

NOVAE RES URBIS

NEWS OF THE CITY • TORONTO
VOL 4 • NO. 50 • FRIDAY, DECEMBER 15, 2000

Policy changes needed for sustainable development in the GTA

Lack of consistency across the GTA in defining and defending significant lands, and urban boundaries is one of the main policy challenges facing the region, according to **Pamela Blais**, of **Metropole Consultants**. Blais' report *Inching Toward Sustainability: The Evolving Urban Structure of the GTA*, financed by a gift from the **Neptis Foundation**, was presented at The **Canadian Urban Institute** conference *Portrait of a Region: The Face of Our Future* on December 12, 2000 in Toronto.

Blais outlined other policy challenges facing the region including:

- weak policies at the Provincial and Regional levels regarding the protection of sensitive lands and the implementation of more efficient forms of development;
- a fragmented approach to development on sensitive lands – prioritization on a municipality-by-municipality basis; and
- powerful financial forces driving current patterns that are not being addressed, e.g. development charge structure, and highway subsidies.

Blais concluded that without the above policy changes, future growth is poised to continue along the same lines as the past: low density, greenfield based,

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Published by NRU PUBLISHING INC
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TTC needs provincial and federal money

TTC General Manager **Rick Ducharme** has sounded the alarm on the TTC's capital funding needs for the next decade. Unless senior levels of government kick in some cash to help replace aging vehicles and track, service will decline in two to three years, even if demand increases because of expected population growth. At the December 13 TTC Board meeting, staff and the newly appointed commissioners presented a united front on getting the province back into funding public transit.

"The TTC is common sense for Ontario," **Chair Brian Ashton** said. The system carries 86% of all local transit passengers in the GTA.

Although the TTC raises a huge amount of revenue from riders, with more than 80% of its operating budget paid for through the fare box, more than any other transit system in North America, "you can't fund capital through fare increases," Ducharme told

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See Page 5 for Third Annual Ranking of Top Ten Municipal Law firms in Toronto

TTC Needs Money (from page1)

reporters. He pointed to the early 1990's, when funding cuts led to a drop in service and higher-than-inflation fare increases, resulting in a loss of 19 million riders.

The **Canadian Urban Transit Association** released data that shows there was a 25% drop in provincial and municipal funding to public transit in Canada between 1994 and 1999, despite a 4.1% rise in ridership. This has resulted in a "huge deferral in capital spending", according to **President Michael Roschlau**, as well as more operating expenses funded through the fare box.

However, despite the trend toward provincial down-loading, some provinces have provided other funding sources for local transit. In British Columbia, the

Greater Vancouver Transportation Authority now receives 8 cents for every litre of gas sold in the region as well as a levy on registered automobiles, weighted to their size. Alberta also forwards 5 cents a litre from gas taxes from revenue collected in Edmonton and Calgary to fund transit in those cities. Montreal's transit system gets gas taxes and vehicle licensing fees from the province.

The tables compare transit capital and operating funding sources between Toronto and selected American cities. Capital expenditures include vehicle purchases, track and building construction, and computer equipment. Operating expenditures include wages and salaries, fuel, and routine maintenance. •

City	Fares	Federal	Prov/State	Local	Other
Toronto	82	0	0	18	0
New York	63	0	20	15	2
San Francisco	55	0	1	44	0
Washington	50	0	21	24	5
Chicago	45	1	20	29	5
Philadelphia	38	4	46	9	3
Baltimore	36	0	63	0	1
Los Angeles	31	6	2	59	2
Boston	29	0	51	18	2
Miami	29	10	7	53	1
Atlanta	28	10	0	55	7
Cleveland	21	0	2	73	4

City	Local	Prov/State	Federal
Toronto	100	0	0
Boston	66	0	34
New York	58	0	42
Atlanta	55	0	45
San Francisco	48	29	23
Cleveland	38	3	59
Chicago	28	8	64
Los Angeles	27	0	73
Philadelphia	26	49	25
Miami	27	0	73
Washington	19	14	67
Baltimore	0	29	71

Sources: TTC (2000) and US Federal Transit Admin. (1998)

Sources: TTC (2000) and US Federal Transit Admin. (1998)

Policy changes (from page1)

and focused on outside nodes in the outer region.

Key elements of sustainability and urban form would focus development on reurbanisation, nodal development, denser fringe development, and include protection of environmentally significant areas, rural landscapes and farmland.

She also said that future growth projections of 1 million people over the next ten years, emphasizes the need for changed development patterns. •

GTA Municipal News

COVERING DEVELOPMENT ISSUES

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TTC Proposed Capital Budget

At the December 13 **TTC Board** meeting, **General Manager Rick Ducharme** presented the Commission's proposed capital spending program for the next five years. Ducharme warned that the TTC needs \$3.8 billion over the next ten years simply to keep the existing system running. The big costs start in 2006, when bus, streetcar and subway car replacements will be needed.

The TTC forecasts that the capital budget will need to increase from \$372 million in 2001 to more than \$500 million a year by the end of the decade. Although the TTC currently receives no capital subsidy from senior levels of government, Ducharme underlined that future capital costs cannot be borne by the city alone and that,

without funding from the province and the federal government, service cuts will be unavoidable, with devastating consequences for the Toronto region.

However, **Commissioner David Miller** does not want to let the **City of Toronto** off the hook. As a preview to the likely heated budget debates ahead at Council, he said the city needs to "take more responsibility for transit", including measures to improve priority for buses and streetcars on key routes and committing funds to increasing transit ridership.

"In the last term of Council, the city didn't make the same commitment to the TTC that we expect from the province," Miller told *Novae Res Urbis*. "The city needs to lead by example."•

TTC Capital Program 2001 - 2005 (\$ millions)						
Category	2001	2002	2003	2004	2005	Totals
Good repair and safety • vehicle replacemen, track work, buildings, etc.	214	169	250	236	226	1,095
Legislative requirements • access improvements & asbestos removal	19	14	14	5	3	55
Ridership growth • SRT vehicles, garage expansions, subway car rebuild	18	45	60	31	14	168
Improvement • transit priorities on streets & station modifications	4	6	6	4	3	23
Expansion • Sheppard Subway & Spadina LRT	117	51	-	-	-	168
Totals	372	285	330	276	246	1,509

Source: Toronto Transit Commission

• DEVELOPMENT NEWS •

Condominium development at Main and Gerrard

C & B Dental Labs has submitted an official plan amendment for the properties at **152, 154 and 164 Main Street** and **2195 Gerrard Street E** to permit a six-storey, mixed use, live/work development. The proposed condominium development will have 71 units and 76 parking spaces for a total G.F.A. of 6,596.2 sq. m. The site area is 0.22 ha. Architect for the project is **Geoffrey Kendall Architect Inc.**

Mixed use development on Broadview Avenue

Samuel-Jay Investments and **Original Investments Ltd** have submitted applications for an official plan amendment and a zoning amendment for properties at **68 and 78 Broadview Avenue**. The applications on the 0.78 ha. site are for a proposed seven-storey mixed use development for residential and office conversion. The proposed condominium development will have 189 units, 114 parking spaces and a total G.F.A. of 19, 420 sq. m. Agent for the project is **Spears & Associates Inc.**

(Continued on page 4)

Toronto's suburbs don't fit stereotype

by Karen Wirsig

Inequality in the GTA has grown by 20% since the early 1980's, according to **Larry Bourne, Professor of Geography and Planning** at the **University of Toronto**. Bourne presented research on demographic trends at the "*Portrait of a Region*" conference, sponsored by the **Canadian Urban Institute** and the **Neptis Foundation**, in Toronto on December 12, 2000.

The inequality has a spatial dimension. In the **City of Toronto**, the older areas of the city, including the former cities of York, East York and Toronto, are still the poorest areas. However, median incomes are on the rise. On the other hand, the suburbs built after the second world war, primarily the former Etobicoke, North York and Scarborough, are experiencing the fastest rate of income decline.

Generally, over the last two decades the number of people living in predominantly low- or high-income neighbourhoods has increased, while middle income neighbourhoods have declined, Bourne said. The post-war suburbs are home to an aging population and are also the place where the majority of new immigrants settle in the city.

Census data from 1996 indicate that a horseshoe pattern has developed in the city, fanning out to the north-west and the north-east from downtown, where low-income households, lone-parent families – mostly with a woman as head of the household, and newcomer households are concentrated. The reality does not fit the suburban stereotype of single-family dwellings with car-dependent households.

"Some people in the city government think of the mature suburbs as some kind of alien territory," **York University Professor Emerita Frances Frisken** told

the conference attendees.

Frisken pointed out that the differences in income between the outer suburbs of the GTA and the City of Toronto are on the rise and that, although the outer suburbs are home to large numbers of immigrants, there are different settlement patterns between the two areas. Refugees who rely on rental housing tend to locate in the city, where there is a higher proportion of both rental and rent-g geared-to-income housing, while wealthier immigrants who can afford to buy their housing tend to locate outside the city. As well, the lack of mobility for people without cars in the outer suburbs means lower-income people try to find a place to live within the city.

"The city's growth is due entirely to immigration," Frisken said, adding that the health of the local economy is reliant on the influx of newcomers. In the outer suburbs, population growth is more balanced between domestic and international migration. "Municipal policy varies on immigration settlement, but downloading makes municipalities most responsible for it."

Because of the Metropolitan Toronto government, established in 1953, and decades of provincial funding for city services, especially public transit and social housing, Toronto's post-war suburbs contain what their ex-urban counterparts do not: a strong bus and subway network and a higher degree of affordable rental housing.

The effects of labour market restructuring and the decline of the welfare state mean the City of Toronto will continue to see social need increasing, especially in the post-war suburbs. At the same time, provincial downloading and the lack of a regional plan for the Toronto area will make it difficult for GTA municipalities to address these issues. •

Development News (from page3)

Residential condominium on railway lands

An application for site plan control has been submitted by **Concord Adex Development** for a 0.28 ha.

site at the southeast corner of **Bremner Boulevard** and **Spadina Avenue**. The proposed 47 storey residential condominium with retail and daycare will have 539 units and 528 parking spaces on a total G.F.A. of 41,806 sq. m. Architect for the project is **HOK Architects**. •

Top Ten Municipal Law Firms in Toronto (1999-2000)

Third annual ranking of the city's most prolific performers

For the last two years we undertook an analysis of the most prolific municipal law firms in Toronto as a tribute to all those lawyers who have worked so hard in the planning and development field. As promised, here is our review of the municipal legal activities in the City of Toronto from August 1999 to July 2000, as reported by *Novae Res Urbis*.

How the information was collected

With the assistance of our search engine in our website, we tracked each of the law firms mentioned in *Novae Res Urbis* OMB News and Development News over this one-year period. From there we determined the firms which most frequently came up and sorted out the projects and hearings they were involved with. It became apparent that some firms (given their size) were involved in a variety of developments across the new city, while others had particular associations to major clients. The original data were collected from application and OMB files plus our research for NRU stories.

Determining the top 10

This was the most difficult task in that we had to balance the number of clients, the range of projects, the difficulty of cases, as well as some unique features about the projects/cases. The other important point is that this list was determined on only items covered in NRU and in Toronto only and did not account for the vast number of cases and firms involved with items such as minor variance applications, assessment appeals and as part of a development team without our knowledge. To this degree we recognize that there is a certain degree of subjectivity in our ranking.

The listings

Each grouping in the list notes the firm and each of the lawyers mentioned in NRU in a given matter. Items have been grouped into 1) noted development projects- those development applications that noted a solicitor on file; 2) OMB matters/hearings- those involved with hearings, pre-hearings, and mediation sessions. In cases which involved board decisions and a clear winner/loser or settlement was determined, we noted the appropriate symbol (P) or (O) following the case description. If there was no clear win/lose or the matter involved a pre-hearing, or if the matter is still pending before the OMB no symbol was applied; and 3) Other- an open category which noted the involvement of a law firm in our stories. Finally, a brief reason is given at the beginning of each firm listed explaining why we ranked them as we did • .

1. Aird & Berlis

[Rank last year: 4]

(Jane Pepino, Leo Longo, Robert Doumani, Christopher Williams, Kim Kovar, Steven Zakem, Patricia Foran, Josephine Matera, Tom Halinski)

Reasons for Ranking: A huge increase in volume and diversity of work over the year. A significant number of OMB hearings with a high success rate. Highlights: Goldlist Properties demolition of rental units, their involvement with GTHBA's proposed garage by-law amendment and the North York OPA 447 OMB hearings.

OMB/Court Matters or Hearings: representing IPCF Properties Inc for Leaside Business Park Development (Kovar); representing Rose and Whitebeck on Glengrove intensification (Kovar) (✓); representing Centra Inc for Bloor Street condominium development (Kovar) (✓); representing area residents of Beaumont Avenue in court for OMB and City position on development freeze by-law (Longo) (✓); representing Goldlist Properties Inc for a demolition of rental apartments for condominiums (Pepino) (✓); representing Kenneth-Sheppard Limited and A.J. Green Limited for a demolition of rental apartments for condominiums (Doumani) (✓); representing Lexington Green Homes Inc on the proposal for a live/work nuns' residence (Foran) (✓); representing 1147390 Ontario Limited and United Castan Corporation on Home Depot hearing (Williams) (✓); representing Tiffeld Development Corporation and Yee Hong Centre for Geriatric Care on the proposed residential development (Williams, Foran) (✓); representing herself, R. Schwartz, M. Solomon, I. and P. Farguharson, L. and M. Mountford for a proposed severance (Pepino) (✓); representing Isaac and Debbie Benitah for Old Forest Hill renovation (Kovar) (✓); representing Moshem Enterprises Limited for Summerhill development (Kovar) (✓); representing Moshem Enterprises Limited regarding parking implementation (Pepino) (✓); representing Concord Adex regarding Toronto OPA 147 (Longo) (✓); representing 3170497 Canada Inc on conversion of commercial use (Longo) (✓); regarding refusal of interim control by-law for Elder Street (Kovar) (✓); representing 1139754 Ontario Limited regarding gas bar and convenience (Williams) (✓); representing Goldlist Properties Inc, Kenneth-Sheppard Limited and Greater Toronto Apartment Association in court for rental housing protection (Doumani, Pepino) (✗); representing Loblaw Properties Limited on a site approval for Dundas Street West (Zakem) (✓); representing Metrontario Group and Kenneth-Sheppard Limited regarding OPA 447 (Doumani); representing Kenneth-Sheppard Limited for OPA 447 hearing (Pepino, Kovar); representing John Boddy Developments Limited for Markham by-pass (Longo).

Noted Development Projects: representing Concord Adex Development Corp's 401 Front Street residential development (Longo); representing Concord Adex Ltd Partnerships on the development of 65 Navy Warf Court (Longo).

Other: representing the Greater Toronto Home Builders' Association for garage by-law amendment discussions(Pepino).

Top Ten Municipal Law Firms (from page 5)

2. McCarthy Tetrault

[Rank last year: 1]

(Mary Bull, John Dawson, Stephen Diamond, Cynthia MacDougall, Paul Peterson, Phil Sanford, Brad Teichman, Gordon Willcocks, John Inglis (now with Davies Howe Partners), Dennis Wood)

Reasons for Ranking: A slight slip from the last two years, McCarthy Tetrault is still one of the more prolific performers for the year. A variety of hearings and representations, and a good success rate. Highlights: the successful representation of Oxford Development with regards to the Concourse project and their involvement with the Section 37 matter.

OMB/Court Matters or Hearings: representing Kosmor Construction Inc for Leaside Business Park development (Diamond); representing Kosmor Construction Inc in rehearing with new evidence (Diamond, MacDougall); representing Deslisle Court Redevelopment Corporation for Delisle Street condominium development (MacDougall); representing Eminent Construction regarding OPA 447 (Dawson); representing Greatwise Development Corporation regarding Sheppard Avenue residential development (Diamond, MacDougall); representing Derek Russell in court for the OMB and City decision to freeze development (Teichman) (✖); representing Derek Russell in court for appeal to decision regarding ravine development (Sanford); representing 1960 Eglinton Development Limited and New Fin Land Development for rezoning of lands from industrial to mixed use (Wood) (✓); representing Toronto District School Board on development of Golden Mile and Clairlea area (Bull); representing Belanada Holdings Limited on development of Golden Mile and Clairlea area (Inglis – now with Davies Howe Partners); representing Summerhill Apartment Co-Tenancy on condominium development at Jackes Avenue (Dawson) (✓); representing Fieldgate Apartments on intensification project (Dawson) (✓); representing M & H Sales Limited and Lawrence Park Residences Corp for side street garage entrance (MacDougall) (✓); representing Outlook Investment and Developments Limited on a rezoning application for Dundas Street West (Diamond); representing Port Royal Place Developments Inc (formerly Outlook Investments and Development Limited) for Dundas Street West development (Diamond) (✓); representing 1321907 Ontario Limited regarding an increase in G.F.A. (Diamond); representing Kornelia Milbourne for a bunkhouse (Inglis, now with Davies Howe Partners) (✖); representing Port Royal Place Developments Inc (formerly Outlook Investments and Development Limited) for Dundas Street West development (Diamond) (✓); representing The Omni at the City Centre Inc and Omni South Inc regarding Section 37 (Diamond, MacDougall)

Noted Development Projects: representing Kosmor Construction Inc, Credit Meadow Investments Limited, Linway Developments Ltd, and 870769 Ontario Limited on Eglinton Avenue Development (MacDougall); representing 1160963 Ontario Inc for Spadina residential condominium (Diamond); representing First Ontario Realty Corporation for a 5 building residential development (Diamond); representing Oxford Developments with the Concourse building

(Diamond).

Other: involvement with development professionals, OMB and city officials regarding section 37 policies (Diamond).

3. Cassels Brock & Blackwell

[Rank last year: 10]

(Stanley Makuch, Virginia MacLean, Neil Craik, Tanya Carinci, Michele Wright)

Reasons for Ranking: A significant increase in volume and diversity, Cassels Brock & Blackwell performed well overall this year.

OMB/Court Matters or Hearings: representing L & A Management on Roslin Avenue development (Makuch, Craik); representing the appellants for Cambridge Avenue on-street parking easements (MacLean); representing University of Toronto on the Scarborough Campus proposal (Makuch) (✖); representing Navhar Properties Inc on landscaping issue (Craik) (✓); representing the appellant on Finch Avenue townhouse development (Makuch) (✓); representing Windsor Arms Development Corporation renovation (Makuch, Wright) (✓); representing Junvir Investments Limited on Summerhill infill development (Makuch) (✖); representing Junvir Investments Limited regarding parking implementation (Makuch) (✓); representing Elina and Herminion Vasa regarding redevelopment of Euclid Avenue home (Makuch) (✓); representing the University of Toronto on the second suite hearing (Craik, Makuch); representing Canadian Tire Real Estate Limited on a redevelopment of an existing store (Makuch) (✓); regarding a basement suite addition (Craik).

Noted Development Projects: representing Kazem Nensey for townhouse development (Carinci).

4. Goodman and Carr

[Rank last year: 3]

(Patrick Devine, Yvonne Hamlin, Mary Flynn-Guglietti, Douglas Quick, Kara Sutherland, Stephen Longo)

Reasons for Ranking: A slight drop from last year, Goodman and Carr still performed well. They represented a variety of cases, and had some significant wins. Highlights include the Home Depot – waterfront hearing, and involvement with condominium developments in downtown Toronto.

OMB/Court Matters or Hearings: represented Inn on the Park regarding (Flynn-Guglietti) (✓); representing Sun Life regarding OPA 447 (Flynn-Guglietti, Devine); representing Deep Pocket Investment Limited on development of the Golden Mile and Clairlea area, OPA appeal (Flynn-Guglietti) (✖); representing Woodland Home Centre on Home Depot hearing (Longo) (✓); representing 925630 Ontario Limited for King-Spadina development (Devine) (✓); representing Colagiacomo Holdings Ltd on Humbervale development (Flynn-Guglietti); representing One Phoebe Limited (Wittington Properties Limited, Diamante Development Corporation) on a condominium development (Devine) (✓); representing Barry and Esther Naiberg on residential addition (Flynn-Guglietti) (✖); representing Alex and Faith Levin, Matthew Rosenblatt who

Top Ten Municipal Law Firms (from page 6)

opposed a basement addition (Longo) (✓).

Noted Development Projects: representing Minto BYG Inc on the development of a condominium (Devine); representing 1299089 Ontario Limited on a development for Kingston Road (Flynn-Guglietti); representing Urbancorp Developments Inc for Electra Lofts (Devine); representing 562 Eglinton Inc (Starwood Group Inc) on conversion of office building (Devine); representing 142176 Canada Limited for St. Clair Avenue West conversion (Devine); representing Urbancorp for restoration of Massey Ferguson building (Devine); representing Convention Plaza Ltd (Lee Development Group) for townhouse development (Devine).

Other: representing the developers for Liberty retail village (Devine).

5. Brown Dryer Karol

[Rank last year: 8]
(Adam Brown)

Reasons for Ranking: A significant increase from last year, the one man, municipal lawyer shop churned out a significant amount of OMB cases. Although Brown's cases are less glamorous than other firms, the hard working Brown had a high success rate which favoured his position in this list.

OMB/Court Matters or Hearings: representing Cato Batista for a residential expansion (Brown) (✓); representing 819115 Ontario Limited on a severance application (Brown) (✓); representing Igor Ogochine, Paulitz Investments and Canada Export Bridge Incorporated for a severance application (Brown) (✗); representing an application for a minor variance to avoid providing for parking (Brown) (✗); representing Crown Regal Development for Summerhill development (Brown) (✓); representing Kenneth Lucas and Jacqueline Orr on Farnham Avenue intensification (Brown); representing Ms. Feiner for demolition of house (Brown) (✓); representing 1261075 Ontario Inc mixed use condominium redevelopment (Brown) (✓); representing Waddington Development Corp regarding a townhouse development (Brown); representing Eran Shram regarding residential intensification on Broadway Avenue (Brown) (✓); representing Jill Adolphe on a residential redevelopment (Brown) (✓); representing Peter Roh on a minor variance to permit office use in a residential zone (Brown) (✓); representing 1082983 Ontario Limited on residential intensification (Brown) (✗); representing Randi Silverstein and Paul Rausch on residential addition (Brown) (✓); representing Lesmir Investments regarding side yard setback (Brown) (✗).

Noted Development Projects: representing REVY Home Centre Inc for garden centre addition (Brown); representing North Beach Developments for a townhouse development (Brown); representing Pleasantville Gardens Inc for a subdivision application (Brown).

6. Davies Howe Partners

[Rank last year: 5]

(Jeffery Davies, John Alati, Michael Melling, John Inglis (formerly with McCarthy Tetrault), Kim Beckman)

Reasons for Ranking: A slight drop from last year, but still a good year for Davies Howe. Volume remained high, however, there were fewer OMB decisions during this period compared to last year.

OMB/Court Matters or Hearings: representing East York Board of Education on Kosmor Construction Inc hearing (Alati); representing Silvercorp Properties, Staines Development Corporation, M&R Holdings, Neilson Development Corporation, 554056 Ontario Limited, and Village Securities for a development at Morningside Heights (Melling); representing Morningside Heights Landowners regarding implementation of previous board decision (Davies, Melling); representing 576807 Ontario Limited (Erez) and 1229504 Ontario Inc (South Downtown Property Owners Group) regarding appeals to North York OPA 393 and OPA 447 (Beckman, Davies); representing Rosedale Developments Inc regarding appeals to North York OPA 447 (Melling); representing Jasamax Holdings on conditions of a draft plan of subdivision (Davies); representing the Ministry of Municipal Affairs and Housing on McAshpalt Industries Limited and Rouge River Park Ltd hearing (Davies); representing Brunswick Court Incorporated for Annex infill project (Davies) (✓); representing Toronto Housing Company Inc for a proposed development on Dundas Street West (Beckman); representing 1016338 Ontario Limited relating to 3000 Islington Avenue (Alati) (✗); representing Silvercore Properties for the Markham by-pass (Inglis).

Noted Development Projects: representing Rosedale Developments Inc on residential development (Davies).

7. Weir & Foulds

[Rank last year: 2]

(Mike McQuaid, George Rust-D'Eye, Lynda Tanaka, Ian Lord, Jeff Cowan, Chris Tzekas, John Buhlman, Greg Richards, Bruce Engell, Sean Foran, Barnet Kussner, Sue Metcalfe, Jane Burton, Kerri Boniface, Kim Mullin, Ken Prehogan)

Reasons for Ranking: Simply put, a fall in the volume of work reported in NRU.

OMB/Court Matters or Hearings: representing Glenarda Properties Limited regarding the redesignation of an industrial site (Tzekas); representing Premium Properties Limited regarding OPA 447 (Engell); representing Shell Canada Limited on Brimley Road development (Lord) (✓); representing 1090011 Ontario Limited on development of Golden Mile and Clairlea area (McQuaid); representing Premium Properties Limited on development of the Golden Mile and Clairlea areas, OPA appeal (Lord) (✗); representing Premium Properties Limited regarding OPA 447 (Engell); repre-

Top Ten Municipal Law Firms (from page 7)

senting Shell Canada Products Limited on size of gas station retail size (Lord) (✓); representing Ajax Precision Manufacturing Limited regarding redesignation of lands by the city (Kussner) (✓); representing the North Rosedale Ratepayers Association, the North Hill District Homeowners' Association, the Lawrence Park Ratepayers' Association on second suite policy (Engell) (✗); representing Ministry of Transportation regarding compensation of expropriated lands (Foran, Tanaka, Mullin).

8. *Goodmans* (formerly *Goodman, Phillips & Vineberg*)

[Rank last year: 6]

(Catherine Lyons, Roslyn Houser, Allan Leibel, Mark Noskiewicz, Alexandria Pike, Julia Ryan, Michael Stewart)

Reasons for Ranking: A drop in the volume of OMB cases was the main reason for Goodmans slip, contrary to it having something to do with their new name. They were involved with a significant amount of development applications which helped place them in the top ten.

OMB/Court Matters or Hearings: representing the Metropolitan Toronto Condominium Corporation No. 802 for a condominium development on Jackes Avenue (Noskiewicz); representing applicants for Cambridge Avenue on-street parking easements (Houser, Stewart); representing Costco Canada Inc on Downsview Secondary Plan (Houser) (✓); representing Wittington Properties for Burhamthorpe condominium development (Lyons) (✗); representing Dangreen Properties Inc for proposed residential development at Bayview & Sheppard (no lawyer attached)

Noted Development Projects: representing the Toronto Western Hospital for alterations and additions (Leibel); representing Wittington Properties for Bathurst/Strachan development (Noskiewicz); representing Great Gulf (St. Clair) Ltd for a condominium development (Houser); representing Morninguard Developments for a proposed motel (Houser); representing Covenant House Toronto for internal renovation (Noskiewicz); representing Laudervest Developments Inc for a residential building (Houser); representing the University Health Network for addition and increase in uses (Leibel).

9. *Osler, Hoskin & Harcourt*

[Rank last year: was ranked in next ten list]

(Michael Bowman, Brian Bucknall, Jeremy Dacks, Daniel Kirby, Robin Martin, Stanley Stein)

Reasons for Ranking: A new entry this year on the Top Ten list, Osler, Hoskin & Harcourt has increased volume and variety compared to last year.

OMB/Court Matters or Hearings: representing residents C. Szweda, W. Dryden and C. Haussman (Bedford Park Resident's

Association) on L & A Management's Roslin Avenue development (Stein); representing Loblaws Properties Limited on development of the Golden Mile and Clairlea area (Stein); representing Loblaws Properties Limited on development of the Golden Mile and Clairlea area, OPA appeal (Stein) (✗); representing Loblaws Properties Limited over a pre-hearing matter (Stein) (✗); representing Jewish Family and Services of Metropolitan Toronto for the construction of a basement addition (Bowman) (✓).

Noted Development Projects: representing Connaught Laboratories Limited for an expansion of a laboratory (Bowman).

10. *Fraser Milner Casgrain*

[Rank last year: 9]

(Joseph Debono, Martin Emmons, Paul Ginou, John Smith, David Smith, Peter Van Loan)

Reasons for Ranking: A slight slip from last year, Fraser Milner had fewer OMB hearings this year. Highlights for this years list include Downsview Secondary Plan, and being involved with the Home Depot – waterfront hearing.

OMB/Court Matters or Hearings: representing Toronto Harbour Commission on Home Depot Hearing (Ginou); representing the Department of National Defence on the Downsview Secondary Plan (Ginou); (✓); representing York Mills Ratepayers Association on demolition of house (Van Loan) (✗).

Noted Development Projects: representing 1255028 Ontario Limited for a townhouse development (Van Loan); representing Village Developers on the third phase of the Barkridge on Bartley subdivision (Van Loan).

The Next Ten

Based on mentions in *NRU* the following firms make up the next ten in Toronto-based development activity: (11) **Loopstra Nixon**; (12) **Miller Thomson**; (13) **Michael Vaughan QC**; (14) **Kagan, Zucker, Feldbloom, Shastri**; (15) **Blaney, McMurtry, Stepells, Friedman**; (16) **Hubbard, Favaro**; (17) **Reble, Ritchie, Green & Ketcheson**; (18) **McDonald & Hayden**; (19) **Stikeman Elliott**; and (20) **Andrew Paton QC**.

To ensure *NRU* covers your interesting cases, please drop us an email or fax. The count for the fourth annual Top Ten has already begun.

For municipal law firms that have been active in the Greater Toronto Area (outside of Toronto) look for the next edition of *GTA Municipal News* for the 2nd Annual Top Ten Municipal Firms in the GTA. •

• ONTARIO MUNICIPAL BOARD •

Mixed commercial residential at Sheppard and Allen Road

In a decision issued November 23, 2000 board member **Marilyn Eger** allowed an appeal by **584952 Ontario Limited** regarding the property at the north-west corner of **Sheppard Avenue** and **Allen Road**. The application was appealed because of Council's refusal to enact an official plan amendment to permit mixed commercial residential development. The appeal was permitted on the basis of uncontested planning evidence. **Alan Heisey (Kerzner, Papazian, MacDermid)** was the solicitor for 584952 Ontario Limited. The **City of Toronto** was represented by solicitor **Irvin Shachter**. (See *OMB Case No. PL000235*).

New lot at Willowdale and Hollywood

In a decision issued November 24, 2000 board member **Wilson Lee** dismissed appeals by **Franca Lobo** regarding the **Committee of Adjustment** approval of severances for **195** and **201 Willowdale Avenue**. The proposal was to divide the rear part of these two lots creating a new lot fronting on **Hollywood Avenue**. Planning evidence from **Manjit Mangat**, the owner of the subject lands, showed that the creation of the lot is in keeping with the intensification objectives set out by the official plan, and both the existing and the new lot would conform in all respects to the zoning requirements. Local residents opposed the application because of concerns about potential traffic congestion. The City did not raise these concerns in its staff report. **Adam Brown (Brown Dryer Karol)** was the solicitor for Manjit Mangat.

Residential additions permitted on Lakeshore Drive

In a decision issued December 6, 2000 board members **Marie Hubbard** and **John Aker** allowed the appeals by **Tanya Wacyk** and **Greg Spencer** regarding property located at **115 Lakeshore Drive**. The proposal was to demolish the attached existing garage

and to construct a two-storey addition on the east side, a second storey rear addition, a roofed front porch and an open unroofed rear deck. An application for minor variance was dismissed by the **Committee of Adjustment** to permit a parking space on the driveway, a reduced side yard setback, an increased encroachment projection, and an increase in the maximum gross floor area. **Paul Stagl (Opus Management Inc)** testified that the proposal results in a dwelling that is less than average size and that the impacts are minor. The Board found that the proposal met the four tests of the *Planning Act* and conditionally authorized the appeals. **Barnet Kussner (Weir & Foulds)** was the solicitor for the appellants. (See *OMB Case No. PL000918*).

Prehearings continue for property at Eglinton and Brentcliffe

In a prehearing decision issued December 7, 2000 board member **Calvin Beach** confirmed a hearing date to deal with matters that weren't settled in the appeals by **Kosmor Construction** regarding lands at the southeast corner of **Eglinton Avenue** and **Brentcliffe Road**. The original applications for official plan amendment, plan of subdivision, amendment of *zoning by-law 1916* and site plan were appealed because of Council's refusal to enact the proposals. The applications would permit a mixed-use residential-commercial development. The Board ordered a full exchange of all reports, and all other relevant documents no later than December 1, 2000. Council agreed that at the December 18, 2000 hearing they will file draft plan, site plan and site plan conditions. **Quinto Annibale (Loopstra, Nixon)** is the solicitor for the **City of Toronto**. **Cynthia MacDougall (McCarthy Tetrault)** is the solicitor for Kosmor Construction Inc. (See *OMB Case No. PL957924*). (See *NRU Apr. 6 & 13, 1998; Aug. 16 & 30, 1998; Nov 15, 1999; May 1, 2000 and Aug. 18, 2000*).

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Condominium at College and Rusholme

In a decision issued December 7, 2000 board members **Jan de P. Seaborn** and **Robert Owen** allowed the appeal by **We Care Community Living Centre Limited** for the property located at **1021 College Street** and **32 Rusholme Park Crescent**. The **Committee of Adjustment** dismissed the applications for consent to convey and minor variance. The proposal was to sever the subject property into two parcels, to demolish the existing church, and to replace it with a 40 unit townhouse and stacked townhouse development. The **Rusholme Residents & Ratepayers Association** objected to the applications, but reached a settlement with the applicant on the modified plan. **Wendy Nott (Walker, Nott, Dragicevic Associates Ltd)** presented evidence that the proposed variances as modified were minor, appropriate for the development of the property, and met the general intent of both the zoning by-law and the official plan. The consent applications met the required tests of the planning act. **Michael Vaughan** was the Solicitor for We Care Community Living Centre Ltd. Computer modeling and imaging prepared by **James Zeigler** facilitated the settlement. Architect for the project was **Greg Bettencourt**. **Michael Tedsco** provided traffic evidence. (See *OMB Case No. PL000886*).

Additional units at Brimley and Ellesmere

In a decision issued December 7, 2000 board members **Norman Jackson** and **John Aker** allowed the appeals by **The Omni at the City Centre Inc** and **Omni South Inc** for properties located at the northeast corners of **Brimley Road** and **Omni Drive** and **Brimley Road** and **Ellesmere Road**. The appeals were from Council's refusal to enact amendments for the northerly 0.95 ha. The application for official plan amendment was to permit an additional 220 units on the property for a total of 1,200 dwelling units, and the amendment to *zoning by-law* 24982 was to amend the performance standards relating to maximum units and the minimum parking

requirements. The proposal included smaller units, no height increase and a 5 per cent increase in the gross floor area. **James Weber** agent for **Metropolitan Toronto Condominium Corporation No. 1133**, located south of Omni Drive, presented concerns about the impact of the proposed project on existing facilities, traffic and parking. The **City of Toronto** is now supportive of the appeals because the developer has agreed to pay for a pedestrian walkway from the site to the nearby Rapid Transit Station. **Lorne Ross** former **Commissioner of Planning** for the former **City of Scarborough** testified that the intensification proposal met the intent of the Scarborough Official Plan and the Provincial Policy Statement. The zoning of these lands was in place since 1988. Solicitor for The Omni at the City Centre Inc and Omni South Inc was **Stephen Diamond (McCarthy Tetrault)**, with engineering evidence from **Terry Wallace**. **John Paton** and **George Leonard** were the solicitors for the **City of Toronto**. (See *OMB Case No. PL000368*).

Commercial development at Sheppard and Brimley

In a decision issued December 7, 2000 board member **Marilyn Eger** allowed the motion by **1359399 Ontario Inc** to dismiss the appeals of **1243058 Ontario Inc (o/a Golden Seafood Restaurant)** without a full hearing. **Golden Seafood Restaurant**, represented by **Shu Ming Lo**, appealed Council's decision to amend the official plan and allow rezoning at **4430-4438 Sheppard Avenue East** and **2095 Brimley Road** to permit a commercial development of retail, office, restaurant and food court uses. The commercial building now being proposed would consist of 7,668 sq. m. of retail; 433 sq. m. of office; 680 sq. m. for a restaurant; and 824 sq. m. for a food court. The resulting development was consistent with that contemplated by an earlier Board decision in 1994. The Board found that there were no planning grounds for the appeals, and that they were not made in good faith, but for the purposes of delay. **Rick Coburn (Borden & Elliot)** was the solicitor for **1359339 Ontario Inc**. **Rob Howe** was the solicitor for the **City of Toronto**. (See *OMB Case No. PL000949*).•



Mark These Dates

January 8, 2001	Monday, Planning and Transportation Committee , Toronto City Hall, 9:30 AM
January 16	Tuesday, Community Councils meet
January 17	Wednesday, Community Councils meet
January 18	Thursday, <i>"What lessons can be learned from the Section 37 debate?"</i> , sponsored by the Canadian Urban Institute , Metro Hall, 7:45 AM. Call (416) 365-0816
January 22	Monday, Dinner to Honour Douglas Colbourne (outgoing Chair of the Ontario Municipal Board), Delta Chelsea Inn, 6:30 PM. Call (416) 326-6251.
January 30	Tuesday, Toronto City Council , 9:30 AM
January 31	Wednesday, Toronto City Council , 9:30 AM
February 1	Thursday, Toronto City Council , 9:30 AM

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Annual subscription rate is \$269.
Complimentary trial subscriptions are available.
Advertising rates available upon request.

NOVAE RES URBIS is not to be redistributed
without the written consent of the publisher.

NOVAE RES URBIS is published 50 times a year
by fax or e-mail by NRU Publishing Inc
12 Mercer Street, Suite 400
Toronto, Ontario, M5V 1H3
Tel: 416.260.1304 Fax: 416.979.2707•

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