

Novæ Res Urbis

CITY OF TORONTO EDITION

FRIDAY, DECEMBER 22, 2006 • VOL 10 • No 50

FEDS WOO GREEN, URBAN VOTES

Evergreen explores nature in city

By Anne Marie Aikins

Federal infrastructure minister **Lawrence Cannon** and finance minister **Jim Flaherty** were stood up this week when they announced, or rather re-announced their plan to invest up to \$20 million to turn an underused, deteriorating asset into an urban green space called Evergreen at the **Brick Works**. Although the project is jointly sponsored with the City of Toronto and province, Mayor **David Miller** was busy deflecting media spit balls lobbed at its landfill purchase, and provincial politicians were distracted trying to get their 25 per cent pay hike passed. The Conservatives are clearly trying to win some green, urban votes with their appearance and local and provincial politicians were apparently none too eager to help. Politics aside, however, they all agree that Evergreen is a pioneering environmental community facility that deserves support.

“This investment by Canada’s new government demonstrates our commitment to municipal infrastructure and to the environment,” said Cannon. “This project shows how innovative design and environmental technology can help make living in cities more enjoyable for Canadian families.”

“It is a model for urban redevelopment and sustainability.”

The new facility will explore how nature makes cities more liveable. The site includes a 16-hectare park with the Weston Quarry Garden, wetlands, hiking trails, wildflower meadows, and 15-heritage buildings. It is at

continued page 3

TOP TEN PLANNING AND DEVELOPMENT LAW FIRMS
IN THE CITY OF TORONTO (2005 – 2006)

Ninth 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 ninth 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 2005 to July 2006**, as reported by *Novæ 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 *Novæ Res Urbis – GTA Edition*.

1. Sherman Brown Dryer Karol

[RANK LAST YEAR: 2]

Adam Brown

Reasons for ranking: Adam Brown regained the top spot this year and continues to be the most frequently mentioned lawyer in our coverage of Toronto cases. Sheer volume of cases ranging from minor variances to large hearings, combined with a significant number of wins at the OMB made Sherman Brown Dryer Karol Toronto’s most prolific firm in 2005-2006. Brown represented B’nai Fishel Inc. in the ongoing West Lodge appeals, and Freddy and Wendy DeGasperis in the finale to lengthy appeals following last year’s court decision to allow residential additions.

continued page 4

MARK THESE DATES

MONDAY JANUARY 8

Citizens' Assembly on Electoral Reform, YMCA, 4580 Dufferin Street, 7:00 - 10:00 p.m.

Citizens' Assembly on Electoral Reform, Humber College, 203 Humber College Blvd., 7:00 - 10:00 p.m.

MONDAY JANUARY 15

Executive Committee, Committee Room 1, 9:30 a.m.

TUESDAY JANUARY 16

Community Councils, 9:30 a.m.

WEDNESDAY JANUARY 17

Public Works and Infrastructure Committee, Committee Room 1, 9:30 a.m.

THURSDAY JANUARY 18

Planning and Growth Management Committee, Committee Room 1, 9:30 a.m.

FRIDAY JANUARY 19

Licensing and Standards Committee, Committee Room 1, 9:30 a.m.

MONDAY JANUARY 22

Community Development and Recreation Committee, Committee Room 1, 9:30 a.m.

TUESDAY JANUARY 23

Parks and Environment Committee, Committee Room 1, 9:30 a.m.

Citizens' Assembly on Electoral Reform, 185 Fifth Street, Etobicoke, 7:00 - 10:00 p.m.

WEDNESDAY JANUARY 24

Economic Development Committee, Committee Room 1, 9:30 a.m.

THURSDAY JANUARY 25

General Government Committee, Committee Room 1, 9:30 a.m.

Citizens' Assembly on Electoral Reform, YMCA, 20 Grosvenor Street, 7:00 - 10:00 p.m.

MUCH ADO ABOUT A LANDFILL PURCHASE

City set to make profit from trash

Late Tuesday evening, City of Toronto staff, as authorized by a decision of council, signed a purchase agreement with **Green Lane Landfill** for \$220 million—to be financed through debt. If all goes well with the final purchasing arrangements, the city will take possession of the landfill in late March 2007 and begin trucking all of its residual waste to the St. Thomas site instead of to Michigan—which has a particular distaste for Canadian waste—by 2010. In the process, the city just may make some cash as a landfill owner.

It has not been an easy sale; however, the issue was dragged through the election campaign with Mayor **David Miller** taking some heat for the supposed “secrecy” of the deal. Councillor **Denzil Minnan-Wong** was there again during the sale announcement this week continuing to accuse Miller of holding back on the details of the deal, and suggesting that somehow it was inappropriate to make a profit on garbage.

Earlier this week, Oneida Nation of the Thames Chief **Randall Phillips** held a press conference suggesting First Nations people were not being consulted in the decision to purchase the landfill. The Oneida Nation sits 2.2 km. from the Green Lane landfill site and is concerned about the potential environmental effects and health hazards that the landfill may have on their community and their people, said Phillips.

“We were not consulted prior to this deal being made. Now, we are being told that the city or the province



Source: imaginehat

does not have to consult,” Phillips said.

“Given the situation and the issue, this is not acceptable.”

The Chief’s concerns, however, seem curious given that Miller promptly issued proof that the city appears to be actively meeting and consulting with First Nations people, and personally with Phillips himself since the initial council decision. Miller met with Phillips back in September and again in November.

After an extensive environmental assessment was recently completed, the province approved an expansion of the landfill, which makes room for Toronto’s garbage. The operating permit granted requires the landfill owner—that will soon be the city—to set up a community trust fund and a property value protection plan as well as to create a liaison committee with First Nations.

The city also has been consulting with the local communities who want to be assured they will still have a place to ship their own garbage. They will, Miller said.

The purchase provides the city with a reliable and environmentally sound landfill, giving the city options for short and long-term waste

continued page 3

NOVÆ RES URBIS

CITY OF TORONTO EDITION

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

Lynn Morrow, Editor
(lynnm@nrupublishing.com)

Anne Marie Aikins, News Reporter
(annemariea@nrupublishing.com)

Shayna Stott, Planning Reporter
(shaynas@nrupublishing.com)

Jeff Payette, Layout
(jeffp@nrupublishing.com)

Kristine Janzen, Circulation
(kristinej@nrupublishing.com)

SALES/SUBSCRIPTIONS

(circulation@nrupublishing.com)

Annual subscription rate is \$329.

Complimentary trial subscriptions are available.

Advertising rates available upon request.

NRU - Greater Toronto Area Edition is not to be redistributed without the written consent of the publisher.

NRU - Greater Toronto Area Edition is published 50 times a year by fax or e-mail by NRU Publishing Inc.

NRU Publishing Inc.

Editorial office

26 Soho Street, Suite 330
Toronto, Ontario, M5T 1Z7
Tel: 416.260.1304
Fax: 416.979.2707

Billings department

46 Old Bridle Path,
Toronto, ON M4T 1A7

Nature in city continued from page 1

the centre of Toronto's unique ravines and green ways that total more than 27,000 acres.

The extensive redevelopment and renovation project will use leading-edge green design technology adapted to the heritage buildings and their ongoing management.

"This exciting project is a showcase for Evergreen's mission of bringing communities and nature together for the benefit of both," said Evergreen executive director **Geoff Cape**. "It is a testament to the power of partnerships that will together create exciting, hands-on activities for the people of Toronto and all Canadians."

The project will be required to meet applicable conditions, including environmental assessments. As next steps, the Government of Canada will work towards the successful negotiation of a formal contribution agreement with Evergreen. The province has already provided \$10 million to preserve the existing buildings and trail system at the site.

The **Toronto and Region Conservation Authority** and the City of Toronto, which own and manage the site respectively, granted Evergreen permission to redevelop it into an environmental education and community-focused centre. As well, a Green Municipal Fund grant through the **Federation of Canadian Municipalities** of \$350,000 was key to the launch of an earlier site-specific sustainability plan that followed an integrated design process. The plan resulted in the selection of infrastructure technologies suited to the Brick Works location.

Completed in the fall, the master plan for Evergreen was led by architect **John van Nostrand** (**architectsAlliance**), which provides an excellent platform for the work being currently done on the detailed design.



The Don Valley Brick Works

Hillier—who have now joined forces as one company—will lead the process with **Joe Lobko** as the prime architect and **John Hillier** as the lead landscape architect.

The integrated team also includes **Montreal-based Claude Cormier (Claude Cormier Architectes Paysagistes Inc.)**, who is developing the overall design direction for the project. **Diamond + Schmitt Architects Inc.** will add resource and design excellence. **Michael McClelland (E.R.A. Architects Inc.)**, who has been with the project through its master planning phase, will be the heritage architect for the project.

The team also includes the green designs of **Doug Webber (Halsall Associates Limited)**; transportation planning by **Alun Lloyd (BA Group)**; mechanical and electrical planning by **Mike Godawa (Stantec)**; and site engineering by **Totten Sims Hubicki Associates**.

With its rich stories Evergreen wants the site to tell and the importance Evergreen is placing on a strong creative artistic dimension, the design team will also work closely with **Ferruccio Sardella**, a Toronto-based artist who has a long history working with Evergreen. •

Landfill purchase continued from page 2

disposal, Miller said. Minnan-Wong and his team of unofficial opposition members, however, worry the landfill purchase will lessen the city's commitment to diversion, he told the media after the announcement.

Miller said those concerns are rubbish because the life span of the landfill is basically only a minimum of 15 years.

With an aggressive diversion plan, the purchase provides Toronto with a disposal capacity of 13 million tonnes. The city's new public works and infrastructure chair **Glenn De Baeremaeker** was by Miller's side as he explained the city's purchase of the landfill. As a vocal and experienced environmentalist, De Baeremaeker's

agenda includes introducing tough new "encouragements" to make sure the city meets its diversion targets.

The city shipped approximately 725,000 tonnes of solid waste to Michigan in 2005. The current term of its contract expires at the end of 2010. A new provision in the contract allows the city to re-direct a portion of its waste to Ontario disposal without penalty. On a monthly pro-rated basis, 25,000 tonnes were diverted in 2006, 30,000 tonnes in 2007 growing to 50,000 tonnes in 2010.

The city intends to use the Green Lane site, which has been in operation since 1978, for these re-directed amounts. •

Top Ten Planning Law Firms in Toronto continued from page 1

OMB and Court Matters or Hearings: representing Edward Zernia and Vanessa Raven regarding appeals for the settlement of site plan on Dawlish Avenue (Brown); representing Berkley Homes (Botham) Inc. regarding appeals by Berkley to permit apartment buildings on the former Covenant of Sisterhood of St. John the Divine site in North York (Brown) (✓); representing Freddy and Wendy DeGasperi regarding appeals for variance following last year's divisional court challenge of an earlier OMB decision to approve a large-residential addition to the DeGasperi home (Brown); representing Menkes 5795 Yonge Street Inc. regarding appeals to permit two residential towers on Yonge Street in North York (Brown); representing Hans and Praskovia Jain in their third appearance before the board regarding appeals for variances and consent to build two North York dwellings (Brown) (✓); representing Sunny Hill Gardens Inc. regarding appeals to permit a 19-storey mixed-use building on Avenue Road (Brown) (✓); representing 2034344 Ontario Inc. (Ballantry Homes, Romlek Enterprises and Tom Jakobek) regarding appeals by developers to permit a townhouse development on a former motel site in Scarborough's Highland Creek neighbourhood (Brown) (✓); representing Niot Investment Holdings Group regarding an appeal to permit a retail building in the Don Mills Centre neighbourhood (Brown) (✓); representing B'nai Fishel Inc. regarding ongoing appeals to permit an infill development on the site of an existing apartment complex at 103-105 West Lodge Avenue in the Parkdale neighbourhood (Brown); representing Churchill-Basswood Developments Inc. regarding appeals by developers to permit townhouses on Basswood Road and Churchill Avenue in North York. (Brown) (ü); representing 1625297 Ontario Limited and Clairtrell Mews Inc. regarding appeals by developers for a townhouse development in North York. (Brown) (✓); representing Israel Schwartz regarding appeals for variances to permit the Schwartz to build three dwellings on two lots in North York (Brown) (✓); representing Paris and John Morland-Jones for variances to permit a residential addition at Burton Road, in Forest Hill (Brown) (✓).

2. Davies Howe [RANK LAST YEAR: 4]


John Alati, Kim Beckman, Jeff Davies, Mark Flowers, Michael Melling, Matthew Rey, Susan Rosenthal

Reasons for ranking: Up two spots from last year,

Davies Howe holds strong due to the volume and success rate of their cases, and the firm's involvement in many of the city's big hearings. The firm won appeals for the redevelopment of a Jane and Finch area site with a 999-unit project and was also involved in the high-profile hearings for the Toronto Film Studios.

OMB and Court Matters or Hearings: representing Shawn de Swart and the Brentwood Towers Tenants Association regarding appeals by O'Shanter Development Company Ltd. to convert 957-rental apartments to condominiums on Lascelles Boulevard (Melling) (✓); representing 1530787 Ontario Inc. regarding appeals to permit an infill residential development with 59-townhouses in North York (Melling) (X); representing Elderbrook developments regarding appeals to permit 999-residential units on a vacant 8.23-ha. site in the Jane and Finch area (Alati) (ü); representing Cadillac Fairview Corporation regarding redevelopment of the Don Mills Centre shopping mall into an outdoor lifestyle centre (Davies, Beckman); representing the estate of Pompea Ferzoco regarding appeals to permit the development of seven single-detached houses on the Etobicoke site bordering Albion Creek (Alati, Rea) (X); representing Sheldon Fainer regarding an appeal to permit an addition to a mixed-use property on Brock Avenue at Queen Street West and Dufferin Street (Davies) (✓); representing Rivermill Developments regarding appeals by Rivermill to permit three single-family dwellings on the site near Bloor Street West and Jane Street (Alati); representing Eugene Sluzky regarding appeals against a rezoning granted to Sluzky to permit townhouses on Redpath Avenue (Alati) (✓); representing Cinespace Film Studios (1079744 Ontario

continued page 5



CANADIAN MORTGAGE CAPITAL CORPORATION

416.867.1053
416.867.1303

broker@cmccapitalcorp.com

REAL ESTATE FINANCING FOR YOUR DEVELOPMENTS

- Land Financing
- Construction & Permanent Financing
- Mezzanine & Equity Financing

FINANCIAL BROKERAGE & ADVISORY SERVICES
20 Adelaide Street East, s-900 Toronto, ON M5C 2T6
email: broker@cmccapitalcorp.com

Top Ten Planning Law Firms in Toronto continued from page 4

Ltd.) in a joint action with rubber recycling company NRI Industries Inc. and The Docks Entertainment Complex regarding ongoing appeals against variances granted to Toronto Film Studios and consent granted to the Toronto Economic Development Corporation to build the portlands film studio between Basin and Commissioners streets (Flowers); representing Karen and Dan Newman regarding appeals against variances granted to adjacent property owners to permit a new house in Scarborough (Flowers); representing Roland Keiper, Salvatore Rocco, Jerry Paluskiewicz, Robert and Pat Bauer, Suzanne and David McKerroll and Mary Usher Jones regarding appeals against a residential development on Dawlish Avenue (Alati); representing Laureen Freed regarding an appeal for residential variance (Alati) (✓).

3. McCarthy Tétrault

[RANK LAST YEAR: 1]

John Dawson, John Inglis, Calvin Lantz (now with Stikeman Elliott), **Cynthia MacDougall, Tara Piurko, Phillip Sanford, Christopher Tanzola, Brad Teichman, Stephen Diamond** (special advisor).

Reasons for ranking: McCarthy Tétrault dropped out of the number one spot this year; however, it continues to be one of the top performing firms in the city. The volume of cases and the McCarthy's involvement in many of the major high-rise tower applications in the city has helped the firm maintain its top-five ranking. High profile cases this year included continuation of the redevelopment plans for Don Mount Court and the Bedford towers appeals as well as appeals against MintoUrban's proposed towers on Charles and St. Thomas streets.

OMB and Court Matters or Hearings: representing Great Gulf (King Street) Ltd. regarding appeals to permit a high-rise mixed-use residential and commercial tower at 430 King Street West (Diamond, Tanzola); representing Intracorp/Marion Hill Don Mount Ltd. and Don Mount Court Development Corporation regarding appeals by developers to permit a new residential development at the former site of Don Mount Court public housing project combining rent-geared-to-income units and market units on Dundas Street West, Carroll Street and Hamilton Street, the plan was appealed by residents (MacDougall) (✓); representing Mattamy Homes Inc. regarding appeals by the Goldman Group to permit a 580-unit residential

subdivision in Scarborough (Tanzola); representing Toronto Artscape Inc. regarding appeals by planner Howard Levine against permissions granted Artscape to permit 26 live-work artists' studios in heritage buildings and a community park on the former site of the TTC's Wychwood car barns (MacDougall) (✓); representing Houselink Community Homes regarding appeals by Sophia Jong against a variance granted to Houselink to permit an addition to a rooming house on Delaware Avenue. (Lantz) (✓); representing Homestead Land Holdings Ltd. regarding appeals to permit an apartment building at 1000 Mount Pleasant Road (Teichman) (✓); representing Victoria University and MintoUrban Communities Inc. regarding appeals to permit two mixed-use towers on St. Thomas Street and Charles Street West (MacDougall, Tanzola); representing Bedford at Bloor Realty Inc., 240 Bloor Realty Inc. and 242 Bloor Holdings Limited regarding appeals to permit a high-rise condominium tower at the corner of Bloor Street West and Bedford Road in the Annex (Diamond, Lantz); representing Monarch Corporation Inc. regarding appeals to permit a residential tower behind the Tip Top Lofts site (Dawson, Tanzola); representing Wellesley Residences Corp. regarding appeals by First Urban Inc. against amendments granted to Wellesley to permit a mixed-use tower on Wellesley Street East (Dawson, MacDougall).

4. Goodmans

[RANK LAST YEAR: 9]

Anne Benedetti, David Bronskill, Roslyn Houser, Robert Howe, Allan Leibel, Catherine Lyons, Mark Noskiewicz, Michael Stewart

Reasons for ranking: Goodmans jumped another five spots this year, representing developer clients in the Ritz-Carlton and West Queen West appeals. Volume, nature of cases and wins at the board have kept this firm in the top five.

OMB and Court Matters or Hearings: representing Kolter Property Company regarding appeals to permit condominiums on the former site of the Canadian Chiropractic College on Bayview Avenue in North York (Noskiewicz, Stewart); representing Tip Top Lofts Development Inc. regarding appeals by Monarch Corporation Inc. to permit a residential tower behind the Tip Top Lofts site (Bronskill); representing the Toronto Waterfront Revitalization Corporation regarding appeals of the West Donlands Precinct Plan (Leibel,

continued page 6

Top Ten Planning Law Firms in Toronto continued from page 5

Benedetti); representing Aloysius and Lisa Lo regarding appeals for variances and consent to convey land on a North York site (Bronskill) (✓); representing Paul Marques regarding appeals for variances on Brookhaven Drive (Bronskill) (✓); representing Graywood Developments Ltd., Cadillac Fairview Corporation Ltd., ONTREA Inc. and Simcoe Wellington Residences Inc. regarding appeals by Joe Hill against variances granted to Simcoe Wellington to permit the 52-storey Ritz-Carlton luxury hotel and condominium development on Front Street West (Noskiewicz, Stewart) (✓); representing Abbas Eskandari regarding an appeal for variances to permit a detached dwelling on Wimbledon Road in Etobicoke (Bronskill) (✗); representing residents regarding appeals by the Times Group for variances to increase the height of a condominium on Adelaide Street East (Bronskill); representing Abell Investments Ltd. regarding ongoing appeals by three developers to permit condominium towers in the West Queen West Triangle (Bronskill); representing Great Gulf (Jarvis-Charles) Ltd. regarding appeals by Philmor and St Paul's Anglican Church against amendments granted to Great Gulf to permit a residential building at 590 Jarvis Street (Houser).

5. Aird & Berlis

[RANK LAST YEAR: 3]

Eileen Costello, Robert Doumani, Patricia Foran, Tom Halinski, Patrick Harrington, Kim Kovar, Leo Longo, John Mascarin, Josephine Matera, Jane Pepino, Chris Williams, Steve Zakem

Reasons for ranking: This year's top ranking planning and development law firm in the GTA lost a little ground in the city this year; however, it continues to be one of the top performing firms of 2005-2006.

OMB and Court Matters or Hearings: representing Elcarim and Legna Inc. (2046578 Ontario Limited) regarding appeals by Richard and Patricia Fogler against variances granted to permit a residential infill development and restoration of a heritage building on Prince Arthur Avenue (Williams) (✓); representing Kitson Vincent regarding appeals by

continued page 7



where teamwork succeeds

At Halton, we value our employees, as it is only through their efforts that we are able to meet the evolving needs of our customers. Be recognized for your contribution to Halton's successes. Providing services in public health, social and community services, and planning and public works, Halton Region is a dynamic organization in an ever-changing and growing community, located in the western Greater Toronto Area.

www.halton.ca

DIRECTOR, PLANNING AND TRANSPORTATION SERVICES

This key leadership role will appeal to a Registered Professional Planner and a member of the Canadian Institute of Planners with 10 years of progressive experience, including at least 5 years in senior management and supervisory capacities. With a successful track record in people and project management, you will plan, organize, direct and control the performance and cost-effective delivery of Planning and Transportation Services. This will entail proactively identifying emerging industry issues, and developing and implementing short- and long-term operational and business delivery strategies. Taking on the role of Chief Planner, you will also assume responsibility for infrastructure planning. A graduate degree in Planning, Engineering or a related discipline supports your broad knowledge of the provincial planning framework, planning policy and research, water and wastewater infrastructure systems, transportation planning, capital estimating and planning, budget development and maintenance, environmental assessments, and development approvals and agreements. **Competition #PP-283-06**

MANAGER, LONG RANGE PLANNING

A proven manager of people and projects, you will excel in this opportunity to manage the Long Range Planning Section. This position will see you preparing, maintaining and implementing the Regional Official Plan, providing professional planning advice and services, and undertaking various environmental scans. As a result, you must be conversant with environmental assessments, transportation planning and modelling, urban and regional land-use planning theories, principles and practices, and applicable legislation, regulations, policies and municipal bylaws. You are a Registered Professional Planner with a degree in Urban or Regional Planning or a related discipline, and membership in the Canadian Institute of Planners. Your 10 years of progressive experience include at least 5 years in managerial and supervisory capacities within a municipal setting. Knowledge of statistical, analytical, research and forecasting techniques, and extensive experience with appropriate provincial legislation as an Ontario Municipal Board expert witness are also key. **Competition #PP-284-06**

Please forward your current cover letter and resume, **quoting the appropriate competition number, by October 30, 2006, to: Human Resource Services.** Applicants will be considered based on the information provided.

We thank all candidates for their interest. However, only those selected for an interview will be contacted.

Halton Region
1151 Bronte Road, Oakville, ON L6M 3L1. Fax: 905-825-4032.

Top Ten Planning Law Firms in Toronto continued from page 6

DeGasperis for variances to approve a large-residential addition to the DeGasperis home following a divisional court challenge of an earlier OMB decision last year (Pepino); representing Chahir Naaman regarding an appeal for variances to construct two houses at Pleasant View Drive in Scarborough (Halinski) (✗); representing Warden Avenue Investments Inc. regarding appeals by the Goldman Group to permit a 580-unit residential development on Danforth Road in Scarborough (Kovar); representing Kazoku Investments Limited regarding ongoing appeals by developers to permit residential towers at 76 and 100 Davenport Road (Costello, Williams); representing Alisa Palmer and Ann-Marie MacDonald regarding appeals by Arlene Lechinsky against a variance granted to permit a residential addition to a home on Palmerston Avenue (Foran) (✓); representing Royal St. George's College regarding ongoing appeals by the school to permit an addition to the existing school on Howland Avenue that is opposed by area residents (Pepino); representing King/Brant Development Inc. regarding appeals to permit an eight-storey office building and parking garage on King Street West (Kovar); representing Wayne Skinner regarding

appeals for variances and consent to permit the severance of a property on St. Clair Avenue East (Costello) (✗); representing Frank Gulli and Elizabeth Marcello-Gulli regarding an appeal for variances to permit a residential addition on Kylemore Crescent in Etobicoke (Halinski) (✓).

6. **Goodman and Carr**

[RANK LAST YEAR: 8]

Patrick Devine (now with Fraser Milner Casgrain),
Jason Park (now with Fraser Milner Casgrain),
Douglas Quick

Reasons for ranking: With a number of wins under its belt this year and the firm's involvement in several high profile hearings Goodman and Carr continues its rise in the rankings. The firm scored wins in cases that included appeals for proposed residential tower developments on Davenport Road and the Esplanade. With the departure of Devine and Park over the, watch to see if Goodman and Carr can keep up its top ten ranking in 2006-2007.

continued page 8



The Insider's Guide to Toronto City Hall

If you depend on Toronto city hall for your business you need Urban Intelligence's confidential briefing note on the 2006-2010 Toronto City Council. Produced by leading city hall watchers, the guide includes:

- A backgrounder on Mayor Miller and his team
- Mayor Miller's campaign platform - the road map for city hall for the next four years
- Profiles on each councillor, including the eight newcomers to city hall
- Updated committee lists and council contact information
- Ward by ward election results
- Handy council chart for your bulletin board



To order this essential briefing note please call **Elizabeth** at **416-979-3360** or email ewagdin@urbanintelligence.com

Urban Intelligence is a Division of Global Public Affairs Inc. headquartered in Ottawa, with offices and affiliated offices in Toronto, Calgary, Vancouver, Victoria, Montreal and Quebec City.

www.urbanintelligence.com

www.globalpublic.ca

urban
intelligence

Top Ten Planning Law Firms in Toronto continued from page 7

OMB and Court Matters or Hearings: representing Scott & Esplanade Residences Inc. (Cityzen Development Group) regarding appeals to permit two high-rise towers along the edge of the St. Lawrence Market neighbourhood (Devine, Park) (✓); representing Canadian Tire Real Estate Limited regarding appeals to permit a service station and other uses on Kingston Road, in Scarborough (Devine) (✓); representing The Goldman Group (2BRNOT2B Holdings Inc. and Monarch Construction Limited) regarding appeals to permit a 580-unit residential development on an industrial site at 350 Danforth Road (Devine, Park); representing Davenport Three Develco Inc. and Davenport Development Inc. (Diamante Development Corporation) regarding appeals to permit residential towers at 76 and 100 Davenport Road (Devine, Park) (✓); representing Essence Residences Inc. regarding appeals for variances to permit additional units in a six-storey residential condominium on Dundas Street West in Etobicoke. (Devine, Park) (✓); representing Noor Sheikh regarding an appeal for variance to permit a residential addition (Park) (✓).

7. Kagan, Shastri

[RANK LAST YEAR: 19]

Paul DeMelo, Ira Kagan

Reasons for ranking: One of the GTA's top performers this year, Ira Kagan and Paul DeMelo leaped into the top ten representing a range of clients in both minor variance and major hearings across the city.

OMB and Court Matters or Hearings: representing Sophia Jong regarding appeals by Jong against variances granted to Houselink Community Homes to permit an addition to a rooming house on Delaware Avenue (Kagan); representing Sri Nagapooshani Ambika Temple regarding appeals to permit a place of worship on Coronation Drive, in Scarborough (Kagan); representing Sheep Island Investment Corp. regarding appeals by area residents against conversion of a rental apartment building to condominium use on Rowanwood Avenue (DeMelo) (✓); representing Philmor (Bloor Walk) Development Corporation regarding appeals by Philmor and St Paul's Anglican Church against amendments granted to Great Gulf (Jarvis-Charles) Ltd. by the city to permit a residential building at 590 Jarvis Street (DeMelo); representing UNITE HERE regarding appeals against variances granted to Stephen Gutfreund and Simcoe Wellington Residences Inc. to permit the

Ritz-Carlton luxury hotel and condominium on Front Street West (Kagan).

8. Cassels, Brock and Blackwell

[RANK LAST YEAR: 7]

Nicole Auty, James Ayres, Ian Blue, Signe Leisk, Stanley Makuch, Michele Wright

Reasons for ranking: Cassels, Brock and Blackwell remains in the top ten with successful appeals for a Toronto Community Housing Corporation development and the firm's involvement in major cases such as the Toronto Film Studios and Charles Street condominium appeals.

OMB and Court Matters or Hearings: representing the Ontario Realty Corporation regarding appeals of the West Donlands Precinct Plan (Leisk); representing the Toronto Film Studios regarding ongoing appeals by Cinespace Film Studios, NRI Industries Inc. and The Docks Entertainment Complex, against variances granted to Toronto Film Studios and consent granted to the Toronto Economic Development Corporation to build the portlands film studio (Makuch, Leisk, Auty); representing Windsor Arms Condominium Corporation, regarding ongoing appeals by Victoria University and MintoUrban Communities Inc. to permit two mixed-use towers at 4-8 St. Thomas Street and 100-110 Charles Street West (Makuch, Leisk); representing Toronto Community Housing Corporation regarding appeals to permit an affordable infill townhouse development at the former site of the 51 Division police station (Makuch, Leisk) (✓).

9. Stikeman Elliott

[RANK LAST YEAR: UNRANKED]

Patrick Duffy, James Harbell, Calvin Lantz, Aaron Platt

Reasons for ranking: After not being among the ranked firms last year, Stikeman Elliott jumped directly into the top ten through its involvement in several major hearings this year including the Toronto Film Studios, St. Thomas Developments and the controversial Bedford Road condominium appeals.

OMB and Court Matters or Hearings: representing HPTIHG Canada Corporation and Inter-Continental Holdings (Canada) Inc. regarding appeals to permit a high-rise condominium tower at the corner of Bloor

continued page 9

Top Ten Planning Law Firms in Toronto continued from page 8

Street West and Bedford Road in the Annex (Harbell); representing NRI Industries Inc. regarding ongoing appeals by Cinespace Film Studios, NRI Industries Inc. and The Docks Entertainment Complex, against variances granted to Toronto Film Studios and consent granted to the Toronto Economic Development Corporation to build the portlands film studio (Harbell, Platt); representing St. Thomas Developments Inc. regarding ongoing appeals by Victoria University and MintoUrban Communities Inc. to permit two mixed-use towers at 4-8 St. Thomas Street and 100-110 Charles Street West (Harbell, Duffy).

10. Elstons

[RANK LAST YEAR: 11]

Pamela Barnum, Larry Darkes, Wendy Ekins, Harold Elston, Michael E. Fitton, Sally Hannon

Reasons for ranking: Formerly known as Elston Watt, the newly formed firm scored a couple of wins that propelled it into the top ten after just missing out last year.

OMB and Court Matters or Hearings: representing Christine Cicade regarding appeals against variances granted to ALMD Investments Inc. to permit two semi-detached triplexes on Bartlett Avenue (Elston) (✓);

representing Elizabeth and Robert Schad regarding appeals by Mike and Pamela Stein against variances granted to the Schads to permit a front-yard garage on Riverview Drive (Elston); representing Havendale Holdings Inc. regarding appeals to permit an infill residential development in Scarborough (Elston) (ü); representing Merin Investments Inc. regarding appeals to permit nine single-detached dwellings on the Stayner Avenue site, which also includes a heritage-designated house (Elston).

THE NEXT TEN

Based on mentions in *NRU – Toronto Edition* the following make up the next ten in Toronto-based development activity: (11) **Russell Cheeseman**; (12) **Papazian Heisey Meyers**; (13) **Ritchie, Ketcheson, Hart & Biggart**; (14) **Karl Jaffary QC**; (15) **Michael Vaughan QC**; (16) **Fraser Milner Casgrain**; (17) **WeirFoulds**; (18) **Thomson Rogers**; (19) **Iler Campbell**; (20) **Borden Ladner Gervais**.

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 tenth 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, 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–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 that 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 it as we did.

Municipal reform bill receives royal assent

Legislation that will help Ontario municipalities better meet the needs of their communities now has royal assent. “The *Municipal Statute Law Amendment Act, 2006* strengthens our municipal partners by giving them more tools commensurate with their status as mature governments,” said municipal affairs and housing minister **John Gerretsen**.

Once the new act is proclaimed, municipal councils will have broader powers to pass by-laws regarding matters that range from public safety to the municipality’s economic, social and environmental well being. At the same time, councils could take steps to enhance the accountability and transparency of municipal operations through clarified rules regarding open meetings and permissive authority to appoint integrity officers.

The act also will ensure that municipalities are accountable to the public and that the processes for making decisions are transparent. Local councils will be better able to determine the appropriate mechanisms for delivering municipal services to their communities, Gerretsen said.

Feds confirm TTC cash

The Conservatives continued to make stops on its gravy train through Toronto yesterday—the **Toronto Transit Commission** announced that it has received word from **Treasury Board** that it will get its one-third share of its \$1.050-billion funding allocation through until 2012. Other equal funding partners are the Province of Ontario and the City of Toronto.

“Today’s announcement gives the TTC a measure of sustainable funding,” said TTC chair **Adam Giambrone**. “It funds work that is

important to keeping the TTC in a state of good repair. But it is a funding plan that must be expanded and extended through other funding initiatives from the new government. It is essential that we confirm long-term predictable and sustainable funding for the TTC—it means so much to the economy of the city and the life of our residents.”

The cash will cover infrastructure improvements including new subway trains, which will be delivered as six-car trains, with open-car design that enables passengers to move freely along the full train.

Slower growth expected in 2007

The Canadian economy will be hit by several “speed bumps” in the first two quarters of 2007, resulting in slower growth for the year as a whole and slightly higher unemployment, the **Canadian**

Chamber of Commerce said in its annual economic review and outlook. The chamber says Canada’s average annual real GDP growth will be 2.8 per cent in 2006, but that growth will slow to 2.4 per cent in 2007.

There are several factors for the projected slowdown, but key is lower-U.S.

demand for Canadian exports as a result of continuing economic weakness south of the border.

The chamber projects that the Canadian economy will “limp home” as 2006 concludes, struggling to reach 2 per cent growth in the final quarter. The weakness is anticipated to continue during the first half of

2007, before rebounding in the latter half of the year.

New cash for tourism promotion

The province will be investing \$3 million to help organizations develop and market festivals and events in communities across Ontario, tourism minister **Jim Bradley** announced this week. Up-to-\$100,000 will be provided to each successful applicant for the development and marketing of programming enhancements. Applications are being accepted until January 29.

Celebrating the winter solstice in Kensington

The folks in Kensington Market know how to throw a neighbourhood party and last night hosted the 18th annual winter solstice parade and festival—an event celebrating the



Solstice celebration in Kensington Market

winter solstice. Every December 21, Kensington celebrates the solstice in a colourful pageant called Kensington Karnival. The neighbourhood stages a traditional candlelit parade, with gigantic costumes and music. It takes place in late afternoon, after the sun goes down, and thousands of people always show up.

Details emerge on new affordable housing program

More details are emerging on the recent news from the federal government on the renewal and name change for the affordable housing program. Federal housing minister **Diane Finley** announced a two-year funding renewal for a new program—Homelessness Partnering Strategy—providing some relief for service providers. The minister indicated a preference for projects where there are concrete results, such as housing is built. Finley also prefers longer-term solutions with tangible results—interventions where skills training may be required or assistance with addictions.

She made no mention, however, of developing a national affordable housing strategy and did not indicate whether existing programs receiving funds under the former program will have to reapply under the new program. Although the minister spoke of a partnering role for provinces and territories, the new program does not require that they become involved. On April 1, funds will flow directly to communities.

Housing affordability improves in Toronto

Ontario's housing affordability flattened out in the third quarter, according to a new housing report issued today by **RBC Economics**. Dropping off from the peaks in house prices and income gains seen over previous years, Ontario's housing market has now cooled, said assistant chief economist **Derek Holt**. This cooling has been slow and steady, and should allow for homeowners to retain the bulk of their home equity gains going forward into 2007 and 2008.

Housing affordability in Toronto, however, finally improved for three-out-of-four housing classes. A decline

in house prices, lower monthly utility bills, modest income growth and a peak in mortgage rates combined to allow detached bungalows, townhouses and condos to have improved affordability for the third quarter of 2006 compared to the previous quarter. Compared to last year, two-storey home prices were flat, bungalow and townhouse prices were up slightly, but condos still posted a 7 per cent gain.

Miller co-chairs tribute to Marilyn Churley

Is former Toronto councillor and MPP **Marilyn Churley** considering another run at winning a federal seat? Honourary event co-chairs, including Mayor **David Miller**, **June Callwood**, and **David Suzuki**, have sent out invitations for a tribute event on February 9 to recognize Churley's 20 years of public service.

Lower don lands seeks creative designers

Toronto Waterfront Revitalization Corporation, in co-operation with the **Toronto and Region Conservation Authority** and City of Toronto, is seeking input from the world's most talented and creative design and engineering professionals in developing bold new concepts for the Lower Don Lands area.

Approximately five firms or collaborative teams representing a range of different design philosophies will be selected through a request for qualifications to participate in an eight-week design competition. Teams will be asked to develop design concepts for the naturalization of the mouth of the Don River, the extension of Queens Quay Boulevard and two public transit lines, and the completion of the eastern portion of the East Bayfront precinct plan.

At the end of the competition period, completed proposals will be

exhibited and input will be solicited from the general public, stakeholders, and peer reviewers. A jury of six distinguished design and arts professionals—to be announced in January—will then recommend a preferred concept or concepts for further development in conjunction with environmental studies. Ultimately detailed landscape designs for the re-naturalization of the mouth of the Don will be produced and a master plan for the redevelopment of the surrounding upland areas completed.



View of West Don Lands

Grounds for public art

Two hundred and seventy-five people submitted nearly 600 designs to the Grounds For Art public art competition and today the short listed design proposals were released. The winning design from each of the three categories (sanitary, storm sewer, water valve) will be used to create custom-made utility hole covers that will decorate the new streets of Regent Park. The winning designs will be announced January 16 as part of a special exhibition of all 30-short listed proposals. •

Source: www.daretil.com

Board upholds St. Clair's apartment designation

In a decision issued November 30, board member **Reid Rossi** allowed an appeal by **Monica Kan** for variances to permit a residential development at **271 Russell Hill Road**, west of St. Clair Avenue West and Avenue Road in Toronto.

The applicant proposes to replace the house on site with a four-storey apartment building with eight units from 160-sq.m. to 189-sq.m. Fourteen below-grade parking spaces are proposed for the site.

The applicant requested variances to reduce the front setback (from 8.05m. to the garage at 5.78m. and the front wall at 7.0m.), increase the maximum depth (from 14m. to 31.74m.), decrease the side setback (from 7.5m. to between 0.9m. and 1.2m.) and reduce the landscaped open space requirement (from 50 per cent to 47.23 per cent). The application has undergone several revisions resulting from consultation with the community and the city.

Paul Stagl (Opus Management Inc.) provided planning evidence in support of the application. He told the board that the property is located along an apartment corridor that has been identified as such since the 1950s. He also pointed out that it is designated as high-density under the former *City of Toronto Official Plan* and is in accordance with the height and density requirements of the by-law.

Stagl provided photographic evidence of the numerous apartment buildings in the immediate area that range from five-to-seven storeys. He also told the board that Forest Hill, the neighbourhood directly to the north, is comprised of primarily large homes on large lots and that development in the area is generally contested.

In regard to the front yard setback, Stagl told the board that the intent of the by-law is to ensure that the setbacks are in line along the street based on an average distance. As such, Stagl was of the opinion that the variance meets the intent and purpose of the official plan and the zoning by-law by providing a consistent setback along the street. No issues were raised in opposition to the front setback.

In reference to the depth variance, Stagl told the board that the 14m. standard does not reflect what occurs on the street today in the design of apartments, and within the corridor there is a range of depths between 35m. and 65m. He gave the opinion that regulations such as those controlling depth serve as a

starting point that ensures developments go through a review process.

Similarly, he felt that the north side yard setback did not reflect the apartments or variances that have been approved within the St. Clair corridor. According to Stagl, the strict application of the standard would result in underdevelopment of the site and would not support official plan policies.

He argued that the proposed variances are in keeping with the city's general practice for low-rise apartments and provides a desirable form of development over the impractical standards set in the zoning by-law.

Paul Lowes (Sorensen Gravely Lowes) provided planning evidence in opposition to the application on behalf of **Chaat Chhour**, the owner of the property immediately to the north. Chhour was concerned with the massing of the north wall of the building.

Despite arguments of adverse impacts, the board found in favour of the evidence presented by Stagl, including a shade analysis, demonstrating that there are no unacceptable impacts and that the depth and setback variances are minor and in accordance with the city's standards.

Michael Manett (Michael S. Manett Planning Services Ltd.) provided planning evidence in opposition to the variance for depth and side yard setbacks. He provided a depiction of how the wall would appear to the abutting property on Russell Hill Road. He argued that the north wall of the proposed building is an acceptable built form for a structure in a high-density zone next to a low-density zone. Similarly with the south wall that faces an apartment building at 250 St. Clair Avenue West, it is considered a reasonable structure within the higher-density zone particularly when abutting a high-density building. However, he argued, if the wall was constructed in a low-density zone the impacts would be considered within the

continued page 13

Hiring staff?

Reach your target audience for less money
by placing an ad in **Novae Res Urbis**.

For more information contact

info@nrupublishing.com

or call **416-260-1304**

ONTARIO MUNICIPAL BOARD NEWS

continued from page 12

context of a low-density development.

In its decision the board noted that Manett's exhibits actually "support the position of the applicant and the applicant's witness Stagl that it is desirable for appropriate development of the subject lands."

The board also found that the development of the subject property would create a complete section of apartment corridor along St. Clair Avenue West between Warren Road and Russell Hill Road.

The board preferred Stagl's interpretation of the characterization of the zoning by-law as it pertains to this case "as one that affords the city an opportunity to review beyond what is proposed and as a point of departure for the consideration of a variance to the by-law standards."

The city argued that while the former *City of Toronto Official Plan* is in effect for this application, the change in designations for the area from an apartment neighbourhood to a neighbourhood designation in the new official plan is an indication of the future direction of the city. The board put little weight in this change in designation, noting that it is the former official plan that applies to this case and that the city's argument "was neither compelling nor convincing."

In addition, Stagl argued that the apartment neighbourhood designation still is applied in the new official plan.

The board found that the proposal maintains the character of the street and adjacent homes and takes into consideration the sensitivity required to make a transition from high-density sites into abutting low-density zones.

The board noted that the proposed building includes

design elements that promote the effective transition between higher and lower density zoning. The board found that the variances sought were minor and there are no adverse impacts created by the development of the site. The board allowed the appeal and authorized the variances.

Solicitor **Kim Kovar (Aird & Berlis)** represented Monica Kan. Solicitor **Gordon Whicher (City of Toronto)** represented the city. Solicitor **Russell Cheeseman** represented Chhat Chhour. Solicitors **Barnet Kussner** and **Kim Mullin (WeirFoulds)** represented 788248 Ontario Ltd., Dr David Yan, Rosemary Chan, **Symon Zucker, Lisa Borsook,** and **Calvin and Donna Goldman.** (*See OMB Case no. PL060631.*) •

To advertise in **NRU GTA Edition** or
NRU City of Toronto Edition contact:
info@nrupublishing.com
or call: **416-260-1304**

REMINDER:
NRU Toronto Edition will not
be published on December 29
Happy Holidays from NRU Publishing!

CITY PEOPLE

Diamond + Schmitt Architects announced the addition of the following new associates to the firm: **John Featherstone, Branka Gazibara, Michael Lukasik, Ana Maria Llanos, Caroline Spigelski, Matthew Smith,** and **Peggy Theodore.**

Gwen Manderson has been appointed the new director of strategic initiatives for the **Town of Richmond Hill** effective January 15. Manderson is currently senior management consultant and project manager for the **City of Toronto** and was formerly acting director of purchasing and materials management.

Marlaine Koehler has been appointed executive director of the **Waterfront Regeneration Trust** replacing **Vicki Barron,**

who remains with the trust to manage the administration and lead several projects. Koehler has served the organization since 1989, leading its promotional, marketing and sponsorship work.

WeirFoulds partner **George Rust-D'Eye** was named director of Canada's first master's degree programme in municipal law by Osgood Hall Law School at **York University.**

Dr. **David Mowat** has been appointed medical officer of health with the **Region of Peel** effective February 19. Mowat is currently deputy chief Office of Public Health Practice at the **Public Health Agency of Canada** and formerly Ontario chief medical officer of health.