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GREATER TORONTO & HAMILTON AREA

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Research explores the cultural value of suburban banquet halls
- 7 TOP-10 DEVELOPMENT LAW FIRMS IN THE GTHA
NRU's 24th Annual Review

■ WATERLOO REGION MEETING PEOPLE 'WHERE THEY ARE' WITH HYBRID OUTDOOR SHELTER MODEL

INTERIM HOUSING SOLUTION

Matt Durnan

The **Region of Waterloo** and partners, the **City of Waterloo**, **Township of Wilmot** and **The Working Centre** are taking a unique approach to addressing homelessness by collaborating to create the region's first outdoor shelter, addressing a critical need to create more interim housing and offer support services to those in the region who are experiencing homelessness.

On December 13, the Region of Waterloo announced the location of the outdoor shelter, which will accommodate 50 people who are currently experiencing unsheltered homelessness, within 50 cabins that will measure 107 square feet each.

The cabins will be located at 1001 Erb's Road in Waterloo on a parcel of Regionally-owned land and will be staffed and managed 24/7 by **The Working Centre** – a Kitchener-based

non-profit social services organization that has existed for 40 years. On-site services will include a range of social services and security.

The site is also home to the **Waterloo Region Emergency Services Training and Research Centre (WRESTRC)** campus, which includes paramedic services, waste management, water services and a training facility for municipal emergency services.

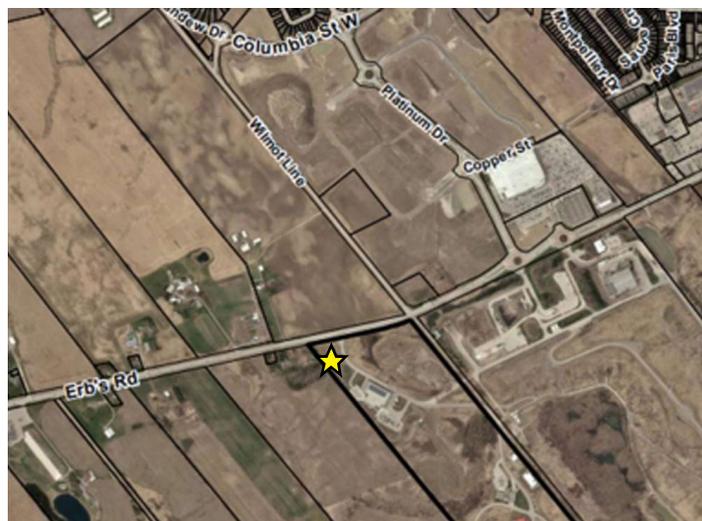
Each of the 107-square-foot metal cabins will be furnished and equipped with electricity, heating and cooling, while a main cabin complex on the site will provide amenities such as running water, washrooms, laundry services and common space.

Services provided will include mental health and addictions supports, with a strong focus on connecting residents to more permanent

housing options.

This initiative has been carefully aligned with the long-standing housing-first approach that the Region has maintained when it comes to its shelter system and homelessness. Since the pandemic, Waterloo Region has helped transition 508 people from homelessness to permanent housing, while supporting 190 households to stay in their homes with rent

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Aerial image showing the location of the site selected for the Region of Waterloo's first hybrid outdoor shelter. Located at 1001 Erb's Road, the site will include 50 metal cabins measuring 107 square feet each, equipped with heating, cooling and electricity. The site will also include a main cabin complex that will provide amenities such as running water, washrooms and laundry services. The hybrid outdoor shelter will be staffed 24/7 by the Working Centre and will provide an array of social services including addictions and mental health supports, with a strong focus on connecting residents to more permanent housing options.

SOURCE: REGION OF WATERLOO

UPCOMING DATES

DECEMBER

21 Durham Regional Council,
9:30 a.m.

Whitchurch-Stouffville
Council, 3:00 p.m.

JANUARY

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

Clarington General
Government Committee,
9:30 a.m.

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

Oshawa Public Meeting,
6:30 p.m.

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

Whitby Special Council,
7:00 p.m.

10 Burlington Community
Planning, Regulation &
Mobility, 9:30 a.m.

Caledon General Committee,
2:30 p.m.

Caledon Planning &
Development Committee
(Public Meeting), 7:00 p.m.

Durham Region Planning
& Economic Development
Committee, 9:30 a.m.

East Gwillimbury Special
Council, 10:00 a.m.

Hamilton General Issues
Committee (Budget), 9:30 a.m.

11 Barrie General Committee,
7:00 p.m.

Georgina Council, 9:00 a.m.



RESEARCH EXPLORES THE CULTURAL VALUE OF SUBURBAN BANQUET HALLS
AND HOW IT MIGHT BE PROTECTED

PRESERVING INTANGIBLE HERITAGE

Rahul Gupta

A University of Toronto researcher is exploring the role of suburban banquet halls in providing important cultural uses to local communities. Historically located on employment lands and designated by municipalities as places of assembly, privately operated banquet halls can accommodate a wide variety of cultural activities. While the buildings themselves possess no discernible architectural significance, municipal heritage planners and experts say there is a case to be made for heritage designation of such facilities in recognition of their cultural value.

U of T doctoral candidate **Sneha Mandhan** is researching how banquet halls — non-descript, blocky, former-factory and industrial buildings often located along highways in commercial and manufacturing areas far from residential neighbourhoods — have for

decades housed all manner of cultural activities — weddings, baby showers, birthday parties, religious celebrations — making them extremely important sites for immigrant and diaspora communities.

Suburban banquet halls often spring up in former-factory or office buildings surrounded by acres of surface parking space on lands that have been historically designated by municipalities for uses seemingly opposed to cultural activities, such as for industrial activities. According to Mandhan, various cultural communities and groups use suburban banquet halls, not only for their potential to host a wide range of special life events and celebrations, but because they can be more affordable and accessible compared to more conventional event venues.

“They serve a lot of different communities and a lot of different cultural groups, but they’re also places where high school

graduations take place, trade conferences, several student society meetings happen there,” Mandhan told *NRU* during an interview. “So, they go beyond cultural [uses], because the other option is to rent space in a hotel, which often is very unaffordable.”

For her research, Mandhan — who recalls many past personal experiences visiting banquet halls for weddings and other cultural events — has reached out to several banquet hall operators in Mississauga, Brampton and Toronto to learn more about uses at those sites. While banquet halls have operated in those areas for many years, Mandhan says she was surprised to see a lack of research and awareness of the cultural importance of such sites.

In her conversations with the banquet hall operators — many of whom cater to the needs of communities belonging to the

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PRESERVING HERITAGE

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South Asian diaspora — Mandhan points to their importance not just for cultural uses, but also their role as the ‘tip of the iceberg’ for local employment.

“Not only do they hire a certain number of staff, with direct full-time and part-time employees, their presence actually supports this huge ecosystem of services and vendors,” Mandhan said. “Like DJs, decor folks, and food catering businesses. And so, if these banquet halls didn’t exist, a lot of people would lose their jobs.”

Heritage Mississauga

historian **Matthew Wilkinson** agrees with Madhan’s research findings that suburban banquet halls have enormous cultural importance to local immigrant communities. A citizen member of **City of Mississauga’s** heritage advisory committee — tasked with researching and recommending historical properties in the city for designation on the municipal heritage register as well as through the **Province of Ontario Heritage Act** — Wilkinson admits that compared to other buildings which have clear architectural significance, suburban banquet halls possess an ‘ephemeral value’ that has often flown under the radar of municipal decision makers like himself.

“Our existing criteria doesn’t have a full grasp on

[suburban banquet halls] because they go beyond architecture, beyond design,” Wilkinson told *NRU*. “This comes into community values, and they may be different within one cultural community compared to another. And so, I don’t think we can look at places of assembly across the board.”

“So, how does the provincial *Heritage Act* and criteria we have to follow address heritage in terms of community value?” Wilkinson continued. “How

do you judge the ephemeral [value]? It probably shouldn’t be directed by people like myself who culturally come from one background and who have grown up and been educated and trained within a certain set of criteria.”

City of Mississauga manager for heritage planning and Indigenous relations **John Dunlop** says a case can be made for designating local suburban banquet hall sites within the municipal heritage register due to the ‘associative value’ of those venues for the communities that depend on their existence to hold cultural events.

Dunlop points to the City of Mississauga’s early 2022 addition to the municipal heritage

register of a former factory property at 3611 Mavis Road that is currently home of the famed **Metalworks** recording studio. He suggests that this could be a sign of where the City might be headed when it comes to preserving cultural history and uses within buildings that are not architecturally important. Located in an industrially-zoned area, the non-descript building that houses Metalworks possesses no discernable architectural significance. Yet for nearly 45 years, internationally-renowned superstars have made use of the studio for recording music, in the process, putting Mississauga on the map as a hub for music, Dunlop says.

“If you go to the studio, and it’s just in a commercial building, there’s nothing unique

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Photograph of the exterior of Sagan Banquet Hall and Convention Centre located at 7180 Edwards Boulevard in Mississauga. Suburban banquet halls like Sagan have been identified by University of Toronto PhD candidate Sneha Mandhan as important sites for events of cultural significance for various community groups within architecturally unremarkable buildings, raising the question of how to preserve their use.

PHOTOGRAPHER: SNEHA MANDHAN
SOURCE: UNIVERSITY OF TORONTO

Photograph of the interior of Sagan Banquet Hall and Convention Centre located at 7180 Edwards Boulevard in Mississauga. Suburban banquet halls like Sagan have been identified by University of Toronto PhD candidate Sneha Mandhan as important sites for various cultural groups, raising the question of how to protect their use.

PHOTOGRAPHER: SNEHA MANDHAN
SOURCE: UNIVERSITY OF TORONTO

PRESERVING HERITAGE

CONTINUED FROM PAGE 3

architecturally about that location,” Dunlop told *NRU*. “But its associative value is through the roof. Big names from **Drake** and **Justin Bieber** all the way to **Prince** and the **Rolling Stones** have recorded there. Huge numbers of recording artists have spent time there. That has a huge value and a huge impact.”

While the province’s new housing bill — Bill 23, the *More Homes Built Faster Act* — places constraints on the ability of municipalities to recommend sites for heritage designation under the provincial *Heritage Act*, Dunlop says the municipality intends to research and potentially nominate in the future suburban banquet halls whose intrinsic associative value merits heritage preservation.

“We’re really looking to move towards a narrative of being more inclusive towards everyone’s story here in Mississauga by not treating heritage with that attitude that [heritage] is something that happened 100 years ago,” Dunlop said.

The challenge for municipalities like Mississauga is not just heritage preservation, according to Toronto-based **Urban Strategies** planner **Jamilla Mohamud**, but ensuring that such a designation is flexible

enough to account for changes in uses over time.

“Culture is not stagnant,” Mohamud told *NRU*. “So, if you typically preserve a building through heritage protection, the thinking is ‘keeping over time.’ But culture also changes. So, how do you preserve but also allow for the flexibility of change and evolution in cultural practices and experiences? I think that’s something that we still have to grapple with from a planning perspective.”

Mohamud suggests that municipalities can consider designating banquet halls clustered in one location as a culturally distinct heritage district, similar to what the **City of Toronto** intends to do with Eglinton Avenue West properties located in the **Little Jamaica** neighbourhood.

“I think one of the big steps that researchers [like Madhan] are examining is: Are there any examples out there which could be used as a precedent? How are other places doing this?” Mohamud said.

Sara Gwendolyn Ross, an associate professor at **Dalhousie University’s Schulich School of Law** believes there is a case to be made for designating suburban banquet halls though the provincial *Ontario Regulation 9/06 - Criteria for*

Determining Cultural Heritage Value or Interest, which sets out the required criteria to justify a property’s heritage designation.

According to Ross, who has written about the preservation efforts of Toronto live music venues like the **Silver Dollar** club in her book *Law and Intangible Cultural Heritage in the City*, a legal precedent has been set by past applicants who were able to successfully demonstrate the sites’ associative community value.

“As the Silver Dollar case illustrates, the intangible cultural heritage merit of the space (its associative, historical, and contextual value) was read into the overall heritage importance of the building that housed it,” Ross told *NRU* in an email.

Kingston-based **Bray Heritage** principal **Carl Bray** is not sure that pursuing heritage designation is the best strategy for municipalities looking to protect the uses of sites like suburban banquet halls. Instead, Bray suggests looking at site-specific zoning designations as a way to allow for the ongoing ‘non-conforming uses’ that could also allow municipalities to look at ways to improve connections and enhance the existing public realm

“The issue is the original use of the industrial park was designed as very low density,” Bray told *NRU*. “It’s got tons of surface parking, very wide streets. It’s got no trees. You know, it’s a pretty bleak setting.”

“So, if you’re looking at a zoning map of that industrial

area, you’d have a site-specific zoning that permitted a Banquet Hall or whatever you’re calling it, and that would essentially legalize the activity.”

Mandhan says the next step for her PhD research is to speak with municipal heritage planners to see how banquet halls could be preserved for cultural uses through the establishment of cultural districts or other means.

“There are so many different facets to why these spaces are important and should be protected. And it’s not so much about protecting the building — that hardly matters — as much as it’s about protecting the uses,” Mandhan said. 🌸

INTERIM HOUSING SOLUTION

CONTINUED FROM PAGE 1

arrears funding.

“We are the service manager, but not the service provider, so we have agencies in the community that we fund—outreach workers—and we provide them with funding to run the shelters. We’ve also invested in rent arrears funding and rent assistance, as well as shelter stay for people that may be staying in hotel rooms,” Region of Waterloo chair **Karen Redman** told *NRU*.

“I reference all of that to say that there is no one answer to this. We did a point-in-time count and found that there were over 1,000 people in the Region that were living with homelessness.”

In recent years, large homeless encampments have sprung up in Kitchener and Cambridge, and the Region turned to its outreach workers to ask the people living in these encampments to help inform the decision-making process on an appropriate Regionally-led shelter facility and to determine a suitable housing option.

“There was about 25 per cent of people who said they want to choose where they live and don’t want to go to the shelters [in Cambridge]... So our managed encampment was an idea that we came

up with and we looked at a property that the Region owns because we thought it might be the fastest way to implement a managed encampment,” Redman said.

The model of a hybrid shelter and support services hub was based off of the **City of Kitchener’s [A Better Tent City](#)**, a shelter initiative that has grown over the past three years and houses approximately 50 people experiencing chronic homelessness within tiny homes. The shelter proceeds from a vision that recognizes the right to housing as a human right and the believe that everyone has access to a safe supported and respectful alternative to living rough.

“A Better Tent City was started by people in the community who were really concerned about housing and homelessness and they worked with local high school students and built these shelters. And it’s taken off in its own way, and the hybrid shelter model that the Region is running is kind of loosely based off that model,” City of Waterloo Mayor **Dorothy McCabe** told *NRU*.

“I think one of the biggest challenges on the planning side is where do you physically locate this? Quite frankly, there’s not a lot of good places

for it because whether you’re a business owner or residential owner, you’re not terribly keen to have homeless people living rough right in your neighbourhood. So, that’s why this really required Regional land to have a place to put this.”

The site is located right on the border of Waterloo and Wilmot Township, and while it may be somewhat ‘out of the way’, the key cog in making this machine function is the fact that an array of social services will be available to shelter tenants on-site or can be brought in to maintain around-the-clock services for those who need them.

“Over the past few years, we’ve seen an increase in people across the Region experiencing homelessness. The interim outdoor shelter is part of the Region’s important work to address this problem and Wilmot will support that work when and where we can to ensure that people who need shelter care can access it,” Township of Wilmot Mayor **Natasha Salonen** said in a news release.

While the site is not centrally located, the ability to provide on-site services around the clock on it was key in its selection.

“It’s not terribly close to anything. It’s a walk to get anywhere from there. But the reason we think this will be okay despite it being at the edge of town, rather than traditionally where social services are located more in

the core, is because the 24/7 services are going to be located on the site,” McCabe said.

“Prior to launching this, the Region and some of our community partners interviewed around 100 people living in tents and encampments and asked them what they would like to see and what they would need to move into a hybrid shelter model. And one of the things they said was having 24/7 services on-site and support staff there. They’re not going to need to use transit and go any place to get those social services; so even though it’s on the outskirts, we think it will still work because that 24/7 support is there.”

The outdoor shelter model is one part of the Region’s Interim Housing Solutions strategy, which was approved by Regional council on August 18, 2022 and addresses the complex issue of unsheltered homelessness using four key tools: expanding the traditional housing program, expanding the home-based support program, expanding the emergency shelter program and permitting an outdoor shelter.

“We’re trying to meet the needs of somebody who is choosing to live here rather than in a more traditional shelter or supportive housing, and we have many projects that are on track right now. We’ve been really committed to an ambitious housing plan,” Redman said.

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INTERIM HOUSING SOLUTION

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“Previously we built 50 affordable housing units per year and this last term, we increased that to over 500 units per year. We’re on track to surpass that goal with 1,154 new units in 2022. And 247 of those will be supportive houses and 206 of them will be occupied before the end of the year. I think you need to look at all of the tools in your kit. This managed encampment is a bit of an innovation, but certainly not the only thing we’re doing to support those living unsheltered.”

This managed encampment falls under the moniker of “interim housing” and is not envisioned as a permanent housing solution for unsheltered individuals, but rather as a critical connection point on the Region’s housing continuum.

“This is looked at as interim housing. It’s not where we hope people stay. We hope we will be able to move them into supportive housing, to get them the services they need, and then move them into affordable housing, which is one of the reasons why we’re investing in all of those points along the housing continuum,” Redman said.

Staff from The Working Centre will be on-site around the clock at the outdoor shelter

and the Region is currently looking into how they can get people who want to access the shelter onto the main transit corridor, as the site is not on the Region’s main transit corridor.

A mobile health unit will be able to access the site, as will outreach workers who will have housing information for those individuals living at the outdoor shelter and can help them fill out the proper forms to help them to transition to supportive housing.

“This really is a concerted effort to get people into permanent supportive housing, because I do believe that ‘housing first’ philosophy is solid and it’s an unprecedented need,” Redman said.

“It was a much more granular response we got from people who were living unsheltered, and it’s recognizing there are so many contributing factors—from lack of affordability, lack of rental vacancies, addiction, mental health. It’s created a very different profile for many people over the last decade than previously. All of these are challenges, and we’re trying to meet people where they are and provide them the harm reduction services, so that when they’re ready to take advantage of rehabilitation and

things like that, we can connect them quickly.”

The Region is working closely with the Working Centre, the City of Waterloo, the Township of Wilmot and community partners, and expects the outdoor shelter to be up and running in early February 2023. 🌟



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TOP-10 DEVELOPMENT LAW FIRMS



Peter Pantalone

It is once again that time of year when *NRU* takes stock of the finest legal eagles in the business and presents our annual ranking of the top planning and development law firms operating in the Greater Toronto & Hamilton Area.

Each year, *NRU* reviews hundreds of cases that go before the **Ontario Land Tribunal (OLT)** and higher courts, and determines a ranking of the most prolific firms based on a balancing of caseload and case complexity. While the results vary from year to year, all firms included in our ranking demonstrate sophisticated and specialized expertise in assisting their clients with a broad range of land use planning appeals.

This year, *NRU* is excited to name a new top firm that has ascended in our GTHA ranking in recent years with a steadily increasing caseload and a rock solid track record of achieving successful results for their clients in tough OLT appeals. Many other familiar firms are found in the ranking with the volume of appeals across the region remaining high, keeping municipal lawyers busy with a steady flow of work.

Of the many OLT decisions that *NRU* summarized in our

GTHA issues over the past year, several stand out as being particularly noteworthy and are referenced throughout this article in our review of the top-10 firms. The full case listings considered for each firm are summarized in an abbreviated format and are noted with the associated OLT case number.

Among the most interesting cases of the year: several hard-fought victories for high-rise developments in Downtown Burlington, where the City has pushed in recent years for more-moderate levels of development; a proposal for a hot mix asphalt plan in Bolton that elicited the ire of the Town of Caledon and several neighbours, including a chocolate bar manufacturer; a Richmond Hill Secondary Plan appeal that culminated in an unprecedented cost award; and a decision that upheld the designation of 55 hectares of employment lands in Vaughan.

While in many ways this year marked a gradual transition to a state of post-pandemic normalcy, there is no “new normal” for land use planning in Ontario as the industry faces a seismic shift in the wake of Bill 23 and other Provincial policy changes looming on the horizon. An

established pattern in recent years, once the profession becomes acclimated to the latest legislative and policy changes, the yardstick moves again, and the adaptation process begins anew. The changes wrought by Bill 23 will result in an even greater range of land use matters that can be appealed to the OLT—including, among others, parkland dedication details and additional decisions pertaining to cultural heritage resources. This will reinforce the value of and the continued need for effective legal advocacy.

Regardless of what the new year brings, *NRU* wishes our readers a happy holiday season and we very much hope that you enjoy reading this year’s GTHA planning and development law ranking. Congratulations on another year of outstanding work!



① [4] **Turkstra Mazza**

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

This year’s top spot goes to **Turkstra Mazza Associates**, who have been rising steadily in our rankings in recent years as the firm continues to take on an expanding caseload, representing clients across a range of matters across the GTHA and Southern Ontario. Never a firm to shy away from a challenge, this exceptionally strong group of lawyers achieved many notable victories at the Tribunal during the case reporting window for this year’s rankings.

This year, the Tribunal rendered decisions on a number of appeals pertaining to contested development applications in Downtown Burlington. The **City of Burlington** has moved its Urban Growth Centre out of the downtown area and has opposed many tall building proposals, mostly unsuccessfully. On behalf of developer **Carriage Gate Homes**, Turkstra Mazza secured a win for a 29-storey mixed-use building at the northeast corner of Lakeshore and Pearl, which will adaptively re-use existing heritage buildings and will add to the growing skyline of Downtown Burlington.

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2021 LAW REVIEW

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The firm also scored a significant win representing **Dig-Con Construction** and **MJJJ Developments** in their bid for permission to build a hot mix asphalt plant in a Bolton industrial area. The proposal was opposed unsuccessfully by the **Town of Caledon** and several neighbouring landowners. When the Town sought leave to appeal the Tribunal's approval of the proposal, the Divisional Court agreed that the OLT's approval was valid and should stand.

Other notable victories for Turkstra Mazza include achieving a settlement on behalf of a developer for an 11-storey mixed-use building on Burlington's Guelph Line, and successfully representing developers in several contested hearings concerning proposals in Hamilton, including for (1) 19 Dawson Avenue in Stoney Creek; (2) for 609 & 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Drive in Waterdown; and (3) for 15 Church Street in Ancaster.

Cases: Representing multiple appellants (PL090114 – Snider, Toumanians); representing Penta Properties (PL210150 – Snider); representing 418 Waldemar Inc. (PL200579

– Snider, Toumanians) (**S**); representing multiple appellants (OLT-22-002219 – Smith, Meader, Snider); representing the City of Hamilton and 2792544 Ontario Inc. (PL210196 – Meader, Smith); representing Coleman Robinson (PL210073 – Smith, Meader); representing Mattamy James Street LP (PL200183 – Snider, Kaufman); representing Dig-Con Construction and MJJJ Development (PL190107 – Meader) (**V**); representing Mattamy (Halton Hills) Ltd. (PL200159 – Snider, Meader); representing Lakeshore (Burlington) Inc. (PL200040 – Snider, Toumanians) (**V**); representing 2362302 Ontario Ltd. (DC190022 – Meader, Toumanians); representing Old Lakeshore (Burlington) Inc. (PL200558 – Meader, Snider); representing Concerned Residents of Westdale (PL180302 – Smith) (**S**); representing Durham Islamic Centre (PL210155 – Meader) (**V**); representing Nick and Anna DeFilippis and 2261305 Ontario Ltd. (PL140601 – Smith) (**S**); representing Adam & Lucas Colalillo (PL210219 – Snider) (**V**); representing Durham Region Home Builders' Association (DC180020 – Meader); representing 2691597 Ontario Inc. (PL210275 – Smith) (**V**);

representing 2628934 Ontario Inc. (OLT-21-001035 – Meader) (**X**); representing Cento Homes (OL210071 – Meader, Baker) (**V**); representing 2721536 Ontario Inc. (OLT-21-001173 – Smith) (**V**); representing Carl and Frances Shaver (OLT-21-001521 – Snider) (**S**); representing 2294643 Ontario Inc. (OLT-21-001799 – Meader, Toumanians); representing Emshih Developments Inc. (OLT-21-001738 – Smith, Baker); representing Bill & Catriona Russell (OLT-21-001598 – Snider, Toumanians) (**S**); representing Courtney Valley Estates and Lillypad Developments (OLT-21-001346 – Meader) (**X**); representing the City of Richmond Hill (OLT-22-002315 – Meader, Baker); representing Vue Developments on Main (OLT-21-001210 – Snider, Kaufman); representing Parkside Hills Inc. (OLT-22-002305 – Snider, Toumanians) (**V**); representing Old Lakeshore (Burlington) Inc. (OLT-21-001792 – Snider, Kaufman) (**S**); representing 1312733 Ontario Inc. (OLT-21-001725 – Smith); representing 2692544 Ontario Inc. (OLT-22-003386 – Meader) (**V**); representing Hamilton Area Meeting Rooms Association (OLT-21-001266 – Baker) (**S**); representing St. Joseph's Healthcare Hamilton (OLT-21-001723 – Snider); representing Arstone/Corpveil (OLT-22-002493 – Snider, Toumanians); and representing Renimmob Properties Ltd. (OLT-21-001442 – Snider, Toumanians).

2 [3] Davies Howe LLP

Solicitors: John Alati, Kimberly Beckman, [Jamie Cole], [Zachary Fleisher]; Mark Flowers Kyle Gossen, Ava Kanner, Samantha Lampert, Alex Lusty, Andy Margaritis, Meaghan McDermid, [Michael Melling], Robert Miller, Grace O'Brien, Aaron Platt, Susan Rosenthal, Christopher Sivry, Daniel Steinberg and Andrew Valela.

Davies Howe takes second place, ascending one space from last year's ranking after another solid year securing overwhelmingly positive outcomes for its clients at the Tribunal. In a challenging case involving complex environmental issues including migratory butterfly habitat, the firm successfully represented **SO Developments** in its bid to develop a 175-unit residential subdivision on a lakefront property in Oshawa. The appeal proceeded in two phases, with SO Developments prevailing in both.

For a Downtown Mississauga site, Davies Howe represented a developer in its appeal that, through Tribunal-assisted mediation, secured a settlement approval to permit the development of two towers of 43 and 50 storeys respectively, while also resolving the developer's appeal of Mississauga Official Plan Amendment No. 8 and its

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2021 LAW REVIEW

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implementing by-law for the Mississauga Downtown Core Area.

Davies Howe represented a homebuilder undertaking infill development on the former Highland Gate Golf Course in Aurora. The developer sought minor variances to increase lot coverage for three lots in an approved draft plan of subdivision. Although the proposed alterations were opposed by the **Town of Aurora**, the Tribunal sided with the homebuilder and granted the variances.

Davies Howe also continues to be involved in several significant, ongoing appeals, including on behalf of the **Building Industry and Land Development Association** (BILD) in its appeal of **Peel Region's** Development Charge By-law 77-2020, and on behalf of **Romandale Farms** in an appeal by **Angus Glen Landowner's Group** to establish the Angus Glen Secondary Plan in Markham.

Cases: Representing Lynstrath Developments (PL210159 – McDermid); representing multiple appellants (PL090114 – Rosenthal, Lampert); representing 476 James Inc. (PL190359 – Platt, Fleisher) (S); representing H&L Tile, Ledbury Investments, 281187

Ontario Ltd and Anland Developments (PL140739 – Flowers, Cole) (X); representing Har-Jo Management Services (LC100042 – Kanner); representing BILD (DC210003 – Rosenthal, Miller, Lusty); representing SO Developments (PL180364 – Melling, McDermid) (V); representing multiple appellants (OLT-22-002219 – Platt, Lampert, Melling, Lusty); representing 809017 Ontario Ltd. (PL141189 – Valela); representing Claremont Development Corporation (PL171210 – Flowers, Lusty); representing 45 Agnes GP Corporation (PL210037 – Platt, Lusty) (V); representing Armadale Construction et al (PL160192 – Margaritis) (S); representing Conseil Scolaire Viamonde and Romandale Farms (PL210288 – Platt, McDermid); representing Mars Canada Inc. (PL190106 – Rosenthal, Cole) (X); representing Shelton Properties and Coryville Construction (PL200159 – Alati, Margaritis); representing Medallion Developments (OLT-22-002467 – Platt, Margaritis); representing Nobleton 2715 Developments (PL200556 – McDermid); representing 2388116 Ontario Inc. (PL200388 – Flowers); representing Hanlon Glen Homes Inc. (OLT-22-002270

– Alati); representing multiple appellants (PL111184 – McDermid, Melling, Flowers, Cole); representing Aurora (HGD) Inc. (PL210182 – Flowers) (V); representing Richmond Hill Retirement Residence Inc. (PL180073 – Flowers, Miller) (S); representing Velmar Centre Property Ltd. (OLT-21-001045 – Melling, Lusty); representing 70 Taunton Storage GP (OLT-21-001064 – Platt, Lusty) (X); representing King David Inc. (OLT-21-001033 – McDermid, Margaritis); representing King David Inc. (PL210231 – McDermid); representing 919819 Ontario Ltd. and 1891445 Ontario Inc. (OLT-21-001221 – Melling, Lampert); representing Millford Development Ltd. (OLT-22-002310 – Flowers); representing 214792 Ontario Inc. (OLT-22-001937 – Alati, Margaritis); representing Elliot Steiner and Elm Thornhill Woods (2013) Inc. (OLT-21-001461 – McDermid) (V); representing North Leslie Residential Landowners Group (OLT-22-002315 – Melling, Rosenthal, Lampert); representing 2466571 Ontario Inc. (OLT-22-002486 – McDermid); representing Stylux Caledon Inc. (OLT-21-001273 – Flowers, Lampert); representing Aziz Lazar (OLT-22-002209 – Lusty) (V); and representing Twenty Road East Landowners (OLT-22-002493 – Rosenthal, Lampert).

WeirFoulds^{LLP}

3 [1] WeirFoulds

Solicitors: Denise Baker, Lia Boritz, John Buhlman, Alyssa Clutterbuck, Jeff Cowan, Chantal deSereville, Bruce Engell, Sean Foran, Micah Goldstein, [Peter Gross], Raj Kehar, Charles Lund, Gregory Richards, Sylvain Rouleau, Abbey Sinclair and Christopher Tzekas.

WeirFoulds maintains its spot on the podium, having secured multiple positive Tribunal decisions throughout this year's case-reporting window. In a contested hearing, the firm represented developer **Transmetro**, which sought planning amendments to permit development of a three-storey 14-unit luxury apartment building near Downtown Oakville. The **Town of Oakville** opposed the proposal on urban design and heritage grounds, but the Tribunal ruled in the developer's favour.

In another contested hearing, WeirFoulds represented the development proponent of a nine-storey residential building in Downtown Burlington that proposed to retain and incorporate an existing heritage building in its redevelopment of the site. The City opposed the proposal contending that it represented overdevelopment of the site, however, ultimately, the Tribunal approved the development.

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WeirFoulds also secured notable victories representing municipalities in several matters. Representing the **City of Vaughan**, the firm helped reach a settlement for a 600-unit development near Dufferin and Centre Streets, including a mid-rise and townhouse buildings and a 0.2-hectare park.

The firm also represented the **City of Richmond Hill** in appeals of the Yonge-Bernard Key Development Area Secondary Plan, a complex, multi-phase hearing that led to comprehensive settlements with several landowner appellants and resulted in an award to the City of over \$100,000 in costs as a result of one appellant's misconduct throughout the hearing.

Cases: Representing the City of Vaughan (PL200219 – Kehar) (S); representing multiple appellants (PL090114 – Baker); representing multiple appellants (OLT-22-002219 – Baker); representing the City of Brampton (PL171159 – Engell); representing the City of Brampton (PL140189 – Engell); representing the City of Brampton (PL171478 – Engell); representing Transmetro Ltd. (OLT-22-002007 – Gross, Baker) (V); representing Victor and Joyce Enns (PL210202 – Baker) (S); representing

Durham Region (PL210169 – Baker); representing H&R REIT (PL200630 – Gross) (S); representing the City of Mississauga (PL160192 – Kehar) (S); representing Neamsby Investments (PL200159 – Baker); representing the Town of Ajax (OLT-22-002467 – Engell); representing West End Homebuilders' Association (DC190022 – Kehar); representing Branthaven Turnberry Inc. (PL210151 – Baker) (V); representing the City of Vaughan (PL111184 – Engell, Kehar); representing Alphabet Self-Storage Victoria (DC210001 – deSereville); representing the Town of Aurora (PL210182 – Baker, Boritz) (X); representing the Town of Richmond Hill (PL180073 – Kehar) (S); representing Prombank Investments (PL210284 – Kehar); representing the Town of Caledon (OLT-21-001849 – Kehar) (V); representing Branthaven West Oak Inc. (OLT-21-001195 – Baker); representing King West Crossing Ltd. (OLT-21-001127 – Baker); representing SmartCentres REIT (OLT-21-001637 – Baker); representing Raymond Valadkhani (OLT-21-001358 – Kehar) (S); representing the Town of Ajax (OLT-22-

002257 – Engell); representing Pine Street Burlington Corp. (OLT-22-001942 – Baker) (V); representing the City of Vaughan (PL190339 – Engell) (V); representing 2247322 Ontario Inc. (OLT-21-001346 – Engell) (V); representing Landform Development Group and 2413350 Ontario Inc. (OLT-21-001352 – Baker); representing Charles Desrochers (OLT-21-001506 – Engell, Lund) (X); representing the Town of Caledon (OLT-21-001273 – Kehar); representing the Town of Aurora (OLT-21-001950 – deSereville); representing Racetrax (OLT-21-001577 – Sinclair); representing Infinity (Plains Road) Corporation and Infinity (Aldershot) Corporation (OLT-21-001834 – Baker); and representing Twenty Road East Landowners (OLT-22-002493 – Baker).

AIRD BERLIS

4 [2] Aird & Berlis

Solicitors: Meaghan Barrett, Maggie Bassani, Paula Boutis, Eileen Costello, Laura Dean, Patricia Foran, Jasmine Fraser, Ajay Gajaria, Tom Halinski, Patrick Harrington, Matthew Helfand, Leo Longo, Naomi Mares, John Mascarin, David Neligan, Brendan O'Callaghan, John Pappas, Jane Pepino, Andrea Skinner, Alexander Suriano, Sidonia Tomasella, Peter Van Loan, Christopher Williams and Steven Zakem.

Fourth place goes to **Aird & Berlis** this year, whose

talented team of lawyers continues to balance a large volume of appeals across the GTHA. Representing **City Park Developments**, the firm secured a settlement approval to permit a six-storey apartment building and five single-detached residential lots in Mississauga's Meadowvale neighbourhood. For developer **Orlando Corporation**, the firm secured a settlement approval for a significant two-phase industrial warehouse development in Brampton's Coleraine Business Park.

Other notable victories for Aird & Berlis this year included: a settlement approval on behalf of a Brampton developer for a 200-unit townhouse development at the intersection of Highway 410 and Bovaird Drive, and a settlement on behalf of **CP REIT** and **Loblaw Properties** for their appeal of the **City of Hamilton's** OPA 69 and Zoning By-law 17-240 impacting the City's Commercial and Mixed Use Zones.

Aird & Berlis continues to represent **King Township** at the Ontario Land Tribunal in connection with appeals of the new King Official Plan, as well as private development appeals, and in this capacity, the firm achieved numerous settlements throughout the year. In a major ongoing case, the firm is representing **ONE Properties** in its appeal for a plan of subdivision and for a permit under the *Conservation Authorities Act* for a large

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property on Garner Road East, in Ancaster. These appeals were consolidated by the Tribunal in a win for ONE after the consolidation was opposed by the City and third-party **Environmental Defence**. A hearing in 2023 will determine the merits of ONE's development proposal, which involves relocating a watercourse and wetland.

Cases: Representing 7818 Dufferin Inc. (PL200219 – Harrington, Pappas) (S); representing Peel Region (DC210003 – Harrington, Gajaria); representing multiple appellants (OLT-22-002219 – Harrington, Longo); representing City Park (Lakeshore) Inc. (PL210136 – Longo); representing City Park (McLaughlin) Inc. (PL210033 – Longo) (S); representing Orlando Corporation (PL141189 – Longo); representing Orlando Corporation (PL171478 – Longo) (S); representing Bara Group (PL190545 – Skinner, Helfand); representing King Township (PL200556 – Dean, Halinski, Fraser) (S); representing Pickering Harbour Company Ltd. (PL200388 – Pepino, Helfand); representing Orlando Corporation (PL200251 – Longo) (S); representing Jane Teston

Holdings Inc. (PL171151 – Harrington, Pappas); representing Frank Baldasarra (OLT-22-002279 – Van Loan); representing multiple appellants (PL111184 – Halinski, Barrett); representing Vandyk (Heart Lake) Ltd. (PL171333 – Harrington) (S); representing King Township (PL210117 – Halinski) (S); representing Yonge MCD Inc. (PL180073 – Foran, Harrington); representing Catherine and Don Acchione (OLT-21-001849 – Harrington) (V); representing Salvatore and Rosina Petrolo (OLT-21-001221 – Barrett); representing Ashra R. Batra (OLT-22-002042 – Pepino); representing ONE Properties LP (OLT-21-001567 – Harrington, Barrett); representing CP REIT and Loblaw Properties Ltd. (OLT-21-001799 – Neligan, Costello) (S); representing Rutherford Commercial Holdings Ltd. and Loblaw Properties Ltd. (OLT-22-002347 – Costello); representing David Nam (OLT-22-002443 – Bassani, Pappas) (S); representing 246 Locke Street South Inc. (OLT-21-001699 – Harrington) (V); representing King Township (OLT-21-001131 – Halinski); representing Riccardo Persi (OLT-21-001320 – Pepino, Helfand) (V); representing 2601622 Ontario Inc. (OLT-

21-001950 – Costello, Mares); representing Spallacci Contracting Ltd. (OLT-21-001723 – Harrington, Barrett); representing Choice Properties REIT and Loblaw Properties Ltd. (OLT-22-002489 – Pappas) (S); and representing The Highland Group (OLT-22-002395 – Helfand) (V).



6 [6] Loopstra Nixon

Solicitors: Quinto Annibale, Steven Ferri, Alyssa Granato, Mark Joblin, Ashley Metallo, Mandy Ng, Brendan Ruddick and Alexandra Whyte.

The relatively small team at **Loopstra Nixon** continues to punch above its weight in terms of the size of its caseload and the number of successful outcomes it has at the OLT. This year, the firm received a positive decision in connection to an appeal by its client **Medallion Developments** to intensify an existing apartment property at the toe of the Niagara Escarpment, adjacent to Downtown Hamilton. Originally proposing a new 20-storey tower, **Medallion** reached a settlement with the **City of Hamilton** for a modified nine-storey building that was ultimately approved by the OLT.

Representing **West Rutherford Properties**, **Loopstra Nixon** helped to reach a settlement with the **City of Vaughan** to amend the Vaughan Official Plan to allow

a building height of six storeys and a development density of 2.0 floor space index (FSI) on its property at 3660 Rutherford Road. In **King Township**, the firm represented **Sycamore Construction**, which obtained a settlement approval for a 51-lot residential subdivision.

In addition to private actors, **Loopstra Nixon** also acts for local governments including the **Town of Innisfil**, which it is representing in appeals of its new Official Plan, as well as the **City of Mississauga**, which the firm successfully represented against an appeal for a lot severance in the Lorne Park neighbourhood.

Cases: Representing Brock Township (PL210169 – Ruddick, Whyte); representing the City of Pickering (PL170210 – Annibale, Joblin); representing Southwest Georgetown Landowners Group (PL200159 – Annibale, Joblin); representing Bushland Heights Ltd., Daniel Aquino, Via-Ru Ltd. and 1186675 Ontario Ltd. (PL200556 – Ferri) (S); representing the City of Pickering (PL200388 – Annibale, Joblin); representing West Rutherford Properties Inc. and other appellants (PL111184 – Annibale, Whyte) (S); representing **Sycamore Construction** (PL210117 – Annibale) (S); representing TSMJC Properties (PL180073 – Annibale, Ruddick) (S); representing the Town of Innisfil (PL180900 – Annibale, Joblin) (V); representing

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Medallion Developments (PL171389 – Annibale, Joblin) (S); representing the City of Pickering (OLT-22-002257 – Annibale); representing the City of Mississauga (OLT-22-002264 – Joblin, Whyte) (V); representing West Rutherford Properties Ltd. (OLT-22-002347 – Annibale, Whyte); representing Chun Tao He (OLT-21-001571 – Ferri, Ng) (V); representing the Township of Scugog (OLT-21-001249 – Joblin); representing Elizabeth Robertson (OLT-22-002437 – Ferri); and representing the City of Pickering (OLT-21-001742 – Joblin, Granato).



6 [8] Kagan Shastri

Solicitors: Paul DeMelo, Ira Kagan, Sarah Kagan, Kristie Stitt.

Kagan Shastri had another exciting year, both in its advocacy at the Tribunal, and also having recently merged with Devine Park to form a new firm called Kagan Shastri DeMelo Winer Park LLP (effective January 1, 2023). Nonetheless, operating as Kagan Shastri, the firm has landed sixth place in this year's rankings.

Kagan Shastri secured a number of notable decisions

this year. Representing **Block 41 Landowners Group** in an appeal by **TransCanada Pipelines** against the **City of Vaughan's** OPA 50—which establishes a planning framework for the Block 41 Community Area—the firm helped obtain a settlement approval that approves OPA 50 subject to policy amendments that address land use compatibility concerns in relation to TransCanada's natural gas compression station.

The firm is representing **Angus Glen Landowners Group** in its appeal for an OPA to establish the Angus Glen Secondary Plan in Markham, which an impacted landowner has unsuccessfully attempted to delay. In Aurora, the firm represented **Charleville Developments** and obtained a settlement approval for a 70-unit townhouse on a brownfield site.

Other successful cases include securing a settlement for a Newmarket developer to proceed with a five-storey apartment building near Newmarket GO station, and securing a settlement for **Flintshire Building Group Corp.** to amend a previous Tribunal decision to allow a revised residential subdivision on the former **Castlemore Golf & Country Club** lands in Brampton.

Cases: Representing the Municipality of Clarington (PL210159 – DeMelo, Stitt); representing Flintshire Building Group Corp. (PL170607 – DeMelo) (S); representing Block 41 Landowners Group (PL200135 – Kagan) (S); representing S.F. Coleraine Holdings Ltd. (PL141189 – Stitt); representing Angus Glen Landowners' Group (PL210288 – Kagan, Stitt); representing multiple appellants (PL111184 – Kagan); representing Block 18 Landowners Group Inc. and Block 18 Properties Inc. (PL160978 – Kagan) (S); representing Dogliola Developments (PL180073 – Kagan, Stitt); representing Charleville Developments (PL171423 – Kagan, Stitt) (S); representing Weston Downs Ratepayers Association (OLT-21-001045 – DeMelo); representing Pickering Developments Inc. (OLT-22-002257 – Kagan); representing Paul Strmota (OLT-21-001460 – DeMelo) (V); representing Kirby 27 Developments, East Kleinburg Developments and 1045501 Ontario Ltd. (PL190339 – Kagan) (V); representing North-East Leslie Landowners Group (OLT-22-002315 – DeMelo); representing Rice Commercial Group (OLT-22-002889 – Kagan, Stitt) (S); representing Lundy's Lane Newmarket Assembly (OLT-21-001280 – DeMelo) (S); and representing The Ashton Inc. (OLT-22-002121 – Kagan).

BLG

Borden Ladner Gervais

7 [5] Borden Ladner Gervais

Solicitors: Andrew Baker, Emma Blanchard, Katie Butler, Liviu Cananau, F.F. (Rick) Coburn, Jonathan Cocker, Lauren Daniel, Brett Davis, Lee English, Lou Fortini, Simon Fung, Michael Grant, [Barbora Grochalova], Gabrielle Kramer, Julie Lesage, Denisa Mertiri, Piper Morley, J. Pitman Patterson, [Aaria Rahim], Laura Robinson, Frank Sperduti, Isaac Tang, [Stephen Waqué] and Robert Wood.

Borden Ladner Gervais comfortably retains a place in the top-10 in this year's ranking, having maintained involvement in various appeals at the OLT that engage a range of land use planning issues. In a complex appeal pertaining to the designation of employment lands, the firm represented the **City of Vaughan** in opposition to several employment landowners who sought a Mixed Use designation for 55 hectares of land west of Highway 400. The Tribunal agreed with the City that the area should be designated for employment uses.

The firm helped to secure settlement approvals on behalf of a King City developer for a five-storey mixed-use development in close proximity to King City GO station, and on

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behalf of an Aurora developer for two eight-storey apartment buildings within the Aurora GO station Major Transit Station Area.

In a major, ongoing group of appeals, BLG is representing **Halton Region** in appeals to the Vision Georgetown Secondary Plan (OPA 32) in the **Town of Halton Hills**, which involves the development of over 1,000 acres of land in the Georgetown area and over 10 parties.

Cases: Representing Ashley Heritage Joint Venture and 840966 Ontario Ltd. (PL200603 – Patterson, English); representing Giampaolo Investments (PL210150 – Morley, English); representing the City of Vaughan (PL140839 – Coburn) (✓); representing York Region (LC100042 – Sperduti, Fung); representing Metropolitan Square Inc. (PL190473 – Patterson, Butler) (S); representing the City of Markham (PL210288 – Coburn, Lesage) (✓); representing Ontari Holdings, BoltCol Holdings South and BoltCol Holdings North (PL190106 – Patterson, Morley, English) (X); representing Halton Region (PL200159 – Tang, English); representing Anne Marie Ball (LC200039 – Morley, Butler); representing York

Region (PL200556 – Patterson, English) (S); representing multiple appellants (PL111184 – Patterson); representing the City of Vaughan (PL160978 – Patterson, Morley) (S); representing York Region (PL111184 – Patterson); representing Halton Region (LC210007 – Sperduti, Lesage); representing the City of Markham (PL200381 – Patterson); representing York Region (OLT-21-001186 – Sperduti Fung); representing the City of Markham (OLT-22-001998 – Morley); representing the City of Markham (PL190476 – Patterson, Baker); and representing 2472498 Ontario Ltd. (OLT-22-002262 – Tang, Butler) (S).

Goodmans

8 [7] Goodmans

Solicitors: Ian Andres, Anne Benedetti, David Bronskill, Zachary Fleisher, Tom Friedland, Rodney Gill, Joseph Hoffman, Roslyn Houser, Robert Howe, Matthew Lakatos-Hayward, Max Laskin, Allan Liebel, Catherine Lyons and [Mark Noskiewicz].

Coming in at eighth place is **Goodmans**, which achieved several high-profile victories for developer clients throughout

this year's case-reporting window. The firm represented **Core Development Group** in its successful appeal for planning approvals to permit a 27-storey mixed-use building on a Downtown Burlington site. The development was vigorously but unsuccessfully opposed by the **City of Burlington**.

Wrapping up a multi-year saga, Goodmans represented the proponent of a new **McMaster University** student residence occupying a Hamilton city block, finally approved in a January 2022 settlement decision after agreement was reached with the **City of Hamilton** and the **Concerned Residents of Westdale** to permit the development of two linked buildings of 10 and 15 storeys respectively that will house nearly 2,000 students.

In Richmond Hill, Goodmans represented **Metroview Developments** in helping secure a settlement approval for a 21-storey mixed-use building located along a **York Regional Transit/VIVA** bus rapid transit corridor. Representing **Calloway REIT** (SmartCentres), the firm won a motion to dismiss an appeal by an adjacent landowner of **SmartCentres'** council-approved planning amendments to permit development of a self-storage facility in Whitby.

Cases: Representing Metroview Developments (Garden) Inc. (PL190576 – Andres);

representing multiple appellants (PL090114 – Noskiewicz, Hoffman); representing multiple appellants (OLT-22-002219 – Houser, Bronskill, Laskin, Lakatos-Hayward); representing Metroview Developments (Elmwood) Inc. (PL190574 – Andres, Lakatos-Hayward) (S); representing Calloway REIT, First Capital (Meadowvale) Corporation and 4005 Hickory Drive Ltd. (PL210032 – Bronskill, Laskin); representing Core FSC Lakeshore LP (PL200558 – Bronskill, Lakatos-Hayward); representing Knightstone Capital Management II Inc. (PL180302 – Bronskill) (S); representing multiple appellants (PL111184 – Houser); representing Calloway REIT (OLT-21-001064 – Bronskill) (✓); representing Burlington 71 Plains Inc. (OLT-21-001021 – Bronskill); representing Amica (Unionville) Inc. and Rockport Unionville Inc. (PL200381 – Bronskill); representing Amrit Dhoot (OLT-21-001305 – Bronskill) (✓); representing Core FSC Lakeshore LP (OLT-21-001792 – Bronskill, Lakatos-Hayward) (✓); representing Atria Development (OLT-21-001950 – Laskin); representing Elfrida Landowners (OLT-22-002493 – Noskiewicz, Hoffman); and representing NHDG (Waterfront) Inc. (OLT-22-001995 – Bronskill).

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Ritchie Ketcheson
Hart &
Biggart LLP

9 [10] Ritchie Ketcheson Hart & Biggart

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

Ritchie Ketcheson Hart & Biggart, a boutique law firm that acts primarily on behalf of municipalities, advances to ninth place in this year's ranking. Over the past year, the firm has represented governments in all corners of the GTHA, helping to secure positive decisions in a range of matters from minor variance appeals to Official Plan-level appeals.

Ritchie Ketcheson Hart & Biggart successfully represented the **Town of Whitby** in its motion to dismiss an appeal for planning approvals to legalize an existing outdoor contractors' yard. Representing the **City of Hamilton** in several separate appeals, the firm helped reach a settlement for a new **McMaster University**-affiliated student residence, as well as a settlement with a developer for a nine-storey infill apartment building adjacent to the Niagara Escarpment.

Representing the **City**

of **Mississauga**, the firm successfully opposed appeals relating to consent applications to facilitate the creation of two new properties that would be accessed by an existing privately-owned laneway, resulting in the Tribunal's refusal of the applications. In connection with developer **Branthaven's** appeal for minor variances for a townhouse development on a vacant lot in the Millcroft community, the firm represented the **City of Burlington** in support of Branthaven's variance application, which had received a positive recommendation report from City staff but was denied its Committee of Adjustment.

Cases: Representing the Town of Ajax (DC210002 – Biggart, Kapelos); representing the City of Burlington (OLT-22-002219 – Biggart); representing the Town of Whitby (PL210240 – Kapelos); representing the City of Mississauga (PL190506 – Biggart) (✓); representing the Town of Whitby (PL190545 – Biggart); representing the Town of Whitby (PL190638 – Biggart) (✓); representing the Town of Whitby (PL200651 – Biggart); representing the City of Mississauga (PL210032 – Biggart); representing the City of Burlington (PL210151 – Kapelos) (✓); representing the City of Hamilton (PL180302

– Hart) (S); representing the City of Markham (PL111184 – Biggart); representing the Town of Whitby (OLT-21-001064 – Biggart); representing the Town of Ajax (DC180020 – Biggart); representing the City of Hamilton (PL171389 – Hart) (S); representing the Town of Aurora (OLT-21-001918 – Kapelos) (S); representing the City of Mississauga (OLT-21-001305 – Biggart) (X); and representing the City of Burlington (OLT-21-001792 – Biggart) (X).

overland

10 [9] Overland

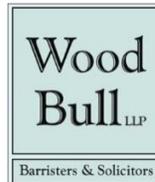
Solicitors: Daniel Artenosi, Natalie Ast, Michael Cara,

Justine Reyes, Christopher Tanzola and Brad Teichman.

Finishing off our list of top-10 firms is **Overland**, a boutique law firm that specializes in land use planning advocacy. This year, *NRU* reported on several of the firm's successful cases at the OLT. Overland represented developer **StateView Homes** and helped to secure a settlement of its appeal of the new King Township Official Plan, which involves amendments to align with StateView's standing development approval for a 48-unit townhouse development.

Overland also represented **Caveze Investments** in three separate appeal proceedings

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Career Opportunity: Planner

Wood Bull LLP is a specialty practice law firm that focuses on municipal, planning and development law. We assist private and public sector clients through all aspects of the land use approvals process and advise them on a range of planning matters. Our firm advises a broad range of clients, ranging from some of the largest developers in Ontario, to individual property owners, to municipalities. We are seeking a professional land use planner to join our team.

Planners at Wood Bull LLP gain the opportunity to work on complex, high-profile files for a diverse array of clients. If you love to solve problems and build strong stakeholder relationships, and are interested in being part of a cohesive, collaborative, and supportive team that thrives on learning, we would love to hear from you. We offer a casual office environment, competitive salary and a flexible work model.

Your responsibilities will include coordinating and managing development proposals; preparing various types of planning applications; liaising with clients and consultants; reviewing and analyzing official plans and zoning by-laws; assisting with preparation for Ontario Land Tribunal and Toronto Local Appeal Body hearings; monitoring municipal planning processes; and attending public meetings and hearings when necessary.

Candidates for the position should have at least 2 years planning experience, a degree in Urban Planning, and membership or eligibility for membership with OPPI.

A successful candidate brings good working knowledge of municipal planning processes and the Ontario Land Tribunal process. The ability to communicate effectively and think strategically is also essential. Excellent organizational, interpersonal, project management and computer skills are required.

Wood Bull LLP is strongly committed to equity, diversity and inclusion within our workplace environment.

Interested candidates are invited to submit a resume and covering letter to DLaGamba@woodbull.ca by **13 January 2023**, quoting "**Planner Position**".

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pertaining to lands in Brampton's Coleraine Business Park, including: Caveze's own ongoing appeal for site plan approval at 10605 Coleraine Drive; its appeal of the Highway 427 Industrial Secondary Plan, which was partially approved in an August 2021 decision; and in an appeal by **Orlando Corporation** for an industrial warehouse development.

The firm remains involved in several ongoing planning appeals, including representing

Halton District School Board and **Halton Catholic District School Board** in appeals to the **Town of Halton Hills'** Vision Georgetown Secondary Plan (OPA 32), and representing multiple appellants of the Vaughan Official Plan, 2010.

Cases: Representing Beeton Meadows Holdings Inc. (PL190352 – Cara, Tanzola) (S); representing Caveze Investments Ltd. (PL171158 – Cara); representing Caveze

Investments Ltd. (PL141189 – Cara); representing Caveze Investments Ltd. (PL171478 – Cara) (S); representing Prime Real Estate Group Inc. (PL210032 – Artenosi, Cara); representing Halton District School Board and Halton Catholic District School Board (PL200159 – Teichman); representing Stateview Homes (High Crown Estates) (PL200556 – Ast) (S); representing multiple appellants (PL111184 – Ast); representing Yonge Sixteen Inc. (OLT-21-001158 – Artenosi); and representing 1150 Centre Street GP Inc. (OLT-21-001751 – Tanzola).

THE NEXT 10 FIRMS...

11 [15] **Municipal Law Chambers**; **12** [19] **Fogler, Rubinoff**; **13** [N/A] **Garrod Pickfield**; **14** [N/A] **Cassels**; **15** [N/A] **Dentons**; **16** [11] **Thomson Rogers**; **17** [13] **Wood Bull**; **18** [N/A] **Devry Smith Frank**; **19** [18] **Parente, Borean**; and **20** [N/A] **Miller Thompson**. 🌟

LAW REVIEW METHODOLOGY

Our end-of-year tradition at NRU examines the legal side of planning and development in the GTHA, focusing primarily on cases that came before the OLT and other courts and tribunals and that were reported in the GTHA edition of NRU between August 1, 2021 and July 31, 2022.

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

The Listing—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 who were previously with the firm, but left prior to this year's law review.

The client, OLT case number, and relevant solicitor(s) are noted for each contributing case. In cases that involved an OLT decision where there was a clear winner, loser, or settlement, the appropriate symbol (✓) or (X) or (S) follows the case description. If there was no clear win/loss/settlement, or

the matter involved a Case Management Conference or was still ongoing by July 2022, no symbol appears. A square bracket after this year's ranking containing a number indicates the firm's placement in last year's NRU ranking.

Email us your OLT decisions to ensure that they are covered in NRU and thus, included in the 25th annual GTHA rankings, to be published in December, 2023.

OLT NEWS

SETTLEMENT APPROVED FOR LAKEVIEW MID-RISE DEVELOPMENT

In a December 9 decision, OLT member **Jatinder Bhullar** allowed appeals, in part, by **2828778 Ontario Inc.** against the **City of Mississauga's** failure to make decisions on its official plan and zoning by-law amendment applications for 420 Lakeshore Road East.

The applicant originally proposed to develop the site with a 12-storey residential development accommodating 195 dwelling units, including live/work units at grade. After filing appeals, the applicant reached a settlement with the City for a revised proposal comprising a nine-storey mixed-use development containing 166 residential units and 366 square metres of ground floor commercial space. The revised proposal fits within a 45-degree angular plane from the south lot line, includes 200 underground vehicle parking spaces, and provides amenity space at a minimum rate of 4.5 square metres per dwelling unit.

The Tribunal received evidence from planner **Jim Levac (Glen Schnarr & Associates)** in support of the settlement. Levac reviewed for the Tribunal how the proposed development has been revised to achieve greater conformity with the City's OPA 131 – Lakeshore

Corridor Study, and how the revised proposal demonstrates consistency/conformity with other applicable provincial and municipal planning policies.

The Tribunal adopted Levac's evidence and allowed the appeals, in part. Solicitors involved in this decision were **Mary Flynn-Guglietti (McMillan)** representing 2828778 Ontario Inc., **Lia Magi** representing the City of Mississauga and **Conner Harris (Rayman Harris)** representing **Metro Ontario Real Estate Limited**. [See OLT Case No. [OLT-21-001142](#).]

APPEAL AGAINST HAMILTON CONSENT AND VARIANCES DISMISSED

In a December 8 decision, OLT member **Steve DeBoer** dismissed appeals by **Bradley McMaster** against the **City of Hamilton** Committee of Adjustment's approval of consent and minor variance applications by **Michael Chiaravalle** for 15 Bartlett Avenue.

Chiaravalle sought and was granted a consent and variances to sever his existing Bartlett Avenue property into two smaller lots to accommodate a single-detached dwelling on each. The applications were supported by City of Hamilton planning staff and were approved by the Committee of Adjustment. Neighbour McMaster appealed the

decision.

The Tribunal heard evidence from McMaster in opposition to the consent and variances. Planner **Glenn Wellings (Wellings Planning Consultants)** testified on behalf of Chiaravalle in support of the applications.

McMaster expressed a number of concerns with the applications, including the potential for increased water runoff onto adjoining properties, the potential for the approval of the applications to set a negative precedent for other future severances, and his opinion that the applications should have proceeded via a rezoning proposal process, and not as consent and minor variance applications.

Wellings explained that the requested variances are to allow the new lots and the future dwellings planned for them to deviate from the requirements of the zoning by-law with respect to lot size, side yard and front yard setbacks. He noted that the lot widths will comply with the by-law requirement, and opined that the resulting new detached dwellings will be compatible with the other dwellings that front onto Bartlett Avenue.

The Tribunal found that McMaster did not provide any planning evidence to refute the evidence given by Wellings. Further, based on Wellings' evidence, the Tribunal found that the consent and minor

variances are appropriate, and that the appeal should be dismissed, thus upholding the Committee of Adjustment's original approval of the applications.

Solicitor **Raj Kehar (WeirFoulds)** represented Michael Chiaravalle. [See OLT Case No. [OLT-22-003875](#).] 🌸

HAPPY HOLIDAYS

NRU IS NOT PUBLISHING NEXT WEEK, AND OUR OFFICES WILL BE CLOSED, BUT WE WILL BE BACK WITH A NEW ISSUE OF GTHA EDITION **WEDNESDAY, JANUARY 4, 2023**. SEE YOU THEN!