

GTA / 905 DEVELOPMENT NEWS

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Planning Against Crime

A crime prevention conference shows how urban planners can be crime-busters

By Danny Sinopoli

If you're an urban planner or developer, you have as much influence on crime prevention as the police do – and maybe even more.

That was the assertion at least of speaker after speaker at this week's international Crime Prevention Through Environmental Design (CPTED) conference, which kicked off at Mississauga's Living Arts Centre on Monday and concludes today (September 22).

"The police and politicians can't provide a safe environment (on their own)," **Barbara Hall**, a former Toronto mayor and now the chair of Ottawa's National Strategy on Community Safety and Crime Prevention, told delegates, most of them planners, law enforcement officers and other members of the **Crime Prevention Through Environmental Design Association**. "They don't have the skills or the time to do it all themselves."

Henry Shaftoe, a senior lecturer with the faculty of the built environment at the University of the West of England in Bristol, added: "It is people – not buildings – that commit crime. But I do think that good planning can furnish the backcloth for a pro-social and supportive environment."

According to Hall, some \$45-billion a year are typically spent in Canada on dealing with crime *after* it

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MOE minister stirs-up Gan Eden debate

Says that proposed development in Uxbridge could be hooked into the big pipe

Provincial environment minister **Tony Clement** has personally intervened in the approval process for a proposal by **Jay-M Holdings Limited** to create a 2,500-unit lifestyle community called Gan Eden in Uxbridge (see *GTA/905* May 19/99). Jay-M's Regional OPA is currently before the Ontario Municipal Board (see *GTA/905* Aug.25/99).

In an August 26 letter to Durham Region chair **Roger Anderson**, Clement suggested that regional council should reconsider Jay-M's initial Environmental Study Report (ESR) in order to connect Gan Eden to the York Durham Sewerage System (YDSS) via Stouffville. The current ESR, approved by the region in 1997, only provides for local servicing improvements by expanding the Uxbridge Brook Water Pollution Control Plant.

In addition to the development approval process as set out in the *Planning Act*, the Gan Eden proposal also hinges on the provisions of the *Environmental Assessment Act* as they relate to anticipated environmental impact.

According to Clement, the region is obligated under provincial environmental regulations to re-consider the hook-up to the "big pipe" because Jay-M has made a

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CRIME PREVENTION (CONTINUED)

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occurs, covering such costs as the subsequent police work, lost productivity and so on. That is more, she said, than all of Canada's governments combined currently spend on education, "which, in fact, goes a long way toward preventing crime."

Consequently, crime prevention makes a lot of sense from both a social and an economic standpoint, CPTED proponents believe. And that's where planners and builders – although their potential contributions are often downplayed or ignored – have a big role to play.

How? In the view of such advocates of the movement as **Todd George**, a U.S. policeman whose recent paper on the merits of CPTED were based on a detailed study of his beat in the Kansas City area, crimes of all types are likely to be lower in those areas where planners and developers have made a conscious effort to introduce the characteristics of so-called "traditional" neighbourhoods.

What does a traditional neighbourhood consist of? Making a firm distinction between a "neighbourhood" and a "suburb" or "subdivision," George listed some of the qualities of a "neighbourhood" as: mixed uses, being pedestrian-friendly, tighter setbacks and easements, central public areas and parks, home designs that de-emphasize garages, the presence of ancillary buildings like granny flats, narrower streets and homes that are oriented to the street and not backyards.

In some cases, the safety advantages of such planning modifications are obvious. But in others, they may not be as transparent. For example, how does a granny flat contribute to crime prevention? For one thing, ancillary suites bring activity, light and density to backyard and garage areas, where a return to old-style urban alleyways (areas that police cars can patrol more easily) are also being advocated. And for another, they increase an area's "witness potential," thereby serving as a deterrent to prospective criminals.

In all cases, traditional neighbourhoods promote social interaction and familiarity with neighbours, slow down vehicular traffic and promote a community identity and territorial behaviour, George pointed out, citing these factors as important crime-prevention measures.

On the whole, density in a neighbourhood is seen as a uniformly good thing by CPTED followers. Consequently, it is somewhat appropriate that the current CPTED conference is being held in the 905 area, where the bulk of new

development (much of it in the last 10 to 20 years) has been characterized by its low density. According to a number of planning experts, that is changing in the GTA, where crime isn't a particularly big problem, but the merits of CPTED are nonetheless being recognized. "We're designing to a completely different scale from 20 years ago," **Dan Leeming**, a planner with **The Planning Partnership**, said of his company's ongoing work in places like Markham. "And we're designing for a multitude of users."

To illustrate his point about the increasing densities of the 905 region, Leeming offered a snapshot of the GTA's recent development history, from an early subdivision in Markham (four units to the acre, mostly single-family) to Bramalea (5.5 units per acre) to nearby Springdale (6.5 units to the acre) to – full circle – Markham's recently approved Urban Expansion Area, which will consist of an average of eight to 10 units per acre.

According to Leeming and other planners, the kind of amorphous low-density sprawl that has long characterized the GTA inevitably leads to the creation of so-called mono-cultures, homogenous and therefore "unhealthy" neighbourhoods that run contrary to

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and it might be good CPTED.
But is that really the way we
want to live?**

- **Greg Saville**

CPTED precepts.

In much of the GTA, any mono-cultures that may exist are likely to be of the upscale variety, but these can be just as undesirable as a slum, since they often serve as a magnet for criminals. Of course, there are some mono-cultures, like the gated community, that do deter crime, but, as criminologist **Greg Saville** pointed out, the effect is much like living in a prison.

A gated community "might be good access control," said Saville, who directs the neighbourhood safety and police training program at Florida State University and is also the CPTED Association's chair. "And it might be good CPTED. But is that really the way we want to live?"

Increasingly, the answer has been no. True, gated communities are still a fixture in parts of North America and Australia, Saville said. And he noted that the principles of CPTED were a hard sell – especially initially – to many planners and builders. But more and more, CPTED is becoming a part of the official planning process in a variety of jurisdictions, from the United Kingdom (where the "urban villages" movement is gaining strength) to a number of GTA sites, including conference host Mississauga and the much-lauded Cornell community in York Region. •

GAN EDEN (CONTINUED)

(Continued from page 1)

“significant modification” to the initial plan.

Jay-M’s solicitor, **Stephen Diamond** of **McCarthy Tetrault**, has noted that two such modifications have been made. As set out in a July 29 letter from Diamond to Anderson, these are: 1) that York Region’s pending approval of a YDSS extension through Stouffville will allow the pipe to take a short-cut to Gan Eden, representing substantial cost-savings; and 2) that Jay-M is willing to contribute to the cost of the project.

In light of these new circumstances, Diamond wrote that he “would very much appreciate a prompt response to this letter, setting out the Region’s position with respect to re-opening the ESR to consider these changes in environmental setting.”

Diamond copied his letter to Tony Clement.

So, before the region responded to Diamond’s letter, Tony Clement’s unexpected correspondence was received. Wrote Clement, “I trust you will carefully consider this new information and would appreciate being informed of your response to Mr. Diamond.” The minister took less than one month to contact the region in response to Diamond’s letter.

In contrast, Durham Region has been waiting for years along with York and Peel for the province to reply to their requests for an updated policy on the Oak Ridges Moraine. So it came as no surprise to learn that municipal staff and politicians alike were rattled by Clement’s letter.

“I just find it (the letter) very disturbing,” Uxbridge mayor **Gerri-Lynn O’Connor** told GTA/905 Development News earlier this week. “We’ve been waiting for the MOE to reply for two and a half years about contaminated soils in Uxbridge,” she said.

O’Connor’s council passed a resolution to remain unhooked to the big pipe last November in order to “slow down growth and manage it better.” She said that the hook-up is premature at this time but might be realistic within 20 or 30 years.

“We’ve been pressed from the start,” O’Connor said. “I

don’t know what part of no they don’t understand.”

Stephen Diamond sees things differently. From his perspective, Clement’s involvement has everything to do with what’s best for the environment in Uxbridge and nothing to do with the planning merits of the proposal.

“From our perspective,” Diamond said in an interview yesterday, “the minister has the ultimate authority for approvals under the Environmental Assessment Act...because the local authorities were resistant to it (the big pipe), we thought that the minister should be involved.”

For Diamond, connecting Gan Eden into the YDSS is a no brainer because the system would preserve the environmental integrity of the Oak Ridges Moraine where the proposed development’s 450 ha. are located. In his opinion, small-scale servicing systems would only threaten to contaminate the environment in the moraine.

“Everyone’s crying about the protection of the moraine and hear we have a proposal that is introducing a way to preserve it,” he said. “I think that (the minister’s) action was from an environmental point of view.”

Despite this logic, Uxbridge and the Region are feeling the heat. From now until the matter returns to the OMB on November 29, staff and politicians are scrambling to solidify their position on the Gan Eden proposal.

When asked about the effect that Clement’s involvement has on the approval process, Durham Region planning commissioner, **Alexander Georgieff**, said that he and his staff are under “tremendous pressure” to take another look at Gan Eden’s servicing scheme. “The (Jay-M) people are using it (the letter) as a negotiating tool,” he said. “And that’s all I’m going to say about that.”

Oakville to decrease midtown heights

Oakville politicians want to scale-down maximum permitted heights in the town’s *Midtown Core* from 14 to 10-storeys. The new land use plan for the core (OPA 163), prepared by **The Planning Partnership**, was approved last March except for that section calling for a maximum height range of 12 to 14-storeys (see *GTA/905* Mar.31/99).

The creation of a “gateway” at the Trafalgar Road/QEW interchange by encouraging the development of tall, mixed-used buildings was a major issue with town council. But according to a planning report going to the next planning and development council meeting on September 27, “height is essential at this location to establish the area as a landmark along the QEW, and a gateway into Oakville.”

In addition to decreasing the height standards, the town also wants to encourage terracing for all buildings within the Midtown Core greater than two-storeys. From the report, terracing will “allow for greater spatial separation from the street and variation and flexibility of urban design, creating less ‘box-like’ form.”



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1998-1999 Top Ten Municipal Law Firms in the GTA

1st Annual ranking of the most prolific performers in the 905

In a tribute to all those lawyers who have worked so very hard over the last year on OMB hearings and development applications across the Greater Toronto Area we decided to provide a brief review of their activities in the 905 belt of the GTA from June 1998 to July 1999, as reported in *GTA/905 Development News*.

How the information was collected

With the assistance of our search engine in our website, we tracked each of the law firms mentioned in *GTA/905 Development News 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 four regions in the GTA/905, while others had particular associations to major clients. The original data were collected from application and OMB files plus our research for *GTA/905 Development News* 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 *GTA/905 Development News*, excludes activities in the City of Toronto 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 *GTA/905 Development News* 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. Aird & Berlis

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

Reason for ranking: Combination of volume, diversity of matters across the GTA regions and the success rate at the OMB pushed this firm to the top of the heap. A close race in this competition with McCarthy Tétrault. Highlights: win for Northwest Jane Rutherford Realty in Vaughan and representing Vaughan on Mega Mall matter (still on going). Disappointment: Phase II hearing on airport subdivisions.

OMB/ Court Matters or Hearings: representing the school boards on A6 Community Plan, Ajax (Pepino) (✓); representing John Boddy Investments on A6 Community Plan, Ajax (Longo, Halinski) (✓); representing Northwest Jane Rutherford Realty on Canada's Wonderland matter, Vaughan (Longo, Foran) (✓); representing Fieldgate Development and Construction, Cantay Holdings and Orlando Construction on Phase I airport policy exemptions, Mississauga (Longo) (✓); representing Maplehurst Bakeries on OPA 68 matter, Brampton (Zakem); representing Toronto and Region Conservation Authority on Harbourview matter, Caledon (Matera) (✓); representing Hilda Lennox on Liverpool-area matter, Pickering (Williams) (✓); representing the City of Vaughan on Rizmi Holdings matter, Vaughan (Pepino); representing the Toronto and Region Conservation Authority on Rizmi Holdings matter, Vaughan (Matera); representing the Toronto and Region Conservation Authority on Sugarbush, et al matter, Vaughan (Matera); representing Fieldgate Investments, Cantay Holdings, Fitzwood Investments, Orlando Corporation on Phase II airport/noise policy matter, Mississauga (Longo) (✗), Part "A" approved (✓); representing the City of Vaughan on the Mills Centre proposed "Mega Mall", Vaughan (Pepino, Zakem); representing the Township of King on the Clublink Properties matter, King (Matera) (✓); representing the City of Brampton on Trinity Development matter, Brampton (Pepino) (✓); representing Durham Region school boards on school boards OPA and rezonings (Pepino) (✓); representing Seasonal Treasurers objection to Realty Growth matter, Vaughan (Longo) (✗); representing Township of King on Osin subdivision in Schomberg, King (Matera) (✓); representing Tornorth on Brampton matter, Brampton (Pepino, Foran) with Bratty & Partners; representing Town of East Gwillimbury regarding Feltar Holdings Limited's entertainment facility, East Gwillimbury (Matera); representing Eastpine Kennedy-Steeles Limited on subdivision DC matter, Markham (Williams) (✗).

Noted Development Projects: Fram Building Group's proposal for former St. Lawrence Starch facility, Mississauga (Longo).

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TOP TEN LAWYERS (CONTINUED)

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Other: Pepino moderator at Growth and Development in the GTA professional development seminar by OALE and CUI.

2. McCarthy Tetrault

(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: A very close second with Aird & Berlis, subject to slightly less wins at OMB but volume high and diversified. Notable wins in Ajax and Pickering. Highlight: involved with Gan Eden community project in Uxbridge. Downers: some of the school board matters in Mississauga and Brampton.

OMB/ Court Matters or Hearings: representing Airport-7 Power Centre on Trinity Development Group's new entertainment facility matter, Brampton (Bull); representing Chapel Ridge Funeral Home, Markham (Diamond, Dawson); representing Town of Ajax on A6 Community Plan, Ajax (Wood) (✓); representing Town of Ajax on A6/A7 Community Plan road alignment matter, Ajax (Wood) (✱); representing Graywood Development on Liverpool-area matter, Pickering (MacDougall) (✓); representing Dufferin-Peel District Roman Catholic Separate School Board regarding school facilities matter, Mississauga (Teichman) (✱) appeal to divisional court; representing Dufferin-Peel Catholic District School Board on Phase II airport/noise policy matter, Mississauga (Teichman); representing Atlas Estates on OPA 480 matter, Vaughan (Peterson); representing Clublink Properties on King Valley Golf Club, King (Diamond, Bull) (✓); representing Dufferin-Peel Catholic District School Board on Graylight matter, Mississauga (Teichman) (✓); representing Bramport Shopping Centres on Tornorth Holdings matter, Brampton (Bull); representing Customized Transportation on Tornorth Holdings matter, Brampton (Wood); representing Town of Ajax on school boards OPA and rezonings (Wood) (✓); representing the City of Mississauga on the Greater Toronto Airports Authority exemption from development charges, Mississauga (Colangelo, Brown) (✱); representing Georgetown Estates, Halton Hills (Diamond, Inglis); representing Dufferin Peel Catholic District School Board on Inzola Group school board DCs matter, Brampton (Teichman) (✱); representing OBP Realty on Metro East Trade Centre matter, Pickering (Dawson) (✓); representing Sevenbridge Developments on Mega Mall matter, Vaughan (Bull, Wood).

Noted Development Projects: Times Development project on AMC theatre for Galleria, Markham (Wood); Jay-M Holdings proposed Gan Eden community, Uxbridge (Diamond).

3. Davis Webb Schulze & Moon

(Ronald Webb, Neil Davis, Ronald Sleightholm, Ellen Pefhany)

Reason for ranking: The highest ranked non-Toronto based firm has had a very successful year, noting eight wins at the OMB and one known loss. Firm concentrates its work in the western part of the GTA. Webb and Davis balance most of the files in the GTA.

OMB/ Court Matters or Hearings: representing Central Area Shoppers on Trinity Development Group's new entertainment facility matter, Brampton (Davis) (✓); representing Velcro Canada on OPA 68 matter, Brampton (Davis, Pefhany); representing Clergy Properties, John McLennan on Phase I airport policy exemptions, Mississauga (Webb) (✓); representing Neola Investments on Inglewood Village Estates matter, Caledon (Webb); representing Britannia Meadows Development regarding school facilities matter, Mississauga (Davis) (✓); representing J.K. McLennan Developments on Phase II airport/noise policy matter, Mississauga (Webb) (✱); representing Universal Am-Can Ltd. on Tornorth Holdings matter, Brampton (Davis) (Sept'99) (✓); representing Altone Investments Limited and Steeles Confour Investments Limited on Bram West Secondary Plan matter, Brampton (Webb); representing Inzola Group on school board DCs matter, Brampton (Sleightholm, Davis) (✓); representing 1045501 Ontario Limited/ Toya Investments Limited on golf course matter, Vaughan (Webb) (✓); representing Britannia Meadows regarding parkland dedication matter (Webb) (✓); representing Manulife Financial and Karamar Management on Feltar Holdings Limited's entertainment facility, East Gwillimbury (Davis); representing 825927 Ontario Inc. and Central Milton Holdings on Milton town expansion matter, Milton (Davis) (✓).

4. Goodman Phillips & Vineberg

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

Reason for ranking: A good showing in the GTA, the firm has had important successes at OMB and involved with significant files. Kudos to Julia Ryan for undertaking the lion's share of the GTA work. Good geographic representation across GTA municipalities.

OMB/ Court Matters or Hearings: representing The Erin Mills Development Corporation regarding school facilities matter, Mississauga (Ryan, Howe) (✓) appeal to divisional court; representing Langstaff Woods Development Corp, et al on sugar bush, et al/ Block 10 matter, Vaughan (Houser); representing Sillwell Developments on J&F Waste Systems matter (Pike); representing West Hill Redevelopment Company, et al on Stouffville Stockyards matter, Whitchurch-Stouffville (Ryan); representing Estate of J. Cottrelle on Tornorth Holdings matter, Brampton (Ryan); representing Cadillac Fairview Corp. in opposition to Cambridge's Mega Mall, Vaughan

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TOP TEN LAWYERS (CONTINUED)

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(Noskiewicz, Pike); representing OMERS Realty Corp. regarding Cambridge's Mega Mall, Vaughan (Liebel); representing Gentra Canada regarding Metro East Trade Centre, Pickering (Noskiewicz) (✓); representing Minto Communities on surplus school site development, Richmond Hill (Ryan) (✓); representing Rossbro Developments on 2500 Rutherford Road, Vaughan (Ryan, Lyons); representing Feltar Holdings Limited's entertainment facility, East Gwillimbury (Ryan); representing Matamy Homes, et al on Milton town expansion matter, Milton (Ryan) (✓).

Noted Development Projects: Meadowpines Development Corporation rezoning for commercial/ industrial on agricultural site, Mississauga (Berg).

5. Thomson Rogers (Roger Beaman, Jeff Wilker, Stephen D'Agostino)

Reason for ranking: Volume lower than top four, but one of the highest success/ project ratios in this year's contest. Noted work tends to be concentrated in western end of GTA, with some matters in York Region.

OMB/ Court Matters or Hearings: representing Runnymede Development on A6 Community Plan, Ajax (Beaman) (✓); representing Ben-Ted Construction on Phase I airport policy exemptions, Mississauga (Beaman, D'Agostino) (✓); representing Runnymede Development on A6/A7 Community Plan road alignment matter, Ajax (Beaman) (✓); representing York Region District School Board on Hughey Estate matter, Richmond Hill (Beaman) (✓); representing the Town of Halton Hills on Summertree Homes rehearing request, Halton Hills (Wilker) (✓); representing Town of Halton Hills on Georgetown subdivisions matter, Halton Hills (D'Agostino) (✓); representing the Town of Halton Hills on Halton Hills Village Homes Inc. OP designation matter, Halton Hills (D'Agostino) (✗).

6. Davies Howe Partners (Jeff Davies, Michael Melling, John Alati, Kim Beckman)

Reason for ranking: Variety of projects across the GTA put this firm in sixth place. Only two hearings noted with a decisive win. Good geographic diversity of projects and balanced representation of firm members.

OMB/ Court Matters or Hearings: representing the Conservatory Group on A6 Community Plan, Ajax (Davies, Alati) (✗); representing Harbourview Investments on Harbourview matter, Caledon (Alati) (✓); representing Britannia North, Central and South Holdings regarding school facilities matter, Mississauga (Davies, Alati) (✓) appeal to divisional court; representing Beechnut Development, Oshawa (Davies, Alati); representing

Stouffville Stockyards on appeal matter, Whitchurch-Stouffville (Alati); representing Verdeux Development on Georgetown subdivisions matter, Halton Hills (Alati) (✓); representing Rossbro Developments rezoning matter, Vaughan (Alati); representing James Duggan on 126727 Ontario Incorporated's severances for golf course/ training facility, Uxbridge (Davies) (✗); representing 1081626 Ontario Limited on Mega Mall matter, Vaughan (Davies); representing Tarrand Enterprises appeal of Feltar Holdings Limited's entertainment facility, East Gwillimbury (Melling) (✗).

Noted Development Projects: Optical Properties appeal of Open Space matter, Mississauga (Davies).

7. Genest Murray DesBrisay Lamek (Thomas Lederer, Chris Barnett, Josie Erzetic, Sean Horgan, Bruce Campbell)

Reason for ranking: Important wins at OMB and a volume to boot to put this firm into the top ten. Many matters still to be resolved. Good representation by firm members.

OMB/ Court Matters or Hearings: representing Starstoke Developments on A6 Community Plan, Ajax (Lederer, Barnett) (✓); representing Town of Caledon on Harbourview matter, Caledon (Erzetic) (✓); representing 1147796 Ontario Inc. on Stouffville Stockyards matter, Whitchurch-Stouffville (Lederer, Erzetic); representing City of Brampton on Tornorth Holdings matter, Brampton (Lederer) (Sept.'99) (✗); representing Antomar Developments on proposed Woodbridge subdivision, Vaughan (Erzetic); representing Parktrail Estates Limited regarding Cambridge's Mega Mall, Vaughan (Lederer, Barnett); representing 1195413 Ontario Limited regarding Section 43 matter on top-of-bank setback, Markham (Lederer, Barnett) (✓); representing Buckingham Community Association on Marianna Gardens Limited intensification proposal, Pickering (Barnett) (✓).

8. Lynda J. Townsend, Law Office (Lynda Townsend)

Reason for ranking: High success rate and volume for this one-person office. Townsend represents the only other non-Toronto based firm to join the Top Ten Club. The firm's success rate at the OMB, diversity of assignments and geography makes this a highly prolific operation given the size.

OMB/ Court Matters or Hearings: representing 20Vic Management Inc. on Trinity Development Group's new entertainment facility matter, Brampton (Townsend) (✓); representing Graylight Properties on Phase II airport/noise policy matter, Mississauga (Townsend) (✓); representing Halloway Holdings and Valiant Property Management on site plan matter, Pickering (Townsend) (✓); representing Halloway Holdings on Referral #2 matter, Clarington (Townsend) (✓); representing 792207 Ontario Limited on servicing cost matter for Battaglini subdivi-

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TOP TEN LAWYERS (CONTINUED)

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sion, Richmond Hill (Townsend) (✓✱); representing Jannock Properties on development charges appeal, Mississauga (Townsend); representing 1298373 Ontario Ltd. on plaza development, Newmarket (Townsend) (✓); representing Marianna Gardens Limited intensification proposal, Pickering (Townsend) (✓).

9. Osler Hoskin & Harcourt (Stan Stein, Nancy Stitt, Michael Bowman, Robin Martin, Brian Morgan, Mahmud Jamal)

Reason for ranking: Having the GTAA as a client kept this firm busy this year. While there were some disappointments on the Phase I matter involving airport/ noise policy they were quickly erased with successes on the Phase II hearing. Highlight: Pearson Airport's exemption from Mississauga DCs, but matter has been appealed by Mississauga—stay tuned.

OMB/ Court Matters or Hearings: representing Greater Toronto Airports Authority on Phase I airport policy exemptions, Mississauga (Stein, Stitt) (✱); representing Greater Toronto Airports Authority and Air Transport Association of Canada on Phase II airport/noise policy matter, Mississauga (Stein, Stitt) (✓); representing Air Transportation Association of Canada on Graylight matter, Mississauga (Stein) (✱); representing Greater Toronto Airports Authority on exemption from development charges, Mississauga (Morgan, Jamal) (✓) matter appealed to court by Mississauga; representing Loblaw's on Metro East Trade Centre matter, Pickering (Stein, Stitt) (✓); representing Willowbrook Estates Limited on Tornorth Holdings matter, Brampton (Stein).

10. Bratty & Partners (Barry Horosko, Andrew Salem, Robert Miller)

Reason for ranking: A fairly prolific firm in the GTA with some notable wins at the OMB. Most matters involved Barry Horosko and many of the cases have yet to be decided. Volume and a decent showing on cases got this firm on this list, beating out Cassels Brock & Blackwell and Stikeman Elliott for the tenth spot.

OMB/ Court Matters or Hearings: representing Di Poce Management Ltd. And Two Seven Joint Venture Ltd. on OPA 486, Vaughan (Horosko); representing Steele Valley Developments on A6 Community Plan, Ajax (Horosko) (✓); representing Ramsay Developments on Canada's Wonderland matter, Vaughan (Horosko) (✓); representing Tornorth Holdings on development matter, Brampton (Horosko) with Aird & Berlis; representing Alfonso Gallucci General Construction for proposed subdivision on Hurontario Street, Mississauga (Horosko); representing Bath-Von Limited, et al on Block 10 matter, Vaughan (Horosko); representing Di Poce Management and Two Seven Joint Venture Ltd. on Langstaff Employment Area matter, Vaughan (Salem) (✱).

The Next Ten

Based on mentions in GTA/905 Development News the following firms make up The Next Ten in GTA/905-based development activity: **Cassels Brock & Blackwell; Stikeman, Elliott; Fraser Milner; Keele Cottrelle; Blaney McMurtry Stapells Friedman; Arnold & Co.; Blake Cassels & Graydon; Robert Swayze; Weir & Foulds; and Fogler Rubinoff**

To ensure that *GTA/905 Development News* covers your interesting cases, please drop us an email or fax. The count for the second annual GTA Top Ten has already begun.

For a listing of this year's municipal law firms in the City of Toronto see this week's edition of *Novae Res Urbis* (Sept. 20/99).

Brampton attempts to go 'upscale' with housing OPA

The City of Brampton is moving forward with an OPA that establishes guidelines for upscale and executive-type housing forms in an effort to boost the city's profile and residential assessment figures (see *GTA/905* Dec.9/98 & Jan.13/99). Planning staff presented a 25-page information report detailing the findings of an *Upscale Executive Housing Study* to the city's planning and building committee on Monday (September 20).

Based in-part on design guidelines prepared for the city by **The MBTW Group**, the study recommends 13 major thrusts for the proposed OPA. In short, the new planning

policy will encourage large-lot, single-detached dwellings in areas that are adjacent to significant natural features and that have convenient access to major roadways.

Within these areas, the ideal upscale community would consist of no fewer than 250 homes with minimum lot frontages of 15.24 m. (50 ft.). At the same time, the OPA would encourage lots with frontages up to 26 m. (85 ft.) in order to accommodate three-car garages.

Surrounding these upscale communities, a "transition area" would contain compatible housing forms with minimum lot frontages of 12.9 m. (40 ft.) and a net density of just under 20 uph.

• ONTARIO MUNICIPAL BOARD NEWS •

—BRAMPTON—

Residential uses acceptable, but not good enough

The board rejected a proposal to construct 470 residential dwellings on lands adjacent to heavy industry despite support from the city and studies that proved the development could meet provincial guidelines. In a written decision issued September 14, board members **Greg Daly** and **Morley Rosenberg** concluded that the key issue was not the proposed residential designation itself *"but whether it is appropriate, acceptable and compatible."*

Industrial operators **Universal Am-Can Ltd. (McKinlay Transport)** and **Chrysler Canada Inc.** led the opposition to the OPA, rezoning and subdivision applications by **Tornorth Holdings Limited** to introduce residential uses to the subject site—a former gravel pit located in the southeast quadrant of Bovaird Drive and Torbram Road (see *GTA/905* Nov.25/98 and Apr.14/99). The 48 ha. property is designated Special Study Area under the city's official plan and is zoned A-Agricultural.

The board's interpretation of good planning in this case hinged not on the proposal's technical compliance with the city's OP and provincial guidelines but the impacts it would have on the surrounding land uses. Although the parties agreed that the development is acceptable from a regulatory point of view, Universal argued that the results would be *"less than optimal."* The board agreed.

From the decision, *"The board...cannot conclude that this is the best, or even one of the best development alternatives for these lands."*

Presenting evidence for Universal Can-Am Ltd. were planner **Catherine Gravely** of **Sorensen Gravely Lowes Planning Associates Inc.**, **Dalila Giusti** of **Jade Acoustics** (noise), **Al Steedman** of **Schaeffer & Associates Ltd.** (engineer) and **Frank Clayton** of **Clayton Research** (market impact).

Presenting evidence for Tornorth Holdings Ltd. were planner **Don Given** of **Malone Given Parsons Ltd.**, **John Coulter** of **J.E. Coulter Associates Limited** (noise) and **Diarmuid Horgan** of **Candevcon Ltd.** (engineering).

Presenting evidence for the city were planner **David Waters**, economic development officer **Dennis Cutajar**, and **Bob Howe** (noise).

Solicitors involved in the matter were **Thomas Lederer** and **Josie Erzetic** (**Genest Murray DesBrisay Lamek**) for the City of Brampton, **Jane Pepino** and **Patricia Foran** (**Aird & Berlis**) for Tornorth Holdings Ltd., **Neil Davis** (**Davis, Webb, Schulze & Moon**) and **Leon Paroian** (**Paroian, Raphael, Courey, Cohen & Houston**) for Uni-

versal Am-Can Ltd. and **Jim Harbell** (**Stikeman, Elliott**) for Chrysler Canada Limited (see OMB Case No.PL980705).

—OAKVILLE—

Town opposes Home Depot store

Board members **Greg Daly** and **Robert Drury** set a hearing date for October 26 to consider the OPA, rezoning and severance applications by **940887 Ontario Ltd. (Norstar Development Corporation)** to permit a **Home Depot** retail store. The subject site is located on North Service Road West, between 4th Line and Dorval Drive.

The applications are opposed by the town and resident organizations including the **Glen Abbey Residents Association**.

As set out in the board's September 17 decision, the major outstanding issues include the town's supply of land fit for large format retail uses, the loss of *Industrial Commercial* lands and urban design in the North Service Road/QEW corridor.

From the decision, *"market issues are not a consideration in this hearing, however, the Board agrees that a relevant planning consideration is whether there is any impact on the municipality's ability to provide a broad range of land uses by allowing the facility at the proposed location."*

Solicitors involved in the matter are **Ronald Webb** (**Davis, Webb, Schulze & Moon**) for **940887 Ontario Limited**, **Randolph Smith** and **Douglas Carr** for the **Town of Oakville** (see OMB Case No.PL990204).•

• DEVELOPMENT NEWS •

—MISSISSAUGA—

Densities beefed-up near GO station

The **Elia Corporation** submitted a rezoning application to construct three apartment buildings and ten townhouse dwellings at the northwest corner of Rathburn Drive and Creditview Road. As proposed, the buildings will be up to 20-storeys in height and contain a total of 537 condominium units.

The apartment buildings will be oriented to the western portion of the site, near the Erindale **GO Transit** train station, while the townhouses will flank Melia Drive on the northern portion.

The current zoning for the 2.26 ha. site permits apartments up to a maximum of 12-storeys and a total of 195 units.

The only consultant on the project to date is **Paul Mace** of The Elia Corporation. •

Up & Coming

- Sept. 22-25**, Wednesday-Saturday, **Ontario Professional Planners Institute Annual Conference "Beyond the Horizon"** at Blue Mountain in Collingwood.
- Sept. 23**, Thursday, 9:30 a.m., **YORK REGION - Council.**
- Sept. 23**, Thursday, 2:00 p.m., **YORK REGION - Regionally Integrated Transit Task Force.**
- Sept. 27.**, Monday, 7:00 p.m., **AJAX - Official Plan Review Public Meeting.**
- Sept. 27**, Monday, 7:30 p.m., **OAKVILLE - Planning & Development/Council.**
- Sept. 30**, Thursday, 9:30 a.m., **PEEL REGION - General Committee.**
- Oct. 4**, Monday, 7:00 p.m., **BURLINGTON - City Council** meets at City Hall.
- Oct. 6**, Wednesday, 9:00 a.m., **YORK REGION - Transportation and Works.**
- Oct. 6**, Wednesday, 1:30 p.m., **YORK REGION - Economic Development.**
- Oct. 6**, Wednesday, 2:00 p.m., **YORK REGION - Solid Waste.**
- Oct. 7**, Thursday, 9:30 a.m., **PEEL REGION - Council.**
- Oct. 7**, Thursday, 9:30 a.m., **YORK REGION - Finance and Administration.**
- Oct. 7**, Thursday, 1:30 p.m., **YORK REGION - Health & Social Services.**
- Oct 11**, **THANKSGIVING**
- Oct. 14**, Thursday, 9:30 p.m., **YORK REGION - Committee.**
- Oct. 21**, Thursday, 9:30 a.m., **PEEL REGION - General Committee**
- Oct. 28**, Thursday, 9:30 a.m., **PEEL REGION - Council.**
- Nov. 11**, Thursday, 9:30 a.m., **PEEL REGION - General Committee.**

Be sure to check these dates and locations with the local Clerk's Department for any last minute changes.

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GTA / 905 DEVELOPMENT NEWS

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Send email to info@urbanintelligence.com

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

Bruce Davis
Vice-President, Urban Intelligence Inc.

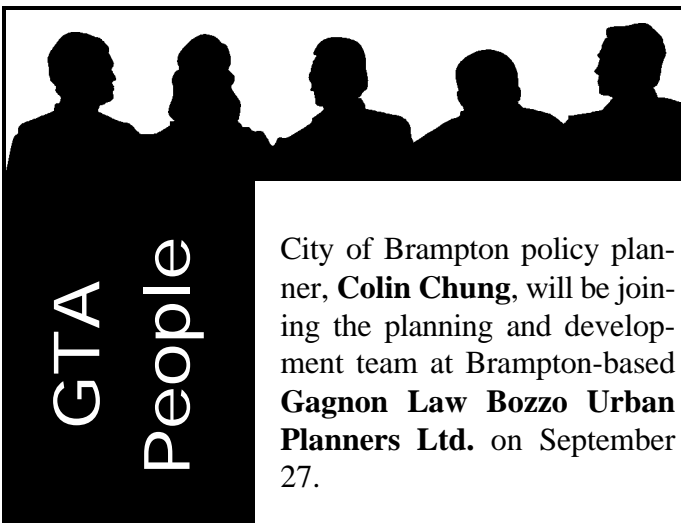
Sean Hertel
Editor, GTA/905 Development News

Staff writer: **Danny Sinopoli** Layout: **Joanne Lynch**

August New Home Sales by Municipality

Municipality	Freehold	Condo	Total
Mississauga	285	176	461
Brampton	356	28	384
Vaughan	381	2	383
Toronto	50	267	317
Richmond Hill	229	37	266
Markham	195	17	212
Burlington	72	77	149
North York	21	122	143
Oakville	126	10	136
Whitby	93	5	98
Scarborough	36	41	77
Bolton	66	9	75
Oshawa/Courtice	44	0	44
Pickering	32	8	40
Newmarket	27	3	30
Bowmanville	24	0	24
Georgetown	21	0	21
Etobicoke	2	16	18
Aurora	11	7	18
Stouffville	5	0	5
Milton	2	0	2
King	1	0	1
Ajax	40	0	5
Totals	2119	825	2944

Source: Realnet-Brethour Inc.



GTA
People

City of Brampton policy planner, **Colin Chung**, will be joining the planning and development team at Brampton-based **Gagnon Law Bozzo Urban Planners Ltd.** on September 27.