

NOVÆ RES URBIS

NEWS OF THE CITY • TORONTO
VOL 3 • NO. 37 • SEPTEMBER 20, 1999

This Week in NRU

10 Pages

Rental Housing Protection	1
Court brings back ravine control by-law	1
Scarborough Highland Creek	3
Top Ten municipal lawyers	4
NRU ² - See section for details	8
Mark These Dates	10

**PLUS: 1998/99's most prolific
municipal lawyers in Toronto!**

Rental Housing Protection: The Black Hole of Toronto

A storm has been brewing at the **Ontario Municipal Board** over the past two months and it's going to hit land very soon. On July 26, the board deferred a decision in the case of **Goldlist Properties Inc.**, which wants to tear down 246 rental units on Tweedsmuir Avenue and replace them with a pair of high-rise condo towers and over 30 townhouses, until sometime this fall. That decision will

have tremendous ramifications for both the state of rental housing in Toronto and the city's ability to shape its own housing policy.

These days, affordable housing is a hot-button issue in Toronto. Across the city, rental units are deteriorating quickly and new ones are virtually non-existent. Consequently, council has been trying to protect what is currently in place by passing such by-laws as April 15's OPA-2, which prevents developers from demolishing existing rental units and replacing them with larger buildings that exceed a site's official zoning. Two weeks ago, some councillors also urged their colleagues to consider the creation of a tenant defense fund, which would "assist tenants and tenant associations wishing to dispute their landlord's application for an above-guideline rent increase at the **Ontario Rental Housing Tribunal (OHRT)**."

According to councillor **Michael Walker** (North Toronto) and fellow councillor **Joe Mihevc** (York Eglinton), the dearth of affordable rental units in the city is only going to get worse. At a recent press conference, they called attention to the potential destruction of nearly 1,000 existing rental units at locations where landlords have already applied for demolition permits. These included 115 units at 435-513 Rosewell Avenue and 164-170 Cheritan Avenue, 123 units at 120 Sheppard Avenue, 150 Maplehurst Avenue and 160 Greenfield Avenue and 55 units at 2 through 10 Wingreen Court. Of the proposed demolitions, the most controversial by far has been Goldlist's plan to knock down the 246 units in two adjoining buildings on Tweedsmuir. From the developer's perspective, the buildings are old, in need of renovation and should be taken down. But the city disagrees – and it's blocked the demolition on the grounds that Goldlist is seeking to erect a much larger project on the site.

(Continued on page 2)

Court brings back ravine control by-law

The Ontario Divisional Court has sided with the city to re-enact the December 1997 OMB ruling by **Ted Yao** that froze development on a ravine property in Rosedale owned by **Derek Russell** (see *NRU* Dec.22/97). A written decision has not yet been issued by the court. Russell still has time to seek leave to appeal.

Yao's decision was re-heard last year at the request of Derek Russell and another ravine lot owner, **Vera Dickinson**. The second time around, the city's by-law was struck down by board members **Wilson Lee** and **Brian McLoughlin** (see *NRU* Sep.8/98). Predictably, the city appealed this decision but only as it affected Russell's 119R Glen Road property.

Now that the city has been successful at the Ontario court, the by-law now applies to the Russell property but not to Dickinson's 15 Beaumont Road lot.

Also arising from the court's ruling, Russell must pay the city's costs in the amount of \$4,500.

Solicitors involved in the matter are **Leo Longo (Aird & Berlis)** for area residents, **Brad Teichman (McCarthy Tetrault)** for Derek Russell and **Wil Hawryliw** for the **City of Toronto** (see OMB Case No.PL967756). •

Rental Housing Protection (cont'd)

(Continued from page 1)

In turn, Goldlist has challenged the city's authority to prevent the demolition by contending that it lacks the constitutional power to do so. According to the developer, the city has no right to replace the *Rental Housing Protection Act*, which prohibited the automatic conversion of rental apartments into condominiums and was repealed by the provincial government, with one of its own making. Now, it's up to the OMB to decide – and the fate of Toronto's self-styled housing policy (not to mention a total of about 1,000 rental units that developers have slated for demolition city-wide) hangs in the balance.

In the meantime, both developers and the city have been trying to work out "creative" alternative solutions to the development impasses that have been created by the legal black hole in which Toronto currently finds itself. Last week, the most notable was approved by North York community council: a "compromise" development that will see **Greatwise Development Corp.** tear down 424 existing dwellings and replace them with close to 1,000 units in a pair of 19-storey condo towers in the Yonge Street-Sheppard Avenue area. Of the new units, only 249 will be rental. In 1995, Greatwise had originally filed plans for 1,610 units and offered few public concessions, but they were turned down by North York councillors.

Predictably, Greatwise challenged the refusal at the OMB, but then decided to avoid a long and costly battle with the city by bargaining with it instead. Enter North York Centre's **John Filion**, who successfully negotiated the deal that was approved by community council last week. Although many area residents still aren't ecstatic about it – its density is 2.2 FSI and only 60% of the existing rental units will be replaced – the deal will also (and rather uniquely) offer current tenants a new unit at current rents (guaranteed for 10 years) and provide \$250 a

"The city has to be taking a responsible approach with landowners and developers to create a new supply of rental housing...As the law now stands, developers are under no obligation to replace rental units with new ones."

— Stephen Diamond

month to those who must relocate while awaiting a new unit. Moreover, those who leave will get six months' rent – twice the amount that's required by law. As that could amount to more than \$5,000 in some cases – enough for a down payment on one of the new condo units – Filion said that the deal will help some renters become owners.

"I am not completely satisfied with the outcome," he admitted to *Novae Res Urbis*. "The density is still too high and I would have wanted a total replacement of the existing rental units. But under the circumstances, it was the best compromise. And it isn't a terrible compromise. If it was, I wouldn't have agreed to it."

Stephen Diamond (McCarthy Tetrault), the solicitor for Greatwise, sees it differently. According to him, the North York deal is a "win-win"

one and indeed is the way of the future. "I think that it's a very creative compromise," he told *NRU*. "And it's the first time that new rental housing has been built in this city in I don't know how many years."

"The city," he continued, "has to be taking a responsible approach with landowners and developers to create a new supply of rental housing. In this case, you have new units, some intensification between two subway lines, renters who are given the opportunity to become owners. As the law now stands, developers are under no obligation to replace rental units with new ones. I think that this (deal) was a very constructive one."

Of course, Diamond is right that developers aren't legally required to replace any rental units they demolish – at least until the OMB (and any superceding courts) state otherwise. In the meantime, the state of limbo continues. On October 25, the North York deal – because it was taken to the board before the recent compromise was struck – will come before the OMB as a formality. The larger decision, in the Goldlist matter, is still being awaited with increasingly baited breath. •



planning policy development approvals/OMB
community and urban design subdivision and site plans

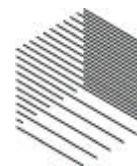
Walker Nott Dragicevic

associates limited

Planning • Urban Design • Environmental Assessment

172 St. George Street
Toronto, Ontario M5R 2M7

Tel: (416) 968-3511
Fax: (416) 960-0172
E-mail: wnd@sympatico.ca
Web: www3.sympatico.ca/wnd



respected professionals... .. insightful solutions

Wards to watch: Scarborough Highland Creek

By Bruce Davis

There was probably a time when businessman **David Soknacki** was a young up-and-comer, an outsider, railing against the Scarborough civic establishment, pushing for community issues and fiscal restraint. Now in his mid forties, Soknacki is the man to beat.

On Thursday the voters of Scarborough Highland Creek, on the eastern fringes of the new City of Toronto, south of the 401, go to the polls to replace former Scarborough mayor Frank Faubert who died earlier this summer. In 1997 Soknacki, who was a one-term city councillor at the time, ran third against Faubert and city councillor **Ron Moeser**, garnering more than 12,000 votes – an impressive total – but not enough to make it into the megacity big-league.

This year there is a new up-and-comer, **Noble Chummar**, twenty-something, graduate of the school of political hard knocks and the London School of Economics, currently a political assistant to ultra conservative city councillor **Mike Feldman**. When he is not carrying his boss' bags around city hall, Chummar is working on his Masters of Laws at Osgoode Hall Law School. He is articulate and likeable – and the consummate junior insider.

Where Soknacki's campaign literature rails at current city councillors for voting themselves a generous severance package, Chummar touts his connections to mayor **Mel Lastman** (he was Mel's personal aide during the 1997 campaign) and his roots in the community.

Soknacki's campaign boasts that they will not accept any campaign contributions (the candidate is picking up his \$30,000 plus campaign tab himself); Chummar's four colour brochures are being underwritten by contributions from city hall insiders, including Lastman's veteran bagman of 25 years, **Jeff Lyons**.

In fact, Chummar's campaign looks like a monthly meeting of lobbyists-anonymous.

In terms of policies, top of Soknacki's list is fighting crime, but it is Chummar who this week picked up the endorsement of **Craig Bromell** and the **Toronto Police Association**.

There's a partisan dimension to this fight as well. Soknacki, a Conservative, admits his ties to area MPP and Municipal Affairs Minister **Steve Gilchrist**, although Gilchrist is keeping a hands-off policy. Chummar, a Liberal, has attracted just enough Tory support from city hall to look bi-partisan.

On a sunny Friday about 5 p.m., when everyone should be thinking about squeezing the gas remnants out of the barbecue before the end of summer, it is Chummar's campaign office that is buzzing with the kind of haphazard energy, people coming and going, that makes campaigns so invigorating. Soknacki's people have reached a steady plateau of efficiency, folding, stuffing, candidate where he should be (knocking on doors eight hours a day), no momentum, but no panic either.

I visited a third high-profile candidate last Friday, **Sheila White**, former Lastman assistant for 12 years, former journalist, recently a media assistant for NDP leader **Howard Hampton** at Queen's Park. For years in North York, Sheila was Mel's mouth, she was his speech writer, his pulse on the community, and his ambassador to North York's' diverse communities. When his Melship moved to become Megacity Mel, he and Sheila parted ways, not on good terms, mostly because she didn't fit in with the newly hired politicians that have helped to move Mel's agenda through city hall – and because of a feature article that appeared in the Toronto Star singing her praises. (First rule of political hacks, don't outshine your political boss).

On Friday Sheila was in a testy mood over some dispute with the city clerk over her signs, she looked beat, but her committee rooms had the quaint chaos that comes with a gaggle of visiting school children.

Where it not for six-year-olds, this campaign would feel flat.

Sheila doesn't live in the area and I expect her to come in a distant third on Thursday, mostly because of lack of organization and shallow NDP roots in the ward. In another ward she would be a more serious contender.

There are two other dimensions about this campaign that are worth noting: crime and race.

All of the major candidates in this race have listed crime and safety at the top of their agenda. One month before the by-election was called, a drive-by shooting at a McDonalds on Kingston Road claimed a victim. In the past month there have been two more shootings on Kingston Road.

The police endorsement for Chummar will certainly be a boost, but the issue goes much deeper.

Scarborough Highland Creek has one of the highest home ownership rates in Scarborough, the highest percentage of English speakers, predominantly white, but the community feels threatened by increasing crime, Tamil youth gangs, changing demographics, jumbling these issues together into a short form of crime-equals-black-youth.

It doesn't help that north of the 401 Scarborough residents are petrified by the work of the so-called bedroom rapist.

The crime-equals-black-youth equation will hurt Chummar the most (both he and Sheila White are black). Soknacki is white, in the most white of all Scarborough wards.

Any literate and sensible voter will know that all three front running candidates are qualified and bring their own success and experience from city hall. Let's hope the candidates are evaluated on that basis.

Prediction: There are about 68,000 registered voters in Scarborough Highland Creek; less than 10,000 will actually vote. The winner will be decided by a margin of less than three hundred votes. •

1998-1999 Top Ten Municipal Law Firms in Toronto

2nd Annual ranking of the city's most prolific performers

Last year (see *NRU Sept.28/98*) we undertook an analysis of the most prolific municipal law firms in Toronto as a tribute to all those lawyers who have worked so hard in the planning and development field. It would be safe to say that it probably was one of the most talked about articles we've ever published. As promised, here is our review of the municipal legal activities in the City of Toronto from August 1998 to July 1999, as reported in *Novae Res Urbis*.

How the information was collected

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

Determining the top 10

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

The listings

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

1. McCarthy Tetrault

[Rank last year: 1]

(Stephen Diamond, Cynthia MacDougall, Brad Teichman, Mary Bull, Dennis Wood, John Dawson, John Inglis, Cindy Findlay, Paul Peterson, Phillip Sanford, Doug Thomson, Gord Wilcox)

Reason for ranking: Like last year, this firm was involved in more OMB hearings and development applications than any other firm reported on. The firm has worked for a wide variety of clients involving a range of project types across the City of Toronto and demonstrated a strong success record at the OMB. The best achievements include success on the Scarborough hydro corridor matter and representing the development industry's interest in the negotiations with the City of Toronto on the new development charges. The biggest downer—losing Destination:Technodome to Montreal.

OMB/ Court Matters or Hearings: representing Norstar Development Corporation on Scarborough Hydro corridor matter (Diamond, Inglis, MacDougall) (✓); representing Derek Russell on Rosedale ravine by-law re-hearing (Teichman) (✓) on appeal to Divisional Court (Aug/99)(✗); representing Kosmor Construction on Noble Cherry Development proposal for former Alcatel site, East York (MacDougall); representing Eglinton Walden Developments in Golden Mile 'food fight'(Wood); representing Donald & Mary Louise Kerr on intensification by-law in York (Orzy) (✗); representing Heathmount A.E. Corporation on Downsview Secondary Plan appeal, North York (Diamond); representing Chapters bookstore involving variances at old Runnymede theatre, Toronto (Diamond) (✓); representing Windlass Holdings involving variances for conversion of 122 St. Patrick Street, Toronto (Dawson) (✓); representing Summerhill Apartment Co-Tenancy on Baghai condo for 9 Jackes Ave. (Dawson); representing DeLisle Court Redevelopment Corp. on their proposed mixed-use development at Yonge and DeLisle Streets, Toronto (Diamond); representing Greatwise proposal for Sheppard Ave.W., North York (Diamond, MacDougall); representing Aspen Ridge Homes mixed-use development near Sheppard Ave., Progress Ave., Markham Rd., and Orchid Place Dr., Scarborough (MacDougall) (✓); representing Bellanada Holdings on 1880 Eglinton Ave. E., Scarborough matter (Inglis); representing Toronto District School Board on 1880 Eglinton Ave. E., Scarborough matter (Teichman).

Noted Development Projects: Banister mixed use project for 3660 Midland Ave., Scarborough (Diamond); 88 to 102 Ellerslie Avenue, North York (Diamond); Greatwise Development proposal for 6.6 ha site at Poyntz and Bogert Avenues, North York (MacDougall); Aspen Ridge Homes proposal for 743 residential units in 5 buildings near Markham Road and Sheppard Avenue, Scarborough (Diamond); Lombard Towers Holdings redevelopment of former Union Carbide building at 123 Eglinton Ave. E., Toronto (Diamond); SPA for Teddington Limited for 14-storey condo at 150-152 Roehampton Ave., Toronto (MacDougall); rezoning for expansion of St. Michael's Hospital at 30 Bond Street, Toronto

(Continued on page 5)

Municipal lawyers (cont'd)

(Continued from page 4)

(MacDougall); OPA/rezoning by Ken Morrish for 7 dwellings at 20 Deep Dene Dr., Scarborough (Dawson); OPA/rezoning by 1160963 Ontario Inc. pertaining to four new rental apartment buildings at 164 Cheritan Ave., Toronto (MacDougall); OPA/rezoning for Oxford Properties to develop a new office building near Adlaide St.W. and York St., Toronto (Diamond); OPA/rezoning by Whiteleigh Development for multiple condominiums at 2-47 Sheppard Square and 17 Barberry Place, North York (Diamond).

Other: represented coalition of development industry organizations on development charges matter in the City of Toronto (Diamond).

2. Weir & Foulds

[Rank last year: 8]

(Michael McQuaid, Ian Lord, Chris Tzekas, Bruce Engell, Jeff Cowan, Barnet Kussner, Jeff Hewitt, Sean Foran, Brad McLellan, Sue Metcalfe, Derry Millar, Jerry Prypasniak, Greg Richards, Wayne Rosenman, George Rust-D'Eye, Lynda Tanaka, Robert Warren, John Buhlman)

Reason for ranking: A huge increase in volume and diversity of work over last year. High success rate at OMB, including a shared cost award (with Bratty & Partners) on the methadone clinic matter. Highlights: the Golden Mile food fight.

OMB/ Court Matters or Hearings: representing Vera Dickinson on Rosedale ravine by-law re-hearing (McQuaid) (✓); representing Sevendon Holdings in Golden Mile 'food fight' (McQuaid) (✓); representing 1171 St. Clair Avenue West Limited Partnership on interim control by-law on medical clinics, Toronto (Cowan, Kussner) (✓); representing 819565 Ontario Limited on Downsview Secondary Plan appeal, North York (Engell); representing Namos Investments for condo at 30 Hayden Street, Toronto (Tzekas) (✓); representing Ajax Precision Manufacturing on OPA 443 matter, North York (Kussner); representing Shell Canada Products on a variance appeal for 2801 Midland Ave., Scarborough (Lord) (✓); representing 1171 St. Clair Avenue West Limited Partnership regarding "costs" award from City of Toronto on methadone clinic matter (Kussner) (\$✓); representing Glenarda Properties for 20 Bond Ave., North York (Tzekas); representing ARC International Corporation on the Downsview Secondary Plan matter (Lord); representing Premium Properties on 1880 Eglinton Ave. E., Scarborough matter (Lord); representing 1090011 Ontario Limited on 1880 Eglinton Ave. E., Scarborough matter (Kussner).

Noted Development Projects: Briton House seniors' development at 700 Mt. Pleasant Road, Toronto (McQuaid); OPA/rezoning by Alex Irvine Motors for a dealership at 2655 Lawrence Ave., Scarborough (McQuaid).

3. Goodman and Carr

[Rank last year: 4]

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

Reason for ranking: Significantly more activity than last

year involving a variety of OMB hearings and development applications. Key to this firm's move up the chart was the eight successful OMB hearings/ settlements noted, involving multiple members of the municipal law team. Active in a broader range of development types than last year. Highlights: 50 Prince Arthur, Seneca College and Reichmann cases. Low point: unsuccessful getting costs from Windsor Arms matter.

OMB/ Court Matters or Hearings: representing Woodland Homes Centre on Home Depot/ Portlands matter (Longo); representing Seneca College and Minto Developments regarding OPA 393 for 43 Sheppard Ave.E., North York (Devine, Sutherland)(✓); representing Annex Residents Association on 50 Prince Arthur townhouse development (Flynn-Guglietti) (✓); representing 1144020 Ontario Limited on OPA 443 matter, North York (Flynn-Guglietti, Longo); representing owner of 45 Gardiner Road on variance appeal (Sutherland)(✓); representing 1228082 Ontario Inc. on Windsor Arms "costs" matter, Toronto (Devine) (✱); representing Ralph Reichmann on variance matter pertaining to 409 and 415 Glencairn Ave., North York (Flynn-Guglietti) (✓); representing Inn on the Park on OPA 443 matter, North York (Flynn-Guglietti); representing The Goldman Group for 13 block subdivision on 1590 O'Connor Dr., East York (Devine) (✓); representing Seneca College on OPA 392 and 446 matters pertaining to Sheppard Avenue, North York (Devine); representing Adi Shankara Math Association regarding a converted place of worship at 80 Brydon Dr., Etobicoke (Flynn-Guglietti) (✓); representing St. Clement's School Foundation to convert 31 St. Clement's Ave., Toronto (Devine) (✓); representing Deep Pockets on 1880 Eglinton Ave. E., Scarborough matter (Flynn-Guglietti); representing Raul De Castro regarding variance for addition to 15 Scarth Rd., Toronto (Flynn-Guglietti) (✓).

Noted Development Projects: Rezoning/SPA for North American Acquisition regarding lifting of holding on hydro corridor, Scarborough (Devine); OPA/rezoning by Toronto Baptist Seminary for Gerrard and Jarvis Streets to legalize church use (Flynn-Guglietti); rezoning for townhouses at 50 Elm Ave., Toronto (Flynn-Guglietti); consent application for Hudson Properties for 190 Milner Ave., Scarborough (Wax); rezoning by Convention Plaza Limited Partnership regarding a residential development on Toyota St., Scarborough (Devine); SPA by Landmark Building Group for townhouses at 30 Stadium Rd., Toronto (Devine).

Other: representing 188 Eglinton Avenue East Inc. for an exemption from residential tax phase-in (Hamlin); representing Fred Eisen on proposed six apartments at 1100 Eglinton Ave. E., North York (Flynn-Guglietti).

4. Aird & Berlis

[Rank last year: 3]

(Jane Pepino, Leo Longo, Kim Kovar, Steve Zakem, Chris Williams, Robert Doumani, Josephine Matera, Trish Foran, Tom Halinski)

Reason for ranking: A slight slip from last year, but only because many of the OMB matters have yet to be resolved during this period. A diversity of issues involving a broad range of the municipal team. Highlights: the win for indus-

(Continued on page 6)

Municipal lawyers (cont'd)

(Continued from page 5)

trial users in South Etobicoke, negotiating exemption from DC's for 100 Bloor St.W. under Section 37 agreement, and testing the new provincial rules as it pertains to the demolition of rental housing (still on going). Downer: Representing residents in support of the Rosedale ravine by-law as it pertains to Dickinson. All in all a very busy year for the firm's members.

OMB/ Court Matters or Hearings: representing area residents on Rosedale ravine by-law re-hearing (Kovar, Longo) (★) on appeal to Divisional Court (Aug/99) (✓); representing United Castan on Home Depot application in Portlands (Williams); representing AJP Investments Limited on intensification by-law in York (Matera) (✓); representing Loblaw Properties on Downsview Secondary Plan appeal, North York (Zakem); representing Loblaw Properties on expansion of 380 The East Mall, Etobicoke (Zakem) (✓); representing Two Bloor Residences Inc. pertaining to condo variance matter for 2 Bloor Street E.(Longo, Kovar); representing South Etobicoke Industrial Employers Association on OPA 53-97, Etobicoke (Pepino, Halinski) (✓); representing Orlando Corporation on OPA 392 and 446 matters pertaining to Sheppard Avenue, North York (Kovar); representing Gransden and 408014 Ontario Limited on proposed mixed-use development at Yonge and DeLisle Streets, Toronto (Pepino); representing Goldlist Properties involved with the Greatwise development for Sheppard Ave.W., North York (Pepino); representing Kenneth-Sheppard Limited and A.J. Green Limited involved with the Greatwise development for Sheppard Ave.W., North York (Doumani); representing Gentra's proposal for 86, 96, and 100 Bloor St.W., Toronto (Kovar).

Noted Development Projects: TEDCO/ United Castan OPA for Portlands, Toronto (Williams); Goldlist Development OPA/rezoning for 310 & 320 Tweedsmuir Ave., York (Pepino); B.C. Pacific Capital mixed-use development at 86,96 and 100 Bloor Street West, Toronto (Kovar); OPA by A.J. Green Limited for low-rise condos and townhouses at 2-10 Wingreen Court, North York (Pepino); SPA by The Doctors Hospital for a long term care facility at 45 Brunswick Ave., Toronto (Kovar); OPA/rezoning for new condo by Metrontario Group for 150 Maplehurst Ave. and 120 Sheppard Ave.E., North York (Doumani); rezoning by Jo-Van Business Centre for restaurant use at 2085 Lawrence Ave. E., Scarborough (Williams).

5. Davies Howe Partners

[Rank last year: 5]

(Jeff Davies, Michael Melling, John Alati, Kim Beckman)

Reason for ranking: Very high success rate on eight noted OMB hearings represented by the entire municipal team. Many of the hearings were carry overs from last year. Highlights: Morningside Heights and the Graywood matter on the hydro corridor. Shortcomings: few development projects noted and hearings tended to focus on projects in the east end (Scarborough). Given size of team and volume of issues, the firm got a slight boost on the ranking.

OMB/ Court Matters or Hearings: representing Graywood Investments Limited on Scarborough Hydro corridor matter (Davies,

Alati) (✓); Modification to Jasamax Holdings development of Hampton Park, East York (✓); Parrington Development's East of Main development for former CN Lands, Toronto (Davies)(✓); representing Morningside Heights Landowners' Group on Morningside Heights matter (Davies, Melling, Middlebrook) (✓); representing Yellow Moon Homes on former Manson site, Scarborough (Melling) (✓); representing Eid Attia involving OPA 988 (Highland Creek Community Area) (Melling) (✓); representing Graywood Investments on City of Toronto's leave to appeal hydro corridor decision (Alati) (✓); representing John Delic on proposed industrial-commercial zoning for 2119 & 2131 Lawrence Ave.E., Scarborough (Beckman) (✓).

Noted Development Projects: Imperial Condominium development at Empress Ave., North York (Alati).

6. Goodman Phillips & Vineberg

[Rank last year: 2]

(Catherine Lyons, Roslyn Houser, Allan Liebel, Mark Noskiewicz, E.A. Goodman, Alexandria Pike, Julia Ryan, Michael Stewart)

Reason for ranking: A bit of slip from last year, though still prolific performers. Past 12 months involved very few hearings that had results—most listed are still ongoing. Highlight: Scarborough corridor matter. Downer: Cadillac Fairview's pullout of opera house.

OMB/ Court Matters or Hearings: representing Ontario Hydro on Scarborough Hydro corridor matter (Lyons) (✓); representing Noble Cherry Development on Noble Cherry Development proposal for former Alcatel site, East York (Houser)(✓); representing Metropolitan Toronto Condominium Corporation No. 802 on Baghai condo for 9 Jackes Ave. (Noskiewicz, Pike); representing Dangreen Properties on OPA 392 and 446 matters pertaining to Sheppard Avenue, North York (Liebel); representing Costco on the Downsview Secondary Plan matter (Houser); representing 1248161 Ontario Limited pertaining to a seniors development for 255 Blantyre Ave., Scarborough (Feldman) (★); representing Wittington Properties regarding amusement uses for 21 Scollard, Toronto (Lyons) (✓).

Noted Development Projects: OPA/rezoning by Verdiroc Holdings for condos at Bayview Village Mall, North York (Liebel); SPA for Toronto General Hospital expansion at 101 College Street, Toronto (Liebel); OPA/rezoning by Wittington Properties for two condo towers at 7, 9 and 11 Burnhamthorpe Crescent, Etobicoke (Lyons); OPA/rezoning by the Canadian Opera Company and Cadillac Fairview Corp. for 145 Queen Street W., Toronto regarding new opera house development (Liebel).

Other: presentation at launch of new City of Toronto Official Plan Review (Liebel).

7. Blaney, McMurtry Friedman

[Rank last year: wasn't ranked in top 10]

(Murray Chusid, Rodney Smith, David Wilson, Andrew Heal, David Crocker)

Reason for ranking: Murray Chusid has been practicing municipal law for more years than he would probably want

(Continued on page 7)

Municipal lawyers (cont'd)

(Continued from page 6)

to remember. Notwithstanding this, Chusid has been very busy over the past 12 months on the Toronto development scene. Last year the firm didn't make the top ten, or the twenty for that matter. Another interesting aspect is that the firm's work (and Chusid's in particular) has branched beyond the traditional North York area and into midtown Toronto.

OMB/ Court Matters or Hearings: representing High Glen Development for Phase III of 20-year old subdivision, Scarborough (Chusid) (✓); representing Shane Baghai Homes for condo at 30 Hayden Street, Toronto (Chusid) (✓); representing Golfdale Construction on OPA 443 matter, North York (Chusid); representing Berkim Holdings Limited on OPA 392 and 446 matters pertaining to Sheppard Avenue, North York (Chusid); representing Weblo Ontario involving 20 Bond Ave., North York matter (Heal).

Noted Development Projects: Empire Jackes Properties proposed condo for 9 Jackes Avenue, Toronto (Chusid); Monarch Construction rezoning for condo at Hillcrest and Elmwood Avenues, North York (Chusid).

Other: representing Tor-Bel Developments appeal of their rezoning application for 906 Sheppard Ave. W., North York (Chusid); Murray Chusid appointed to the Toronto Port Authority board.

8. Brown Dryer Karol

[Rank last year: 6]

(Adam Brown)

Reason for ranking: Don't be deceived by the drop in rank from last year, Adam Brown was as prolific over the past 12 months as he was the year before. Brown's ranking is not so much for the type of projects he's involved with but rather the volume he undertakes. Brown is one of those few lawyers that appear on a lot of development applications and his client base is not necessarily concentrated in one geographic area. Does he have time to do anything else but law?

OMB/ Court Matters or Hearings: representing Halimar Investments regarding two-storey addition at 14 Prince Arthur Ave., Toronto (Brown) (*); representing Pearl Melder of 781 Spadina Ave. involving variances new semis on sloped land (Brown) (✓); representing Zapfe Holdings involving OPA 988 (Highland Creek Community Area) (Brown) (✓); representing area residents on matter concerning Goldlist's proposal for 310 and 320 Tweedsmuir, York (Brown).

Noted Development Projects: L&A International Management Limited proposal for 11 William Carson Crescent, North York (Brown); OPA/rezoning by Ontario Hydro for 65 Kelfield Rd., Etobicoke (Brown); Townhouse development on Clinton Street, Toronto (Brown); Furfari Paving noise study agreement, Scarborough (Brown); rezoning by Quadrant Dental Technologies for medical/office building at 181 Finch Avenue W., North York (Brown); rezoning involving retirement home for 718 Sheppard Avenue W., North York (Brown).

Other: represents neighbouring landowners to a proposed recycling facility at 63 Medulla Ave., Etobicoke (Brown).

9. Fraser Milner

[Rank last year: wasn't ranked in top 10]

(David Smith, Peter Van Loan, Paul Ginou, Martin Emmons, Raymond Mikkola, John Smith)

Reason for ranking: This year the firm showed up on the radar screen, at least as it pertains to Toronto-based projects. A few successes at the OMB and a broad representation by the firm's municipal section members. Strong representation for important stakeholders in the Portlands.

OMB/ Court Matters or Hearings: representing Telemark Investments for social housing turned affordable housing project at Hayden and Charles Streets, Toronto (Van Loan) (✓); representing Lakeburn Land Capital for condo at 85 Bloor Street East, Toronto (Van Loan) (✓); representing Toronto Harbour Commissioners on Home Depot/ Portlands matter (Ginou, Grieve); representing Central Soya of Canada on Home Depot/ Portlands matter (Smith); representing the Department of National Defence on the Downsview Secondary Plan matter (Ginou).

Noted Development Projects: Call-Net Corporate Centre Phase I development (Emmons, Van Loan); OPA/rezoning by Lakeburn Land Capital for condo at 85 Bloor Street East, Toronto (Van Loan).

Other: drafting of letters patent for new Toronto Port Authority (Smith).

10. Cassels Brock & Blackwell

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

(Stan Makuch, Neil Craik, Virginia MacLean)

Reason for ranking: Increased volume and successes compared to last year. Projects still focused in the "old" City of Toronto, with the exception of Highland Creek Community Area matter. Volume and success rate at OMB allowed this firm to push last year's 7th, 9th, and 10th ranked firms off the list.

OMB/ Court Matters or Hearings: representing Toronto Condominium Corp. No. 555 regarding 5,7, 9 Sultan Street, Toronto (Makuch) (*); representing Lafarge Canada on Home Depot/ Portlands matter (Makuch); representing Windsor Arms Development on Windsor Arms "costs" matter, Toronto (Makuch) (✓); representing Borus Kogut regarding 22 Parkwood Ave., Toronto involving variances for addition (Craik) (✓); representing the University of Toronto involving OPA 988 (Highland Creek Community Area) (Makuch, Craik) (✓).

Noted Development Projects: OPA/rezoning/SPA for four residential buildings at 207-217 Roslin Ave., Toronto (Makuch); OPA/rezoning by 1268144 Ontario Inc. and 1297906 Ontario Inc. involving a mixed-use building at 1115 and 1121 Bay St., Toronto (Makuch).

The Next Ten

Based on mentions in NRU the following firms make up The Next Ten in Toronto-based development activity: **Michael Vaughan, Q.C.; Andrew Paton, Q.C.; Smith Lyons; Bratty & Partners; Osler Hoskin & Harcourt; Borden & Elliot; Stikeman, Elliott; Gardiner, Roberts; Gowling, Strathy & Henderson; and Miller Thompson**

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

For municipal law firms that have been active in the Greater Toronto Area (outside of Toronto) look for this week's edition of *GTA/905 Development News* (Sep.22/99) for the 1st Annual Top Ten Municipal Firms in the GTA!•

NRU²

PLANNING & DEVELOPMENT NEWS

This week's topics

DEVELOPMENT APPLICATIONS

East York	8
Scarborough.....	8
Toronto	8
York	8

ONTARIO MUNICIPAL BOARD NEWS

Scarborough.....	8
Toronto	9

• DEVELOPMENT APPLICATIONS • DEVELOPMENT APPLICATIONS •

—EAST YORK—

Two-storey living over commercial

1362728 Ontario Inc. submitted a site plan to construct a two-storey residential unit over an existing one-storey commercial building at **855 O'Connor Street**, at St. Clair Avenue East. The applicant is proposing to live in the new 364 sq.m., two-storey addition and work in the 137 sq.m. ground floor commercial space. On the consulting team is architect **Giancarlo Garofalo Architect**.

—SCARBOROUGH—

Imperial Oil site redevelopment

Imperial Oil Limited (Art Sestokas) submitted OPA, rezoning and site plan applications to redevelop an existing service station at **1149 Morningside Avenue**. Imperial Oil proposes to add 429.6 sq.m. to the existing 50 sq.m.

Four block industrial development

Treewood Developments submitted OPA and rezoning applications to redesignate an 11 ha site on **Steeles Avenue**, west of Markham Road, from agricultural to industrial with limited commercial uses. The applicant is proposing to develop four block. The proposed commercial uses include restaurants, financial institutions and service stations. On the consulting team is the engineering firm of **Schaeffer & Associates Ltd. Engineers**.

—TORONTO—

Copernicus Lodge expanding

Copernicus Lodge (Marian Hull) submitted OPA and rezoning applications to construct a long-term care facility on the northeast portion of their 7,571 sq.m. property at **66 Roncesvalles Avenue** and **163-173 Marion Avenue**, in Parkdale. The proposed five-storey building will contain 128 beds and have a floor area of 13,063 sq.m. The property currently contains a 14,804 sq.m., 11-storey, 108 bed long-term care facility and seniors home. Parking for 51 cars will be provided below the building. On the consulting team is the landscape architectural firm of **Vertechs Design Inc.** and the architectural firms of **Montgomery and Sisam Architects** and **Vogel Architect**.

—YORK—

Loft conversion with townhouses

Westside Developments Ltd. (The Goldman Group) submitted a rezoning and site plan proposal for **1001 Roselawn Avenue**, east of Dufferin Avenue. The proposal would allow for conversion of an existing manufacturing building to 171 loft-style live/work units, to be flanked by 61 new residential townhouse units. The existing building is four-storeys with a one-storey addition on a 1.7 ha site.

On the consulting team planner **Andrea Gabor (Urban Strategies Inc.)**, architects for the conversion **Sol Wassermuhl** and **Barbara Dewhirst (Page + Steele)** and for the townhouse development **Trung van Le (Viljoen Architects Inc.)**.

• ONTARIO MUNICIPAL BOARD NEWS •

—SCARBOROUGH—

1960 Eglinton approved

In a September 7 decision, board member **Norman Jackson** approved the withdrawal of an appeal by **S. A. Armstrong** regarding **1960 Eglinton Avenue East**, at Warden Avenue. The appeal pertained to applications by **1960 Eglinton Development Limited** and **New Fin Land Development** to rezone

the site from *Industrial* to *Mixed Employment* to allow the development of 13,200 sq.m. of commercial space. In accepting the withdrawal of the appeal, the board member approved the development of the site. Solicitor for the **City of Toronto** was **Brendan O'Callaghan**. Solicitor for applicants was **Dennis Wood (McCarthy Tetrault)**. Solicitor for **S.A. Armstrong** was **David Hutchinson** (see OMB Case No. PL990463) (see *Novae Res Urbis* Mar. 29/99).

(More Scarborough OMB News on page 9)

• OMB NEWS (CONT'D) •

(Continued from page 8)

Finalized issues for Golden Mile

In a September 13 prehearing decision, board member **Norman Jackson** finalized the issues list for the hearing of the **Golden Mile** appeals. Applicants **IPCF Properties Inc., Premium Properties Limited, Deep Pocket Investments Limited, Loblaw's Properties Limited** and **Bellanada Holdings Limited** appealed council's refusal or neglect to decide on various rezoning and OPA applications in the **Golden Mile** and **Clairlea** area. The hearing began on September 7 and will run for four weeks. The issues that will be discussed during the hearing include whether all the lands bounded by **Pharmacy Avenue, Victoria Park Avenue, Eglinton Avenue East** and **Craigton Drive** should be considered as a "comprehensive and integrated set of development parcels". Another issue the board will deal with is whether there should be planning relationships between the developments on adjacent parcels of land such as built form, privacy and transportation services

Solicitors involved in the hearing are: **Brendan O'Callaghan** for the city; **Stan Stein (Osler, Hoskin & Harcourt)** for Loblaw's; **Ian Lord (Weir & Foulds)** for Premium; **Michael McQuaid (Weir & Foulds)** for **1090011 Ontario Limited**; **Mary Flynn-Guglietti (Goodman and Carr)** for Deep Pockets; **Mary Bull (McCarthy Tetrault)** for the **Toronto District School Board**; and **John Inglis (McCarthy Tetrault)** for **Bellanada** (see OMB Case Nos. PL920858, PL980437, PL980912, PL980945) (see *Novae Res Urbis* Mar. 22/99, April 26/99, May 25/99, June 21/99, July 5/99, July 19/99).

—TORONTO—

Board orders Baghai to redesign

In a September 3 interim decision, board member **Dennis Perlin** gave **Shane Baghai** a 30-day window to consider redesigning his proposed residential development. If Baghai turns down the board member's offer, the board will deny the proposal. **Shane Baghai Construction Contracting Incorporated (Shane Baghai)** submitted OPA, rezoning and site plan applications to construct a 21-unit, 3,781 sq.m. condominium building at **9 Jackes Avenue**, southeast of Yonge Street and St. Clair Avenue East. The building will have 10 storeys and 46 below-grade parking spaces. Baghai appealed the city's refusal to approve the applications.

Approximately 40 participants attended the hearing in opposition to the proposal. They raised concerns about size, density, height, setbacks, building form, traffic and landscaping. The subject property is flanked by a 28-storey building to the west and a 10-storey building to the east. In its decision the board noted that "the evidence supports some development beyond that which the existing planning documentation would permit 'as of right' BUT NOT to the extent proposed by Baghai". The board proposed that the application be

redesigned according to criteria including a low-rise built form and a maximum height of three to four storeys.

Providing planning evidence for the city was **Greg Byrne**. Providing evidence for Baghai was planner **Paul Lowes (Sorensen Gravely Lowes Planning Associates Inc.)**; traffic engineer **Dan Cherepacha (Read Voorhees & Associates Ltd.)**; landscape architect **Matt Strybos (Strybos Associates Ltd.)**; and architect **Andrew Bigauskas (Rafael + Bigauskas Architect Inc.)**. Solicitors involved in the hearing included **Murray Chusid (Blaney McMurtry Stapells Friedman)** for Shane Baghai; **Robert Balfour** for the city; **John Dawson (McCarthy Tetrault)** for **William Glied, 425834 Ontario Inc.** and **451087 Ontario Inc.**, all operating as the **Summerhill Apartment Co-Tenancy**; and **Mark Noskiewicz (Goodman Phillips & Vineberg)** for the **Metropolitan Toronto Condominium Corporation No. 802** (see OMB Case No. PL980570). (See *Novae Res Urbis* Mar. 2/98, Mar. 30/98, Feb. 15/99, Mar. 15/99, April 5/99, May 3/99.)

Appeals for townhouse development

L&A Management have submitted appeals for their dismissed applications for variance and consent to convey a portion of land, for their refused or neglected OP and Zoning By-law amendments, determination of site plans, and refusal to decide on a permit to injure or destroy trees, all pertaining to **207-217 Roslin Avenue**. The applications were submitted to permit development of a 15-unit townhouse. The City, support by residents who oppose the development, put forward a motion to adjourn a prehearing conference and the hearing commencement from October 12 to late November to properly review documents submitted by L&A Management. In a decision issued September 10, Penny Wyger denied the motion and the hearing remains scheduled for October 12, 1999 at 10:00 a.m.

Counsel for the appellants were **Stanley Makuch** and **Neil Craik (Cassels Brock & Blackwell)** and for the applicants were **Brian Haley** and **Marc Kemerer** for the **City of Toronto** and **Stanley Stein (Osler, Hoskin & Harcourt)** for the residents. (See *Novae Res Urbis* May 10/99)

(Continued on page 10)

Solid numbers and sound advice:



- planning impacts
- real estate markets
- land use
- demographics

Clayton Research

Real Estate Economic Advisors

Call (416) 699-5645

(800) 689-4425

Mark These Dates

Sept. 20, YOM KIPPUR

Sept. 21, Tuesday, 6:00 p.m., Toronto Arts Council (Existing Clients) meets at Factory Theatre's Studio Cafe, 125 Bathurst Street. **RSVP 392-6800**

Sept. 21, Tuesday, 7:00 p.m., Toronto Cycling Committee meets at City Hall.

Sept. 22, Wednesday, 9:30 a.m., Assessment and Tax Policy Task Force meets at City Hall.

Sept. 22-25, Wednesday-Saturday, Ontario Professional Planners Institute Annual Conference "Beyond the Horizon" at Blue Mountain in Collingwood.

Sept. 27, Monday, 6:00 p.m., Toronto Arts Council (Existing Clients) meets at Koffler Centre for the Arts, Leah Posluns Theatre, 4588 Bathurst Street. **RSVP 392-6800**

Sept. 28-30, Tuesday-Thursday, 9:30 a.m., City Council meets at City Hall.

Sept. 28, Tuesday, 6:00 p.m., Toronto Arts Council (Potential Clients) meets at Neilson Park Creative Centre, 56 Neilson Drive. **RSVP 392-6800**

Sept. 29, Wednesday, 6:00 p.m., Toronto Arts Council (Potential Clients) meets at Scarborough Civic Centre, 150 Borough Drive. **RSVP 392-6800**

Sept. 30, Thursday, 6:00 p.m., Toronto Arts Council (Individual Artists) meets at Native Canadian Centre of Toronto, 16 Spadina Road. **RSVP 392-6800**

• OMB NEWS (CONT'D) •

(Continued from page 9)

Off-street parking on Cambridge

In a decision issued September 9, board member **Marie Hubbard** dismissed appeals on a motion by residents of **119 and 121 Cambridge Avenue**, near Danforth and Broadview. The applications gave consent to convey a right-of-way or easement that would permit off-street parking between and to the rear of 119 and 121 Cambridge Avenue. Appeals were filed by neighbours, citing concerns including snow removal and associated costs, noise, dust, traffic and pollution. The board concluded that the concerns of the appellants stemmed from dissatisfaction with existing conditions and concern of responsibilities for cost and maintenance, which are beyond the jurisdiction of the OMB. On September 9, 1999, a related hearing on an appeal for a variance at **113-115 Cambridge Avenue** resulted in a compromise; OMB order to be released.

Counsel for the applicants were **Roslyn Houser** and **Michael Stewart (Goodman Phillips & Vineberg)** and for the appellants was **Virginia MacLean (Cassels Brock & Blackwell)**.

Please note that the September 9, 1999 written decision by the OMB, Decision/Order No. 1677 and file number PL990530, incorrectly named R. Houser and M. Stewart as counsel for the appellants and V. McLean (sic) as counsel for the applicants.

NOVAE RES URBIS

NOVAE RES URBIS is published 50 times per year by Urban Intelligence Inc., 35 McCaul Street, Suite 305, Toronto, Ontario, M5T 1V7. Tel 416-979-3360 Fax 416-979-2707. Not to be redistributed without the written consent of the publisher. Subscription rates: \$139 for 6 months; \$239 for one year. Complimentary trial subscriptions available. Advertising rates available upon request.

Send email to info@urbanintelligence.com

Urban Intelligence Inc. also provides municipal research, planning, and consulting services.

Ian A.R. Graham, MCIP, RPP, AICP
President, Urban Intelligence Inc.

Bruce Davis
Vice-President, Urban Intelligence Inc.
Publisher/Editor, Novae Res Urbis

Staff writers: **Danny Sinopoli, Sean Hertel, and Hillary Pounsett**

Sales: **Sean Hertel** Layout: **Joanne Lynch**

city people

New staff at Urban Planning and Development Services:

North District

James Austin, Assistant Planner
Lynne Poole, Planner

West District

Al Rezoski, Planner

South District

Kyle Knoeck, Assistant Planner
Melanie Melnyk, Assistant Planner
Xue Pei, Urban Designer Assistant
Greg Rich, Urban Designer (Capital Projects)
Rong Yu, Urban Designer Assistant

Head Office

James Helik, Senior Planner, Research and Information