

Representative Work of Michael Paiva (Partner)

Practice Areas: Municipal & Development; Commercial and Construction Litigation

About Us: Rodrigues Paiva LLP consistently achieves favourable results for its many clients, both in and out of court. We are zealous advocates and only settle matters without a hearing if such settlements are in our clients' favour. We provide thorough and responsive service.

Municipal & Development

- 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 leading Waterloo Region home builder in its acquisition and disposition of lands and homes (2018).
- Lead counsel to a confidential not-for-profit charitable corporation in a development charge appeal at the Ontario Municipal Board with respect to the construction of an institutional accessory building on site (2017).
- Lead counsel to a confidential infrastructure corporation client in tort and contractual claims exceeding 2 million dollars against an Ontario municipality and a claim related to the lawfulness of its business operations pursuant to the municipality's by-laws (2017-2018).
- *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.
- Completely successful defence of a confidential municipal client from an action seeking damages in excess of \$800,000.00 (2017).
- 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 (2016-2018).
- *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), Britannia Road Expansion (Milton) and Hamilton Light Rail Transit project.
- *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 student-at-law in response to a motion to strike in an expropriation compensation claim in excess of \$75 million. (Michael Paiva drafted the responding factum for the matter).
- Counsel to a Toronto development company with respect to satisfaction of conditions imposed by the Ontario Municipal Board to aid a severance of lands (2018).
- Drafted and advised clients on various land-development agreements and Section 30 agreements pursuant to the *Expropriations Act*
- 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.

Corporate/Commercial Litigation

- *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 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.

Disclaimer on Representative Work

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