

Cassels



Melissa Winch

Partner

Contact Information

416 815 4365
mwinch@cassels.com

Office

Toronto

Expertise

- Municipal, Planning & Environmental
- Real Estate & Development
- Universities & Colleges

Biography

Melissa Winch is a partner in the Litigation Group at Cassels and specializes in Municipal, Planning & Environmental law. Melissa's practice encompasses all aspects of municipal, land use planning and environmental law, with a focus on land development. Melissa advises on decisions or actions that are impacted by municipal law or otherwise arise from the development, use and ownership of land. Her practice also includes expropriations, tax assessment appeals, and proceedings under the *Building Code Act*. Melissa represents both private sector developers and builders as well as municipalities and public institutions. Melissa regularly appears before the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) and the Toronto Local Appeal Body, and has appeared before all levels of court in Ontario including the Superior Court of Justice and the Court of Appeal, with experience in mediation.

Melissa is co-author of the leading text: *Canadian Forms & Precedents — Land Development*, published by LexisNexis Butterworths. In addition to her law practice, Melissa sits on the Board of Directors for Leadership Sinai and formerly sat on the Board of Directors for Gilda's Club Toronto.

Some of Melissa's experience includes:

- Successfully representing the Corporation of the Town of Caledon in a precedent-setting case before the Superior Court on a contempt matter involving the breach of a municipal zoning bylaw, resulting in one of the highest fines to be ordered by the Ontario courts in a contempt case (*Town of Caledon v. Darzi Ltd.*, 2021 ONSC 985)
- Representing a land developer in respect of a precedent-setting decision on the interpretation of lease agreements their renewal/extension terms (*2324702 Ontario Inc. v. 1305 Dundas W Inc.*, 2020 ONCA 353)
- Successfully representing the Corporation of the Town of Georgina in a precedent-setting case before the Superior Court respecting Building Code inspections and occupational health and safety issues (*MacDonald v. The Corporation of the Town of Georgina*, 2010 ONSC 6169)

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- Successfully defending the Town of Whitchurch-Stouffville on an action in which the plaintiffs sought to appeal the decision of the Chief Building Official to grant a building permit to the plaintiffs' neighbour, alleging negligence respecting the Chief Building Official's assessment of grading, drainage, and septic system issues (*Fiore v. Town of Whitchurch-Stouffville and Delic*, 2011 ONSC 3928(CanLII))
- Acting for landowners groups and individual owners in the negotiation of cost sharing agreements
- Acting for a private developer in obtaining development approvals throughout the City of Markham
- Acting for both public and private sector clients with respect to development charge matters, including negotiating and drafting front-ending, servicing and development charge credit agreements, and providing representation before the Local Planning Appeal Tribunal
- Drafting and interpreting municipal by-laws
- Acting for Infrastructure Ontario in the development of the West Don Lands in the Toronto waterfront, including preparations for the Pan/Parapan American Games
- Acting for the University of Toronto in all matters of municipal, land use planning, and environmental law
- Assisting municipalities with large scale expansions of infrastructure, such as roads, water, and sewer lines, including expropriations as required
- Preparing development applications and obtaining development approvals for private and public sector clients
- Advising on the redevelopment of contaminated land, including former landfill sites, and assisting with obtaining all required approvals under the *Environmental Protection Act* and the *Environmental Assessment Act*
- Acting for developers in obtaining approvals for residential plans of subdivision
- Advising on and negotiating municipal development agreements, including subdivision agreements, development approvals, including zoning and official plan amendments and site permits
- Advising on environmental approvals and instruments, environmental assessment requirements, environmental due diligence, and environmental compliance

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- Acting as defence counsel with respect to provincial offences charges
- Representing private and public sector clients with respect to municipal enforcement matters, including Building Code prosecutions

Recent Representative Work

- Powerline Plus and PLP Redimix acquired by MYR Group Construction Canada
- Ultralife Acquires Excell for US\$23.5 Million
- Superior Court Sentences Contemnors to \$1 Million Fine – Cassels Successfully Represents the Town of Caledon in Contempt Sentencing Proceeding
- Minerals Technologies Acquires Normerica
- Entrepreneurial Equity Partners Acquires Ya YA Foods

Insights

- Reduce, Reuse, Responsibility: Ontario Extends Producer Responsibility Under its New “Blue Box” Waste Management Reforms
- Sweeping Reforms to Environmental Assessments Become Law
- Bill 108 and the New Planning and Development System: Regulations, Transition & Royal Assent

Pro Bono & Community Involvement

- Board of Directors for Leadership Sinai, Member
- Board of Directors for Gilda’s Club Toronto, Past Member

Education / Bar Admissions

- LL.B., University of Windsor, 2008
- B.A. (Hons.) (with Distinction) (Specialized Comm.), York University, 2005
- Ontario, 2009

Associations

- Building Industry and Land Development Association,

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Member, Membership Committee

- Canadian Bar Association, Member, National Compensation Survey Subcommittee of the Women Lawyers Forum
- Ontario Bar Association
- Ontario Expropriation Association
- Urban Land Institute