Municipal, Land Use Planning & Development

Municipalities are playing an increasingly important role in facilitating and regulating business within their boundaries. As the primary land use planning approval authority, municipalities exercise significant power in determining the location, scope, timing and conditions of major development projects. While municipal infrastructure needs are creating new opportunities for private investment, land expropriations for such projects and potential business disturbance and losses require fair compensation. Businesses are also impacted by the expanded scope of municipal licensing and regulation and the continued expansion of municipal taxation powers, levies and other revenue generation tools.

Osler has successfully navigated its clients through the complexities of municipal law and regulation for decades. Our Municipal, Land Use Planning & Development experts have a proven track record of obtaining municipal approvals and the practical resolution of municipal disputes on behalf of a wide cross-section of private and public sector clients in downtown Toronto, the Greater Toronto and Hamilton Area, and across Ontario. We have worked with property developers, infrastructure proponents, public-private partnerships, and public and quasi-public authorities, and are extensively experienced in successfully litigating and resolving large complex development appeals before the Ontario Municipal Board (the OMB). For projects requiring inter-disciplinary advice (e.g. real estate assemblies, environmental issues, and infrastructure finance), we are able to draw upon the vast expertise and resources of our lawyers in our Real Estate, Energy, Projects, Infrastructure, and Regulatory, Environmental, Aboriginal and Land (REAL) practices.

AREAS OF EXPERTISE

- Land use planning, development and infrastructure approvals and dispute resolution before municipal councils, administrative tribunals such as the OMB, the Environmental Review Tribunal and the courts including:
  - Municipal planning approvals for land development applications (official plan and zoning by-law amendments, subdivision and site plan approvals, minor variances, consents, development agreements);
  - Planning and development approvals and permits for major infrastructure and institutional undertakings such as airports, pipelines, hydro transmission lines, electricity generation facilities and
hospitals; and
- Protection of business, employment and commercial uses, and functions from conflicting land uses.
- Expropriation proceedings including hearings of necessity before Boards of Inquiry, and the resolution of claims for land compensation, business losses, disturbance damages and injurious affection before the Board of Negotiation, the OMB and the courts.
- Property assessment and municipal taxation appeals for a wide range of commercial, income, industrial and special purpose properties including:
  - Assessment Review Board and court proceedings respecting property valuation, assessment equity and liability for taxation;
  - Property tax allocation disputes and arbitrations; and
  - Municipal tax sales litigation and dispute resolution.
- Development charges and municipal levy appeals before municipal councils, the OMB and the courts, and the negotiation of developers’ cost-sharing and front-ending agreements.
- Building permit appeals before municipal councils and the courts.
- Heritage designation disputes before municipal councils, the Conservation Review Board and the courts, and the negotiation of heritage easement agreements.
- Environmental approvals and disputes in relation to development applications, emissions, contaminated lands and sensitive environmental areas, and defending municipal by-law and provincial offences prosecutions before the courts.
- Municipal jurisdiction and by-law interpretation issues before the courts.
- Municipal law and finance advice in support of commercial transactions, infrastructure projects and public-private partnerships.

DEALS & CASES

- Successful representation in OMB hearings to approve official plan amendments in Peel, Mississauga and Toronto to protect Pearson Airport Operating Area, and in resolution of payment in lieu of a tax dispute with City of Mississauga.
- Negotiation and resolution with private and public landowners and municipalities of compensation and other permitting issues related to pipeline land acquisitions and approvals under the National Energy Board Act for several Ontario pipeline projects.
- Obtaining municipal planning and court approvals for conversion of residential plan of subdivision to permit employment uses and the expansion of pharmaceutical operations.
- Successful representation in appeals before the Environmental Review Tribunal/Niagara Escarpment Hearings Office for Bruce to Milton transmission line development permits and approvals.
- (e.g. Brookfield, Wycliffe, Anndale Properties, Bond Lake Investors, Symmetry Developments) Successful representation in multi-party OMB hearings for official plan, zoning and subdivision approvals, urban boundary expansions and brownfield redevelopment to permit large-scale residential developments in Greater Toronto and Ottawa.
- Successful representation in several multi-party OMB hearings and mediations in Toronto and Hamilton.
to protect large-scale food processing uses, and in successful appeals before the Assessment Review Board for multiple Ontario facilities.

- Successful representation in OMB hearings and mediations in Milton to protect automotive manufacturing uses, and in obtaining golf course, subdivision and medical centre approvals.

- Successful representation and resolution of expropriation and land compensation claims for multiple properties in the Greater Toronto Area.

- Successful representation in several OMB hearings throughout Ontario for approval and protection of commercial and retail uses.

- Clients such as Hydro One, Maple Leaf Foods, Archer Daniels Midland, Bombardier, Canadian Chamber of Commerce and municipalities in valuation and property tax appeals before Assessment Review Board and courts, property tax allocation disputes and lease arbitrations, municipal tax sales litigation.

- TransCanada Pipelines in land acquisitions, negotiations and approvals for Parkway Pipeline Project.

- Hydro One in appeals before Environmental Review Tribunal/Niagara Escarpment Hearings Office for Bruce to Milton transmission line development permits and approvals.

- City of Barrie in Ontario Municipal Board and court proceedings respecting proposed ethanol plant.

- Hudson Bay Company and Zellers in Ontario Municipal Board hearings throughout Ontario to expand and protect commercial/retail uses.

- Brookfield Homes in Ontario Municipal Board hearings for Ottawa urban boundary expansion and community development plan, and Scarborough/Port Union residential development on former Brownfield site.

- Wycliffe Homes in Ontario Municipal Board hearings obtaining Richmond Hill and Aurora residential subdivision approvals, and in Richmond Hill hearings to protect commercial uses.

- Bond Lake Investors in Ontario Municipal Board hearings respecting Oak Ridges Moraine and in related Pickering land exchange with Province of Ontario.

- Anndale Properties and Crestview Investments in Ontario Municipal Board hearings and approvals to redevelop Toronto Yonge/Sheppard/401 lands.

- OMERS/Oxford in obtaining municipal approvals for Toronto office buildings.

- Sanofi Pasteur in obtaining planning and court approvals for conversion of residential lands to employment uses.

- Canada Bread Company and Maple Leaf Foods in Ontario Municipal Board hearings to protect employment uses in Toronto and Hamilton.

- IPSCO in Ontario Municipal Board proceedings to protect Toronto Scarborough employment uses and in expropriations proceedings.

- Magna International respecting Ontario Municipal Board and expropriations proceedings, and in obtaining golf course, subdivision and medical centre approvals.
Municipalities are playing an increasingly important role in facilitating and regulating business within their boundaries. As the primary land use planning approval authority, municipalities exercise significant municipal jurisdiction and by-law interpretation issues before the courts.

Environmental approvals and disputes in relation to development applications, emissions, contaminated properties, and liability for taxation;

Heritage designation disputes before municipal councils, the Conservation Review Board and the courts, and the negotiation of heritage easement agreements.

Property tax allocation disputes and arbitrations; and

Development charges and municipal levy appeals before municipal councils, the OMB and the courts.

Successful representation in OMB hearings and mediations in Milton to protect automotive employment uses and the expansion of pharmaceutical operations.

Obtaining municipal planning and court approvals for conversion of residential plan of subdivision to commercial and retail uses.

Successful representation in several multi-party OMB hearings and mediations in Toronto and Hamilton to protect Pearson Airport Operating Area, and in resolution of payment in lieu of a tax dispute with City of Mississauga.

Property assessment and municipal taxation appeals for a wide range of commercial, income, industrial and manufacturing uses, and in obtaining golf course, subdivision and medical centre approvals.

Successful representation in OMB hearings and mediations in Milton to protect automotive employment uses.

Other permitting issues related to pipeline land acquisitions and approvals under the National Energy Board of Negotiation, the OMB and the courts.

For more information, please visit osler.com or contact the following individual(s):

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Municipalities are playing an increasingly important role in facilitating and regulating business within our cities. The interplay of municipal licensing and regulation has become ever more complex and critical as development pressures mount. Businesses are often faced with the reality that their operations are impacted by the expanded scope of municipal licensing and regulation and the continued expansion of specialized planning and development approvals and permits for major infrastructure and institutional developments in Greater Toronto and Ottawa.

For projects requiring inter-disciplinary advice (e.g. real estate assemblies, environmental issues, and heritage designation disputes), we are able to draw upon the vast expertise and resources of our lawyers in our Real Estate, Energy, Projects, Infrastructure, and Regulatory, Environmental, Aboriginal and Land (REAL) practices.

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