

Novæ Res Urbis

CITY OF TORONTO EDITION

FRIDAY, DECEMBER 19, 2003 • VOL 7 • No 50

New era, same old budget story

By Karen Wirsig

There is a new impasse preventing the so-called new deal for Toronto from becoming reality. It is no longer that pesky lack of co-operation and co-ordination, punctuated by headline-grabbing political rivalry. Apparently “the three Ms” in Ottawa, at Queen’s Park and city hall get along like peas in a pod.

The new impasse is known as “the cupboard is bare.” Federal and provincial finance officials are going around pulling empty pockets out of their pants to highlight the point.

Whatever. In the end, it all comes down to the same old story at city hall this budget season: warnings that without help from the senior governments, Torontonians face the tired combination of transit fare and other user-fee increases, tax hikes and program cuts.

Unfortunately, the new era has begun after the jolly federal and provincial surpluses of recent years apparently dried up. And because no permanent room was ever made in the senior government budgets for additional spending on urban programs that were left to municipalities through downloading, it is all too easy to rebuff the cities’ pleas.

Mayor David Miller, speaking to reporters this week after a “productive meeting” with Paul Martin’s new parliamentary secretary for cities, John Godfrey, still sounds confident he will get the short term cash relief he needs in 2004 to cover an anticipated \$350 million budget shortfall. In the meantime, he will work with his friends at Queen’s Park and on Parliament Hill

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Don Mount faces wrecking ball

A permit to demolish the north half of Don Mount Court is expected imminently, according to Bill Bosworth, the manager of the redevelopment of the public housing community, located near Dundas and Broadview, for the Toronto Community Housing Corporation. Bosworth anticipates the first of two phases will be complete in 18 months.

The city-owned housing company set up a separate development corporation in 2002 to manage the replacement of the 232-unit complex, one of the “revitalization” efforts being undertaken for aging public housing since the city took over responsibility for the entire Toronto stock in 2002.

The housing company and city have been touting projects to replace super-block public housing neighbourhoods with mixed-income developments along a traditional street grid in partnership with private developers. There is a similar, although much bigger,

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James W. Harbell
jharbell@stikeman.com

Leslie Sole
lsole@stikeman.com

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MARK THESE DATES

FRIDAY DECEMBER 26

Novae Res Urbis takes its annual holiday break and will not be published.

MONDAY JANUARY 5, 2004

Community Councils meet, start times to be confirmed.

THURSDAY JANUARY 8

Planning and Transportation Committee, Toronto City Hall, 9:30 a.m.

FRIDAY JANUARY 9

Administration Committee, Toronto City Hall, 9:30 a.m.

MONDAY JANUARY 12

Works Committee, Toronto City Hall, 9:30 a.m.

TUESDAY JANUARY 13

Community Services Committee, Toronto City Hall, 9:30 a.m.

WEDNESDAY JANUARY 14

Economic Development and Parks Committee, Toronto City Hall, 9:30 a.m.

THURSDAY JANUARY 15

Policy and Finance Committee, Toronto City Hall, 9:30 a.m.

WEDNESDAY JANUARY 21

Audit Committee, Toronto City Hall, 9:30 a.m.

Toronto Transit

Commission, Toronto City Hall, 1 p.m.

NOVAE RES URBIS

CITY OF TORONTO EDITION

NIMBYism violates human rights: housing advocates

When Toronto's **Houselink** received \$5 million in provincial funding in 1999 to create 100 supportive housing units for people with mental illness, it had reason to be optimistic. But then, after the organization found some buildings to refurbish, it had to go through the community consultation process.

What followed is a scenario familiar to many front-line social workers. It made Houselink executive director **Peggy Birnberg** angry enough to launch a group to push for changes to the community consultation process.

"We had a couple of extremely hostile meetings where people ignored the zoning variance questions before them and focused instead on 'who are these crazy people who are going to live in the building,'" said Birnberg. "They were calling the people we house 'pedophiles and killers' — things that were completely unfounded and discriminatory."

A community member took Houselink to the OMB (Ontario Municipal Board). The non-profit had to get funding support from Health Canada to hire a planning lawyer and experts to appear at the hearing. This delay cost Houselink close to five years — the project has only recently been given the go-ahead.

"When it was over, it became really clear to me that 'people zoning' has no place in the planning process," said Birnberg.

So, she took the issue to her board and hooked up with **Brigitte Witkowski**, a fellow member of the city's supportive housing coalition, and

consultant **Paul Dowling**. After networking and seeking the advice of experts from many different sectors, the group created the **Homecoming Community Choice Coalition**, a forum to address the not-in-my-backyard brand of community resistance (NIMBYism).

Dowling, who is the project manager for the coalition, says the group has touched a nerve because pretty much every expert and high profile organization the coalition has approached has signed on or agreed to help out.

The group has already met with senior bureaucrats who focus on the City of Toronto's anti-discrimination policy. At the meeting, they made their case that anti-discrimination work is a necessary part of the planning process.

"The city has a clear policy — that it will not discriminate or countenance discrimination — and yet we have these meetings, at the demand of the city or a counselor, where people say things that are blatantly discriminatory. And, the only person who feels an obligation to respond is the proponent of the project. So it appears that there are two parties battling it out. There is no independent third party to ensure the city's policies are adhered to," said Dowling.

While the senior bureaucrats didn't promise to 'get right on it,' says Dowling, they did recognize the coalition's way of seeing the process.

The group also presented a brief to city council during Toronto's new official plan process.

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

Lynn Morrow, Editor
(lynnm@nrupublishing.com)

Karen Wirsig, News Reporter
(karenw@nrupublishing.com)

Eran Tzin, Planning Reporter
(erant@nrupublishing.com)

Jeff Payette, Layout
(jeffp@nrupublishing.com)

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12 Mercer Street, Suite 400
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Tel: 416.260.1304 Fax: 416.979.2707

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And, Homecoming has been building networks. Recently, it linked the **Advocacy Centre for Tenants Ontario** (ACTO) and the 'Dream Team' (mental health survivors and their families) to support an organization that was taken to the OMB by its neighbours for trying to expand its supportive housing program. The supportive housing project won the appeal.

Work on this issue is also happening at the federal level as **Human Resources Development Canada's**

Homeless Secretariat is holding sessions with city councilors and senior staff about community process issues.

Homecoming has created a toolkit called 'Yes in My Backyard,' which is available at the **Ontario Non-Profit Housing Association** Web site at www.onpha.on.ca.

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Same old budget story continued from page 1

to work out a long-term funding arrangement, something Godfrey believes is doable.

Miller seems to have some high-powered support. The **Toronto Board of Trade** is beginning to make the rounds to ask for a short-term arrangement with senior government cash (upwards of \$500 per year for four years) and a longer-term "new public finance model."

The city's budget launch is scheduled for the end of January, and Miller plans to hold public consultations across the city on the state of the finances and people's priorities before then. The meetings may even drum up support for a tax increase above the 3 per cent being floated by Miller and his appointed budget chief, **David Soknacki**, if residents are convinced that the additional cash will go to enhance programs.

The city will approve its budget in April, after the federal budget comes down in February and the provincial budget in March. The city has been warned that there will likely be nothing in those budgets of significance for cities. However, given that the federal government views \$300 million as within the bounds of a "rounding error," short term help would not require a major budget announcement.

The same goes for the province. In recent years, provincial money has magically fallen off the back of the proverbial truck at the last minute to prevent a double-digit property tax increase or a fare hike.

In 2004, Queen's Park could at least agree to funding its full 80 per cent share of subsidized childcare and emergency hostels. It could also come through with additional public health funding for infectious disease and figure out a creative way of funneling some money to the **Toronto Transit Commission** to ward off the impending fare increase that **Premier Dalton McGuinty** says he doesn't want.

However, Toronto's transit riders may well be the sacrificial lambs in next year's budget story. The transit

commission will hold a meeting in early January to decide whether to support a fare increase beginning in February. McGuinty will have to act fast or risk being blamed for the hike by a tough-talking **Howard Moscoe**, chair of the commission.

The TTC is now projecting a \$48 million shortfall for next year based on current fare revenue and a continuation of the \$182 million contribution from the city. TTC brass seem to favour a 10-cent hike, to net \$16 million for the eleven months, arguing against waiting for crumbs from the bare cupboards and risk an even bigger fare hit later in the year. The hope is that the city would cover the rest of the shortfall in the absence of other funding. The TTC estimates that ridership will drop by 1 per cent next year – to 406 million – because of the hike.

NRU Publishing News Reporter

NRU Publishing is hiring a political reporter for *Novae Res Urbis* Toronto and GTA editions on a one-year contract with the possibility of renewal to backfill a maternity leave. The position entails weekly reporting and analysis for both publications. The successful candidate will have experience in journalism, particularly print reporting, and a good knowledge of municipal affairs in the Toronto area. The start date for this position is anticipated to be early February 2004.

Salary is negotiable based on experience. If you are interested in applying for this position, please email or fax a covering letter and resume no later than Friday, January 9, 2004 to:

Ian Graham, Publisher
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Board awards costs against ratepayer group

OMB member **James O'Brien** issued a decision that the **Humber Heights of Etobicoke Ratepayers' Inc.** "acted inappropriately" and that "it is neither fair nor reasonable to expect **Oakwood (Retirement Communities Inc.)** to sustain the costs incurred in pursuing rectification of the simple oversight that occurred in the drafting of the original documents attached to the implementing orders." The board granted the motion of costs submitted by Oakwood and awarded \$14,079.95 against the association.

The board member agreed with Oakwood in finding that the association failed to attend the motion hearing on the clarification amendments and did not send a representative or file a response, and that the conduct by

the association was not an isolated incident in the matter. The board agreed that the matter should have been settled on consent.

Last January, the OMB allowed the appeals by Oakwood for OPA and rezoning to build a long-term care facility, retirement home and seniors' apartments at 2245 Lawrence Ave. West against the objections of the ratepayers. The site plan was approved in April. (*See Novae Res Urbis, February 7 and April 17.*)

Solicitor **John Alati (Davies Howe)** represented Oakwood Retirement Communities Inc. and **Joe Kennedy** was the agent for Humber Heights of Etobicoke Ratepayers' Inc. (*See OMB Case No. PL010690.*) •

Don Mount continued from page 1

project slated for the 2,087-unit Regent Park, just across the Don River from Don Mount.

One impetus for the 7-acre Don Mount redevelopment came after it was determined, through engineering studies in 2001 (when Don Mount was still under the management of the provincial housing authority), that the costs of fixing the 35-year-old buildings would be as much as reconstruction. Since then, the development corporation has taken on a private partner – **Marion Hill Inc.** and **Intracorp** – to reconstruct the neighbourhood, replacing all 232 rent-geared-to-income units and adding 316 private-market townhouses and condominium units.

The housing company has set aside \$30 million, in addition to the transfer of some land to the private developers, for the rebuilding of the RGI units. Negotiations are still underway with the developers.

"This is a financially sound deal," Bosworth told *Novae Res Urbis*, confident that all of the public housing units will get rebuilt as planned.

The site plan for the redevelopment involves re-extending streets through the block, moving a park and adding a community centre. The housing company will maintain ownership of the land on which the RGI units sit while the developers will acquire the land used for the private units as part of the deal.

All of the RGI units will be in stacked townhouse rows or low-rise apartment buildings, while 250 of the private units are slated for a 25-storey tower at the north

end of the site, near Dundas and Carroll. Another 66 market townhouses will face the RGI towns on opposite sides of the streets. Part of the deal is that similar materials will be used for both the private and public units and that the latter will not have uniform details.

Bosworth doesn't see this project as very different from other infill developments in the city. However, he said that one unique feature for the developer will be to market the mixed-income community to buyers who will move in to new digs at the same time as their public housing neighbours. He added that the development partner is committed to building and marketing a mixed-income community.

The first phase will be built at the demolished north end of the site and all of the households currently living in the south end will move to the new units. As well, Bosworth believes that some of the former Don Mount tenants will be able to move back to new units during the first phase.

The housing company has been discussing with tenants whether to rename the community. Bosworth said the goal is to "maintain the history while distancing it from the negative connotations of the public housing community." One idea is to bring back a former planning name for the area, Napier Court. •

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CITY IN BRIEF

Miller working to retire \$200k campaign debt

It's not only the city that is facing down a financial shortfall. **Mayor David Miller** is looking for contributions to pay down nearly \$200,000 in debt from his successful election campaign. Toronto's father of urban reform, the tiny-perfect **David Crombie**, also co-chair of Miller's transition advisory group, is beating the drum for donations.

Open-door policy hasn't trickled down, yet

Despite the new era of openness ushered in at city hall following the November 10 election, instructors and members of the Metro Hall fitness centre were surprised to learn last Monday of the centre's abrupt closure for nearly three weeks. Staff learned they would be laid off as of Wednesday while the showers are being renovated. They then informed members they would not have the chance to work off that holiday weight until January 5. It would appear the city's parks and recreation department, which runs the centre, hasn't gotten with the new spirit of consultation and co-operation at city hall.

CN Tower transferred back to Canada Lands

Trizec Canada Inc. has reached a binding agreement to transfer its interest in the CN Tower back to its landlord, **Canada Lands Company CLC Limited**. The transaction is expected to close during the first quarter of 2004. No significant gain or loss is expected to be reported by Trizec Canada as a result of the transaction.

Wind turbine year old

The **Toronto Hydro** and **WindShare** wind turbine is one year old this week and it has generated 1 million kilowatt-hours of green energy.



NRU Photo

Toronto firms on short list for Manitoba museum

Friends of the Canadian Museum for Human Rights Inc. has selected 30 architectural firms, 11 of which are Canadian, in stage 1 of the international architectural design competition for the new museum in Winnipeg. Selection committee members are **Gail Asper, David Covo, Gustavo Da Roza, Robert Fulford, Moe Levy** and **Raymond Moriyama**.

Canadian short-listed firms include: **Côté y Terradas**,

Arquitectos, Dan Hanganu & The Arcop Group, Diamond and Schmitt Architects Incorporated, Douglas J. Cardinal Architect, Ltd., Marosi + Troy/Jodoin Lamarre Pratte/Architects, MEDIUM/Tomizo Yamamoto Architect, Saia Barbarese Topouzanov/Tétreault Parent Languedoc Architectes, Saucier + Perrotte Architects, Sturgess Architecture with IBI Group/Stecheson Katz Architects, TEN Arquitectos and Kuwabara Payne McKenna Blumberg Architects, Zeidler Partnership Architects.

Stage 2 of the competition involves the 30 architectural firms being invited to submit conceptual design proposals for evaluation with eight to be selected by mid-March. Stage 3 will involve selecting three finalists with each receiving CA\$100,000. The selected architect will be announced, tentatively, on Canada Day.

Members of the technical review committee include: **Catharine Tanner** (museum consultant) of **LORD Cultural Resources Planning & Management Inc.**, **Michael Scatliff** (landscape architect) of **Scatliff + Miller + Murray, John Petersmeyer** (Architect) of **GBR Architects Ltd.**, **Helmut Graumann** (engineer) of **KGS Group, Sid Kroker** (archaeologist) of **Quaternary Consultants Ltd.**, **Joe McEvoy** (cost consultant) of **J.W. McEvoy Associates Inc.** and **John Levitt** (real estate developer) of **O & Y REIT**.

The museum is a joint project of **Friends of the Canadian Museum for Human Rights Inc.**, the **Forks North Portage Partnership**, the **Government of Canada**, the **Province of Manitoba** and the **City of Winnipeg**. •

Sixth annual ranking of the City's most prolific performers

As part of our annual end of year ritual and a tribute to all those lawyers who have worked hard in the planning and development field, particularly in front of the Ontario Municipal Board, we have compiled our sixth annual ranking of the most prolific of these law firms in the City of Toronto. The review comprises planning and development legal activities, mostly board decisions with some court appeals rounding out the analysis, in Toronto from **August 2002 to July 2003**, as reported by *Novae Res Urbis – Toronto Edition*. For those tracking GTA activity outside of Toronto, be sure to see a copy of this past Wednesday's edition of *Novae Res Urbis – GTA Edition*.

1. Aird & Berlis

[RANK LAST YEAR: 2]

(Eileen Costello, Robert Doumani, Patricia Foran, Tom Halinski, Natashia Kalogannis, Kim Kovar, Leo Longo, Josephine Matera, John Mascarin, Jane Pepino, Christopher Williams, Steven Zakem)

Reasons for Ranking: After two years in second place, Aird & Berlis is again on top. Volume, nature of cases and success rate helped them conquer the top position as the most prolific planning and development law firm in Toronto, once again. Winning the first place also on the GTA ranking, Aird & Berlis can check mark another extraordinary year.

OMB/Court Matters or Hearings: representing the Yee Hong Centre regarding an appeal for site plan and variances to allow for a geriatric care site (Williams) ✓; representing Loblaw Properties Limited regarding an appeal against approval of minor variances (Zakem); representing Concord Adex Development Corp. regarding an appeal of rezoning application (Kovar); representing 1309230 Ontario Limited (Canderel Stoneridge Equity Group) regarding an appeal OPA and rezoning application to permit a mixed-use development with 2000 residential units (Kovar); representing Navhar Properties Inc. regarding an appeal by the Toronto Catholic District School Board against development charges (Williams) ✓; representing Michael Marcello regarding an appeal for minor variances (Kovar) ✓; representing 1261370 Ontario Ltd. and Met Cap Living regarding an appeal for variances and consent to convey to allow for a long-term care facility (Kovar and Kalogiannis) ✓; representing Transmetro Properties

Limited regarding an appeal for OPA, rezoning and plan of subdivision to allow for a 1797-unit residential development (Kovar) ✓; representing Interval Development Corp. regarding an appeal for OPA to allow a condominium development (Doumani); representing Colonia Treuhand Limited regarding appeals against a rezoning application (Kovar) ✓; representing York Mills Valley Association regarding an appeal by the Toronto District School Board of OPA, rezoning and site plan application (Pepino); representing the South Hill Homeowners' Inc. regarding an appeal for residential condominium on St. Clair Ave. West (Kovar); representing Cabbagetown South Association regarding an appeal against OPA, and rezoning applications to allow a conversion of an industrial building to a rental residential building (Halinski); representing Loblaws Properties Limited regarding an appeal for site plan and variances (Zakem and Costello); representing the National Gym Clothing Limited/National Sports Centre regarding a compensation claim (Williams and English); representing the Hasting Corp Ltd and eight other appellants regarding the appeals of the City of Toronto's shelter by-law hearing (William).

2. McCarthy Tétrault

[RANK LAST YEAR: 1]

(Mary Bull, John Dawson, Stephen Diamond, Tara Doyle, John Inglis, Calvin Lantz, Cynthia MacDougall, Sharmini Mahadevan, Phil Sanford, Michael Smith, Brad Teichman, Gordon Willcocks, Dennis Wood) *Bull, Wood and Mahadevan have recently established the firm of Wood Bull LLP

Reasons for Ranking: Despite giving a good fight McCarthy Tétrault slipped to the second place after holding the first place two years in a row. Representing some of the most contentious cases, the firm has reaffirmed once again its place as one of the dominant legal firms in the city.

OMB/Court Matters or Hearings: representing Sportsco (Skydome) regarding an appeal by Concord for rezoning (Inglis); representing 1098748 Ontario Limited and the Toronto District School Board regarding appeals of OPA and rezoning to allow a large residential development (MacDougall and Teichman); representing

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Minto YE Inc. regarding an appeal for OPA, rezoning and site plan for a mixed-use development with two towers and 908 apartment units (Diamond and MacDougall) ✓; representing McCowan Centre Inc. regarding appeals for OPA, rezoning and land severance to allow for a 22-storey apartment building (MacDougall and Inglis) ✓; representing Fuhrman Autobody and Ontasian Enterprises regarding the acquisition of the First Parliament building on Front St. (Diamond); representing Riva Glade Holdings Inc. regarding an appeal for OPA and rezoning to allow for 24-storey condominium on St. Clair west (Diamond and Dawson) ✓; representing Bionvest investments Ltd. and the Toronto District School Board regarding an appeal for parking variances (Inglis and Doyle) ✓; representing the Canada Life Assurance Company regarding an appeal for OPA and rezoning to allow for a 15-storey mixed-use building (Diamond and Doyle) ✓; representing the Toronto District Catholic School regarding an appeal by Mattamy (Rouge) Limited for rezoning and plan of subdivision (Teichman and Sanford); representing Wittington Properties Limited regarding an appeal for OPA, rezoning and site plan (MacDougall); representing MacDonalds Restaurant Limited regarding appeals of the City of Toronto's drive-through by-law (Dawson); representing the St. Jude Community Homes regarding an appeal by Cabbagetown South Association of OPA and rezoning to allow a conversion of an industrial building to a rental residential building (Diamond, Dawson and Lantz); representing Canadian Tire Real Estate Ltd. regarding an appeal for OPA and rezoning to allow a large retail store (Dawson) ✓; representing H & R Developments Ltd. and Plazacorp Investments Limited regarding an appeal by Wittington Properties Limited for an OPA and rezoning to permit a high density mixed-use project (Lantz and MacDougall); representing the MUC Sheldon Corporation (Sojourn House) regarding the appeals of the City of Toronto's shelter by-law (MacDougall).

3. Brown, Dryer, Karol

[RANK LAST YEAR: 6]

(Adam Brown)

Reasons for Ranking: After being awarded two years ago the title “the municipal lawyer who most deserves a holiday,” Adam Brown decided to shift gears and work even harder in order to be ranked among the top three. Congratulations Adam, hard work pays.

OMB/Court Matters or Hearings: representing Karl and Gloria Schmed regarding appeal of permitted variances on St. Olaves Road (X); representing 1345855 Ontario Ltd. regarding appeal for allowing land severance and variances on Joicy Boulevard (✓); representing York Holding Corporation regarding parkland dedication; representing Pedie and Mel Wolfond regarding an appeal of permitted variances on Russell Hill Road (✓); representing JRC developments regarding appeal for allowing land severance and variances on Wanless Avenue (✓); representing 900 Coxwell Avenue Inc. regarding appeal of OPA, rezoning and site plan application (✓); representing Mac Eagle Enterprises regarding an appeal for land severance on Dunblaine Avenue (✓); represented Jonathan Rajskey and Pat Neufeld regarding appeal for land severance and variances on Cranbrooke Avenue (X); representing V. Cammelleri regarding appeal for land severance and variances on Snowdon Avenue (X); representing Nicolina Sampogna regarding appeal for allowing land severance and variances on Anndale Drive (✓); representing Connie Tang regarding appeal for a minor variance on Lewes Crescent (✓); representing Jill Dolphe regarding a motion for costs; representing The Kay Family Trust regarding an appeal of condition imposed on a land severance application (✓); representing the Toronto District School Board regarding an appeal for OPA, rezoning and site plan for 79 dwelling units on York Mills Road; representing Sweeny Holding Inc. regarding appeals for OPA and rezoning for 128-unit condominium building on Quebec Avenue; representing 468 Avenue Road Holdings Inc. regarding OPA, rezoning and site plan to permit a 24-storey condominium on St. Clair Avenue; representing Niot Investments Holdings Limited regarding appeals of the city's drive-through by-law; representing Monica Lonen regarding appeal for a minor variances on Snowdon Avenue (X).

4. Cassels, Brock & Blackwell

[RANK LAST YEAR: 5]

(Marc Kemerer, Signe Leisk, Stanley Makuch)

Reasons for Ranking: Cassels, Brock & Blackwell is digging its heels among the top five list. This year the firm managed to climb to the fourth spot thanks to a few noteworthy cases.

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Top Ten Firms continued from page 7

OMB/Court Matters or Hearings: representing Shirley and Donald Bockner regarding approval of a minor variance application on Kilbarry Road (Makuch) (X); representing Shirley and Donald Bockner regarding approval of a minor variance application on Russell Hill Road (Makuch) (X); representing 1430 Yonge – St. Clair Inc. regarding an appeal of OPA, rezoning and site plan for 16-storey residential building (Makuch); representing TDL Group Ltd; regarding an appeal of site plan and variances to allow the construction of a Tim Horton's on Ellesmere Road (Makuch) (X); representing the University of Toronto regarding an appeal of a minor variance application dismissal to allow for a 12-storey building (Kemerer and Makuch); representing Ontario Restaurant Hotel & Motel Association, TDL Group Limited, Revenue Properties Company Limited, Cara Operations Limited and Burger King Restaurants regarding appeals of the city's drive-through by-law (Makuch); representing York Rowe Ltd. regarding an appeal for OPA and rezoning to permit a 10-storey hotel on Yorkville and Hazelton (Makuch); representing the Friends of Fort York regarding an appeal of OPA and rezoning to permit high density residential and commercial uses on Bathurst Street (Kemerer).

5. Bratty & Partners

[RANK LAST YEAR: 9]

(Barry Horosko)

Reasons for Ranking: Barry Horosko also spent a lot of time this year on the 16th floor of 655 Bay Street. In addition to volume Horosko was involved in some key hearings with a high level of success. Undoubtedly, this hard working lawyer deserves to round out the top five.

OMB/Court Matters or Hearings: representing Horner Development Limited regarding an appeal of minor variance application on Boncer Drive (✓); representing Village Securities Ltd. regarding an appeal for plan of subdivision to allow 94 residential units on Staines Road (✓); representing Transmetro Properties Limited regarding an appeal for OPA, rezoning, plan of subdivision and site plan to allow a 35-storey residential building on Davenport Road; representing 1428823 Ontario Limited (Liberty Development) regarding a motion to dismiss an appeal against an approval of a rezoning application (✓); representing Canadian Tire Real Estate Limited regarding appeals of the city's drive-through by-law;

representing the Passionist Community of Canada regarding an appeal for land severance on Sheppard Avenue (✓).

6. Gowlings

[NOT RANKED LAST YEAR]

(Denise Baker, John Doherty, Sherry Currie, Karl Jeffrey (retired), Michael Kovacevic, Bob Onyschuk, Craig Parkinson, Lee Pinelli, David Tang)

Reasons for Ranking: The folks at Gowlings made an impressive entry this year, straight to the top ten. Good volume and involvement in some key hearings gained this firm its jump in the ranking.

OMB/Court Matters or Hearings: representing KJT Group Investments Ltd. regarding an appeal for OPA and rezoning to allow commercial uses at 4181 Sheppard Avenue (Pinelli) (✓); representing Billman Investments Ltd. regarding appeals of compensations under the *Expropriations Act* (Doherty and Currie); representing Sterling Silver Development Corporation regarding an appeal for OPA and rezoning to permit a 320-unit rental building on Bayview avenue (Jaffary) (✓); representing Avro Quay Limited regarding credit claims for a variety of properties (Kovacevic); representing ABC Ratepayers Group regarding appeals of OPA and rezoning to permit a 10-storey hotel on Yorkville and Hazelton; representing the Bayview Village Association regarding appeals of refusal to allow land severance on Sheppard Avenue East (Onyschuk and Tang) (X); representing 544 Birchmount Holdings Limited regarding an appeal for minor variances (Tang) (X).

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Top Ten Firms continued from page 8

7. Michael Vaughan

[RANK LAST YEAR: 11]

Reasons for Ranking: This is apparently the year of hard working lawyers. While Michael Vaughan was not as busy as Adam Brown (well, who was?) and was not involved in key cases, the selection committee believed that his level of success and hard work has entitled him this rank.

OMB/Court Matters or Hearings: representing Keltro Holdings Inc. regarding appeal for land severance and variances at 1968 Bloor Street (✓); representing 1147771 Ontario Ltd. regarding an appeal for variances to allow residential conversion on Dovercourt (✓); representing William Wilder regarding motion for costs; representing 1497601 Ontario Ltd. regarding appeal of variances to allow 34 stacked townhouses at 1530 Weston Road (✓); representing High Park Regency Investments regarding appeals of OPA and rezoning to allow a 20-storey condominium on Quebec Avenue; representing David Brown regarding an appeal of minor variances on Birchmount Road.

8. Davies Howe Partners

[RANK LAST YEAR: 4]

(John Alati, Kim Beckman, Jeffrey Davies, Mark Flowers, Sonia Kociper, Michael Melling, Susan Rosenthal)

Reasons for Ranking: Despite dropping a few places from last year this firm continues to be involved in few of the city's key cases. Do not forget that this firm was extremely busy with its GTA cases, gaining the second place at that ranking.

OMB/Court Matters or Hearings: representing Rogers Blue Jays Baseball Partnership regarding an appeal of rezoning to reduce parking spaces at the Skydome (Davies and Flowers); representing Mattamy Limited regarding an appeal for rezoning, site plan and subdivision to allow for residential development on Neilson Road and Staines Road (Alati) (✓); representing Delmar Palhau regarding an appeal for exemption of interm control zoning by-law (Alati) (✓); representing Oakwood Retirement Communities Inc. regarding an appeal for OPA, rezoning and site plan to allow for a senior's retirement complex at 2245 Lawrence Avenue (Davies and Alati) (✓); representing Brunswick Park Mews Inc. and 468 Brunswick Inc.

regarding an appeal for OPA, rezoning and site plan to allow for townhouse developments (Davies and Alati); representing Jason Kaiman regarding an appeal for a minor variance (Flowers) (✓).

9. Goodmans

[RANK LAST YEAR: 7]

(David Bronskill, Roslyn Houser, Robert Howe, Allan Leibel, Catherine Lyons, Mark Noskiewicz, Julia Ryan, Michael Stewart, Richard Storrey, Christine Viinberg)

Reasons for Ranking: Not many cases for this well known firm, but involvement with key hearings played a role in placing this firm at a respectable spot.

OMB/Court Matters or Hearings: representing Kotler Property Company regarding an appeal of OPA, rezoning and site plan for a mixed-use development with two residential towers on 2195 Yonge Street (Leibel); representing Wyndham Court Canada inc. (Cityscape Holdings Inc. and Cityscape Residential Inc.), Cadillac Fairview Corporation Limited, Brookfield Properties Ltd. and Canpen (Bay-Adelaide) Limited regarding credit claims for a variety of properties (Noskiewicz); representing OMERS Reality Holdings Inc. and 133140 Ontario Inc. regarding appeals of the city's drive-through by-law (Ryan); representing Wittington Properties Limited regarding appeals for OPA and rezoning to permit high density mixed-use development on Bathurst Street (Noskiewicz); representing Gregory Milavsky regarding an appeal for minor variances on Alebertus Avenue (Bronskill) (✓).

10. Borden, Ladner, Gervais

[RANK LAST YEAR: 13]

(Thomas Andrews, Edward Ayers, Rick Coburn, Sean Gosnell, Salim Hirji, Gabrielle Kramer, Kevin McGivney, Pitman Patterson, Shayne Rayman, Paul Scargall, Michael Smith, Frank Sperduti, Robert Traves, Stephen Waqué, Cherly Woodin)

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Top Ten Firms continued from page 9

Reasons for Ranking: Some wins and involvement in some key cases helped Borden, Ladner, Gervais to move up from last year to round out the top ten.

OMB/Court Matters or Hearings: representing Namara Developments Limited regarding an appeal for OPA and rezoning to permit five, three-storeys townhouses on Troutbrooke and Jane (Waqué) (✓); representing The Lofts of Walnut Hall Inc. regarding an appeal of approval of a minor variance application at 102 Shuter St (Longo) (✓); representing A.E. Gadzala, V. & E. Gadzala Holdings Limited and 412264 Ontario Ltd. regarding compensations for the lands known as 2109 and 2113 Lakeshore Boulevard West (Gosnell); representing the City of Toronto regarding an appeal for compensations under the Expropriations Act (Taylor and Waqué); representing the Canadian Bankers Association regarding appeals of the city's drive-through by-law (Patterson and Waqué);

THE NEXT TEN

Based on mentions in *NRU – Toronto Edition* the following make up the next ten in Toronto-based development activity: **(11) WeirFoulds; (12) Miller Thomson; (13) Papazian Heisey; (14) Elstons; (15) Goodman and Carr; (16) Russell Cheeseman; (17) Stikeman Elliott; (18) Willms & Shier; (19) Gordon Petch; (20) Kagan Shastri.**

To ensure that *Novae Res Urbis – Toronto Edition* covers your interesting cases, be they board decisions, development applications or court decisions, please send them to us by email or fax. The countdown for the seventh annual top ten firms has already begun. •

How the information was collected

Using manual research, we tracked each of the law firms mentioned in *Novae Res Urbis – Toronto Edition* (OMB News predominantly) over this one-year period. From there we determined the firms that were the most frequently mentioned and sorted through the projects and hearings with which they were involved. It became apparent that some firms (given their size) were involved in a variety of developments across the city, while others had particular associations to major clients. The original data was collected from OMB files plus our research for news stories.

Determining the top 10

The most difficult task was in balancing the number of clients, the range of projects, the difficulty of cases, as well as some unique features about the projects/cases. Remember, this list was based only on items covered in *Novae Res Urbis – Toronto Edition* and

does not account for the vast number of cases and firms involved with such matters as minor variance applications, assessment appeals or for those that participated as part of a development team without our knowledge. Hence, there is a certain degree of subjectivity in our ranking.

The listings

Each grouping in the list notes the firm and the lawyers that are part of the planning and development law team for each of the top ten ranked firms. Items grouped as OMB matter/court hearing are those involved with hearings, pre-hearings, and mediation sessions. In cases which involved a board decision and a clear winner/loser or settlement was determined, we note the appropriate symbol (✓) or (✗) following the case description. If there was no clear win/lose or the matter involved a pre-hearing, or is still pending before the OMB no symbol is applied. A brief reason is given at the beginning of each listed firm explaining why we ranked them as we did.

CITY PEOPLE

Atul Sharma has been appointed policy assistant to provincial minister **Gerry Phillips**, who is chair of Management Board. **Stuart Johnson** will be replacing Sharma as vice president of policy development and chief economist at the **Ontario Chamber of Commerce** in January.

Urban designer **Marc H. Hewitt** has been appointed vice president of planning by the **Toronto Waterfront Revitalization Corporation**. Formerly, Hewitt was Chief Operating Officer in Dubai, United Arab Emirates, for Emaar Properties and prior to that, he was with Concord Adex. •