

Real Property

On account of Canada's stable political and economic environment, there are many attractive opportunities to invest in real estate in Canada. In seizing on these opportunities, it is important to be supported by legal advisers who have deep experience with real estate transactions, land use and development.

WeirFoulds acts for public and private corporations, pension funds, financial institutions, governments and individuals in a range of real estate and mortgage financing transactions. We regularly assist clients with acquiring, financing, leasing and selling fee simple property. We also assist clients with investing in real estate on a portfolio basis, and with creating Real Estate Investment Trusts. In addition to servicing our clients' transactional needs, we also have extensive experience helping clients develop and use their property.

Our lawyers also assist individual homebuyers with residential real estate transactions. Our sophisticated electronic title searching and registration systems enable us to provide excellent service at cost-effective rates.

We take a multi-disciplinary approach to our real estate files, engaging our commercial, corporate, construction, environmental, tax and public law experts as necessary to ensure our clients receive excellent advice that is tailored to their needs.

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Areas of Expertise

- Aboriginal law
- Acquisitions
- Commercial leasing
- Construction
- Dispositions
- Expropriations

- Financing
- Government approvals
- Mortgages
- Portfolios
- Property taxes
- REITs
- Risk management
- Title insurance

Representative Experience

- Numerous purchase transactions for York Region where it acquired commercial property from private sector owners. This involved the drafting of the Agreement of Purchase and Sale, searching title to the property, resolving title issues, preparing closing documents, and closing the transaction.
- Act for York Region in the Vaughan Metropolitan Centre (“VMC”) Project. We have worked with the City of Vaughan Legal Department in sorting out the complex title arrangements among York Region, Vaughan, the TTC, and a private sector developer for the developments at VMC and on surrounding lands.
- Worked hand-in-hand with WeirFoulds’ expropriation team on the acquisition, by voluntary agreement, of lands that York Region needed for the development of its award winning Rapid Transit Project.
- Provided advice to the City of Vaughan about possible property arrangement options for the proposed development of a private park, including: ownership by the developer of land that would be leased to the City for the use of the park; the granting of an easement by the developer to the City, but with the developer using, operating and maintaining the private park; and strata ownership, under which the developer and the City would each have ownership of portions of the lands.
- Acted for the City of London, the City of Oshawa and the City of Guelph in their development of downtown sports and entertainment centres.
- Acted for the Liquor Control Board of Ontario (LCBO) in its acquisition by a joint venture among Menkes Developments (Menkes) and Greystone Managed Investments (Greystone), with Triovest Realty Advisors (Triovest) acting as advisor to Greystone, of its head office lands, centrally located in downtown Toronto, for \$260 million following an open and competitive procurement process managed by Infrastructure Ontario.
- Assisted Town of Aurora in the negotiation and preparation of various purchase and sale agreements, as well as acting for the Town on the completion of the transactions. Also assisted in the negotiation and preparation of various agreements.
- Engaged by Town of Whitby to draft and negotiate a complex agreement of purchase and sale for the Town to sell certain lands to a developer.
- WeirFoulds acts for Wal-Mart with respect to its purchase, development and expansion of big box stores throughout Ontario including its recent acquisition of numerous Target locations.
- WeirFoulds acts as counsel for Skyline International Development Inc. (“Skyline”) on its acquisition of the Deerhurst Resort in Muskoka, Ontario, the site of the 2011 G8 summit. We also act as counsel for Skyline in its \$400-million redevelopment plan for the resort. This includes 120 refurbished guest suites sold as condos, updates to the hotel, expansion of the convention centre, and a renovated indoor swimming pool.
- WeirFoulds acts for Genstar Developments with respect to its development communities, including Glen Abbey, in Oakville, and Wescmont and West Oak Trails in Waterloo. WeirFoulds’ services include work on various municipal agreements, occupational health and safety issues, development approvals and various land assemblies.
- WeirFoulds acted as counsel to Adam Blucher Development Corporation, an asset and property management group directed by Frank De Luca, in connection with the \$26 million acquisition from Santek Investments (2000) Inc. and Kingsmill Spas Inc. of iconic Toronto landmark The Old Mill Inn & Spa, and associated lands. In addition, we acted in connection with the \$6.5-million acquisition financing from Budochnist Credit Union Limited.

- WeirFoulds acted for West Hill Redevelopment Company Limited, a Lebovic Enterprises Limited company, seeking approvals in the Oak Ridges Moraine in the Town of Aurora for a 75-unit high-end cluster condominium development, and an 18-hole golf course, which was designed by Doug Carrick.
- WeirFoulds acted for one of the four original partners that developed the new urban community known as Cornell in Markham. We represented this partner with respect to the partition of the majority of the Cornell lands among four partners. This included negotiating the developers' cost-sharing agreement relating to infrastructure and facilities required for Cornell.
- WeirFoulds worked with the Toronto Port Authority (TPA) respecting the sale and leaseback of its head office property on Harbour Street including RFI/RFP preparation and review, preparation of related documentation and providing general advice throughout the process up to and including the selection of a proponent to complete the transaction. It also worked with TEDCO and TPA with respect to the Cement Campus in downtown Toronto and the Pinewood Film Studio development.
- WeirFoulds acted as counsel to a developer, representing an ownership group, in connection with the acquisition of property comprising approximately 40 acres of developable land in the GTA from a court-appointed receiver, as well as all of the present and after-acquired assets, undertaking and properties of the original owner. The consideration in the aggregate was \$37.75 million. We continue to represent the purchasing group in its development of the property into mixed use commercial and residential.
- WeirFoulds successfully acted for a major real estate developer with respect to municipal tax appeals. Most recently the firm has acted with respect to the redevelopment of residential lands bordering a shopping centre.

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