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Representative Work of Michael Paiva Partner, Property and Commerce – Unified LLP

Michael Paiva, partner of Unified LLP and head of the firms Property and Commerce Group, maintains a “hybrid” practice involving both transactions and disputes relating to businesses and real estate, and consistently achieves favourable results for his clients.

Listed below are just a sampling of matters and experience handled in three major practice areas:

1. Municipal, Development and Expropriation
2. Commercial Litigation
3. Business, Real Estate, and Construction

MUNICIPAL, DEVELOPMENT & EXPROPRIATION

- ❖ Counsel to Appellant in OLT appeal of Zoning By-Law Amendment pertaining to the development at 315-325 Spadina Ave, Toronto (2021)
- ❖ Counsel to a condominium corporation in OLT appeal of Zoning-By Law and Official Plan Amendment pertaining to the development at 66-80 Dale Ave, Toronto (2021)
- ❖ Counsel to a farming corporation in a boundary adjustment appeal to the OLT in Simcoe County (2021)
- ❖ Counsel to the property owner of 480 Coxwell Avenue in a Hearing of Necessity under the *Expropriations Act* (2021)
- ❖ Counsel to a City of Toronto landlord with respect to front-yard parking in an Application for Judicial Review to the Divisional Court (2020) (*Scott v. Toronto*, 2021 ONSC 858) – Division Court
- ❖ Lead counsel to a confidential property developer with respect to severances, minor variances, and site plan approval for increased height and units to a multi-use development in Kensington Market (2019-2020)
- ❖ Counsel to the Appellant in the Region of Waterloo Official Plan Amendment No. 1 (ROP OPA No. 1), with respect to the designation and developability of lands in Wilmot Township (2018)
- ❖ Counsel to a not-for-profit charitable corporation in a development charge appeal to the Ontario Municipal Board with respect to the construction of an institutional accessory building on site (2017)

- ❖ Lead counsel to a land-owner in severance and minor variance matters for the construction of a new residence
- ❖ Completely successful defence of a confidential municipality from an action seeking damages in excess of \$800,000.00 (2018)
- ❖ Counsel to a confidential municipal client in defence of an action relating to the placement of easements on private lands; counsel to the municipality in its third party claim against a land developer responsible for same (2018)
- ❖ Lead counsel to a confidential infrastructure corporation client in tort and contractual claims exceeding 2 million dollars against an Ontario municipality (2017)
- ❖ *Davey v. Waterloo (City)*, 2016 CarswellOnt 19689, and 2017 CarswellOnt 1821. Successful lead counsel in a zone change appeal to the OMB to permit the severance of lands for low-rise residential development
- ❖ *Re 1589805 Ontario Inc. et al*, 2014 CarswellOnt 5636 (OMB) (appeared as co-counsel in this appeal to the OMB to re-designate lands under the City of Cambridge Official Plan)
- ❖ Lead counsel to businesses and land owners in expropriation and business loss claims with respect to the Waterloo Light Rail Transit project, Highway 7 (Vaughan) expansion project, Davis Drive expansion (Markham), Hamilton Light Rail Transit project, and other projects
- ❖ *Re Activa Holdings Inc. et al*, 2013 CarswellOnt 18765 (OMB) (appeared as junior co-counsel in this appeal to the Ontario Municipal Board to re-designate lands under the County of Brant Official Plan)
- ❖ *1353837 Ontario Inc. v. Stratford (City)*, 2013 CarswellOnt 5085. Appeared as co-counsel in response to a motion to strike in an expropriation compensation claim in excess of \$75 million
- ❖ Provided significant research and analysis to lead counsel in a City of Toronto zoning by-law appeal of an application to construct a 25-storey condominium building in OMB appeal
- ❖ Drafted and advised clients on various land development-related agreements, land swap transactions, and Section 30 Agreements under the *Expropriations Act*
- ❖ Co-counsel to businesses and land owners with respect to the Franklin Boulevard improvements, Highway 7 (Kitchener to Guelph) expansion – in 2014, assisted in negotiations leading to over \$10 million in compensation to property owners
- ❖ Formerly co-counsel to a municipality in boundary adjustment negotiations

COMMERCIAL LITIGATION

- ❖ Counsel to a leading insulation firm in a commercial lease dispute / arbitration regarding rental rates at several Ontario industrial properties
- ❖ Counsel to property managers in commercial lease disputes
- ❖ *Amtim Capital Inc. v. Appliance Recycling Centers of America*, 2014 ONCA 62 (appeared as co-counsel before the Ontario Court of Appeal and successfully defended an appeal to dismiss an action on the basis of res judicata /abuse of process in a \$1.6 million contractual dispute)
- ❖ Counsel to several minority shareholders in oppression remedy compensation proceedings involving significant sums
- ❖ Counsel to various general contractors, subcontractors and property owners relating to construction claims for lien, deficiency, and delay

- ❖ Counsel to a leading Waterloo Region realty brokerage in claims for unpaid commissions
- ❖ *Voinescu v. Moldovan*, Court File No. SC-524-17, Kitchener (2018) (fully successful defence in a trial re. a claim for unpaid construction services invoices)
- ❖ *A-One Food Centre Inc. v. 2404840 Ontario Inc. et al.* Court File No. SC-16 1960, Brampton (2017). Completely successful defence of an individual defendant from the Plaintiff's attempt to hold him personally liable for a debt of a corporation
- ❖ Counsel to several confidential corporate shareholders in oppression remedy actions in the Superior Court of Justice
- ❖ Junior counsel to a major Canadian bank in defence of banking negligence matters

BUSINESS, REAL ESTATE TRANSACTIONS & CONSTRUCTION

- ❖ Counsel to a leading general contractor in negotiations and drafting of various construction contracts to build a facility for a leading North American defense contractor
- ❖ Counsel to a luxury home builder operating in Waterloo Region in its acquisition of lots and disposition of custom-built homes
- ❖ Incorporations and re-organizations of Ontario and Canadian-based companies
- ❖ Advising a confidential minority shareholder of a major construction and subdivision company in its shareholder rights, disclosure and other matters
- ❖ Counsel to various landlords and commercial lease management companies for commercial lease agreements
- ❖ Counsel to property owners and property sellers in residences and hobby properties throughout Ontario
- ❖ Counsel to numerous privately owner corporations in the acquisition and disposition of shares and assets
- ❖ Counsel to a health care home in the sale of its shares

Disclaimer on Representative Work

Please note that every case and transaction is unique and carries completely different facts. The facts of each case greatly affect the outcome of each matter. Past performance is no indication of future results. Compensation obtained in expropriation matters is based on a multitude of unique and special factors.