



# Novæ Res Urbis

CITY OF TORONTO EDITION

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## WATERFRONT TORONTO

### Plans for the Port Lands

A business and implementation plan with recommendations for a portion of the 420 hectares of land in the city's old Port Lands will come before **Waterfront Toronto's** board of directors in January for comment with a final report expected the following month.

Board members heard a presentation at Tuesday's monthly meeting by **Raffi Bedrosyan**, the agency's director of Port Lands development, who admitted it is an "aggressive timeline" but that it needs to be done.

Although some headway has been made in the Port Lands, such as revitalization work in the Lower Don Lands area, the opening of the Cherry Beach sports field and plans for Lake Ontario Park, many projects in the precinct were put on hold in the agency's five-year business plan, which identifies priority projects and postpones others.



Now, creating a business plan for the Port Lands has been spurred by the city's decision to disband the **Toronto Economic Development Corporation** and replace it with two new corporations: **Build Toronto** and **Invest Toronto**. Build Toronto will be taking over all of TEDCO's land, with the exception of the waterfront land holdings. The city is yet to determine the appropriate body that will be responsible for TEDCO's waterfront lands.

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## 11TH ANNUAL TORONTO RANKING

### Top ten development law firms

This year's edition of *NRU's* law review includes some big cases that still have legs. Ontario Municipal Board appeals of both the *Central Waterfront Secondary Plan* and the *King-Spadina Secondary Plan* continued through 2007-2008. Smart Centres' OMB appeal to build a large-scale retail development on Eastern Avenue in Leslieville was arguably the most high-profile case the city has seen in the past year, with a hearing stretching through the summer months.

A number of large residential developments made it to the board in 2007-2008. Appeals from K&G Oakburn Apartments to build a 1,135-unit mix of condos and townhouses northeast of Yonge Street and Highway 401 kept working its way through the process. Menkes Gibson Square Inc. won its appeal to develop 5170 Yonge Street for residential uses rather than office and commercial. Appeals got underway for Context Real Estate's proposal to develop 18 Lower Jarvis Street with a 33-storey, 456-unit condo tower, and Distillery SE Development Corporation's condo towers, reaching 35- and 40-storeys, at 390 Cherry Street, in the Distillery District. The West Queen West triangle case came to a conclusion this year, with a settlement reached between the city and developers.

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# Coming Up

**JANUARY 1**

**Annual Mayor's New Year's Levee,**  
Toronto City Hall, 11 a.m. - 12:30 p.m.

**JANUARY 5**

**Executive Committee,** 9:30 a.m.

**JANUARY 6**

**Public Works & Infrastructure Committee,** 9:30 a.m.

**JANUARY 8**

**Planning & Growth Management Committee,** 9:30 a.m.

**JANUARY 13**

**Community Councils,** 9:30 a.m.

**JANUARY 15**

**Economic Development Committee,** 9:30 a.m.

**JANUARY 16**

**Parks & Environment Committee,** 9:30 a.m.

**JANUARY 27-28**

**City Council,** 9:30 a.m.

**FEBRUARY 2**

**Executive Committee,** 9:30 a.m.

**FEBRUARY 3**

**Public Works & Infrastructure Committee,** 9:30 a.m.

**FEBRUARY 4**

**Planning & Growth Management Committee,** 9:30 a.m.

**FEBRUARY 6**

**Parks & Environment Committee,** 9:30 a.m.

**FEBRUARY 9**

**Community Councils,** 9:30 a.m.

**FEBRUARY 10**

**Budget Committee—Operating Budget,** 9:30 a.m.

**FEBRUARY 11**

**Government Management Committee,** 9:30 a.m.

**FEBRUARY 12**

**Economic Development Committee,** 9:30 a.m.

PROJECT UPDATE

## Regent Park revitalization

The revitalization of Canada's largest publicly-funded community is underway and on schedule to have the first group of tenants move into their new homes in the spring of 2009.

"We're well advanced in the construction and the first occupancies will start in April," **Toronto Community Housing CEO Derek Ballantyne** said at a news conference, Thursday.

phase of the Regent Park revitalization.

At 246 and 252 Sackville Street, where a community energy system is beneath the buildings, there will be 65 and 159 rental units respectively available for families to move back in the spring.

Nearby, at 92 Carlton Street, construction is visible from the street with the fourth floor complete. Residents will be welcomed back in the summer to 110-rental units.

At 60 Richmond Street East, 85-rental units will be built on a site that was provided by the city, and there is a



Phase one of the Regent Park revitalization is underway with first resident moving back in spring 2009.

Eligible tenants will begin choosing their units in January and will be able to choose from nearly 600 rent-geared-to-income units in eight different buildings, in addition to affordable rental units.

Ballantyne gave reporters an update on the eight projects included in the first

potential agreement with the organization **UNITE Here** to form a co-op. Occupancy is expected in summer 2009. Also in the summer, 180-rental units are expected to come back on line at 501 Adelaide Street east.

Work is also underway at One Cole,

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BEYOND THE ECONOMY

## Taking the long view

The growing economic crisis has had widespread effects, but the city, including the planning department, should look beyond the apparently imminent recession to focus on the long-term growth of the city.

“None of us are immune to those problems,” Toronto chief planner **Gary Wright** told the audience at a **Canadian Urban Institute/NRU** co-sponsored presentation December 16. “[But] we’re always capable of looking ahead.”

Wright went on to highlight historic plans and developments around Toronto that either exhibited such foresight or endured economic shocks such as those currently resonating around the world. The design of the Bloor Viaduct was high on the list, as it was built to plan for a subway extension east of the Don Valley years before the Bloor-Danforth subway line was built.

A brief history of the R. C. Harris Water Treatment Plant was also offered. The first plan for the plant was developed in 1913, but was put on hold as the First World War broke out. Wright noted that plans to build the plant were not scrapped when the Great Depression hit in 1929. Rather, construction began in the middle of the depression, with the facility opening in 1941.

The revitalization of St. George Street also survived the tail end of Ontario’s last recession with the help of private



**I DON'T THINK WE ALWAYS UNDERSTAND EVERYTHING ABOUT CITIES AND HOW THEY GROW. BUT THAT'S WHAT MAKES THEM INTERESTING.**

• Gary Wright

benefactors, beginning in 1994 and being completed three years later.

“The great thing about cities is [that] cities endure and we’re going to keep growing our city,” Wright said. He went on to highlight current initiatives, such as the expansion of the PATH system, the Transit City initiative, the waterfront revitalization, the design review panel, the new green standards and the green roof by-law, as examples of how the city is planning for the future, beyond the economic crisis that has arisen over the past few months.

“I don’t think we always understand everything about cities and how they grow,” Wright said. “But that’s what makes them interesting.”

**NRU**

## Waterfront continued from page 1

Meanwhile, a staff team composed of Waterfront Toronto and the city’s Waterfront Secretariat staff will be working on a strategy for about 20 per cent of the land in the precinct, which is mostly comprised of publicly-owned land that is contaminated and former TEDCO land.

About 65 per cent of the remaining land in the precinct is already planned, such as the Filmport property, and about

15 per cent has an established use, such as the land used by the **Toronto Port Authority**.

The strategy will outline options for five main components: land use; soil and grading; transit and transportation; infrastructure and servicing; and an economic and financial outlook.

The staff team will look at sites with development potential, the cost of soil remediation, the lack of infrastructure, servicing needs, transit connections and potential business uses. It will also outline financial options.

**NRU**

## Regent Park continued from page 2

a 293-unit condominium located in Regent Park built by the **Daniels Corporation**. The sales centre will open next summer, and without any advertising, 1,600 people have signed up to be notified when more information becomes available.

It shows that people are buying into the idea of market condominiums in the Regent Park area, said Ballantyne. Commercial partners have as well, he added, saying **Sobeys**,

**Royal Bank** and **Tim Hortons** have signed on to put locations at the One Cole site and have agreements to hire and train local residents.

Another condominium project, at 1 Oak Street will be a 149-unit building with construction starting next summer and occupancy set for 2010. At that time, 51-condominium townhouses will set to open as well.

The planning of Phase 2 of the revitalization will ramp up next year, which includes the construction of about 400-rental units, a city aquatic centre and a large park.

**NRU**

# Top ten development law firms

continued from page 1

In our eleventh annual ranking of Toronto's most prominent planning and development law firms, *NRU* looked back at the OMB decisions from August 2007 to July 2008. This year's ranking is quite a shakeup over 2006-2007, with no firm holding onto the same position, as well as two newcomers slipping into the ranks.

Look for the GTA edition of the top 10 development law firms in last Wednesday's *NRU*.

## 1. [4] AIRD & BERLIS

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



**Reasons for Ranking:** Aird & Berlis jumped from fourth place last year to take the top spot in 2007-2008. The firm was involved in some of the most high-profile cases, including the Central Waterfront and King-Spadina secondary plan appeals and the Eastern Avenue case. Aird & Berlis successfully argued for retail and restaurant uses on employment lands in Scarborough, and for a seniors' home, also in Scarborough. A high volume of smaller cases also helped the firm climb up the ranking.

**OMB and Court Matters or Hearings:** representing Loblaw Properties Ltd. in the Eastern Avenue case (Halinski); representing Jaymor Developments Ltd. and Birchmount Townhomes FBM Ltd. regarding appeals for official plan and zoning by-law amendments to permit development of 35 townhouses on Birchmount Road (Foran) (✓); representing St. Clair Investment Group regarding its appeals for official plan and zoning by-law amendments and subdivision plan approval to permit development of an 167-unit subdivision on St. Clair Avenue East (Harrington, Pepino); representing 570 King Street West. Glace Condominium Inc., Bitove Foundation cob Forty-One Peter Street and Manga Hotels—558 and 560 Front Street West—regarding appeals against the *King-Spadina Secondary Plan* (Kovar); representing Yee Hong Centre for Geriatric Care regarding its appeal for a zoning by-law amendment to permit an eight-storey seniors' home in Scarborough (Williams) (✓); representing Castan Waterfront Developments Inc. and Home Depot of Canada Limited regarding appeals against the *Central Waterfront Secondary Plan* (Williams, Zakem); representing 1693534 Ontario Inc. regarding appeals for a zoning

by-law amendment to permit retail and restaurant uses on employment lands at Markham Road and Sheppard Avenue East (Costello) (✓); representing Kingsway Residents Against Poor Planning against an appeal by Dunpar Developments Inc. for a zoning by-law amendment to permit an 83-unit residential building on Dundas Street West, east of Royal York Road (Longo) (✗); representing Toronto City Church regarding its appeal against an interim control by-law prohibiting places of worship within the O'Connor/Bermondsey Employment District (Zakem); representing Home Depot Holdings Inc. regarding its appeals for official plan and zoning by-law amendments to permit a commercial development on York Mills Road (Zakem).

## 2. [5] DAVIES HOWE PARTNERS

John Alati, Kim Beckman, Jeff Davies, Mark Flowers, Nupur Malaviya, Michael Melling, Aaron Platt, Matthew Rea (no longer with firm), Susan Rosenthal, Daniel Steinberg, Amber Stewart, Katarzyna Sliwa



**Reasons for Ranking:** Davies Howe Partners also scaled the ranking this year, climbing three spots to land in second place. The firm represented clients in the Eastern Avenue case and was involved in a number of residential cases across the city. Representing Drakestone Investments in a case for intensification at Queen Street West and Dufferin Street, St. John's McNicoll Centre regarding appeals for two seniors' residences, Damaris Developments in a case for a subdivision on Weston Road and JDC Property Management in its appeals for a Havelock Street apartment building, Davies Howe proved itself to be one of the top firms in the city.

**OMB and Court Matters or Hearings:** representing 2006199 Ontario Inc. and 109744 Ontario Ltd. in the Eastern Avenue case (Flowers); representing GCD Trustee Limited regarding its appeal for a zoning by-law amendment setting new maximum dwelling unit floor areas at Gerrard Street East and Clonmore Drive (Alati); representing 1703438 Ontario Inc. regarding an appeal by McDonald's Restaurants of Canada Limited against a city-initiated official plan amendment to re-designate lands within the Flemingdon Business Park from mixed-use to employment (Flowers); representing JDC Property Management regarding its appeals for zoning by-law and official plan amendments to permit a 42-unit apartment building at 48 Havelock Street (Alati) (✓); representing St. John's McNicoll Centre regarding its appeals for official plan and zoning by-law amendments to permit development of two seniors' buildings, one medical office building and a church at 1030 McNicoll Avenue (Melling, Rea) (✓); representing Damaris

## Top ten development law firms continued from page 4

Developments Inc. regarding its appeals for official plan and zoning by-law amendments to permit a subdivision on Weston Road, south of Sheppard Avenue West (Alati, Flowers); representing Drakestone Investments Ltd. regarding its appeals for official plan and zoning by-law amendments to permit two buildings, nine- and 18-storeys tall, at 45 Lisgar Street, near Queen Street West and Dufferin Street (Davies, Beckman) (settlement); representing Dibri Inc. regarding its appeal against development charges imposed by the city for the construction of a private school at 2454 Bayview Avenue (Flowers) (✓); representing Toking Properties regarding appeals by The Bloor Street Neighbourhood Inc. and Nomos Investments Limited against minor variances related to a proposed 32-storey mixed-use building to be constructed at Charles Street East and Hayden Street, near Yonge and Bloor streets (Malaviya) (settlement); representing Antonio Sciscente Ltd. regarding its appeal for a zoning by-amendment to permit a 20-unit rooming house at 1510 King Street West (Flowers) (✓).

### 3. [1] SHERMAN, BROWN, DRYER, KAROL

Adam Brown, Alan Dryer



**Reasons for Ranking:** After spending two consecutive years in the top spot, Sherman, Brown, Dryer, Karol has slipped. However, the firm is still ranked as one of the most prominent in the city, having represented numerous clients in the *King-Spadina Secondary Plan* case and winning several cases regarding large developments. The firm argued successfully at the OMB for large residential developments proposed by KPC 609 Avenue Road Inc., 1640830 Ontario Inc., 3018-3020 Yonge Street Ltd., Dunpar Developments Inc., R & G Realty Management Inc. and Menkes Gibson Square Inc. Representing clients in many minor variance cases also ensured that Sherman, Brown, Dryer, Karol remained one of the city's top firms this year.

**OMB and Court Matters or Hearings:** representing 1609830 Ontario Limited (Liberty Development Corporation), Idomo Holdings Limited and Igernan Limited regarding appeals for a zoning by-law amendment and plan of subdivision approval to permit development of a mixed commercial-residential building at Sheppard Avenue West and Allen Road (Brown) (✓); representing KPC 609 Avenue Road Inc. regarding its appeals for official plan and zoning by-law amendments to permit a 16-storey residential building at 609 Avenue Road (Brown) (✓); representing 1640830 Ontario Inc. regarding its

appeal for a zoning by-law amendment to permit a 34-storey, 240-unit condominium tower on King Street, east of Spadina Avenue (Brown) (✓); representing Moldenhauer Developments, Freed Developments, TAS Design Build, King/Brant Development Inc., Kenneth Zuckerman in trust and Mask Acquisition Inc. in trust regarding appeals against the *King-Spadina Secondary Plan* (Brown); representing 3018-3020 Yonge Street Ltd. regarding its appeals for official plan and zoning by-law amendments to permit a 16-storey, 198-unit condo tower on Yonge Street (Brown) (✓); representing Tom Giancos regarding his appeal for determination of site plan details to permit development of 73 townhouses in Etobicoke, southeast of Kipling Avenue and Dundas Street West (Brown) (settlement); representing Dunpar Developments Inc. regarding its appeal for a zoning by-law amendment to permit an 83-unit residential building on Dundas Street West, east of Royal York Road (Brown) (✓); representing R & G Realty Management Inc. regarding its appeal to permit conversion of a 161-unit apartment building at 1465 Lawrence Avenue West into condos (Brown) (✓); representing Menkes Gibson Square Inc. regarding its appeal for an official plan amendment to permit residential and other uses at 5170 Yonge Street, which was designated for office and commercial development (Brown) (✓).

### 4. [3] GOODMAN'S

Ian Andres, Anne Benedetti, David Bronskill, Roslyn Houser, Robert Howe, Allan Leibel, Catherine Lyons, Mark Noskiewicz, Sarah O'Connor (no longer with firm), Michael Stewart



**Reasons for Ranking:** Goodmans slipped one spot over last year's ranking, but stays in the top five, representing clients in the Central Waterfront and King-Spadina cases. The firm also represented Verdiroc Development Corporation and Abell Investments in the West Queen West triangle case, reaching a settlement with the city. Goodmans is involved in separate appeals by Context Real Estate and Distillery SE Development for downtown high-rise towers, and K&G Oakburn Apartments for its 1,135-unit mix of condos and townhouses in North York.

**OMB and Court Matters or Hearings:** representing the Bank of Nova Scotia regarding an appeal by Talon International Inc. for a minor variance related to the Trump Tower (Bronskill, Kauffman) (✗); representing K & G Oakburn Apartments I and II regarding appeals for a zoning by-law amendment and plan of subdivision approval to permit a 1,135-unit residential development on Oakburn Crescent and Oakburn Place (Stewart) (settlement); repre-

## Top ten development law firms continued from page 5

sending Waterfront Toronto in appeals against the *Central Waterfront Secondary Plan* (Leibel, Stewart); representing Verdicro Development Corporation and Abell Investments Limited in the West Queen West Triangle case (Bronskill) (settlement); representing G.L. Booth Holdings Inc. regarding appeals against the *King-Spadina Secondary Plan* (Bronskill); representing RioCan PS Inc. regarding an appeal by Lambros Papaconstantinou against variances granted to RioCan to permit a seven-storey residential-commercial development on Queen Street West, east of Bathurst Street (Noskiewicz, Benedetti) (✓); representing Context Real Estate Inc. regarding its appeal to rezone 18 Lower Jarvis Street to permit a 33-storey, 456-unit condo tower (Bronskill); representing Distillery SE Development Corp. regarding its appeals for official plan and zoning by-law amendments to permit a three-storey commercial building and two condo towers, 35- and 40-storeys tall, at 390 Cherry Street, in the Distillery District (Stewart).

### 5. [7] WEIRFOULDS

John Buhlman, Jeff Cowan, Jill Dougherty, Bruce Engell, Blake Hurley (now with the City of Burlington), Barnet Kussner, Constance Lanteigne, Ian Lord, Michael McQuaid, Kim Mullin, George Rust-D'Eye, Christopher Tzekas

**WeirFoulds** LLP  
Gain and protect advantage.

**Reasons for Ranking:** WeirFoulds sits at number five this year, after placing seventh last year and seventeenth in 2005-2006. While the firm was involved in many minor variance cases, including the highly publicized Garage-mahal appeal, WeirFoulds also represented Michael Goldstein in his appeal against the Castlefield Caledonia Design and Décor District, and Nomos Investments Limited in its appeal against a proposed 32-storey mixed-use building near Yonge and Bloor streets.

**OMB and Court Matters or Hearings:** representing the Toronto Economic Development Corporation regarding an appeal by LaFarge Canada Inc. against the committee of adjustment's approval of lease grants for TEDCO-owned lands at 190 and 222-238 Cherry Street (Kussner) (✓); representing Shell Canada Limited regarding its appeal against an interim control by-law enacted for 2498 Gerrard Street East (Lord, Lanteigne) (✓); representing Robbie Robinson and 1039977 Ontario Ltd. regarding their appeals for costs and against variances granted to Paul Laberge and Laurel Broten permitting an expanded garage (Kussner) (✓); representing Michael Goldstein regarding his appeal against the

designation of the Castlefield Caledonia Design and Décor District (Lord) (✗); representing Nomos Investments Limited regarding appeals by Nomos and The Bloor Street Neighbourhood Inc. against minor variances related to a proposed 32-storey mixed-use building to be constructed at Charles Street East and Hayden Street, near Yonge and Bloor streets (Tzekas) (settlement).

### 6. [2] MCCARTHY TÉTRAULT

Daniel Artenosi, John Dawson, Cynthia MacDougall, Tara Pjurko, Phil Sanford, Christopher Tanzola, Brad Teichman

**McCarthy  
Tétrault**

**Reasons for Ranking:** McCarthy Tétrault fell four spots this year, but stays in the top ten with several high profile cases. The firm represented clients in the *King-Spadina Secondary Plan* case, as well as the Menkes Gibson Square appeal. McCarthy Tétrault also represented The Bloor Street Neighbourhood Inc. in appealing against a 32-storey mixed-use building proposed near Yonge and Bloor. The firm also represented Talon International, developer of the Trump Tower, winning that minor variance case.

**OMB and Court Matters or Hearings:** representing Annette Street Lofts Inc. and Plazacorp Investments Ltd. regarding their appeal for minor variances to permit development of a 19-unit condominium at 586 Annette Street (Pjurko) (settlement); representing Talon International Inc regarding its appeal by for a minor variance related to the Trump Tower (Dawson, Tanzola) (✓); representing Quad (King & Brant) Inc., 1679207 Ontario Limited and 400 Wellington West Toronto Inc. regarding appeals of the *King-Spadina Secondary Plan* (Dawson, Tanzola); representing 1520794 Ontario Inc. regarding its appeals for official plan and zoning by-law amendments to permit development of seven townhouses and two-detached houses on Bayview Avenue, north of Sheppard Avenue East (Dawson) (settlement); representing The Bloor Street Neighbourhood Inc. regarding appeals by The Bloor Street Neighbourhood and Nomos Investments Limited against minor variances related to a proposed 32-storey mixed-use building to be constructed at Charles Street East and Hayden Street, near Yonge and Bloor streets (Dawson, Tanzola) (settlement); representing Gallery Loft Towns Inc. regarding an appeal by Randolph Buie against minor variances granted to permit development of eight townhouses at 207 Beverley Street, south of College Street (MacDougall, Artenosi) (✓); representing the Toronto District School Board regarding an appeal by Menkes Gibson Square for an official plan amendment to permit residential and other uses at 5170 Yonge Street, which was designated for office and commercial development (Teichman).

## Top ten development law firms continued from page 6

### 7. [9] MCMILLAN

Mary Flynn-Guglietti, Scott Oldewening (no longer with firm), Gina Rogakos, Andrew Warman



**Reasons for Ranking:** Two years ago McMillan didn't make the top twenty, but reached number nine in 2006-2007. This year the firm climbs up two more spots, having represented clients in the high-profile Eastern Avenue and *Central Waterfront Secondary Plan* cases.

**OMB and Court Matters or Hearings:** representing Caltron Properties Inc. and Tinder Holdings in trust regarding an appeal by 1179591 Ontario Inc. against a by-law adopted to permit a restaurant and drive-through facility at Midland and Progress avenues in Scarborough (Flynn-Guglietti); representing Talisker (Sunlight) G.P. Inc. in the Eastern Avenue case (Flynn-Guglietti, Oldewening); representing the Ontario Power Corporation and Talisker Sunlight Park Inc. regarding appeals against the *Central Waterfront Secondary Plan* (Flynn-Guglietti); representing York Region Condominium Corporation No. 890 regarding an appeal by Splendid China Square Inc. for a zoning by-law amendment to permit a retail commercial development on Steeles Avenue East (Flynn-Guglietti).

### 8. [6] FRASER MILNER CASGRAIN

Patrick Devine, Andrew Jeanrie, Jason Park, Mark Piel, Andrew Salem, Katarzyna Sliwa (now with Davies Howe)

**Reasons for Ranking:** Fraser Milner Casgrain slipped a couple spots to land at number eight in this year's ranking, taking part in several of this year's high-profile cases. In addition to representing clients in the Eastern Avenue, Central Waterfront and King-Spadina cases, the firm took on the St. Clair Investment Group's case, arguing for a 167-unit residential subdivision on St. Clair Avenue East.

**OMB and Court Matters or Hearings:** representing the Canada Post Corporation in the Eastern Avenue case (Jeanrie, Sliwa); representing Inaugural Source Inc. regarding appeals by the St. Clair Investment Group for official plan and zoning by-law amendments and subdivision plan approval to permit development of an 167-unit subdivision on St. Clair Avenue East (Park); representing Langston Hall Development Corporation and 355 Development Inc. regarding appeals against the *King-Spadina Secondary Plan* (Park, Devine); representing TEDCO, Queens Quay Investments Inc., Nuko Investments Limited, A Small Street

in Toronto Inc., Gemess Investments Inc., Kintork (Ontario) Inc., 1079744 Ontario Limited and the Ontario Film and Television Studio Owners Association regarding appeals against the *Central Waterfront Secondary Plan* (Jeanrie, Sliwa, Park); representing Upper Canada College regarding its appeal against development charges imposed by the city for construction of a hockey rink at 200 Lonsdale Road, northwest of St. Clair Avenue West and Avenue Road (Jeanrie) (✓).

### 9. [17] BORDEN LADNER GERVAIS

Edward Ayers, Rick Coburn, Sean Gosnell, Christel Higgs, Steven Iczkovitz, David Klacko, Gabrielle Kramer, Stephen Longo, Kevin McGivney, J. Pitman Patterson, Phong Phan, Michael Smith, Frank Sperduti, Robert Traves, Christina Vechsler, Stephen Waqué, Cheryl Woodin



**Reasons for Ranking:** Borden Ladner Gervais is the first of two new entries in the 2007-2008 top ten. The firm rocketed up eight spots over last year's ranking, taking on cases such as Ward Funeral Home's appeal against the Weston Heritage Conservation District, Honeywood Properties' infill residential development on Scarboro Avenue and an appeal by several parties for compensation for the expropriation of lands on Lake Shore Boulevard West, near Parklawn Road.

**OMB and Court Matters or Hearings:** representing Ward Funeral Home regarding its appeal against the zoning by-law implementing the Weston Heritage Conservation District (Waqué, Kramer) (settlement); representing Honeywood Properties Inc. regarding its appeals for subdivision plan approval and a zoning by-law amendment to permit five-infill homes on Scarboro Avenue (Patterson) (settlement); representing Paul Laberge and Laurel Broten regarding appeals by Robbie Robinson and 1039977 Ontario Ltd. for costs and against variances granted to Laberge and Broten permitting an expanded garage (Longo) (✗); representing 2109655 Ontario Limited regarding its appeal for site plan details to permit a seven-unit townhouse development at Kingston and Birchmount roads (Gosnell) (settlement); representing A. Edward Gadzala, V. & E. Gadzala Holdings Limited and 412264 Ontario Limited regarding their appeal for compensation for the expropriation of their lands, located on Lake Shore Boulevard West, near Parklawn Road (Waqué, Gosnell) (✓).

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# City in Brief

## Bus route

**Metrolinx**, together with twelve municipalities, made the largest collective bus purchase in Ontario's history this week. Contracts were awarded to **New Flyer Industries Canada ULC** and **City View Bus Sales** to build and

supply up to 160 buses. Metrolinx facilitated a joint transit procurement initiative with its partners using common vehicle specifications and consolidating bus orders that could be valued at up-to-\$70 million.

The twelve participating municipalities are: **Barrie, Burlington, Cobourg, Durham Region, Elliot Lake, Hamilton, London, Milton, North Bay, Sarnia, St. Catharines** and **York Region**. The



purchase also represents the first procurement of transit vehicles complying with the *Canadian Content for Transit Vehicle Procurement Policy*, which came into effect September 1.

## Top ten development law firms continued from page 7

### 10. [13] RITCHIE, KETCHESON, HART & BIGGART

Andrew Biggart, Angela Broccolini, John Hart, Bruce Ketcheson, John Ritchie

**Reasons for Ranking:** Ritchie, Ketcheson, Hart & Biggart climbed three spots to sneak into the top ten, having represented clients in numerous minor variance appeals throughout the year. However, the firm also frequently represents the City of Toronto, and in 2007-2008 defended the city's interests in appeals against the *Central Waterfront Secondary Plan* and against the re-designation of Flemingdon Business Park lands.

**OMB and Court Matters or Hearings:** representing the City of Toronto regarding an appeal by McDonald's

Restaurants of Canada Limited against a city-initiated official plan amendment to re-designate lands within the Flemingdon Business Park from mixed-use to employment (Ketcheson) (X); representing the City of Toronto regarding appeals against the *Central Waterfront Secondary Plan* (Ketcheson); representing the City of Toronto regarding appeals by Home Depot Holdings Inc. for official plan and zoning by-law amendments to permit a commercial development on York Mills Road (Ketcheson).

### THE NEXT TEN

Based on mentions in *Novae Res Urbis – City of Toronto Edition*, here is the ranking of the next ten firms: (11) [8] **Papazian Heisey Myers**; (12) [10] **Cassels Brock**; (13) [n/a] **Blake, Cassels & Graydon**; (14) [18] **Wood Bull**; (15) [12] **Stikeman Elliott**; (16) [15] **Fasken Martineau**; (17) [n/a] **Andrew Paton**; (18) [14] **William Roberts**; (19) [19] **Michael Vaughan**; (20) [20] **Gowling Lafleur Henderson**. **NRU**

## Annual ranking

The end of year tradition at NRU examines the legal side of planning and development in the City of Toronto, primarily focussing on cases that have come before the Ontario Municipal Board from August 2007 to July 2008 as reported by *Novae Res Urbis - Toronto Edition*.

Send us your interesting board and court decisions and development applications by email or fax, to ensure NRU - Toronto Edition publishes them. We've already started keeping tabs for the twelfth annual ranking.

How the information is collected—Using manual research, we track each of the law firms mentioned in *Novae Res Urbis - Toronto Edition* (OMB News, predominately) over a one-year period between

August and July. From there we determine the firms that are most frequently mentioned and sort through their projects and hearings. Some firms are involved in a variety of developments across Toronto, while others have particular associations to major clients. The original data is collected from OMB files plus our research for news stories.

Determining the top 10—The most difficult task is balancing the number of clients, the range of projects and the difficulty of cases, as well as some unique features about each project or case. This list is 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—The lawyers that are part of the planning and development law team for each of the top-10 ranked firms are noted. In cases that involved an OMB decision where a clear winner/loser or settlement was determined, the appropriate symbol (✓) or (X) or (settlement) follows the case description. If there was no clear win/lose or settlement or the matter involved a pre-hearing, or is still pending before the OMB, no symbol appears. A square bracket after this year's ranking indicates the firm's placement in last year's NRU listing.

# Toronto OMB News

## Forest Hill double-lot house approved

In a decision issued December 11, board member **Joe Wong** allowed an appeal by **Ilana Rabie** against a decision of the committee of adjustment refusing minor variances to permit construction of a three-storey detached house at **402-404 Russell Hill Road**, northwest of Avenue Road and St. Clair Avenue West.

Rabie's proposed variances include nearly doubling the permitted gross floor area, from 696.36-sq.m. to 1,342.8-sq.m. and a reduction in the required front lot line setback from 10.6 to 8 metres. Rabie also requested a variance to permit a reduction in the required side-yard setback for the portion of the house that exceeds 17 metres in depth. The required setback is 7.5 metres, while the variance would permit a setback of 2.76 metres on the north side and 4.15 metres on the south side.

The board was informed that Rabie had reached a settlement with neighbouring residents and that there is no longer any opposition to the application.

**Lindsay Dale-Harris (Bousfields)** provided planning evidence on behalf of Rabie, in support of the appeal. Dale-Harris testified that the front lot line setback variance applies to the portico of the proposed house, adding that the actual front wall will line up with those of neighbouring homes.

Dale-Harris stated that the gross floor area limits for the neighbourhood were set decades ago and were meant to initiate a review of proposed new homes. She added that the requested floor area variance, resulting from the double-lot on which the current house sits, is in keeping with recent development in the neighbourhood and that the size is quite common in the area.

The board allowed the appeal, authorizing the variances.

Solicitor **Adam Brown (Sherman, Brown)** represented Ilana Rabie. (See OMB Case No. PL080855.)

## South Annex addition rejected

In a decision issued December 10, board member **Susan Campbell** denied appeals by **Peter** and **Vanessa Tseng** against a decision of the committee of adjustment refusing minor variances to permit an existing two-storey rear addition at **38 Brunswick Avenue**, northwest of College Street and Spadina Avenue.

Tseng requested the variances to increase the permitted building depth from 14 to 24.64 metres, reduce the required north side-yard setback from 0.45 to 0.0 metres and reduce the required south side-yard setback from 0.9 to 0.0 metres.

**P. Tseng**, agent for Peter and Vanessa Tseng, voiced several concerns regarding procedural matters, including failure of city solicitor **John Paton** (Director of Planning and Administrative Tribunal Law) to date his affidavit. The oversight had been noticed and quickly remedied, though according to the board, Tseng "challenged the veracity of the affidavit."

Tseng sought a board ruling stating that the city did not comply with the board's order and that procedural fairness has not been accorded. The board found that the failure to date the affidavit does not breach the previous board order. The board also found that the appellants had not been prejudiced by the supposed failure of the city to disclose documents.

The board also denied a request by Tseng to compel city zoning examiner **Jim Bitaxi** to appear, ruling that his testimony regarding the need for the requested variances is not required.

Tseng subsequently accused the board of bias and of making legal errors, reasserting that the appellants were being denied procedural fairness. Tseng left without presenting the appellants' case. The board continued the hearing, allowing the city to present its case.

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Processing and obtaining approvals to plan, zone and develop land can be a daunting task. In the preparation, submission and support of applications, project proponents rely on the Municipal and Property Development Group of Fraser Milner Casgrain LLP (FMC). With six offices across Canada and one in New York, FMC offers the expertise necessary to guide your applications successfully through the approval process.

Please contact Patrick Devine at 416 863 4515 (patrick.devine@fmc-law.com) or Jason Park at 416 863 4786 (jason.park@fmc-law.com) for more information.



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City planner **Barbara Carou** testified that the subject property is located within the Harbord Village Heritage Conservation District and is a contributing feature of the heritage designation of the area. She was of the opinion that the size of the addition, and the resulting reduction in rear yard space, are not appropriate for the area and negatively affect the site itself, as well as nearby properties. Carou noted that the addition reduces light and view and increases shadow for the property at 40 Brunswick Street. Testifying that the addition does not conform to the prevailing pattern of the neighbourhood, she said that it could set an unwelcome precedent.

The board dismissed the appeals and did not authorize the variances.

Solicitors **Tanya Stroedel** and **Ray Kallio** represented the **City of Toronto**. P. Tseng acted as agent for Peter and Vanessa Tseng. (See OMB Case No. PL071170.)

## East York addition denied

In a decision issued December 12, board member **Sylvia Sutherland** allowed, in part, an appeal by **Antonino Mule** against a decision of the committee of adjustment to refuse minor variances requested to permit construction of a second-storey addition on an existing single-storey detached house at **40 Fairside Avenue**, southeast of O'Connor Drive and Coxwell Avenue.

The requested variances include an increase in the permitted floor space index from 0.45 times the lot area, or 138.23-sq.m., to 0.617 times the lot area, or 189.68-sq.m. Also requested are a reduction in the required front-yard setback from 6 to 4.22 metres and a reduction in the required side-yard setback from 0.9 to 0.74 metres.

**Thomas Rees** (**The Biglieri Group Ltd.**) provided planning evidence on behalf of Mule, in support of the

appeal. Rees stated that for the most part Fairside Avenue contains bungalows and two-storey detached houses. Rees went on to identify three sites to the north of the Mule property that were granted second storey additions.

Rees noted that the setback variances are minor, with the front-yard setback being requested to bring the addition in line with the main floor bay window. The side-yard setback still allows for easy access to the rear of the house, Rees added. Rees further testified that similar to the Mule house, those on the west side of the street are subject to a lower floor space index than those on the east side and the requested variance represents the average of the floor space index permitted on both sides.

**Franco Romano** (**Action Planning Consultants**) provided planning evidence on behalf of the city, in opposition to the appeal. Romano testified that he had no concerns surrounding the setback variances, but that the floor space index variance would result in the house dominating the lot and surrounding properties. Romano said that the enclosed space proposed would occupy too much of the site.

Area residents **Jacqueline Chevalier** and **Mark Hall** spoke in opposition to the proposed development.

The board allowed the appeal in part, authorizing the front and side yard setback variances but dismissing the floor space index variance.

Solicitor **Jessica Braun** represented the **City of Toronto**. Antonino Mule was not represented by counsel. (See OMB Case No. PL080897.) **NRU**

### Erratum

Invest Toronto's acting CEO John Macintyre's name was spelled incorrectly in the December 12 Toronto edition. NRU regrets the error.

**REMINDER: NRU City of Toronto Edition will not be published on December 26**

## City People

Deputy Minister and associate secretary of cabinet **Matthew Mendelsohn** is leaving January 19 to build a new think tank at the School of Public Policy and Governance at the **University of Toronto**.

The **Toronto Port Authority** has extended the term of the current chair **Chris Henley** until the federal government appoints two additional directors or a successor can be appointed by the board of directors.

Former Toronto city manager **Shirley Hoy** has been selected by the **Toronto Lands Corporation** to be the agency's new CEO. The agency, which was established in September 2007, leverages real estate assets for the Toronto District

School Board. Former Toronto mayor David Crombie chairs the board of directors and Hoy replaces interim CEO Dino Chiesa, who will stay on as a board member. (See **NRU-GTA**, December 17.)