



## JOHN S. DOHERTY


### Partner


Leader – National Expropriation Law Group

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Speaks: English

Year of Call: 1984 - Ontario

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Primary office: Waterloo  
Region

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## John S. Doherty

John Doherty is a partner in Gowling WLG's Waterloo Region office. He practises in the area of civil litigation, with a focus on municipal and commercial litigation. John is recognized in Best Lawyers in Canada and Lexpert for his expertise. John is the leader of

the National Expropriation Law Group and a member of the National Municipal Law Group.

John's municipal litigation practice leads him to appear before municipal boards and councils, and a variety of administrative tribunals and courts, including the Local Planning Appeal Tribunal, with a focus on municipal planning and expropriation matters. For private sector clients, John acts for property owners, tenants and business owners with respect to planning, zoning and expropriation matters involving land development and public project / land acquisitions. In his commercial litigation practice, John is an advocate before the Ontario Superior Court of Justice, Divisional Court and Court of Appeal for Ontario.

John has written and lectured on a variety of topics relating to the law of expropriation, including a case comment on his success in *Jordan's Garden*, a leading no land taken case, as a panellist on business loss valuation issues at the Ontario Expropriation Association Annual Seminar, the annual case law update at the Ontario Expropriation Association Annual Seminar and on Mediation in Expropriation Cases at the Ontario Municipal Board. John is a past chair and current member of the board of directors of the Ontario Expropriation Association, where he chairs the OEA Legislative Reform Committee.

John served as the managing partner of the Waterloo Region office and a member of the national executive committee of the firm from 1999 through 2009.

John's community involvement includes:

- Chair of the Prosperity Council of Waterloo Region - 2009-2018
- Member of the board of directors and executive committee of Canada's Technology Triangle Inc. - 2007-2016
- Chair of the board of directors of Canada's Technology Triangle Inc. - 2008-2010
- Member of the Barnraisers Council of Waterloo Region - 2010-2016
- Member of the Citizen's Advisory Committee on Regional Council Compensation - 2005 (chair) and 2002
- Co-chair of the Prosperity Forum - 2003 and 2005
- Past chair and honorary life member of the Greater Kitchener Waterloo Chamber of Commerce - 2001-2002
- Past member of the board of directors of Cambridge and North Dumfries Hydro Inc.
- Past member of the board of directors of the United Way of Cambridge and North Dumfries (executive committee)
- Past president of the Cambridge Volunteer Bureau

## Expertise

Expropriation Law

Municipal Law

Government Affairs

Real Estate

Commercial Litigation

## Career & Recognition

### 2020

August

Best Lawyers in Canada 2021

April

Canadian Legal Lexpert Directory 2020

### 2019

August

The Best Lawyers in Canada 2020

April

Canadian Legal Lexpert Directory 2019

### 2018

August

The Best Lawyers in Canada 2019

April

Canadian Legal Lexpert Directory 2018

### 2017

August

The Best Lawyers in Canada 2018

May  
Canadian Legal Lexpert Directory 2017

**2016**

August  
The Best Lawyers in Canada 2017

June  
Canadian Legal Lexpert Directory 2016

**2015**

September  
The Best Lawyers in Canada 2016

**2014**

September  
The Best Lawyers in Canada 2015

**2013**

September  
The Best Lawyers in Canada 2014

**2010**

Member, Barnraisers Council of Waterloo Region

**2009**

Chair, Prosperity Council of Waterloo Region

**2008**

Chair, board of directors, Canada's Technology Triangle Inc.

**2007**

Member, board of directors and executive committee, Canada's Technology Triangle Inc.

**2005**

Chair, Citizen's Advisory Committee on Regional Council Compensation

Co-chair, Prosperity Forum

**2003**

Co-chair, Prosperity Forum

**2002**

Member, Citizen's Advisory Committee on Regional Council Compensation

**1984**

Year of Call, Ontario

**1982**

Dalhousie University, LLB

**1979**

University of Western Ontario, BA Hons.

## **Memberships**

- Canadian Bar Association
- Lambda Alpha Land Economics Society - Simcoe Chapter
- Ontario Expropriation Association (board member and former chair)
- Waterloo County Law Association

## **Representative Work**

In his municipal law practice, John acts for both developers and municipalities on a variety of land use and valuation matters including:

- Counsel for Claimant on appeal to Court of Appeal (pending) re availability of civil litigation offers in expropriation cases
- Counsel for successful Claimant on claims for delay damages and business loss against the Minister of Transportation
- Counsel for successful owners defeating appeals to the LPAT by adjacent property owners seeking to prevent development
- Counsel to City of Burlington on passage of their Downtown Interim Control By-Law
- Counsel to Town of Oakville on appeal by ClubLink of the Interim Control By-Law for Glen Abbey Golf Course.
- Counsel for King Township on appeals of OPA 73-77 regarding their power generation policies.
- Counsel for successful claimant obtaining injurious affection in a "no land taken" case. R. Jordan Greenhouses Limited v. Town of Grimsby, (2015) LC110038.

- Counsel for one of the developers in the first case to interpret the new Growth Plan as it applied to the new Region of Waterloo Official Plan, resulting in adoption by the Ontario Municipal Board of the landowners land budget providing an @ 1,000 ha expansion for the region's urban area.
- Counsel to the Town of Oakville on their successful fight against the proposed power plant that included eight different proceedings, including upholding their interim control by-law at the Ontario Municipal Board.
- Counsel to the County of Brant on boundary adjustment negotiations with the City of Brantford.
- Counsel on numerous planning hearings, including a number of leading cases:
  - Kehl v Woolwich (Township), 2019 CanLII 67600 (ON LPAT)
  - ClubLink Corporation ULC v Oakville (Town), 2017 CanLII 29557 (ON LPAT)
  - 1353837 Ontario Inc. v. Stratford 2019 CarswellOnt 5034
  - 1541179 Ontario Ltd. v. 1589805 Ontario Inc. (2013), 75 O.M.B.R. 319, 2013 CarswellOnt 663 (O.M.B.) (acting for Breslau Properties Ltd.)
  - Re Ellingham, 2012 CarswellOnt 8326 (O.M.B) (acting for Wilfrid Laurier University)
  - Re Kothari (2012), 75 O.M.B.R. 86, 2012 CarswellOnt 15540 (O.M.B.)
  - Transcanada Energy Ltd. v. Oakville (Town), 2010 ONSC 3497 (Div. Ct)
  - Re Ford Motor Company of Canada Ltd. (2009), 64 O.M.B.R. 55 (O.M.B.)
  - Schlegel v. East Williams (Township), 2003 CarswellOnt 7268 (O.M.B.), 2000 CarswellOnt 6602 (O.M.B.)
  - Forster v. Waterloo (City) (1993), 14 M.P.L.R. (2d) 164 (O.M.B.)
  - Orica Canada Inc. v. East Luther Grand Valley (Township) 2009 CarswellOnt 4073, 178 A.C.W.S. (3d) 1033, 62 M.P.L.R. (4th) 267
  - Scott, Re., 1993 CarswellOnt 4563 (O.M.B)
- Counsel on numerous expropriation arbitration hearings under the Expropriations Act, including a number of leading cases:
  - Tanchuk v Ontario (Transportation), 2017 CanLII 70666 (ON LPAT)
  - Scott, Re., 1993 CarswellOnt 4563 (O.M.B)
  - 1353837 Ontario Inc. v. Stratford (City), 2013 CarswellOnt 8648
  - Marsdin et al v. Hamilton (City), 2013 CarswellOnt 10709 (O.M.B.)
  - Re 1541179 Ontario Ltd., 2012 CarswellOnt 7671 (O.M.B.)
  - Gadzala v. Toronto (City) (2009), 96 L.C.R. 203 (Div. Ct.), Gadzala v. Toronto (City) (2006), 90 L.C.R. 264, (Div. Ct.), Gadzala v. Toronto (City) (2006), 89 L.C.R. 81 (Div. Ct.), (2001) 77 L.C.R. 234 (O.M.B.)
  - Wilmer v. Southgate (Township), 2006 CarswellOnt 1436 (O.M.B.)

- Billman Investments Ltd. v. Toronto (City), 2005 CarswellOnt 3204 (Sup. Ct.)
- Devine v. Ontario (Minister of Transportation), 2002 CarswellOnt 883 (ONCA), overturning 2001 CarswellOnt 4939 (Div. Ct.)
- 747926 Ontario Ltd. v. Wellington (County) Board of Education (2001), 22 M.P.L.R. (3d) 200, 56 O.R. (3d) 108 (C.A.), overturning 51 O.R. (3d) 25 (Div. Ct.)
- 894428 Ontario Limited v. Ontario (Ministry of Transportation), 2001 CarswellOnt 7100 (O.M.B.)
- Lorentz v. Ontario (Ministry of Transportation) (2001), 73 L.C.R. 54, 2001 CarswellOnt 5796 (O.M.B.)
- Pollidor Holdings Ltd. v. Ontario (1986), 36 L.C.R. 1 (Div. Ct.)
- Eat'n Putt Ltd. v. Ontario (Minister of Transportation & Communications), 1987 CarswellOnt 693, 47 R.P.R. 197, (Div. Ct.), overturning (1986) 18 O.M.B.R. 451, 37 L.C.R. 85 (O.M.B.)