

# A very 'Green' view of ICI market

*Legally speaking, there's no doubt government will soon mandate this kind of development*

By Pamela Green

In real estate and real estate development, being green' has arrived. Although not yet mandatory in Ontario, the ever increasing attention by government to issues relating to the environment leaves little doubt that government will soon mandate green development.

Green Globes, instituted by the Building Owners and Managers Association (BOMA) in Canada in 2004 and the Leadership in Energy and Environmental Design (LEED), instituted by the United States in 2000, are two examples of environmental assessment, education and rating systems. Certification under these types of systems adds both prestige and value to your real estate. These rating systems are being used, in turn, by governments to develop guidelines and legislation for 'green buildings.'

The City of Toronto has spearheaded the green movement in Ontario. In 2006, it developed the Green Development Standard (GDS). The GDS contains performance guidelines for both site and building design to promote better environmental development and sustainability. For the first year, the GDS will only apply to new City-owned and affiliated projects and will be voluntary for the private sector. The timing of GDS's implementation is yet to be determined.

The City of Mississauga does not currently have any formal 'green building' criteria that developers must meet, but the City is actively working on a strategy to promote green development; this will involve policies akin to the GDS, as well as incentive programs and educational information.

City of Mississauga staff have confided to us at Pallett Valo that they will look very



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favourably upon applications that have green building features. But they don't really want this to be a secret. The City welcomes public input and participation.

As a result, developers as well as owners of existing buildings who are thinking or already building green can help to shape the Green Age.

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What does 'going green' or 'building green' look like?

Green building features can include (and the list is endless): paper, plastic, glass and metal recycling programs; natural light in a building via skylights; groundwater geothermal heat pumps; carpeting made from recycled materials; an atrium that can function as a heat regulator and an interior recreational space for tenants or occupants; rainwater harvesting from rooftops to be used for flushing toilets; and rooftop gardens.

## Your Green Team

So if you've made up your mind to retrofit green features into an existing building

or you want to be the envy (green!) of your industry by designing and building the most environmentally sensitive building to date, where do you start?

Your 'green team' should include the developer or owner, an architect, planners, surveyors, engineers, environmental consultants, contractor(s), and a lawyer with experience in green development projects. Building green is different enough to get a lawyer involved in the early stages to protect your interests, especially with changing laws, regulations and even attitudes of permit-granting officials and politicians.

Here are some ways lawyers experienced in building green can facilitate "green" projects:

1. They have a network of green professionals. Having an established network means that your green project will come together more quickly, efficiently and cost-effectively.

2. They know today's guidelines and trends, such as Green Globes and LEED, and they anticipate tomorrow's legislation, such as the Green Development Standard. It's their business to know and participate in green legislation coming down the pipeline.

3. They can facilitate the approvals process for green projects and structure agreements and creative arrangements with municipal and other authorities having jurisdiction.

4. They can assist with the many different layers of a green project such as helping to strike deals with suppliers and contractors, and negotiating contracts with environmental consultants and environmental engineers.

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