

Novæ Res Urbis

CITY OF TORONTO EDITION

FRIDAY, DECEMBER 24, 2004 • VOL 8 • No 51

LOOKING GOOD

CNIB builds model for accessibility

The **Canadian National Institute for the Blind** has returned to its Bayview location after being temporarily displaced while its old facility was torn down and new one erected. The new digs are a treat for the senses, specifically designed to help visually impaired clients navigate with independence and ease.

The 140,000-sq.ft. building is a joint project by **Shore Tilbe Irwin Partners** and **Sterling Finlayson**. It replaces the outdated and dilapidated 1954 BakerWood building, at the same site just south of Sunnybrook Hospital. The \$25-million project was partially funded through the sale of 12 acres of the 16-acres site to **Mattamy Homes** for a future infill residential development.

The new building is sleek and simple in its design, to accommodate the range of vision impairments—from partial vision to total blindness—experienced by CNIB clients. Gone are the cramped nooks and crannies of its E-shaped predecessor. The new building locates offices and services along a main spine so there are fewer places for visitors to get turned around. Extra-wide hallways accommodate guide dogs and wheelchairs and floor-to-ceiling windows flood the space with natural light, a detail that is especially important for people with partial sight capabilities.

Offices and room numbers are identified with large-lettered signs with an angled Braille ledge—a Canadian first—which clients can read just by running their fingertips along the ledge. Much easier to read than a sign posted flush with the wall.

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TOP TEN PLANNING AND DEVELOPMENT LAW FIRMS IN THE CITY OF TORONTO (2003-2004)

Seventh annual ranking of the city's most prolific performers

As part of our annual end-of-year ritual and a tribute to all of those lawyers who have worked hard in the planning and development field, particularly in front of the Ontario Municipal Board, we have compiled our seventh annual ranking of the most prolific of those firms in the City of Toronto. The review comprises planning and legal activities, mostly board decisions with some court appeals rounding out the analysis, in Toronto from August 2003 to July 2004, as reported by *Novæ Res Urbis—Toronto Edition*. For those tracking GTA activity outside of the city, be sure to see a copy of this past Wednesday's edition of *Novæ Res Urbis—GTA Edition*.

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where to find the solution.**

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please contact us at (416) 869-5500**

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MARK THESE DATES

SATURDAY JANUARY 1

Mayor and councillors New Year's Levee, Toronto City Hall Rotunda, 2 p.m. to 4 p.m.

TUESDAY JANUARY 4

Planning and Transportation Committee, public deputations on budget, committee room 1, 9:30 a.m.

WEDNESDAY JANUARY 5

Works Committee, public deputations on budget, committee room 1, 9:30 a.m.

THURSDAY JANUARY 6

Administration Committee, public deputations on budget, committee room 1, 9:30 a.m.

MONDAY JANUARY 10

Economic Development and Parks Committee, public deputations on budget, committee room 1, 9:30 a.m.

TUESDAY JANUARY 11

Community Services Committee, public deputations on budget, committee room 1, 9:30 a.m.

WEDNESDAY JANUARY 12 AND THURSDAY JANUARY 13

Canadian Housing Framework hosts community consultations on homelessness; see www.homelessness.gc.ca for meeting time and location.

MONDAY JANUARY 17

Board of Health, committee room 1, 9:30 a.m.

MONDAY JANUARY 24

Canadian Housing Framework hosts expert roundtable on homelessness; see www.homelessness.gc.ca for meeting time and location.

THURSDAY JANUARY 20

Budget Advisory Committee, committee room 1, 9:30 a.m.

FEBRUARY 1 - 3

City Council Meeting, council chambers, 9:30 a.m.

CHURCHES UNDER THREAT

Rights of early congregations' descendents queried

Members of two Toronto communities are worried about possible closure of neighbourhood Anglican churches. The two churches in question are **St. Mathew and St. John** on First Avenue, and **St. Stephen's in the Field** on Bellevue Avenue. Both cases raise important questions about who has the right to decide when a church building should be decommissioned or demolished, and who should bear the burden of the buildings' continued operation.

St. Stephen's in the Field, on College Street at Bellevue has been a community institution since it was built in 1857, serving in both body and soul the many generations of immigrants whose first home has been in Kensington Market. The church was built on lands and with monies donated by **Robert Denison**, and designed by **Thomas Fuller Architect**. It was restored after a fire in 1865 by **Gundry and Langley**. Even though the church is designated under Part IV of the *Ontario Heritage Act*, without a new heritage law, it could be demolished after a six-month waiting period.

St. Matthew's Anglican church was established in 1875 on Boulton Avenue when 23 men signed on as founders, and in 1889 28 acted as bondsmen taking out a \$15,000

mortgage for the church on the present site on First Avenue, that took 50 years to pay off. St. Mathews is listed on the *City of Toronto Inventory of Heritage Buildings*, but not designated. In 1982, St. John's Chinese congregation joined St. Matthew's, and the church was renamed St. Mathew and St. John. As well as being home

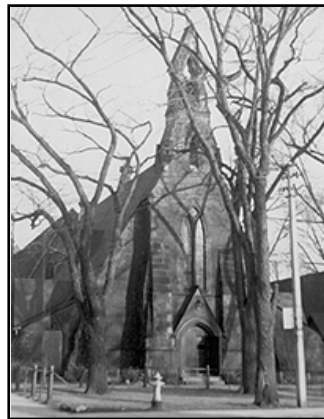
to two congregations, the church houses the daycare and many other community programs.

Churches are built with great pride, with future generations in mind, and usually involve major fundraising and sacrifice from the first congregation often including

donated labour and materials. Over generations, the buildings become the place for in memoriam contributions such as pews or stained glass windows. Descendents know of their family contributions. Following the publicity last June around the destruction of **Willoughby Avenue Baptist Church** near High Park, outraged descendents of those who had built the church began to contact the members of the community who had fought, without success, to save the building. •

Originally printed in Built Heritage News – Issue 55, excerpt printed with permission from Catherine Nasmith.

St. Stephen's in the Field



Source: www.saintstephens.on.ca/Architecture.htm

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LET'S BUILD PROGRAM ALLEGED TO BE "CORRUPT"

Councillor demanding an internal audit

By Anne Marie Aikins

At the last meeting of council, councillor **Frank Di Giorgio** was "incensed" with the practice of allowing rental housing developers to "double-dip" on building incentives and asked his colleagues to support a full audit of the city's Let's Build program. Council voted down his motion, but Di Giorgio remains "very concern" and will bring it up again at the first available opportunity in the new year.

"In spite of how uncomfortable the councillor's accusations are, I welcome an audit," said the city's special advisor on housing development **Mark Guslits**. "It would prove that the program is one of the most cost-efficient in the city."

But, Guslits doesn't welcome the negative attention because it "gives the impression to potential developers that the city isn't supportive of new affordable housing development."

"This just isn't the case," he told *NRU*. "It's very unfortunate that Let's Build staff, who are some of the best housing experts in the country, must spend so much time framing the argument in support of this program, when the time could be so much better spent on our projects."

"These developers, though, are given free money," Di Giorgio told *NRU*. "First the city, under section 37 of the planning act, gives them density bonuses for building a high-rise. Then they get more money from all three levels of government for building so-called affordable housing. It's wrong and should be stopped and I want the Let's Build program to give an accounting as to how all this money is being spent. The developers were already going to build, so why are we giving them more money?"

But, Di Giorgio is "misguided" and his concerns are "speculation," Guslits said.

"These developers would not be building affordable housing projects if not for the incentives," he said. "Developers were not building affordable housing the last decade until our program was put into place. It locks them in for 20 years so we're providing a long-term strategy to creating affordable housing."

"Let's Build" is an "action-oriented program"

established by the City of Toronto to help get new affordable housing built. It offers the services of a skilled team of development and housing professionals to assist in the planning and development process and a "toolkit of incentives" to increase the economic viability of affordable housing projects.

Since its launch in the spring of 2000, Let's Build has helped put more than 650 affordable housing units in place, Guslits said.

"Toronto is focusing on the need for more preventive and long-term solutions to our serious homelessness problem," he said. "We face a shortfall of 2,000 to 4,000 affordable housing units every year and need 5,000 supportive housing units today. It is much less expensive to provide permanent housing than to provide emergency or short-term shelter."

Di Giorgio is also concerned that the zoning process is separated from the funding process and believes "undue pressure is applied to overlook zoning issues."

"The proof is in the pudding," he said. "If the city approves funding applications, before the zoning is in place then it will influence that decision. We should be making the funding contingent on the zoning process, but council wouldn't even go for that." •

"Developers were not building affordable housing the last decade until our program was put into place. It locks them in for 20 years so we're providing a long-term strategy to creating affordable housing."

- Mark Guslits

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ROYAL LEPAGE

UNBUNDLING PARKING COSTS

Parking strategy benefits transit ridership and housing affordability

By Jeffrey Cantos

Given land values and the current cost of residential construction in the **City of Toronto**, it is no surprise that incoming residents of the **Tiptop Lofts** are charged \$22,000 to purchase a parking space and an additional \$30,000 for a second one. Residents of the **SoHo**, located steps away from the downtown core, are faced with parking costs of \$35,000 per spot or a monthly rental fee of \$200. These examples demonstrate a practice known as “unbundling,” which is an aggressive parking strategy used to make households pay the true cost of parking, as opposed to having these costs “bundled” into housing prices resulting in residents who do not own cars paying the full price of parking.

Parking requirements in Toronto jeopardize affordable housing policies by forcing non-profit developers to build parking spaces that tenants cannot afford to occupy. Considering the costs, it would seem to be intuitive that the amount of required parking should be decreased to enhance affordability of particular residential developments. Lowered parking requirements can potentially increase the number of affordable rental units built with available resources allocated to housing.

In 2003, the city commissioned a transportation firm to conduct a parking demand study to look at the current parking situation among rental buildings. However, the study did not investigate current parking demand for any of Toronto’s 95,000 social housing units. To fill this void, a building survey was conducted to collect data from a sample of Toronto’s social housing stock. It found that Toronto’s minimum parking requirements exceed the auto ownership rates of social housing tenants and therefore generate an oversupply of parking spaces in social housing developments.

None of the zoning by-laws of any of Toronto’s former municipalities recognizes social housing or affordable housing as a residential category in need of its own parking standard. Toronto’s *Housing First* policy designates surplus municipal land for affordable housing.

Given existing parking requirements, land that could be used for housing is used to meet perceived parking needs— and sits idle. In the case of surface parking, minimum requirements that generate an oversupply of spots result in an inefficient use of the few areas of the city that are prioritized for affordable housing development. In short, lowered parking requirements can potentially increase the amount of land devoted to housing.

A number of U.S. cities are adopting more demand-responsive parking requirements to address issues of housing affordability. If the City of Toronto is to be effective in the development of affordable housing, residential parking standards must be addressed. In a city that advocates for increased transit ridership, reducing parking supply is a win-win situation. •

None of the zoning by-laws of any of Toronto’s former municipalities recognizes social housing or affordable housing as a residential category in need of its own parking standard.

Lowered parking requirements can potentially increase the number of affordable rental units built with available resources allocated to housing.

Jeffrey Cantos’ graduate thesis, “Parking Strategies for Affordable Housing: An Efficient and Equitable Approach” recently won the University of Toronto’s Centre for Urban and Community Studies Research Award for best paper. Cantos is now working as a professional planner in Toronto. jc@officeforurbanism.com



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Volunteers to welcome Toronto visitors

The province announced last week funding of \$175,000 to the **City of Toronto** for a Toronto Ambassador Program and the Visitor Information Services (VISIT). TAP will train, outfit and organize volunteers to welcome visitors to Toronto and act as tour guides and interpreters. VISIT is a mobile tourist information vehicle that will operate during the summer months at key festival and attraction sites throughout Toronto.

The announcement came at the opening of the newest provincial Travel Information Centre in Toronto located in the Atrium on Bay. "Toronto is one of North America's premier tourism destinations. These new services, programs and experiences will make it easier for visitors to see and do more in Toronto, to stay longer and spend more," tourism and recreation minister **Jim Bradley** said. "Visiting the travel centre is a great way to plan your stay in Toronto and for Torontonians to learn about great getaways throughout Ontario."

National housing consultations announced

Federal labour and housing minister **Joe Fontana** announced the schedule of consultations to assist in developing a Canadian Housing Framework.

"The Government of Canada is committed to strengthening and enhancing existing programs with new initiatives in partnership with other levels of government, community groups and the private sector," Fontana said.

Consultations will include community forums as well as expert roundtables on topics central to housing and homelessness. In addition, the public is invited to

submit ideas to www.homelessness.gc.ca. In Toronto, community consultations are scheduled January 12-13 and an expert roundtable is to be held January 24.

Rental vacancy rates and rents increase

With **Canada Mortgage and Housing Corporation** reporting a 4.3 per cent vacancy rate and an average rent increased of 0.9 per cent in the Toronto region, effective rents are not keeping up with average rents due to the increased use of incentives with landlords offering bonuses rather than reductions, according to **Will Dunning's Rental Apartment Market Report**.

With the overall inflation rate at 1.6 per cent, the average rent decreased in inflation-adjusted dollars. According to Dunning's analysis, "from a landlord perspective revenues are back to 1998 levels in real terms."

Dunning reports the following changes in average rents by bedroom type:

- Bachelor units—fell by 0.5 per cent.
- 1-bedroom units—increased by 0.2 per cent.
- 2-bedroom units—increased by 1.2 per cent.
- Units with 3-or-more bedrooms—increased by 2.0 per cent.

But, no holiday for homeless

Affordability and supply shortages continue to plague renter households according to the latest annual rental market numbers from **Canada Mortgage and Housing Corporation**, confirming that Canada continues to suffer from a nationwide affordable housing crisis, says **Michael Shapcott**, co-chair of the **National Housing and Homelessness Network**.

"Vacant apartments do not equal affordable apartments," says **Advocacy Centre for Tenants Ontario** legal services director **Kathy Laird**. "For a staggering 42 per cent of Ontario tenant households, the rent is unaffordable." A conservative estimate is that there are 158,456 households, or 300,000 individuals, on waiting lists for social housing in the province and according to CMHC, there are 25,460 vacant units in Ontario.

The increase in rental vacancy rates has not translated into an easing of rents. "Average rents in **Toronto** have increased about 25 per cent over the past decade," according to Shapcott. Rents in Toronto, which has the largest number of tenant households in the country, are at an all-time high of \$1,052, despite an increase in rental vacancy rates since 2001.

Inventory of heritage properties now on-line

An inventory of Toronto's heritage properties is now on-line on the city's website at www.toronto.ca/culture/heritage_properties_inventory.htm.

Heritage bill delayed

The *Ontario Heritage Act*, with the government's proposed changes, was expected to receive third and final reading last week, but has been postponed until the house resumes sitting in February.

According to Toronto heritage expert and architect Catherine Nasmith, "The stumbling block seems again to be giving municipalities the power to say no to demolition, a power that is the norm in the U.S., Europe and almost anywhere that heritage laws exist. Whatever the financial issues of churches and school boards might be, demolishing important community landmarks is not the way to solve them."

CITY IN BRIEF

School board offers olive branch

The **Toronto District School Board** approved payment of 3 per cent retroactive wage adjustment to members of **CUPE Local 4400** effective September 1, 2003. The decision was conditional on an undertaking by CUPE that the current work-to-rule end and that

there be no escalation in job action prior to August 31, 2005. The support staff has been without a collective agreement since September 1, 2003.

The better way gets interactive

oneSTOP and **CHUM Limited** have teamed up to bring 40-inch

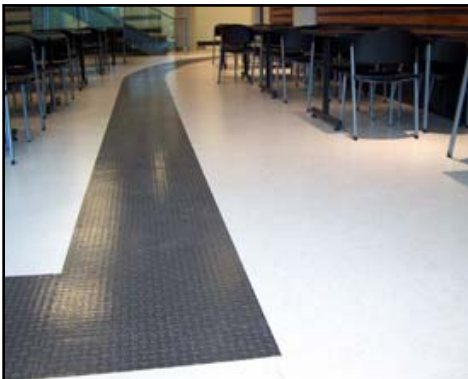
plasma screens to all 69 TTC subway stations early in the new year and, by spring, eight-inch screens will be installed in the subway cars. CP24, Toronto's all-news TV station will be supplying the information. •

CNIB continued from page 1

Textures and colours also play an important role in the building's accessibility design. The hallway, for instance, is tiled, while other spaces, such as offices, have carpets to identify different spaces. Users can tell when they have moved from one space to another by sensing the texture changes with a white cane or their feet. A dark stripe on bone-coloured tiles helps partially-sighted visitors navigate the bustling cafeteria. The acoustical environment is also designed to provide a sense of place by using different materials creating unique sound "zones" throughout the building.

In the spring another orientation system will be added, which will help clients navigate the building through talking signs. A small transmitter will be able to sense where the client is in the building, and a voice will tell the user where they are and what is immediately nearby.

A dark and textured tile "track" helps clients navigate the cafeteria



CNIB's new and improved Bayview Avenue facility

Source: CNIB

In the spring, the fragrant garden, designed for touch, scent and sound, will be resurrected in time for the building's May 2005 official opening.

The redesign is just in time. Toronto is home to more than 10,000 CNIB clients—a number that is expected to double every 12 to 15 years as the general population ages. Clients use the facility for a variety of services, including employment and personal counselling, library services and training. The building now houses the headquarters for national office as well as the Ontario and Toronto chapters. It's also the new home to the institute's vast digital library, which has replaced talking books with compact discs. •



Source: CNIB

Top Ten Planning Law Firms continued from page 1

1. Sherman, Brown, Dryer, Karol, Gold, Lebow [RANK LAST YEAR: 3] (Adam Brown, Alan Dryer)

Reasons for ranking: Adam Brown remains one of the hardest working municipal lawyers in town, rating 23 mentions in our coverage of Toronto cases. Brown chalked up many wins for his myriad variance cases, but threw in a few OPA and rezoning appearances for variety, including a North York townhouse proposal and St. Clair Avenue high rises.

OMB/Court Matters or Hearings: representing John and Lindsay McKeown regarding their appeal for variances to permit an addition to a Lawrence Crescent house (Brown)(✓); representing Zachary Pantekidis regarding an appeal against a minor variance granted to permit a Dawson Avenue dwelling (Brown); representing Moses Family Investment Inc. regarding its appeal for a variance to permit basement units at two existing Golfdale Road duplexes (Brown)(✗); representing 468 Avenue Road Holdings Inc. regarding its appeal for OPA and rezoning to permit a 24-storey condo tower at St. Clair Avenue West and Avenue Road (Brown)(✓) initially, the application was denied but revised plans were approved at an October hearing); representing Barbara Bank regarding appeals against a minor variance granted to Bank to permit three units in a Brunswick Avenue single-family dwelling (Brown); representing Sloan Mauran regarding Mauran's appeal against a change of use application (Brown)(✓); representing Melody Prusky regarding her appeal for a variance to permit an attached garage at Beechwood Avenue (Brown)(✓); representing the Toronto District School Board and Urbancorp regarding its appeals for OPA, rezoning and site plan to permit 81 townhouses at 45 York Mills Road (Brown)(✓); representing Freddy and Wendy DeGasperis Jr. regarding an appeal for a minor variance to permit demolition and a new residential dwelling in Rosedale (Brown)(✓); representing 134855 Ontario Limited and Metro Financial Corporation regarding their appeals for severance and variances to permit three new single-family lots on Southgate Avenue (Brown)(✗); representing Centrillum Inc. regarding appeals against a city-enacted comprehensive zoning by-law that implemented the Emery Village secondary plan (Brown); representing 426898 Ontario Ltd. regarding an appeal for OPA and rezoning to permit

redesignation of 21 Oak Street from employment to residential (Brown); representing First Spadina Place regarding its appeals for rezoning and OPA to permit a mixed-use development at 453 Spadina Road (Brown)(✓); representing Fredbourne Equities Limited regarding an appeal against minor variances to permit a mixed-use building at 311 Adelaide Street West (Brown); representing BBT Devgroup Inc. regarding its appeals for site plan, OPA and rezoning to permit a residential development at Sheppard Avenue East (Brown)(✓); representing North Beach Developments Inc. regarding an appeal against a variance granted to permit a 12-storey residential building at 129 Queen Street East (Brown); representing Ted Maneris regarding appeals against variances to permit residential additions at 118 Dawlish Avenue (the board reserved its decision until August)(Brown)(✗); representing Nancy So regarding her appeals for variances to permit front yard parking at Dewbourne Avenue (Brown)(✓); representing Geoffrey Reynolds regarding his appeals for consent and variances to permit a new dwelling at Golfview Avenue (Brown)(✗); representing Hyde Park Homes Ltd. regarding its appeals for OPA and rezoning to permit three semi-detached dwellings at 691 Scarlett Road (Brown)(✗); representing Glenview Homes Limited regarding a motion for costs against Donald and Mary King, who withdrew their appeal against variances granted to Glenview to permit a single-family dwelling on Golfdale Road (Brown)(✓); representing Jenny Solursh regarding her appeal for variances to permit a deck and retaining wall at 97 Ardworld Gate (Brown)(✓); representing Eric Cohen regarding his appeal for variances to permit a residential addition at 11 Aldbury Gardens (Brown)(✓).

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Top Ten Planning Law Firms continued from page 7

2. Borden, Ladner, Gervais

[Rank last year: 10]

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

Reasons for ranking: Volume and involvement in some key cases, such as the appeals against Toronto's drive-through by-law, aided the steady climb of Borden, Ladner, Gervais, up nine places from last year's number ten slot. It was rated at number 13 the previous year.

OMB/Court Matters or Hearings: representing Rosedale Golf Association Limited regarding an appeal by Fred and Wendy DeGasperi for a minor variance to permit demolition and a new residential dwelling in Rosedale (Coburn); representing Ira Nishisato and S. Dugas regarding an appeal for variances to convert a dwelling into a Montessori school (Patterson); representing banking interests regarding appeals against a Toronto zoning by-law limiting drive-through restaurants and banks (Kramer)(X); representing the Toronto District School Board regarding appeals for OPA, rezoning, plan of subdivision, site plan and minor variance to permit a residential development at a former Lawrence Avenue East industrial site (Coburn); representing 2011618 Ontario Ltd. regarding its appeal for rezoning, OPA and site plan to permit a six-storey mixed-use building at Kingston Road (Waqué)(✓); representing George Iwasiw regarding his appeal against OPA and rezoning granted to the Muslim Welfare Centre of Toronto to permit a seniors' residence at Rural Avenue (Patterson)(✓); representing Mike McKelvey regarding an appeal against variances to permit Dawlish Avenue residential additions (Mike McKelvey); representing Bell-Am Apartments Ltd. regarding its appeals for site plan, OPA and rezoning to permit three 3-storey apartment buildings at Bellamy Road North (Waqué)(✓); representing the City of Toronto regarding motions for expropriation compensation by Bernardo Brothers Metals Limited for its Hounslow Heath Road property (Waqué, Hirji).

3. Aird & Berlis

[RANK LAST YEAR: 1]

(Patrizia Bruzio, Eileen Costello, Robert Doumani, Patricia Foran, Tom Halinski, Natasha Kalogiannis, Kim Kovar, Leo Longo, John

Mascarin, Josephine Matera, Jane Pepino, Chris Williams, Steven Zakem)

Reasons for ranking: Down a couple of notches from last year, Aird & Berlis continues to appear in the upper echelons of the top 10, thanks to involvement in key cases like the "The Maples" condo conversion appeal and the subdivision applications for Progress Avenue.

OMB/Court Matters or Hearings: representing South Hill District Homeowners Association Inc. regarding an appeal by 468 Avenue Road Holdings Inc. for OPA and rezoning to permit a 24-storey condo tower at St. Clair Avenue West and Avenue Road (Kovar); representing K. Vincent and E. Ginsler regarding appeals by Fred and Wendy DeGasperi for minor variances to permit demolition and a new residential dwelling in Rosedale (Doumani); representing Transmetro Properties Limited regarding its appeal for OPA, rezoning and plan of subdivision to permit 1,797 residential units and other development at Progress Avenue (Kovar)(✓); representing South Rosedale Ratepayers Association regarding an appeal against designation of the South Rosedale as a heritage conservation district (Pepino); representing Imperial Oil Ltd. regarding an appeal against a city-enacted comprehensive zoning by-law that implemented the Emery Village secondary plan (Pepino); representing Interval Development Corporation Limited regarding its appeal to convert "The Maples," a 500-unit rental apartment building at Carlton and Wood streets, to condominium and commercial use (Doumani)(✓); representing Margarita Fulawaka and Frank Teti regarding an appeal against variances granted to permit a new house on The Kingsway (Kovar); representing the Muslim Welfare Centre of Toronto regarding an appeal against OPA and rezoning granted to permit a seniors' residence at Rural Avenue (Longo).

4. McCarthy Tétrault

[RANK LAST YEAR: 2]

(John Dawson, Stephen Diamond, John Inglis, Calvin Lantz, Cynthia MacDougall, Tara Piurko, Phillip Sanford, Michael Smith, Christopher Tanzola, Brad Teichman)

Reasons for ranking: McCarthy Tétrault continues its strong showing. It had a busy year, with several big cases, including Islington Avenue residential towers, a win for the Uptown Theatre site and

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Top Ten Planning Law Firms continued from page 8

the lengthy mediation to redevelop Queen Street's Centre for Addiction and Mental Health.

OMB/Court Matters or Hearings: representing St. Jude Community Homes regarding appeals against OPA and rezoning granted to permit conversion of a Milan Street industrial building to supportive housing (Diamond, Dawson, Lantz); representing Lydia and Don Pinchin regarding their appeal against variances granted to permit a new house on The Kingsway (Inglis)(✗); representing MUC Corporation (Sojourn House) regarding an appeal against a city-wide zoning by-law to locate emergency shelters on arterial roads (MacDougall, Lantz); representing Piagga Limited regarding its appeals for OPA and rezoning to permit development of the former Uptown Theatre site (Dawson, Doyle)(✓); representing Centre for Addiction and Mental Health regarding appeals against plan of subdivision, OPA and rezoning applications to permit a master plan for 1001 Queen Street West (MacDougall); representing Hollyburn Properties Ltd. regarding its appeals for OPA and rezoning to permit high-rise apartment towers at Islington and Cordova avenues (Diamond, Inglis)(✓).

5. Davies Howe Partners

[RANK LAST YEAR: 8]

(John Alati, Kim Beckman, Jeff Davies, Mark Flowers, Maria Khazanov, Michael Melling, Susan Rosenthal)

Reasons for ranking: A spate of wins at the board, including the Rogers appeal of a seniors' centre behind the Skydome, buoyed Davies Howe Partners position in the top ten.

OMB/Court Matters or Hearings: representing Oakwood Retirement Communities Inc. regarding a motion for costs from an appeal by Humber Heights of Etobicoke Ratepayers' Inc. (Alati)(✓); representing Belisa Paolo and Wilson Rodrigues regarding their appeal for a minor variance to permit a residential renovation on Ossington Avenue (Flowers)(✓); representing Bonnie Severin regarding her appeal for a variance to permit a residential addition on Butternut Street (Melling)(✓); representing Yellow Moon Homes regarding its appeal for OPA, rezoning, plan of subdivision, site plan and minor variance to permit a residential development at a former Lawrence

Avenue East industrial site (Flowers, Alati)(✓); representing Rogers Blue Jays Baseball Partnership regarding appeals against city-approved rezoning and OPA to permit a seniors' residence behind the Skydome (Alati, Davies)(✓); representing Metropolitan Condominium Corp. No. 164 and Finch Corporate Centre regarding an appeal to permit an existing Finch Avenue East banquet hall (Flowers).

6. Papazian, Heisey

[RANK LAST YEAR: 13]

(Mike Hackl, Alan Milliken Heisey, Barry Goldman, Patrick Nugent)

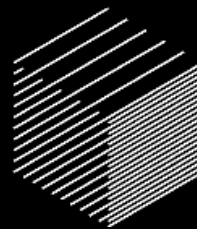
Reasons for ranking: Papazian, Heisey leaps into the top ten from last year's number 13 position. Despite Heisey's hectic year outside of the OMB, the Papazian, Heisey team kept busy representing CN Rail and GO Transit at a number of key board hearings.

OMB/Court Matters or Hearings: representing CN Rail regarding an appeal for OPA and rezoning to permit redesignation of 21 Oak Street from employment to residential (Hackl); representing 1160623 Ontario Inc. regarding its appeal against property tax assessment for 54 Commissioners Street (Goldman)(✓); representing CN Rail regarding an appeal for OPA, rezoning, plan of subdivision, site plan and minor variance to permit a residential development at a former Lawrence Avenue East industrial site (Hackl); representing GO Transit and CN Rail regarding appeals for rezoning, redesignation, site plan and consent to permit development of a brownfield at 1110 King Street West (Heisey);

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Walker Nott Dragicevic Associates Limited



Planning & Urban Design

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representing CN Rail and GO Transit regarding appeals by Ridgevest Developments Ltd. for OPA and rezoning to permit residential condominiums at 800 Lansdowne Avenue (Heisey).

7. Cassels, Brock and Blackwell

[RANK LAST YEAR: 4]

(Nicole Auty, James Ayres, Signe Leisk, Stanley Makuch, Michele Wright)

Reasons for ranking: Appeals for OPA, rezoning and site plan, as well as involvement in the appeals of Toronto's drive-through by-law, ensured a spot for Cassels, Brock and Blackwell in this year's top ten.

OMB/ Court Matters or Hearings: representing York Rowe Ltd. regarding its appeal for OPA and rezoning to permit a 9-storey hotel and residential development at Hazelton and Yorkville avenues (Makuch)(✓); representing 1430 Yonge Street—St. Clair Inc. regarding its appeal for OPA, rezoning and site plan to permit a 16-storey residential building at 1430 Yonge Street (Makuch)(✓); representing McDonalds, Burger King and the Canadian Bankers Association regarding appeals against a Toronto zoning by-law to limit the locations of drive-through restaurants and banks (Makuch)(✗); representing Roehampton Corporation regarding its appeal for OPA, rezoning and site plan to permit a 16-storey apartment building on Roehampton Avenue (Makuch)(✗); representing Donald and Mary King regarding a motion for costs against King, who withdrew their appeal against variances granted to Glenview Homes Limited to permit a single-family dwelling on Golfdale Road (Makuch).

8. Bratty and Partners

[RANK LAST YEAR: 5]

(Barry Horosko)

Reasons for ranking: Bratty and Partners continues to be a perennial top ten performer. This year saw a winning appeal against Yonge Street highrises and other OPA and rezoning appearances before the board.

OMB/ Court Matters or Hearings: representing 2015174 Ontario Inc. regarding an appeal by Regina Ip against an approved rezoning application to permit two condominium high-rises on Yonge Street (✓); representing the Passionist Community of Canada regarding appeals for site plan, OPA and rezoning to

permit a residential development at Sheppard Avenue East; representing Canadian Tire Corporation regarding an appeal for settlement of site plan to permit residential housing at a former Canadian Tire site.

9. Elston Watt

[RANK LAST YEAR: 14]

(Harold Elston, Kelly Gravelle, Stephen Watt)

Reasons for ranking: Elston Watt is up four places due to a year that saw a nice volume and variety of cases.

OMB/Court Matters or Hearings: representing Joyce Chan and Bonnie Lam regarding their appeals against variances granted to permit a new dwelling at Holmes Avenue (Elston)(✓); representing Ljubomir Gric regarding his appeal for OPA, rezoning, consent and site plan to permit a four-storey condo at North York's Park Lane Circle (Elston, Radford)(✗); representing Peter Brueckner regarding his appeal for increased GFA and public lane access for a new three-storey building at Dale Avenue (Elston)(✓); representing Skymark Investments Inc. regarding appeals for OPA and rezoning to permit development of the former Uptown Theatre site (Elston); representing 1465334 Ontario Ltd. regarding its appeals for OPA and rezoning to permit a 9-storey apartment building at 929 Sheppard Avenue West (Elston)(✓); representing Brian and Carol Sullivan regarding an appeal against designation of South Rosedale as a heritage conservation district (Elston)(✗).

10. Karl Jaffary

[RANK LAST YEAR: NO RANK]

Reasons for ranking: Karl Jaffary is new to the list this year. Steady work representing residents' associations and a win for Independence Way helped move him into the top ten.

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OMB/Court Matters or Hearings: representing Yorkville Heritage Association and Avenue Bay Cottingham Residents Group regarding an appeal for OPA and rezoning to permit a 9-storey hotel and residential development at Hazelton and Yorkville avenues; representing Agnes Juhasz regarding her appeal for a minor variance to permit a third apartment at Ravina Crescent (✗); representing Independence Way Inc. regarding its appeal for settlement of site plan to permit residential housing at a former Canadian Tire site (✓); representing Peter Aziz and the Concerned Neighbours of the Centre for Addiction and Mental Health regarding its appeals against plan of subdivision, OPA and rezoning applications for a master plan for 1001 Queen Street West. (The board approved the plan in October 2004.)

THE NEXT TEN

Based on mentions in *Novae Res Urbis—Toronto Edition*, the following make up the next ten in Toronto-based

development and planning activity: (11) Fasken Martineau, (12) Goodman & Carr, (13) Goodmans, (14) Blaney McMurtry, (15) Miller Thomson, (16) Michael Vaughan, (17) WeirFoulds, (18) Blake, Cassels & Graydon, (19) Kagan Shastri, (20) Loopstra Nixon.

To ensure that *Novae Res Urbis—Toronto Edition* covers your interesting cases, be they board decisions, development applications or court decisions, please drop us a line by email or fax. The countdown for the eighth annual ranking of the top ten firms has already begun. •

REMINDER:
NRU City of Toronto Edition will not be published on December 31
Happy Holidays from NRU!

How the information was collected

Using manual research, we tracked each of the law firms mentioned in *Novae Res Urbis—GTA Edition* (OMB News predominately) 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—GTA 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.

ONTARIO MUNICIPAL BOARD NEWS

Spring Garden Avenue appeals allowed

In a partial decision issued November 24, board members **Malcolm Stockton** and **Peter Atcheson** allowed the appeals by the **Toronto District School Board** for site plan, official plan and zoning amendments to permit a three-storey school and two 24-storey residential buildings at **50 Spring Garden Avenue**, northeast of **Sheppard Avenue East** and **Yonge Street** in **Toronto**.

Additionally, **Rosedale Developments Inc.** appealed to the board to rezone **4917-4995 Yonge Street**, **11-27 Hollywood Avenue** and **8-18 Spring Garden Avenue** to permit transfer of land from the school site to the Rosedale site.

Before the hearing began, the parties made “significant progress” towards settling the matter and a revised site plan was presented for the board’s consideration. Outstanding issues included a discrepancy in the number of proposed units for one building, below-grade bicycle storage, surface parking, traffic and issues associated with the podium for another building.

A number of residents appeared at the hearing to provide their perspectives on the proposal. While several said they through the revised plans represented improvements over the originals, concerns remained about traffic congestion, parking and the perceived need for signals on Hollywood Avenue between Yonge Street and **Doris Avenue**.

Catherine Gravely (Gravely Sorensen Lowes Planning Associates Ltd.) provided planning evidence. She told the board that the proposal complied with municipal height provisions. The current proposal had a floor area ratio of 5.16. Gravely gave the opinion that density objectives in the North York Official Plan could be raised from 4.5 to

6.0 and could accommodate the proposed project.

Gravely also gave the opinion that the revised site plan represented good planning for the area, and that the addition of residential uses to the current mixed-use designation along Yonge Street was appropriate.

A transportation expert gave the opinion that the proposed Spring Garden Road entrance would improve student pick-up and drop-off traffic, and that the traffic resulting from occupancy of the proposed development would not negatively impact nearby arterial roads and intersections.

The maximum number of dwelling units for one of the buildings was disputed. The project architect said the plan would allow up to 420 units, but council had approved only 400 units. The board allowed 420 units and found that the building height, mass and floor area ratio would all be maintained, with no adverse impact on the surrounding area.

Another issue was the North York Secondary Plan incentive, which exempts below-ground bicycle storage areas from calculation of gross floor area. The policy has been in place for a number of years and is intended to assist in the transportation modal split in high-density urban settings. The city’s planner told the board that the effectiveness of the incentive was to be reviewed, but none had started yet. The board found the incentive should be applied to the proposal.

The board reserved its order on the traffic impact study files until a later hearing.

Solicitors **Jeffrey Davies** and **John Alati (Davies Howe Partners)** represented Rosedale Developments Inc. Solicitor **Phil Sanford (McCarthy Tetrault)** represented the school board. (*See OMB Case No. PL040270.*) •

CITY PEOPLE

Roger Martin was reappointed dean of the **University of Toronto’s Joseph L. Rotman School of Management**. Martin begins his five-year term July 1, 2005.

Ryerson associate professor of criminal justice **Tammy Landau** was appointed by the provincial government to the **Ontario Civilian Commission on Police Services**, for a three-year term.

Hamlin Grange was appointed by the Province to the **Toronto Police Services Board**. Grange is in the business of advising clients on ways to create diversity in their work force and in their policies.

Grant Sinclair was appointed chair of the **Canadian Human Rights Tribunal**. Sinclair received his LL.B from Osgoode Hall Law School and was called to the Ontario Bar in 1964.