

BURLINGTON'S NEW ONLINE STRATEGY

THE DIGITAL CITY

By Mark Ostler

As the **Town of Ajax** takes a big step into the digital age with its new social media policy, so is the **City of Burlington**, which this week approved a new e-government strategy to direct an online shift in service delivery.

Burlington's focus is on putting residents first while staying dynamic enough to react to the constant evolution of digital communications.

"Part of this strategy is making sure that in the long-term it's sustained and that it isn't a project that stops, it really becomes a transformational tool for those customer services," Burlington IT strategic services manager **Frances Grano** told *NRU*. Grano was also a project manager on part of the e-government strategy.

The key feature of the strategy is an online portal where users can create an account and set their own preferences, including the type of information they want to receive, the projects they want to be updated on and online access to information and registrations for the services they use. This includes a geographically-based feature to see the various services and facilities in the vicinity of a given location. The portal will bring together several different business systems currently used separately by the city.

Residents will be able to shop, in a sense, for different city services, adding such items as a swimming

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13TH ANNUAL RANKING

TOP TEN DEVELOPMENT LAW FIRMS

A number of high-profile cases are highlighted in the 2010-2011 *NRU GTA* law review, including a number of significant settlement agreements. Growth plan conformity amendments for the regions of **Durham, York, Halton** and **Peel** and new official plans for **Oakville, Brampton, Scugog** and **Barrie** were before the **Ontario Municipal Board** this year, achieving resolutions for many outstanding issues. Other major cases include challenges to new zoning by-laws in **Collingwood** and **Whitchurch-Stouffville**, appeals to permit employment and mixed uses along the northern portion of Vaughan's Highway 400 corridor and appeals of development charges by-laws in **Mississauga**.

Major residential cases before the board this year include **Bayview Summit's** five tower residential project in **Markham, Aryeh Construction Limited's** appeals to permit development of three residential towers in Markham and appeals by **Dunbury Developments Ltd.** to permit a 15-storey condominium in **Ajax**.

In our thirteenth annual ranking of the GTA's most prominent planning and development law firms, *NRU* looked back at OMB decisions and stories from August 2010 to July 2011. This year saw a big shake up

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Pickering court challenge fails

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Halton region safest in GTA

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UPCOMING DATES

JANUARY 9

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

Halton Hills Council, 6:30 p.m.

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

JANUARY 10

Caledon Council, 9:30 a.m.

JANUARY 11

Mississauga General Committee, 9:00 a.m.

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

JANUARY 16

Markham General Committee, 9:00 a.m.

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

JANUARY 17

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

Whitchurch-Stouffville Council, 7:00 p.m.

JANUARY 18

Mississauga Council, 9:00 a.m.

Halton Region Council, 9:30 a.m.

JANUARY 23

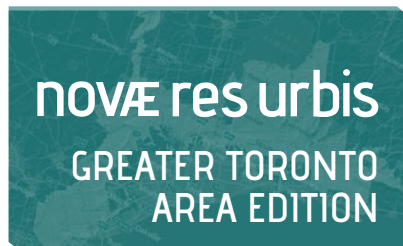
Oakville Council, 7:00 p.m.

Halton Hills Council, 6:30 p.m.

Pickering Council, 7:30 p.m.

JANUARY 24

Markham Council, 7:00 p.m.



PICKERING AUDIT GOES AHEAD

DICKERSON LOSES APPEAL

By Mark Ostler

Long-time Pickering councillor **Doug Dickerson** has lost his legal challenge against an audit of his 2010 election campaign finances. The audit was ordered by the city's audit committee last spring and Dickerson appealed the decision in May.

The audit will look into overspending, as the financial documents submitted by Dickerson following the election suggest he went over his \$19,154 spending limit by \$14,177. (See *NRU-GTA Edition, June 8, 2011.*)

Auditor **Bernard Namon** is set to conduct the audit now that Justice **Paul Bellefontaine** denied Dickerson's appeal in a ruling sent out last week. Residents **Jolanta Duszak**, **David Steele** and **Ian Cumming** filed campaign finance complaints against Dickerson, leading to the audit committee decision. A local business owner, Cumming ran against Dickerson in the 2010 election, losing 2,649 to 1,905.

"It's good to see the process working. I think that an audit was required and I think it will shed some light on a lot of the things that were obviously concerning me and others," Cumming told *NRU*.

Dickerson argued that there is no need for a new audit, as the previous auditor's work was sufficient and Bellefontaine

himself could adequately rule on the classification of the campaign expenses listed based on the information the councillor supplied. However, the judge found that this position "misperceives the proper scope of the compliance audit."

It's good to see the process working. I think that an audit was required and I think it will shed some light on a lot of the things that were obviously concerning me and others.

•Ian Cumming

"Provided there is a single reasonable ground to support the compliance audit, I consider a wide ranging audit and report to be required to meet the needs of public transparency," Bellefontaine wrote. "Accordingly, it would in my view be contrary to the purposes of the [*Municipal Election Act*] to have me simply rely on Mr. Dickerson's reply information and make a decision as to the categorization of the expenses as he calculates them and potentially circumvent the fulsome audit and report contemplated by the act."

Though there is no time limit on how long an auditor can take to conduct a campaign finance audit, once the report is submitted, the audit committee has 30 days to consider

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CITY OF TORONTO • GREATER TORONTO • VANCOUVER

THE DIGITAL CITY

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class membership, dog license renewal and other municipal services to their online shopping basket at once, rather than conducting each transaction separately. As well, the increase in online services means that issues can be sent via an online form at any time of day or night.

Indeed, Grano noted that the city had already made the move online in many respects, such as for posting vendor RFPs. However, with the increasing use of digital communications and technical proficiency among Burlington residents, the gap between the online service delivery that residents expect and what the municipality has been able to provide to date is growing.

“There is a substantial technology investment required to close that gap and through closing that gap we will assist in improving customer service delivery, customer first focus and be innovative and look at opportunities for increased

value,” Grano said. Staff has pegged that investment at approximately \$2-million over the next three years.

The city began a concerted effort to offer an improved online experience for residents 10 years ago. Three years ago council approved an IT business strategy, which included the development of the e-government strategy. The policy and principles behind the latter were approved by council in July 2010 and the strategy itself was then developed.

However, Grano stressed that the city’s concerted push in favour of online service delivery will not come to the detriment of more traditional forms such as in-person and phone services.

“We do know that web/online is a low-cost form for those services but it is not the only form. We will not move to internet only. We will continue with the mediums we have because what we want to offer is customer choice.” **nr**

DICKERSON LOSES APPEAL

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the report once it is received. Under the provincial legislation, exceeding the campaign spending limit can result in potential penalties ranging in severity from fines to being ineligible to run in future elections or even removal from office.

The decision notes that the requirement that surplus campaign funds be remitted to the municipality offers the

potential for misspending.

“This raises an incentive for candidates, and creates the potential that candidates would use the funds for purposes not related to the election to avoid having the money forfeited to the municipality,” Bellefontaine wrote in his decision.

Dickerson did not respond to a request for comment. **nr**

GTA IN BRIEF

DURHAM

[Accessibility plan approved](#)

Durham Region council approved the region’s 2012 Accessibility Plan at its meeting last week. The plan implements new standards under the *Accessibility for*

Ontarians with Disabilities Act, highlighting ongoing and new initiatives to make the region’s operations accessible.



HALTON

[Halton named safest place to live](#)

Last week, *Maclean’s* magazine named **Halton Region** the safest place to live in the GTA and the safest regional municipality

in the country for the fourth consecutive year. The ranking uses a crime severity index, which scores personal and property crimes based on 2010 Statistics Canada crime data. **CONTINUED PAGE 12** ▶

TOP TEN FIRMS

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in the rankings, with **Davies Howe Partners** again taking the top spot, previously unranked **Loopstra Nixon** moving to the number four spot and a big move for **Borden Ladner Gervais**, who moved from its number 19 ranking last year to the number ten spot. Familiar firms in the top ten are **Aird & Berlis**, **Goodmans, Townsend & Associates**, **Kagan, Shastri and Ritchie**, **Ketcheson Hart & Biggart**. Firms included in this year's GTA top twenty that were unranked last year include **Gowlings**, **Wood Bull**, **Gardiner Roberts** and **McCarthy Tétrault**.

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

1 [1] **Davies Howe Partners**



John Alati, Isaiah Banach, Kim Beckman, Jeff Davies, Mark Flowers, Robert Howe, Raj Kehar, Meaghan McDermid, Michael Melling, Aaron Platt, Susan Rosenthal, Daniel Steinberg, Amber Stewart, Katarzyna Sliwa

Reasons for ranking: Davies Howe has kept its number one spot, after moving from its number two spot in 2009. The firm represented clients such as **York Energy Centre LP**, the **Building Industry and Land Development Association** and **Vaughan 400 North Landowners Group Inc.** Davies Howe also participated in appeals against Oakville's new official plan, Brampton's new official plan, and the Central Pickering Development Plan for the Seaton area on behalf of **Affiliated Realty Corporation** and **Mattamy (Seaton) Ltd.** Major settlements the firm was involved with include a number of high profile cases, including the Shops on Steeles five-tower residential commercial development at Bayview Avenue and Steeles Avenue in Markham.

OMB and court matters or hearings: Representing the York Energy Centre LP regarding its appeals to amend an interim control by-law to restrict development of a new energy generation facility in **King Township** (Rosenthal); representing **Amacon Development (City Centre) Corp.** regarding its appeal and an appeal by the Building Industry and Land Development Association's appeal of Mississauga's

new development charges by-law (Rosenthal); representing **Heathwood Homes (Whitby Country Lane Ltd.)** and **West Whitby Landowners Group Inc.** regarding an appeal by **Highmark Homes** of the Durham Region official plan conformity amendment (Flowers); representing **Oakville Great Lakes Marketplace Inc.** regarding appeals of Oakville new official plan (Flowers); representing Vaughan 400 North Landowners Group Inc. regarding its appeals of the Highway 400 North Employment Lands Secondary Plan to permit employment and some mixed uses along the northern portion of Vaughan's Highway 400 corridor (Melling); representing **Carson Road Development Inc., Marandal Enterprises Inc.** and **Midhurst Development Doran Road Inc.** regarding their appeals of Barrie's new official plan (Flowers); representing **Oakville Great Lakes Marketplace Inc.** regarding its appeals to permit a commercial development at the northeast corner of Burloak Drive and Rebecca Street (Flowers) (✓); representing **Fernbrook Homes** regarding appeals by **Halton Hills South Property Corporation** and **751058 Ontario Limited** to permit development of neighbouring residential subdivisions in the 10th Side Road and 9th Line area (Alati); representing **Dimitra's Walk Estates Inc.** and **Nickolas Court Inc.** regarding appeals to permit development of a 100-unit subdivision in **Georgina** (Melling)(settlement); representing **Adalan Development Corporation** for its appeals against **Whitby's** failure to approve a plan of subdivision and rezoning application to develop 29 detached houses in Brooklin, east of Way Street (Melling)(settlement); representing **Affiliated Realty Corporation Ltd.** and **Mattamy (Seaton) Ltd.** (Davies) regarding their appeal of the Central Pickering Development Plan as it relates to the Seaton lands; representing **Monika Sansanwal** regarding her appeal to permit development of two single-detached dwellings south of Highway 7 in Markham (Flowers)(X); representing **Kindwin (Mayfield) Development Corporation, Osmington Inc.** and **Heathwood Homes Limited** regarding appeals of Brampton's new official plan and Peel Region's official plan amendment 16 (Platt); representing **Bayview Summit Developments Ltd.** regarding its appeal to permit development of five 15-25 storey apartment towers with a commercial retail component at 2900 Steeles Avenue (Alati, Davies)(settlement); representing **2063767 Ontario Inc.** and **2022988 Ontario Inc.** regarding their

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appeals to permit a 67-lot residential subdivision in Whitchurch-Stouffville (Alati)(settlement); representing **North Port Group** regarding site-specific official plan policies for its property in the Port Perry Industrial Park in Scugog (Platt)(settlement); representing **West Whitby Landowners Group Inc.** regarding appeals to Durham Region's growth plan conformity official plan amendment, ROPA 128 (Platt).

2 [4] Aird & Berlis



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

Reasons for ranking: Aird & Berlis moved up two spots from its fourth place ranking last year, representing a number of municipal clients such as Collingwood, King and **Bradford West Gwillimbury**. The firm's involvement in appeals of Durham Region's official plan conformity amendment, new official plans in Scugog and Brampton also helped thrust the firm higher in this year's ranking, as well as the firm's involvement in settlements regarding Oakville's official plan appeals.

OMB and court matters or hearings: Representing King regarding its application to update its debt limit for capital projects in Nobleton (Matera, Doumani); representing **E. Manson Investments Ltd.** regarding an appeal by **Pinedale Properties Ltd.** to permit a private school and daycare at one of its properties in a Markham employment area (Foran, Loiacono)(x); representing **Highmark Homes** regarding its appeals of the Durham Region official plan conformity amendment (Longo); representing **First Capital Holdings Inc.** (Foran), **Home Depot Holdings Inc.** (Foran), **Silwell Developments Inc.** (Williams), **Poucet Main Street Inc.** (Williams) and **Poucet Main Street II** (Williams) regarding appeals to Oakville official plan (settlement); representing Collingwood regarding appeals by **Bruce Hutcheson** against

the town's new comprehensive zoning by-law (Longo)(√); representing **860116 Ontario Ltd.** and **840966 Ontario Ltd.** regarding their appeals of a decision to permit development of a new golf course on Heritage Road, north of Steeles Avenue in Markham; representing **Orlando Corporation** and **Akeda Holdings Ltd.** regarding appeals to Brampton's new official plan and Peel Region's official plan amendment number 16 (Longo); representing **Loblaw Properties Ltd.** regarding its appeals of Scugog's new official plan (Foran); representing **Dunbury Developments Ltd.** regarding its appeals to permit a 15-storey condominium in Ajax (Zakem) (settlement); representing King regarding appeals by Vaughan 400 North Landowners Group and **Calapa Farms Limited** against York Region's failure to approve the Highway 400 North Employment Lands Secondary Plan (Matera); representing Collingwood regarding appeals against the town's new zoning by-law (Longo)(partial settlement); representing **Toronto** regarding appeals by **Bayview Summit Developments Limited** to permit redevelopment of a retail plaza with five residential towers at the north east corner of Bayview and Steeles in Markham (Harrington)(settlement); representing **Major Mac 404 Realty Inc.** regarding appeals to permit redevelopment of 30 acres at Leslie Street and Major Mackenzie Drive with an 85,000-square-metre commercial-retail development, including office buildings, a convention centre and a hotel (Zakem, Costello with Kagan of Kagan, Shastri)(√); representing **394 Lakeshore Oakville Holdings Inc.** regarding its appeals to permit development of a 23-unit condominium building at 394 Lakeshore Road West (Longo with Cheeseman); representing **Robert Sikura** regarding appeals by **Aurora Leslie Developments Inc.** and **Aurora 2C West Landowners Group Inc.** to include their lands north of Wellington Street between Leslie Street and Highway 404 as an urban expansion area in **Aurora** (Halinski, Foran); representing **Bradford West Gwillimbury** for an appeal by **James Corneau** regarding the town's new harmonized zoning by-law (Halinski)(√); representing **P.A.R.C.E.L. Inc.** regarding its appeals to permit development of a health and wellness complex and 45-unit apartment building in Aurora (Pepino)(√); representing **Highmark Homes** (Longo), **1631057 Ontario Inc.** (Longo), **HDP Canada Industrial Fund (I)**, **GP Inc.** (Zakem), **Loblaw Properties Ltd.** (Zakem), **Whitby Taunton Holdings Ltd.** (Zakem),

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Pine Ridge Park Inc. (Pepino) and **Brooklin North Landowners Group** (Pepino) regarding appeals to Durham Region's growth plan conformity official plan amendment ROPA 128.

3 [2] Kagan, Shastri



Paul De Melo, Ira Kagan

Reasons for ranking: Kagan, Shastri moved from the number two spot to the third place spot in this year's ranking. The firm was involved in several significant cases, such as appeals by Aurora 2C West Landowners Group Inc. and Aurora Leslie Developments Inc. to bring the Bayview Northeast Area 2C West lands into Aurora's urban area and settle their appropriate land uses and land use policies. It also represented Major Mac 404 Realty Inc. regarding its successful appeal to permit development of an 85,000-square-metre commercial-retail development, with office buildings, a convention centre and hotel on a 30 acre site at Leslie Street and Major Mackenzie Drive in Richmond Hill.

OMB and court matters or hearings: Representing **Aurora-Leslie Developments** regarding appeals by Aurora 2C West Landowners Group Inc. and Aurora Leslie Developments Inc. to permit bringing the Bayview Northeast Area 2C West lands into Aurora's urban area (Kagan); representing **Times Group Inc.** regarding Aryeh Construction Limited's appeals to permit development of three residential towers in Markham; representing **1010047 Ontario Limited, Hoover Thirty Developments Limited and Stouf Can Eight Developments Limited** regarding appeals to a town-wide official plan and zoning by-law amendments in Whitchurch-Stouffville that the board consolidated with appeals by **Courtney Valley Estates Inc. and Lillipad Developments Inc.** to permit a new subdivision in Whitchurch-Stouffville (Kagan)(settlement); representing Mississauga regarding appeals by Amacon Development (City Centre) Corp. concerning its new development charges by-law (De Melo); representing **Riverstone Residences of Oakville Inc. and Fox Farm Developments Inc.** regarding appeals to the new

Town Trinison Management Corp. of Oakville official plan (Kagan)(settlement); representing **Trinison Management Corp. and Fieldgate Developments** regarding appeals by **Georgetown Shopping Centres Ltd., Mattamy Development Co.,** and the **Southwest Georgetown Landowners Group** regarding the first Halton Region growth plan conformity official plan amendment No. 36, 37 and 38 (Kagan); representing Midhurst Road Alliance regarding appeals by Carson Road Development Inc. and Midhurst Development Doran Road Inc., Marandal Enterprises Inc. and **Innisfil** regarding Barrie's new official plan (Kagan); representing **Riverstone Residences of Oakville Inc.** regarding appeals of Oakville's new official plan (Kagan); representing **Trustees for Toronto's Workmen's Circle Colony and Children's Camp, Coughlan Homes Inc., Cougs Ajax Ltd. and 1441449 Ontario Inc.** regarding their appeals to permit development of a rezoning application and 461-unit plan of subdivision with other uses for lands northwest of Rossland Road and Church Street North in Ajax (Kagan, De Melo); representing Times Group Inc. regarding appeals by Aryeh Construction Limited to permit a plan of subdivision and rezoning application to permit development of an eight and 20-storey condominium at 8293 and 8303 Warden Avenue in Markham (Kagan); representing Major Mac 404 Realty Inc. regarding appeals to permit redevelopment of 30 acres of land at Leslie Street and Major Mackenzie Drive with an 85,000-square-metre commercial-retail development, including office buildings, a convention centre and a hotel (Kagan with Zakem and Costello from Aird & Berlis)(√).

4 [n/a] Loopstra Nixon



LOOPSTRA NIXON LLP
BARRISTERS AND SOLICITORS

Quinto Annibale, Mark Joblin, Steven Ferri

Reasons for ranking: Loopstra Nixon flew into the number four spot in this year's rankings—a positive accomplishment for the firm, which was unranked last year. Its representation of a number of municipalities, such as Markham, Innisfil, Mississauga, Pickering, Scugog, Uxbridge, was a significant factor in the firm's ascent.

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OMB and court matters or hearings: Representing Markham regarding an appeal by **Pinedale Properties Ltd.** to permit a private school and daycare in a an existing building in an employment area (Annibale)(√); representing the Innisfil regarding appeals by the Building Industry and Land Development Association and members of the **Alcona Landowners Group** against the town's 2009 development charges by-law (Annibale, Joblin); representing **Nordeagle Developments Ltd.** regarding an appeal of the Durham Region official plan conformity amendment by Highmark Homes (Annibale); representing the **Southwest Georgetown Landowners Group** regarding its appeal of the first Halton Region growth plan conformity official plan amendment No. 37 (Annibale); representing Innisfil regarding its appeal of Barrie's new official plan (Annibale); representing Innisfil regarding appeals of its new official plan (Joblin); representing Scugog regarding appeals by Loblaw Properties Ltd., Daniel McCulloch, North Point Group Inc., Prentice Farm, Doug Lunau and Edward and Elizabeth Storie against its new official plan (Annibale, Ferri); representing Innisfil regarding appeals by 1651012 Ontario Limited concerning its new official plan (Annibale, Joblin)(settlement); representing Mississauga regarding appeals by **John Ross** to permit development of six new residential lots at 2114 Parker Drive in Mississauga (Annibale, Joblin)(√); representing Pickering regarding appeals by 1133373 Ontario Limited, Zavala Developments Inc., Hunley Homes Ltd., 1350557 Ontario Ltd., Affiliated Realty Corporation, Chestermere Investments Ltd., White Sun Developments Ltd. and Mattamy (Seaton) Ltd. regarding the Central Pickering Development Plan (Annibale, Joblin); representing Calapa Farms Limited regarding its appeals to approve the Highway 400 North Employment Lands Secondary Plan (Annibale); representing Scugog regarding appeals by North Port Group regarding site-specific official plan policies for its property in the Port Perry Industrial Park (Ferri, Annibale)(settlement); representing Uxbridge regarding appeals by **Gino** and **Patricia Dipede** to permit development of two new lots at 6 Yonge Street in Uxbridge (Joblin)(settlement).

5 [3] **Goodmans**

Goodmans^{LLP}

Ian Andres, Anne Benedetti, David Bronskill, Jennifer Drake, Roslyn Houser, Robert Howe, Allan Leibel, Catherine Lyons, Mark Noskiewicz, Nick Staubitz, and Michael Stewart

Reasons for ranking: Goodmans maintained its spot in the top five ranked planning and development law firms due to its representation on a number of development charge appeals and its involvement in a number of major cases, including representing **Corsica Development Inc.** for its appeal to permit development of an 803-unit subdivision on its property within the David Dunlop Observatory lands in Richmond Hill.

OMB and court matters or hearings: Representing **Lebovic Enterprises Inc., Metrus Developments Inc. and Mattamy (Bond Lake) Ltd.** regarding appeals to Durham Region's development charges; representing the **Block 34 East Landowners Group Inc.** regarding an appeal by the Minister of Municipal Affairs and Housing with respect to an official plan amendment to establish a new employment area along the Highway 400 corridor in Vaughan (Houser)(settlement); representing members of the Building Industry and Land Development Association regarding their appeal of Innisfil's 2009 development charges by-law (Howe); representing the Building Industry and Land Development Association regarding its appeals and appeals by Amacon Development (City Centre) Corp. of Mississauga's new development charges by-law (Howe); representing **Watersand Construction Ltd.** regarding appeals to Innisfil's new official plan (Noskiewicz) (settlement); representing Markham regarding appeals by Ayreh Construction Limited against Markham's failure to approve a plan of subdivision and rezoning application to permit development of an eight and two 20-storey condominiums at 8293 and 8303 Warden Avenue in Markham (Lyons, Andres); representing Markham regarding appeals by Aryeh Construction Limited and Bayview Summit Developments Limited against Markham's approval of OPA 187, which relates to increases

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in height and density through *Section 37* of the *Planning Act* (Lyons, Andres); representing **Baif Development Ltd.** regarding appeals by Major Mac 404 Realty Inc. to permit redevelopment of 30 acres at Leslie Street and Major Mackenzie Drive with an 85,000-square-metre commercial-retail development, including office buildings, a convention centre and a hotel (Houser)(✓); representing Oakville regarding appeals by **394 Lakeshore Oakville Holdings Inc.** to permit development of a 23-unit condominium building at 394 Lakeshore Road West (Bronskill); representing **Corsica Development Inc.** regarding its appeal to permit development of an 803-unit subdivision on its property within the David Dunlop Observatory lands in Richmond Hill (Bronskill, Andres); representing **G8 Oshawa Investments Ltd.** and **Seaton Landowners** regarding appeals to Durham Region’s growth plan conformity official plan amendment ROPA 128 (Bronskill); representing **Zavala Developments Inc., Hunley Homes Limited, 1350557 Ontario Limited, Affiliated Realty Corporation** and **Chestermere Investments Ltd.** regarding their appeals to permit development to occur in the Seaton area in Pickering (Howe).

6 [6] Ritchie Ketcheson Hart & Biggart

Ritchie Ketcheson
Hart &
Biggart LLP

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

Reasons for ranking: Ritchie Ketcheson Hart & Biggart maintained its number six spot in this year’s ranking representing Halton Region regarding appeals to Oakville’s new official plan and appeals to Oakville’s revised definition and zoning for drive-thru facilities stemming from a 2009 study. The firm’s work representing other municipalities like Burlington, Whitby and Markham also helped the firm keep its spot in this year’s ranking.

OMB and court matters or hearings: Representing Oakville regarding appeals by **Healthcare Properties Holdings Ltd.** to permit continuing the medical office building use in the town (Biggart)(settlement); representing Oakville

regarding appeals by **Oakville Great Lakes Marketplace Inc.** to permit a commercial development in the town (Ketcheson); representing Halton Region regarding appeals of Oakville’s new official plan (Ketcheson); representing Oakville regarding appeals by **Grandeur Luxury Homes Inc., The Oakville Club, Diana Howard, Marion Ferris, Matthew Barrett, Fox Farm Developments Inc.** and **2273 Royal Windsor Inc.** regarding the town’s new official plan (Biggart)(settlement); representing Markham regarding appeals by Bayview Summit Developments Limited to permit redevelopment of a retail plaza with five residential towers at the north east corner of Bayview and Steeles in Markham (Ketcheson)(settlement); representing Burlington regarding appeals relating to city-wide Burlington official plan and zoning updates (Ketcheson); representing Oakville regarding appeals by **Oakville Great Lakes Marketplace Inc.** to permit a commercial development at the northeast corner of Burloak Drive and Rebecca Street (Ketcheson)(X); representing Ajax regarding appeals by Trustees for Toronto’s Workmen’s Circle Colony and Children’s Camp, Coughlan Homes Inc., Cougs Ajax Ltd. and 1441449 Ontario Inc. regarding their appeals to permit development of a rezoning application and 461-unit plan of subdivision with other uses for lands northwest of Rossland Road and Church Street North in Ajax (Biggart); representing Whitby regarding **Adalan Development Corporation’s** appeals against Whitby’s failure to approve a plan of subdivision and rezoning application to develop 29 detached houses in Brooklin, east of Way Street (Biggart) (settlement); representing Oakville regarding appeals by **A&W Food Services of Canada Inc.** and **McDonald’s Restaurants of Canada Ltd., Ontario Restaurant Hotel & Motel Association, Wendy’s Restaurants of Canada Inc.** and **TDL Group Corp.** regarding a revised definition of a drive-thru facility in Oakville’s zoning by-law amendment 2010-47 (Biggart); representing Richmond Hill regarding appeals by **Corsica Development Inc.** to permit development of an 803-unit subdivision on its property within the David Dunlop Observatory lands in Richmond Hill (Ketcheson); representing Whitby regarding appeals to Durham Region’s growth plan conformity official plan amendment ROPA 128 (Biggart).

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7 [7] Thomson Rogers



Roger Beaman, Al Burton, Stephen D'Agostino, David Germain, Jeffrey Wilker

Reasons for ranking: Thomson Rogers maintained its number seven spot in this year's ranking primarily because of the firm's work for Halton Hills, Halton Region and Aurora and also its involvement in a number of successful settlement agreements.

OMB and court matters or hearings: Representing **Trinison** regarding appeals to Durham Region's growth plan conformity official plan amendment ROPA 128 (D'Agostino); representing Halton Hills, **Suraksha Sharma, Xem Nguyenm Tu Thuyen** and **Ni Tu Buddhist Association** regarding appeals to Brampton's new official plan and Peel Region's official plan amendment 16 (D'Agostino) (settlement); representing **Par Pak, AARK Properties Inc. and Ebrahim Properties Inc.** regarding appeals by **Bramalea Road Phase Two Holdings Limited** to permit development of a second high-rise apartment building on the west side of Bramalea Road south of Avondale Boulevard in Brampton (Roscoe); representing **Lorablue Holdings Inc., I.C.C. Group** and **2182890** regarding their appeals of Collingwood's new comprehensive zoning by-law (Burton) (settlement); representing Halton Region regarding appeals by **Orlando Corporation** to permit development of a new subdivision for employment uses in Brampton (Wilker) (settlement); representing Halton Hills regarding appeals by **Georgetown Shopping Centres Ltd., Mattamy Development Co.**, and the **Southwest Georgetown Landowners Group** regarding the first Halton Region growth plan conformity official plan amendment No. 37 (Wilker); representing **2273 Royal Windsor Inc.** regarding appeals to Oakville's new official plan (Burton)(settlement); representing Aurora regarding appeals by **Westhill Redevelopment Company** to permit a golf course and residential plan of condominium in Aurora (Beaman)(X); representing Halton Region regarding appeals by **860116 Ontario Ltd.** and **840966 Ontario Ltd.** to permit development of a new golf course on Heritage Rd. north

of Steeles Ave. in Brampton (Wilker); representing Halton Hills regarding appeals by Halton Hills South Property Corporation and 751058 Ontario Limited to permit development of neighbouring residential subdivisions in the 10th Side Road and 9th Line area in Halton Hills (Wilker).

8 [13] WeirFoulds



John Buhlman, Jeff Cowan, Jill Dougherty, Bruce Engell, Barnet Kussner, Constance Lanteigne, Ian Lord, Michael McQuaid, Kim Mullin, George Rust-D'Eye, Tiffany Tsun, Christopher Tzekas, Raivo Uukkivi

Reasons for ranking: WeirFoulds moved up five spots in this year's ranking, representing the City of Brampton in a number of cases, including appeals to its new official plan. The firm is also involved in major cases still before the board, such as Durham Region's growth plan official plan amendment conformity amendment.

OMB and court matters or hearings: Representing Brampton regarding appeals by the **Northwest Brampton Landowners Group Inc.** and **840966 Ontario Limited** to permit a number of proposed developments in the city (Kussner)(settlement); representing **Shoppers Drug Mart Inc.** regarding appeals by **Bruce Hutcheson** regarding Collingwood's new comprehensive zoning by-law (Kussner); representing the **Township of Springwater** regarding appeals by Carson Road Development Inc., Midhurst Development Doran Road Inc., Marandal Enterprises Inc., Midhurst Road Alliance Inc. and Innisfil regarding Barrie's new official plan (Engell); representing City Centre Capital Limited regarding appeals of Oakville's new official plan (Engell)(settlement); representing Brampton regarding appeals by Suraksha Sharma, Xem Nguyen, Trai Nguyen and the Ni Tu Buddhist Association against the city's new places of worship policies (Kussner); representing Brampton regarding appeals by **860116 Ontario Ltd.** and **840966 Ontario Ltd.** against a decision to permit development of a new golf course on Heritage Road, north of Steeles Avenue and regarding appeals to the city's new official plan and Peel Region's official

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TOP TEN FIRMS

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plan amendment 16 (Kussner); representing **Westhill Redevelopment Company Ltd.** (also known as Lebovic Enterprises Ltd.) regarding its appeal of Aurora’s failure to approve an official plan and zoning by-law amendment application to permit an 18-hole golf course and 75 single family homes at Leslie Street north of Bloomington Road (McQuaid)(√); representing Aurora regarding appeals by Aurora Leslie Developments Inc. and Aurora 2C West Landowners Group Inc. to include their lands north of Wellington Street between Leslie and Hwy. 404 as an urban expansion area in Aurora (Lord); representing **1133373 Ontario Ltd., White Sun Developments Ltd., Lebovic Enterprises Inc.** regarding their appeals of the Central Pickering Development Plan as it relates to the Seaton lands in Pickering (McQuaid); representing **Brooklin Development General Partner** regarding appeals to Durham Region’s growth plan conformity official plan amendment ROPA 128 (McQuaid).

9 [5] **Townsend & Associates**



Lynda Townsend, Jennifer Meader

Reasons for ranking: Townsend & Associates has maintained a spot in the top ten planning and development law firms for its significant caseload and its work on a number of high profile settlement agreements in Oakville, Brampton and Markham. The firm was also involved in appeals of the new Oakville official plan and appeals to the first Halton Region official plan growth plan conformity amendment.

OMB and court matters or hearings: Representing the Northwest Brampton Landowners Group Inc. regarding its appeals to permit a number of proposed developments in the City of Brampton (Townsend, Meader)(settlement); representing Aryeh Construction Limited regarding its appeals to permit development of three residential towers in Markham (Townsend, Meader); representing **Courtney Valley Estates Inc.** and **Lillipad Developments Inc.** regarding its appeals to permit a new subdivision in Whitchurch-

Stouffville (Townsend) (settlement); representing **Duffin Heights (Brock Road) Ltd., 1133373 Ontario Inc., Zavala Developments Inc., White Sun Developments Limited** and others regarding their appeals of the education development charge by-laws approved by the **Durham District School Board** and the **Durham Catholic District School Board** (Townsend); representing **Mattamy Developments Co.** and **Georgetown Shopping Centres Ltd.** regarding their appeals of the first Halton Region growth plan conformity official plan amendment No. 37 (Townsend); representing **2143111 Ontario Ltd.** (Bronte Village Mall), **1635058 Ontario Ltd.** (Fitzsimmons), **Mattamy Realty Ltd., RRL Burloak and Edgemere Estates Ltd.** regarding appeals to Oakville’s new official plan (Townsend); representing the **Great Gulf Group of Companies** regarding appeals to Brampton’s new official plan and Peel Region’s official plan amendment 16 (Townsend); representing Ayreh Construction Limited regarding its appeals to permit development of an eight and two 20-storey condominium at 8293 and 8303 Warden Avenue in Markham (Townsend, Meader); representing **Halloway Developments Ltd.** regarding appeals of Durham Region’s growth plan conformity official plan amendment ROPA 128 (Townsend); representing 1635058 Ontario Limited (also known as Fitzsimmons) regarding to permit a high-density residential development in Oakville (Townsend)(settlement).

10 [19] **Borden Ladner Gervais**



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

Reasons for ranking: Borden Ladner Gervias flew up nine spots in this year’s ranking, representing York and Halton regions as well as Vaughan in a number of high profile cases before the board, including a settlement regarding the new Highway 400 employment area in Vaughan. The firm is also involved in appeals to Durham Region’s growth plan conformity official plan amendment.

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TOP TEN FIRMS

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OMB and court matters or hearings: Representing York Region regarding an appeal by the Minister of Municipal Affairs and Housing with respect to an official plan amendment to establish a new employment area along the Highway 400 corridor in Vaughan (Waqué)(settlement); representing Halton Region regarding appeals by **Oakville Great Lakes Marketplace Inc.** to permit a commercial development in Oakville (Patterson)(settlement); representing Halton Region regarding appeals by **Georgetown Shopping Centres Ltd., Mattamy Development Co.,** and the **Southwest Georgetown Landowners Group** regarding its growth plan conformity regional official plan amendment No. 37 (Waqué); representing Vaughan regarding appeals by Vaughan 400 North Landowners Group Inc. to approve the Highway 400 North Employment Lands Secondary Plan that would permit employment and some mixed uses along the northern portion of Vaughan’s Highway 400 corridor (Waqué); representing **Teromi Inc.** regarding appeals of Innisfil’s new official plan (Patterson); representing the

Lakeshore and Birch Hill Residents Association regarding appeals by **394 Lakeshore Oakville Holdings Inc.** to permit development of a 23-unit condominium at 394 Lakeshore Road West (Gosnell); representing **974736 Ontario Inc.** regarding appeals to Durham Region’s growth plan conformity official plan amendment ROPA 128 (Waqué); representing York Region regarding appeals by Aurora-Leslie Developments Inc. and Aurora 2 C West landowners Group Inc. to approve a secondary plan that would bring the Bayview Northeast Area 2C West lands into Aurora’s urban area (Patterson).

The next ten...

11. [8] **Davis** 12. [10] **Turkstra Mazza** 13. [16] **Fasken Martineau** 14. **Blake Cassels & Graydon** 15. [14] **Bratty & Partners** 16. [n/a] **Gowlings** 17. [9] **Davis Webb** 18. [n/a] **Gardiner Roberts** 19. [n/a] **Wood Bull** 20. [n/a] **McCarthy Tétrault.** [nru](#)

Methodology

The end of year tradition at NRU examines the legal side of planning and development in the Greater Toronto Area, primarily focussing on cases that have come before the Ontario Municipal Board between August 2010 and July 2011 as reported in Novae Res Urbis - GTA Edition.

Send us your interesting board and court decisions and development applications by email or fax, to ensure they are covered in NRU - GTA Edition for the 14th annual ranking to be published in December 2012.

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

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

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

The listings—Lawyers that are part of the planning and development law team for each of the top-10 ranked

firms are noted. In cases that involved an OMB decision where a clear winner/loser or settlement was determined, the appropriate symbol (√) or (X) or (settlement) follows the case description. If there was no clear win/lose/settlement or the matter involved a prehearing or was still pending before the OMB by the end of July 2011, no symbol appears. A square bracket after this year’s ranking indicates the firm’s placement in last year’s NRU listing.

GTA OMB NEWS

Lakeshore apartment settlement

In a decision issued December 12, board member **Joseph Sniezek** approved a settlement agreement, subject to conditions, regarding minor variance, site plan and cash-in-lieu of parkland appeals by **Maurice-Garden Developments Inc. (Grandview Living Inc.)**. The variances were required to permit development of a 36-unit apartment building at 205 Lakeshore Road West in the **Town of Oakville**.

Maurice-Garden Developments Inc. (Grandview Living Inc.) appealed to the board following a committee of adjustment hearing regarding a small change to a minor variance application it had previously approved, subject to conditions.


The board noted Maurice-Garden Developments Inc. (Grandview Living Inc.) and the Town of Oakville entered into a settlement agreement November 14.

Planner **Ruth Victor (Ruth Victor and Associates Inc.)** submitted planning evidence supporting the requested minor variances, which the board noted was supported by staff reports from the town's planning department.

The board approved the site plan submitted with the minutes of settlement, noting it represented good planning. The board dismissed the cash-in-lieu of parkland appeal, as

agreed in the parties' joint submission.

The board allowed the appeal subject to two conditions: the approval will expire in two years from December 12, 2011, should the development not proceed; and the building must be constructed according to the drawings included in the application.

Solicitor **Blair Taylor (O'Connor MacLeod Hanna)** represented Maurice-Garden Developments Inc. (Grandview Living Inc.) Solicitor **Jennifer Huctwith** represented the Town of Oakville. (See OMB Case No. PL060689.) 



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GTA IN BRIEF

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YORK

[Transit strike, region seeks court injunction](#)

On Monday, **York Region** filed an application with the

Superior Court of Justice for an injunction against the Amalgamated Transit Union locals 113 and 1587 to ease delays caused by illegal picketing. Illegal actions

sited in the injunction included, unsafe and illegal road blockages, harassment and intimidation of YRT passengers and drivers, as well as obstruction of regional employees and the public from accessing regional buildings.

Workers have been striking for nine weeks against their employers, Miller Transit, First Canada and York BRT Services (Veolia Transportation.) Earlier in December, York Region said it would not intervene in the dispute. 

GTA PEOPLE

The **City of Oshawa** has appointed a new commissioner of community services.

Jag Sharma will oversee parks and environmental services, strategic and business

services, works and transportation services, and recreation and culture services.

Sharma brings with him experience working for Canada Post, Ford Motor Company,

General Motors and Maple Leaf Foods.