassed the competition this year both in terms of overall case volume, and in successful outcomes. For client **City Park Homes**, Aird & Berlis secured approvals for new infill developments in Mississauga (5155 Mississauga Rd.) and Markham (7 Town Crier Ln.) that faced local opposition over issues of fit and compatibility with existing, established neighbourhoods.

Other notable victories include securing settlements for a tri-tower development at Yonge and Carrville Road in Richmond Hill and for an infill 10-storey rental building in midtown Oakville (297 Queens Ave.), as well as settling on behalf of a local resident with respect to the reconstruction of the **Aurora United Church**, destroyed by a fire in 2014.

Cases: Representing First Capital Holdings (PL171234 – Neligan, Costello); representing Halton Region (PL170848 – Doumani); representing Orlando Corporation (PL141189) (Longo, Neligan); representing King Township (PL180853 – Halinski) (S);

CONTINUED PAGE 9 ■

2018 LAW REVIEW

■ CONTINUED FROM PAGE 8

representing City Park (Old Barger) Homes (PL180042 – Longo) (S); representing King Township (PL120903 – Halinski) (✓); representing Granite Real Estate, Granite REIT and Magna International (PL140839 – Skinner, Zakem); representing Rodeo Homes Richmond Hill (PL171283 – Longo) (S); representing King Township (PL170998 – Halinski, Hines, Ciriello); representing Fieldgate Developments (PL171032 – Harrington); representing 9681 Yonge Developments (PL170619 – Neligan); representing East Valley Farms and Con Seven Developments (PL170051 – Skinner); representing Halton Region (PL170735 – Doumani); representing City Park (Town Crier) Homes (PL180100 – Longo, Harrington) (✓); representing King Township (PL180116 – Halinski); representing 2473330 Ontario and Pantheon Group (PL170781 – Harrington, Foran) (✓); representing Antonio Masonsong (PL170912 – Foran) (✓); representing multiple appellants (PL171450 – Neligan, Costello, Barrett); representing King Township (PL170869 – Halinski); representing Binbrook Heritage Inc. (PL170981 – Zakem); representing CP REIT Properties (PL170817

– Harrington); representing Lindvest (PL171467 – Foran) (S); representing 7553 Islington Holdings (PL170151 – Harrington); representing multiple appellants (PL180073 – Foran); representing King Township (PL180323 – Halinski); representing BK Prime Ontario 1 LP (PL180499 – Harrington); representing IMH Queens (PL180396 – Foran, Bassani) (S); representing King Township (PL161246 – Halinski) (X); representing Pine Valley Enclave (PL171348 – Longo); representing King Township (PL160763 – Halinski) (X); representing Halton Region and Argo (Joshua Creek) (PL170731 – Doumani, Harrington) (S); representing multiple appellants (PL140743 – Foran, Skinner, Costello, Tomasella, Longo); representing Shimvest Investments, Prato Estates and Preserve Homes (PL180272 – Foran) (S); representing King Township (PL171272 – Halinski); representing 2366885 Ontario (PL171333 – Harrington); representing CPC II Management (PL180300 – Neligan); representing Goldenville Development (PL170724 – Halinski) (S); representing Bolton Option 3 Landowners Group (PL170058 – Harrington, Barrett); representing Orlando

Corporation (DC140020 – Longo); representing Plaza Imports (PL180816 – Harrington); representing WAM Green LP (Zakem, Neligan) (X); representing Loblaw Properties (PL180854 – Harrington) (S); representing Stephen Aghaei (PL180829 – Barrett) (✓); and representing York Region Condo Corp 820, Perlane Construction and Lee Sand and Gravel (PL180002 – Harrington) (✓).



2 [2] Davies Howe LLP

Solicitors: **John Alati**, (Isaiah Banach), **Kimberly Beckman**, **Jamie Cole**, (Jeffrey Davies), **Mark Flowers**, **Kyle Gossen**, **Nadia Kadri**, **Ava Kanner**, (Marisa Keating), **Samantha Lampert**, **Alex Lusty**, **Andy Margaritis**, **Meaghan McDermid**, **Michael Melling**, **Aaron Platt**, **Susan Rosenthal**, **Christopher Sivry** and **Daniel Steinberg**.

Davies Howe holds steady in the penultimate spot, demonstrating excellence in all facets of planning and municipal law. The firm achieved a significant victory on behalf of **Amacon Development** with respect to its appeal of **Peel Region's** new development charge by-law (no. 46-2015), where it successfully challenged the region's allocation of growth costs between residential and non-residential development.

Davies Howe successfully represented the proponent of a Georgina wildlife rehabilitation centre (87 Routley Ave.) who

wished to expand her facility but was opposed by a neighbour concerned that the expansion would attract predatory animals to the vicinity. The firm also represented a developer and secured a settlement for a 345-unit subdivision in Richmond Hill (Part of Lot 30, Concession 2, E.Y.S.) that will protect on-site Provincially Significant Wetland and Woodland features.

Cases: Representing Yonge Green Lane GP (PL170154 – Rosenthal) (S); representing Roybridge Holdings (PL171198 – Melling) (X); representing Laurier Harbour (Keele) (PL170640 – Platt, Kadri, McDermid) (S); representing Gatehollow Estates (PL170836 – Melling, Keating); representing Tesmar Holdings, H&L Tile, Ledbury Investments and Ivanhoe Cambridge (PL140839 – Flowers, McDermid, Alati) (S); representing Hurontario Office Centre (PL171169 – Melling, Lusty); representing 2471330 Ontario Ltd. and 2471331 Ontario Ltd. (PL171298 – Alati) (✓); representing Montanaro Estates (PL171200 – Rosenthal) (S); representing Claremont Development Corporation (PL171210 – Alati, Lusty); representing Sol-Mar Inc. (PL111184 – McDermid); representing Islamic Shia Ithna-Asheri Jamaat of Toronto (PL171236 – Flowers); representing Queensville Properties Development Corporation (PL171431 – Rosenthal, Margaritis) (S); representing CGIV Developments (PL171206 –

CONTINUED PAGE 10 ■

2018 LAW REVIEW

CONTINUED FROM PAGE 9

Alati, Margaritis); representing Romandale Farms (PL170781 – Melling, McDermid) (X); representing Gail Myfanwy Lenters (PL180325 – Melling, Lusty) (✓); representing Bowmanville East Developers Group (PL170817 – Flowers); representing Sarno Holdings (PL170151 – McDermid); representing SO Developments (PL180364 – McDermid, Melling); representing multiple appellants (PL180073 – Platt, Flowers, Alati); representing Laurier Harbour (Keele) (PL170643 – Platt); representing Erindale Village Living (PL171203 – Platt); representing ClubLink (PL171084 – Flowers, Gossen, Lampert); representing Earlglen Investments (PL051273 – Melling, Lampert) (S); representing 2404099 Ontario (PL180244 – Platt, Kadri); representing Daniels HR Corporation (PL180262 – Flowers); representing Ellen and Tara McCarthy (PL160763 – Melling, Kadri) (✓); representing Cheltenham Developments (PL180373 – Platt, Kadri); representing multiple appellants (PL140743 – Rosenthal, Melling, McDermid); representing Dorsay Residential Developments (PL180368 – McDermid); representing 658109 Ontario (PL180594 – Margaritis); representing

Digram Developments (PL180292 – Flowers); representing multiple appellants (PL170058 – Melling, McDermid); representing Amacon Development (DC140020 – Rosenthal); representing 2583252 Ontario Ltd. (PL171492 – Melling) (✓); representing York Region Condo Corp 1161 (PL171096 – Melling) (✓); representing Jay Yerama-Wafer (PL180770 – McDermid); representing Midvale Estates and 2117969 Ontario Ltd. (PL180341 – Alati, Margaritis); representing Unipetro Investments (PL171373 – Melling); and representing Amacon Development (DC150017 – Rosenthal, Banach).



3 [4] Kagan Shastri

Solicitors: **Ira Kagan, Kristie Jennings and Paul DeMelo.**

The dynamic trio at Kagan Shastri rounds out our top-three after another year of impressive results across the GTHA. Among the firm's most notable wins this year is an approval for residential development on the former **Castlemore Golf & Country Club** lands in Brampton, which was opposed by the City and a group of well-organized ratepayers.

The firm also secured settlements for a Vaughan townhouse development near Maple GO station (2057 Major Mackenzie Dr.) organized around a designated heritage dwelling, and for a 212-unit infill townhouse development on a former school site in Oshawa (250 Harmony Rd. S.).

Cases: Representing Block 47-1 and 47-2 Landowners Groups (PL141189 – Kagan, Jennings); representing Hatpin Developments (PL171487 – DeMelo); representing Format Group (PL171169 – Kagan, Jennings); representing Pickering Developments (PL151270 – Kagan) (X); representing City of Mississauga (PL171219 – DeMelo) (X); representing 2640174 Ontario Inc. (PL170305 – DeMelo) (S); representing Charlieville Developments (PL171423 – Kagan, Jennings); representing Harmony Taylor Developments (PL171248 – Kagan, Jennings) (S); representing Block 10 Thornhill Woods Development Group (PL171236 – De Gasperis); representing Martillac Estates (PL170735 – Kagan); representing Trustees of Aurora United Church (PL170912 – Kagan, Jennings) (S); representing Block 18 Landowners Group and Block 18 Properties (PL160978 – De Gasperis) (S); representing Municipality of Clarington (PL170817 – DeMelo); representing Municipality of Clarington (PL171390 – DeMelo); representing Municipality of Clarington (PL180249 – DeMelo) (S);

representing Pala Builders (PL180253 – DeMelo); representing Ornstock Developments (MM170066 – Kagan, Jennings); representing Martillac Estates (PL180831 – Kagan); representing Dogliola Developments (PL180073 – Kagan, Jennings); representing National Homes (Plains Road) (PL180446 – Kagan); representing 2042843 Ontario (PL170522 – DeMelo, Jennings) (✓); representing National Homes (Brant) (PL180331 – Kagan); representing multiple appellants (PL140743 – Kagan); representing The Times Group Corp. (PL180368 – Kagan, Jennings); representing Block 47-1 and 47-2 Landowners Groups (PL180276 – Kagan, Jennings); representing multiple appellants (DC140020 – DeMelo); representing Flintshire Building Group (PL170607 – DeMelo, Jennings) (✓); representing The Waterfront Shores Corporation (PL170742 – Kagan, Jennings); representing Emilio Russo (PL171444 – DeMelo, Jennings); representing Peel Region (DC150017 – DeMelo) (X); representing City of Brampton (PL180527 – DeMelo) (X); and representing Mimata Investments (PL180260 – DeMelo) (S).

WeirFoulds LLP

4 [1] WeirFoulds

Solicitors: **Denise Baker, Lia Boritz, John Buhlman, (Michael Connell) Jeff Cowan, Bruce Engell, Aisling Flarity, Sean Foran, Raj Kehar, Barnet**

CONTINUED PAGE 11

2018 LAW REVIEW

■ CONTINUED FROM PAGE 10

Kussner, Michael McQuaid, Gregory Richards, Sylvain Rouleau, Christopher Tzekas and (Victor Wong).

WeirFoulds moves down a few places in this year's rankings as a result of a lower volume of cases than last year, however this is not to say that the firm was not kept busy with a range of large and small appeals for a diverse body of clients. In perhaps its most significant appeal this year, WeirFoulds successfully represented **Picov Holdings** (et al) with respect to appeals by a rival gaming operator against the **Town of Ajax's** approval of Picov's development applications to permit an expansion of the existing **Ajax Downs Racetrack**. The approval was upheld.

WeirFoulds also won or settled a handful of Hamilton-based appeals, including a win for a nine-storey apartment building in Ancaster opposed by the City (1117 Garner Rd. E.) and a win obtaining a dismissal of an appeal against its client's consent and minor variance applications for a three-lot severance in Hamilton Beach (271 Beach Blvd.).

Cases: Representing Green Lane Landowners Group (PL170154 – Baker); representing Loblaw Companies Limited (PL171234

– Kussner); representing City of Brampton (PL141189 – Kussner); representing Town of Oakville (PL171222 – Baker) (X); representing Harmony on Twenty Properties (PL171243 – Baker); representing Sammani 786 Inc. (PL171270 – Baker) (✓); representing City of Vaughan (PL170836 – Baker); representing Picov Holdings and Picov Cattle (PL151270 – Baker, Kussner, Connell) (✓); representing City of Vaughan (PL170558 – Engell) (S); representing Country Green Homes (PL171184 – McQuaid); representing City of Vaughan (Engell) (S); representing Town of Richmond Hill (PL170619 – Engell, Kussner); representing 1151390 Ontario and Halloway Developments (PL170051 – Connell); representing Losani Homes (PL170991 – Baker, Rouleau); representing Hamilton-Halton Homebuilders Association (PL171450 – Baker, Flarity); representing multiple appellants (PL170817 – Rouleau); representing City of Vaughan (PL170151 – Baker); representing City of Vaughan (PL160481 – Engell) (S); representing Samer Ayouth (PL180200 – Baker) (✓); representing City of Vaughan (PL180073 – Kussner); representing Fairway Hills Community Association (PL171084 – Baker, Engell,

Wong); representing Sonoma Homes (PL180175 – Baker); representing Port Credit West Village Partners (PL180196 – Baker); representing Embee Angus and Centre City Capital (PL171100 – Baker, Engell) (S); representing Sonoma Homes (PL161240 – Baker) (✓); representing City of Brampton (PL180276 – Kussner); representing Town of Richmond Hill (PL180724 – Baker) (✓); representing Michael Sullivan and Maggie DiPede-Sullivan (PL180554 – Baker); representing Coastal Land Development (PL180711 – Tzekas) (✓); representing City of Hamilton (PL170742 – Kussner); representing Richmond Hill (PL171444 – Baker); and representing Silverwood Homes (PL171179 – McQuaid).



5 [8] Turkstra Mazza

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

Hamilton-based Turkstra Mazza continues its upward ascent in our rankings, reflecting an increasing caseload across the GTHA and consistently strong results for its clients. In a high-profile victory, the firm represented both the **City of Hamilton** and developer **Centurion (Dundas) Holdings** in an appeal by a cohort of citizens against Hamilton's approval of Centurion's proposal

to construct a nine-storey development (17 Main St. & 10 Baldwin St.).

The firm also settled on behalf of **Astra Capital Properties** with respect to its appeal of Mississauga's adoption of official plan and zoning by-law amendments for the **Sheridan Park Corporate Centre**, and settled with **Niagara Escarpment Commission** on behalf of a developer seeking to amend a prior approval by adding an additional storey on a new building (467 Charlton Ave. E.).

Cases: Representing ADMNS Brampton Investment Corporation (PL180053 – Toumanians); representing Astra Canada Properties (PL160562 – Toumanians) (S); representing Graydon Banning (PL170735 – Snider); representing Penta Properties and Upper Centennial Developments (PL170991 – Toumanians); representing Kennedy Road Owners Group (PL171246 – Snider, Kaufman); representing multiple appellants (PL171450 – Snider, Toumanians, Smith, Meader); representing 1559306 Ontario (PL170817 – Toumanians); representing J.A.N. Group (PL171383 – Toumanians); representing Vincent and Maria Commisso (PL161121 – Smith) (✓); representing multiple appellants (PL171393 – Toumanians); representing Losani Homes (PL171388 – Meader); representing Hodero Holdings (PL180499 – Snider); representing 489376

CONTINUED PAGE 12 ■

2018 LAW REVIEW

CONTINUED FROM PAGE 11

Ontario Ltd. (PL180612 – Meader) (✓); representing Centurion (Dundas) Holdings (PL160066 – Snider, Toumanians) (✓); representing Parkside Hills (PL171131 – Snider, Toumanians); representing Television City Hamilton (PL180255 – Smith); representing Bressa Developments (PL170731 – Snider, Meader) (S); representing Ruonan Yang (PL180563 – Meader) (X); representing Berczy Glen Landowners Group (PL140743 – Meader); representing Aryeh Construction (PL180368 – Meader); representing Tony Raposo (PL180766 – Meader) (✓); representing Farm Del Monte (PL180695 – Meader) (S); representing 467 Charlton Avenue Inc. (PL180858 – Toumanians) (S); representing Mattamy (PL170219 – Toumanians) (S);

representing Hak Chung and Mikyung Kang (PL180919 – Toumanians) (✓); representing John deFaveri (PL180921 – Toumanians) (S); representing Red Hill Cannabis (PL180818 – Toumanians); representing Harbour West Neighbours Inc. (PL170742 – Snider); representing John Downey (PL160237 – Toumanians) (S); representing Paletta International Corp. (PL171500 – Snider, Toumanians); representing Durham Region Homes Builders Association (DC180020 – Meader); and representing Tyler Gosse (PL180500 – Meader) (✓).



6 [7] Loopstra Nixon

Solicitors: **Quinto Annibale, Joseph Cortellucci, Steven Ferri, Mark Joblin**, (Emily Pace), **Brendan Ruddick** and (Cindy Yi).

Loopstra Nixon demonstrates another strong showing in this year's rankings. In December, 2018, the firm achieved a settlement on behalf of **Rutherford Land Development Corporation** for three high-rise towers in the context of its appeals of the new Vaughan Official Plan and Vaughan Mills Centre Secondary Plan. Loopstra Nixon also successfully represented the **City of Markham** in several separate appeal proceedings, and successfully represented an appellant seeking an expansion of its aggregate storage yard and transfer station, which was opposed by **King Township**.

Cases: Representing Dufferin Aggregates (PL171487- Ferri); representing Rutherford Land Development Corporation (PL140839 – Annibale, Ruddick) (S); representing Bushland Heights (PL170998 – Ferri); representing City of Pickering (PL171210 – Annibale, Ruddick); representing Rutherford Land Development Corporation (PL111184 – Annibale, Cortellucci); representing

Preserve Thornhill Woods Association (PL171236 – Annibale, Ruddick); representing City of Markham (PL180100 – Ruddick) (✓); representing Bushland Heights Ltd. (PL180116 – Ferri); representing City of Markham (PL170781 – Joblin) (✓); representing City of Markham (PL180004 – Ferri) (✓); representing Via-Ru Ltd. and Bushland Heights (PL170868 – Ferri); representing multiple appellants (PL170817 – Ferri); representing Capital Build (Keele) (PL160481 – Ferri) (S); representing Giuseppe and Carmela Serafino (PL171393 – Pace); representing 8787867 Ontario Ltd. (PL180508 – Ferri) (S); representing City of Mississauga (PL171203 – Annibale, Joblin); representing City of Mississauga (PL170994 – Ruddick) (X); representing City of Pickering (PL171171 – Annibale); representing 632025 Ontario Ltd. (PL180323 – Annibale, Ruddick); representing Medallion Developments (PL171389 – Annibale, Ruddick); representing City of Mississauga

CONTINUED PAGE 13

WOOD BULL LLP
Barristers & Solicitors

MUNICIPAL, PLANNING & DEVELOPMENT LAW

65 Queen St. W., #1400, Toronto | www.woodbull.ca

Wood Bull LLP is pleased to welcome our new associate **Aaria Rahim** to our team.

arahim@woodbull.ca | 416-203-7573

Guelph Urban Design AWARDS 2020

Celebrating excellence in urban design.

Deadline for submissions: **March 2, 2020.**
Winners will be announced in September 2020.

Submissions now open.

guelph.ca/urbandesignawards

2018 LAW REVIEW

CONTINUED FROM PAGE 12

(PL171120 – Ruddick) (X); representing City of Mississauga (PL180196 – Annibale, Joblin); representing 1186675 Ontario Ltd. (PL161246 – Annibale, Ferri) (✓); representing City of Markham (PL140842 – Ruddick) (S); representing City of Markham (PL180563 – Joblin) (✓); representing Bolton North Hill Landowners Group (PL170058 – Annibale, Ferri); representing Southwest Georgetown Landowners (PL170219 – Joblin, Annibale) (S); and representing Brock Township (PL180770 – Annibale).

Ritchie Ketcheson
Hart & Biggart LLP

7 [5] Ritchie Ketcheson Hart & Biggart

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

As in previous years, Ritchie Ketcheson Hart & Biggart acts mainly on behalf of municipalities with respect to appeals of private development applications, as well as municipally initiated planning instruments. This year, the firm successfully represented the **Town of Ajax** in appeals against the Town's approval of applications by **Picov Holdings**

et al to expand the **Ajax Downs** gaming facility, and represented **Town of Whitby** in settling with numerous appellants of the **Werden's Plan Neighbourhood Heritage Conservation District**.

Cases: Representing Town of East Gwillimbury (PL170154 – Ketcheson) (S); representing Town of Oakville (PL140317 – Biggart) (S); representing City of Vaughan (PL171487 – Lidakis); representing City of Vaughan (PL170836 – Lidakis); representing Town of Ajax (PL151270 – Biggart) (✓); representing City of Vaughan (PL170305 – Lidakis) (S); representing City of Vaughan (PL170558 – Lidakis) (S); representing Mansions of King (PL170998 – Ketcheson); representing Orangeville Railway Development Corporation (PL171032 – Biggart); representing City of Vaughan (PL170960 – Lidakis); representing Town of Whitchurch-Stouffville (PL171493 – Kapelos) (S); representing Mansions of King (PL180116 – Ketcheson); representing Town of Georgina (PL180325 – Ketcheson) (✓); representing City of Markham (PL170580 – Ketcheson); representing City of Hamilton (PL170981 – Kapelos); representing Fairhaven Investments (PL170817 –

Ketcheson); representing Town of Whitby (PL171134 – Kapelos) (X); representing City of Vaughan (PL160481 – Lidakis) (S); representing Town of Whitchurch-Stouffville (PL171393 – Ketcheson); representing City of Hamilton (PL171389 – Biggart); representing City of Hamilton (PL180175 – Biggart); representing Tony di Benedetto (PL171357 – Biggart, Kapelos); representing Zancor Homes (PL170058 – Biggart, Hart); representing Town of Whitby (MM170064 – Biggart) (S); representing City of Burlington (PL180721 – Biggart); representing City of Hamilton (PL171179 – Biggart); and representing Town of Ajax (DC180020).

Goodmans

8 [9] Goodmans

Solicitors: **Ian Andres, Anne Benedetti, David Bronskill, Tom Friedland, Matthew Lakatos-Hayward, Joseph Hoffman, Roslyn Houser, Robert Howe, Max Laskin, Allan Leibel, Catherine Lyons**, (Elliot Pobjoy) and **Mark Noskiewicz**.

Goodmans moves up a spot in this year's rankings after achieving favourable outcomes in a number of lengthy and complex appeals. The firm obtained a settlement for developer **Dufferin Vistas** in its appeal concerning a residential subdivision (230 Grand Trunk Ave.) that was opposed by **Friends of the Grand Trunk Ravine**, a local residents group.

Goodmans also secured a settlement for **Onepiece**

Ideal Developments for a multi-tower development in Unionville (28 Main St.) and successfully represented a builder whose consent and variance applications for a site in Mississauga's Lorne Park neighbourhood (1190-1200 Lorne Park Rd.) were appealed by an adjacent homeowner.

Cases: Representing Sundial Homes (PL170154 – Howe); representing Ontario Lottery and Gaming Commission (PL151270 – Andres); representing multiple appellants (PL170619 – Andres); representing AMA Development Corporation (PL170051 – Pobjoy); representing Triple Crown Line Developments (PL180037 – Bronskill, Laskin); representing Dufferin Vistas (PL160978 – Bronskill, Laskin) (S); representing Town of Oakville (PL170666 – Lyons) (S); representing 1834375 Ontario (PL171117 – Bronskill) (S); representing Town of Oakville (PL171084 – Howe); representing David Shorey (PL180130 – Andres) (S); representing 9265988 Canada Corp. and 9183183 Canada Corp. (PL171285 – Laskin); representing Forest Bay Homes (PL180244 – Benedetti); representing Trillium Health Partners (PL180262 – Lyons); representing Nervew Investments and Taka Poisha Inc. (PL171120 – Bronskill) (✓); representing Evelyn Charters (PL180311 – Laskin) (S); representing Onepiece Ideal Developments (PL140842 – Bronskill) (S); representing

CONTINUED PAGE 14

2018 LAW REVIEW

CONTINUED FROM PAGE 13

multiple appellants (PL140743 – Lyons); representing 4005 Hickory Drive Ltd. (PL171205 – Bronskill, Laskin); representing King Ridge Developments (PL171272 – Bronskill); representing Format Group (PL180649 – Andres) (✓); representing BILD (DC140020 – Howe); representing Reserve Properties (PL180721 – Hoffman); and representing North Pickering Community Management (PL180647 – Bronskill) (S).



9 [6] Borden Ladner Gervais

Solicitors: **Andrew Baker, Katie Butler, Liviu Cananu, F.F. (Rick) Coburn, Lee English, (Kate Fairbrother), Simon Fung, (Sean Gosnell), Barbora Grochalova, Gabrielle Kramer, Julie Lesage, Piper Morley, (Meagan Patry), J. Pitman Patterson, Frank Sperduti, Isaac Tang, Stephen Waqué and Robert Wood.**

Borden Ladner Gervais wraps up another busy year at the Tribunal representing a mix of private and public-sector clients. The firm represented the **City of Vaughan** in numerous proceedings, securing settlements of appeals of its new Official Plan and the Vaughan Mills Centre Secondary Plan, and settling on several development proposals including 230 Grand Trunk Ave., 1890 Highway 7, and 2057 Major Mackenzie Drive.

The firm continues to represent **Halton Region** in a major appeal by **ClubLink** for the redevelopment of **Glen Abbey Golf Course** and appeals of several related planning instruments initiated by the **Town of Oakville**.

Cases: Representing Joe and Franca Leo (PL180426 – Fairbrother) (✓); representing City of Vaughan (PL140839 – Coburn) (S); representing City of Vaughan (PL170305 – Patterson) (S); representing York Region (PL111184 – Patterson); representing City of Vaughan (PL171236 – Patterson); representing City of Vaughan (PL160978 – Patterson, Morley) (S); representing Richard and Susan Deacon and Normandale Community Residents Advocacy (PL170580 – Tang, Morley); representing City of Vaughan (PL160819 – Patterson) (X); representing Halton Region (PL180831 – Tang, Baker); representing City of Vaughan (PL171117 – Coburn) (S);

CONTINUED PAGE 15

FOR SALE

TRANSIT-ORIENTED, HIGH DENSITY DEVELOPMENT OPPORTUNITY

3168 HURONTARIO STREET, MISSISSAUGA

- 3.18 acres of land
- Located adjacent to the Cooksville GO Train station and upcoming Hurontario LRT
- 5 min drive to Square One & other major amenities
- Frontages on Hurontario, Hillcrest Avenue and upcoming John Street extension
- Potential to mass approx. 1,000,000 SF of density on site (7.22 FSI)



CONTACT:

DAN ROGERS**
SENIOR VICE PRESIDENT
416 359 2352
dan.rogers@cushwake.com

JEFF LEVER*
ASSOCIATE VICE PRESIDENT
416 359 2492
jeff.lever@cushwake.com

RENE SERIN*
VICE PRESIDENT
905 501 6434
rene.serin@cushwake.com

CLICK FOR BROCHURE



©2019 CUSHMAN & WAKEFIELD ULC, BROKERAGE
NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, IS MADE TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED HEREIN, AND SAME IS SUBMITTED SUBJECT TO ERRORS, OMISSIONS, CHANGE OF PRICE, RENTAL OR OTHER CONDITIONS, WITHDRAWAL WITHOUT NOTICE, AND TO ANY SPECIAL LISTING CONDITIONS IMPOSED BY THE PROPERTY OWNER(S). AS APPLICABLE, WE MAKE NO REPRESENTATION AS TO THE CONDITION OF THE PROPERTY (OR PROPERTIES) IN QUESTION. SALES REPRESENTATIVE* BROKER**

2018 LAW REVIEW

CONTINUED FROM PAGE 14

representing York Region (PL171393 – Patterson); representing Halton Region (PL171084 – Tang, Lesage); representing Halton Region (PL180499 – Tang); representing Gil, Maria and Malvina Scholyar (PL180163 – Tang, Lesage); representing York Region (LC100032 – Sperduti, Morley) (✓); representing Boltcol South Holdings (PL170058 – Morley), representing Halton Region (PL170219 – Tang) (S); representing 2585426

Ontario (PL170607 – Tang) (X); representing City of Vaughan (PL180665 – Patterson, Fairbrother); representing 1583618 Ontario and Wilstar Management (PL180816 – Patterson); representing Byron Management (MM170064 – Baker) (S); representing Halton Region (PL171500 – Tang); and representing York Region (LC160004 – Fairbrother).



10 [10] Overland

Solicitors: **Daniel Artenosi, Natalie Ast, Michael Cara, Christopher Tanzola and Brad Teichman.**

Overland retains its spot in our top-10, with several notable wins and settlements captured in this year's law review reporting window. The firm successfully represented developer **Brooklin Meadows** in a contested hearing with respect to its appeal for a townhouse development in Whitby's Brooklin neighbourhood (NE corner of Baldwin St. & Carnwith Dr.). Representing

Sky-Cawthra Developments, the firm helped secure a settlement for a townhouse development in Mississauga after its client's appeal (3105 Cawthra Rd.) was consolidated with an adjacent developer's related appeal.

Cases: Representing Caveze Investments (PL141189 – Artenosi); representing Sky-Cawthra Development (PL170479 – Teichman, Tanzola) (S); representing Centra (BT1) (PL170960 – Artenosi, Cara); representing Sorbara./ L&M GP (PL171493 – Tanzola) (S); representing Larencore Holdings (PL171403 – Artenosi); representing Excelsior Financial Group

CONTINUED PAGE 16

FOR SALE HIGH DENSITY RESIDENTIAL REDEVELOPMENT SITE

1150 MARKHAM ROAD, TORONTO

- Site area of approx. 1.41 acres
- Mixed-Use OP designation supports high-density residential redevelopment
- Dual frontages along Markham Road & Ellesmere Road
- Close proximity to Highway 401 for GTA accessibility
- Located 2.0 km east of the McCowan Subway Station



CONTACT:

DAN ROGERS**
SENIOR VICE PRESIDENT
416 359 2352
dan.rogers@cushwake.com

JEFF LEVER*
ASSOCIATE VICE PRESIDENT
416 359 2492
jeff.lever@cushwake.com

CLICK FOR BROCHURE



©2019 CUSHMAN & WAKEFIELD ULC, BROKERAGE
NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, IS MADE TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED HEREIN, AND SAME IS SUBMITTED SUBJECT TO ERRORS, OMISSIONS, CHANGE OF PRICE, RENTAL OR OTHER CONDITIONS, WITHDRAWAL WITHOUT NOTICE, AND TO ANY SPECIAL LISTING CONDITIONS IMPOSED BY THE PROPERTY OWNER(S). AS APPLICABLE, WE MAKE NO REPRESENTATION AS TO THE CONDITION OF THE PROPERTY (OR PROPERTIES) IN QUESTION. SALES REPRESENTATIVE* BROKER**

2018 LAW REVIEW

CONTINUED FROM PAGE 15

(PL170817 – Artenosi, Cara); representing Excelsior Financial Group (PL180249 – Artenosi, Cara) (S); representing 2522272 Ontario (PL171444 – Artenosi, Cara); representing Brooklin Meadows (PL171134 – Tanzola) (✓); representing Highview Building Corp (PL170602 – Tanzola); representing Sky-Cawthra Developments (PL180336 – Tanzola); representing Jaspreet and

Prabhoot Kawara, Baljinder and Harjinder Soor, Klaas Jacobus and Anna DeRooy and Maddelena Riccio (PL170679 – Artenosi); representing 1428420 Ontario (PL170650 – Artenosi) (S); representing Simin Gheflati-Manjili (PL180814 – Cara) (✓); representing Alireza Nabati and Iraj Nabizadeh (PL180724 – Artenosi, Cara) (✓); and representing 2522772 Ontario (PL171444 – Artenosi, Cara).

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 Local Planning Appeal Tribunal and were reported in the GTHA edition of NRU between August 1, 2018 and July 31, 2019.

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 does not account for cases we do not know about. Hence, there is some degree of subjectivity in the ranking.

The listings—Lawyers that are 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 2018/19 reporting window.

The client, LPAT case number, and relevant lawyer is noted for each contributing case. In cases that involved an LPAT decision where there was a clear winner, loser or settlement, the appropriate symbol (V) or (X) 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, 2019, 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 LPAT decisions to ensure that they are covered in NRU and thus included in the 22nd annual GTHA rankings to be published in December 2020.

THE NEXT 10 FIRMS...

11 [14] Gardiner Roberts; 12 [13] Cassels Brock; 13 [11] McMillan; 14 [17] Municipal Law Chambers; 15 [N/A] Parente, Borean; 16 [N/A] Donnelly Law; 17 (TIE) [12] Thomson Rogers; 17 (TIE) [N/A] McCarthy Tétrault; 18 (TIE) [N/A] Osler, Hoskin &

Harcourt; 18 (TIE) [19] Wood Bull; 19 [N/A] Devine Park; 20 [16] Horosko Planning Law. 🌟

Global Resolutions is pleased to announce



James McKenzie
has joined its panel.

James is known for his professionalism, pragmatism and skill in resolving complex multi-party disputes.

His areas of expertise include:
Land Use Development
Expropriation/Land Valuation
Development Charges
Environmental and Natural Resource
Conservation/Heritage Designation
Development Cost-sharing
Infrastructure and Building
Aggregate Resource
Community Benefits
Municipal Governance

To book James for a mediation call 416-964-7497
or e-mail info@globalresolutions.com.



GlobalResolutions
DISPUTE RESOLUTION EXPERTS

LPAT NEWS

WHITCHURCH-STOUFFVILLE CONSENT AND VARIANCES AUTHORIZED

In a December 5 decision, LPAT member **Laurie Bruce** allowed appeals by **Fairpark Homes** against the **Town of Whitchurch-Stouffville** Committee of Adjustment's (COA) refusal of its consent and minor variance applications for 118 and 132 William Street.

Fairpark proposes a severance to create five lots from the existing two, and to build single detached dwellings on each new lot. Although Town staff had recommended the applications be approved, they were denied by the COA.

The Town did not participate in the appeals, as town council had previously passed a resolution that staff would not participate, subject to the satisfaction of several conditions. Among the Town's conditions are: a requirement for a cash payment in-lieu of parkland dedication, the provision of a cul-de-sac turning bulb, servicing requirements, and other matters.

Urban designer **David**

Stewart (Williams & Stewart Associates) and land use planner **Maria Gatzios (Gatzios Planning & Development Consultants)** provided evidence on behalf of Fairpark, in support of the appeals. The witnesses testified that the proposal represents compatible, infill intensification in an already-built-up area of the town. The new dwellings will fit in with the existing streetscape and the larger homes will be consistent with the architectural character of the neighbourhood.

One neighbour, **Shelly Tackaberry-Mogdon**, attended the hearing in opposition to the proposal. She opined that the new lots will be too small and will thus have an adverse impact on the streetscape aesthetic.

The Tribunal agreed with and adopted Stewart and Gatzios' uncontroverted expert evidence and allowed the appeals, in part, authorizing the consent and variances, subject to conditions.

Solicitors **Katarzyna Sliwa** and **Aaron Kurts (Dentons)** represented Fairpark Homes Inc. [See LPAT Case No. [PL190208](#).]



IN BRIEF

Hamilton LRT off the rails

The provincial Conservative government cancelled **City of Hamilton's** Light Rail Transit (LRT) project Monday citing billions of dollars in cost overruns.

Transportation minister **Caroline Mulroney** said in an emailed statement that "for many years, members of the former Liberal government... were not upfront about the true cost of the Hamilton Light Rail Transit project." According to her statement: "It is clear that the previous Liberal government misled the people of Hamilton and all Ontarians when they positioned the LRT as a \$1-billion project."

Mulroney's statement claims that the estimated cost of the project is in reality closer to \$5.5 billion. Mulroney stated that the province will honour its \$1-billion capital commitment to invest in transportation infrastructure in the city and will create a Hamilton Transportation Task Force.

Mulroney was scheduled to make the public announcement at 2:30 p.m. at the Sheraton Hotel Hamilton Monday, but cancelled her press conference when upset city councillors, **Mayor Fred Eisenberger** and city residents filed into the room. Mayor Eisenberger was informed of the

cancellation Monday morning.

Mulroney declined to make public the calculations that show the discrepancy between the Liberal and the Conservatives' cost estimates, but **Premier Doug Ford** acknowledged in a radio interview on **AM 640 (CFMJ)** Monday that the Conservatives are including operating costs in their calculations.

A section of the City of Hamilton's [website](#) called "Frequently Asked LRT Questions" notes that "Metrolinx is responsible for the construction and long term maintenance costs [of the LRT] while the City will be responsible for the day to day operating costs once the LRT is in service."

Headwaters Tourism to cease operation

After 25 years of providing tourism services on behalf of businesses and municipal partners in **Dufferin County, Town of Caledon** and **Town of Erin**, **Headwaters Tourism** will be shutting down its operations. In a press release, chair **Bill Gillam** said "Headwaters Tourism served the community very well for 25 years. The tourism landscape of the area has changed drastically over the years and it is time for a different approach." The company will cease operation effective December 31, 2019. 🌸

PEOPLE

Sheila Jones has been appointed inaugural **City of Burlington** strategy, risk and accountability executive director. Previously, she was city auditor. Among Jones's chief responsibilities in this new role will be leading city teams in monitoring, guiding and reporting back, on a regular basis, on the City's [Vision to Focus](#) work plan.